



**BEFORE THE CITY COMMISSION OF  
THE CITY OF STUART, FLORIDA**

**ORDINANCE No. 2226-2011**

**AN ORDINANCE OF THE CITY OF STUART,  
FLORIDA; PROVIDING FOR AMENDMENTS TO THE  
PROPERTY MAINTENANCE CODE REGARDING  
THE PARKING AND STORAGE OF AIRCRAFT,  
VESSELS, AND VEHICLES; ; PROVIDING AN  
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

\*\*\*\*\*

**WHEREAS**, the reasonable regulation of parking and storage of aircraft, vehicles and vessels on residential properties is a legitimate exercise of the police power of the City as expressed within the Property Maintenance Code; and

**WHEREAS**, the good maintenance of private residential properties within the City, including the parking and storage of vehicles and vessels is a matter of the health, safety and welfare of the community, as well as a means of improving or maintaining reasonable property values; and

**WHEREAS**, the City Commission has determined that certain amendments are necessary to improve the parking and storage of vehicles and vessels within the residential areas of the City.

**NOW THEREFORE**, be it ordained by the City Commission of the City of Stuart, as follows:

**Ordinance 2226-2011**

**Parking and Storage of Aircraft, Vehicles and Vessels in Residential Areas**

SECTION 1. Chapter 10, Buildings and Building Regulations, of the Code of Ordinances, City of Stuart, Florida, is hereby amended at Article III, Property Maintenance Code, by amending Section 10-61(j), "Motor vehicles," to read in its entirety as follows:

**Sec. 10-61. Maintenance of structures, equipment and exterior property.**

(j) Reserved.

SECTION 2. Chapter 10, Buildings and Building Regulations, of the Code of Ordinances, City of Stuart, Florida, is hereby amended at Article III, Property Maintenance Code, by adding a new Section 10-69, "Motor vehicle parking and storage," to read in its entirety as follows:

**Sec. 10-69. Motor vehicle parking and storage.**

**(a) Definitions.** The definitions provided below are intended to supplement those definitions found in Secs. 316.003, 327.02, and 330.27, Florida Statutes, as amended from time to time, all of which are incorporated herein. Any conflict between the state statutes and the definitions herein shall be resolved by using the more stringent definition. As used in this section, the following definitions shall apply, unless preempted by state statute:

*Aircraft* means any conveyance for travel through the air and for carrying persons or property, including but not limited to an airplane, helicopter, seaplane, amphibian, gyrocopter, balloon, blimp, glider, hovercraft and ultralight aircraft. The term aircraft shall also include any trailer when used to carry or cradle an aircraft.

*Approved paved surface* means concrete, asphalt, brick pavers, pavers stones, turf blocks, or on gravel or mulch installed to Fla. DOT specifications, or on another similar surface acceptable to the Public Works Director.

*Commercial vessel* means:

- (a) Any vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or any vessel licensed pursuant to s. 379.361, Fla. Stats. from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale either to the consumer, retail dealer, or wholesale dealer; or
- (b) Any other vessel, except a recreational vessel as defined herein.

**Ordinance 2226-2011**

**Parking and Storage of Aircraft, Vehicles and Vessels in Residential Areas**

*Canopy or canopy carport* means an attached or detached fabric, fiberglass or metal structure used as a temporary cover for an aircraft, vessel or vehicle.

*Driveway* means an approved paved surface for the parking of vehicles, which is continuously paved to a private or public right of way. This definition shall not include mulch, crushed or loose rock, milled asphalt, or any other surface unless approved by the director of public works. *Driveways* shall be included in calculating a site's maximum impervious surface area as set forth in Section 2.04.01 of the Stuart Land Development Code, unless the surface and base are semi-pervious and approved by the director of development.

*Fully operable* means a vehicle or vessel which is capable of performing its intended use, without further repair or reconstruction, and which has a current registration with the State of Florida, if the same is required to be registered.

*Heavy truck* means any truck which is not classified as a light truck.

*Light truck* means a pickup truck or a van with a maximum gross vehicle weight rating (GVWR) of 14,000 lbs or less.

*Light utility trailer* means an open or closed trailer with only one axle.

*Non-commercial light truck* means a light truck that has no painted or applied signs, advertisement, equipment, pipe racks, ladders, tanks, or other indicia of a vehicle used in the performance of a commercial activity.

*Overnight parking* means parking a vehicle in a given location at any time during the hours from 2:00 AM to 6:00 AM, daily.

*Parking* means to drive a vehicle and to stop it in a given location, such that the vehicle is standing, whether occupied or not, except when temporarily and actually engaged in loading or unloading merchandise or passengers; it denotes a temporary situation from which the vehicle shall be relocated or driven away within 72 hours.

*Recreational vehicle* means a motor home, travel trailer, pop-up camper, light truck camper top, recreational vessel on a trailer, utility trailer, house trailer (fifth wheel only), all-terrain vehicle, or similar vehicle for recreational or other noncommercial use.

*Recreational vessel* means any vessel:

- (a) Manufactured and used primarily for noncommercial purposes; or
- (b) Leased, rented, or chartered to a person for the person's noncommercial use.

**Ordinance 2226-2011**

**Parking and Storage of Aircraft, Vehicles and Vessels in Residential Areas**

*Registration or registered* means a state operating license on a vehicle or vessel which is issued with an identifying number, a certificate of registration, and a decal designating the year for which a registration fee is paid.

*Screened from view* means that an object, including a vehicle, is substantially obscured from the public right of way or adjacent properties by a fence or wall which shall not exceed the maximum height of six (6) feet as provided by Code without an Administrative Variance as provided for herein, or tree(s), hedge, or shrubbery. It shall not include a cover such as a tarp or canopy.

*Sidewalk* means any improved walkway on public or private property that is designed to be used by pedestrians, and which is open to use by the public or by invitees.

*Storing or storage* means to put an aircraft, vehicle or vessel away or into safekeeping; and it denotes no active use for seventy-two (72) hours or more.

*Vehicle* means a conveyance for travel on land and for carrying persons or property, including but not limited to an automobile, bus, school bus, motorcycle, farm tractor, road tractor, truck tractor, farm labor vehicle, light or heavy truck, tractor, golf cart, go-cart, straight truck, tri-vehicle, pop-up camper trailer, motor home, house trailer, recreational vehicle, pole trailer, utility trailer, semi-trailer, all-terrain vehicle, hovercraft, and including any motor vehicle, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

*Vessel* means any conveyance for travel over or under water and for carrying persons or property, including but not limited to a motorboat, sailboat, barge, floating structure, houseboat, raft, yacht, canoe, racing shell, kayak, submersible, airboat, personal watercraft, or hovercraft or as otherwise defined in Sec. 10-58, Stuart City Code. The term vessel shall also include any trailer when used to carry or cradle a vessel.

**(b) Parking and storing; generally.**

(1) This Sec. 10-69 shall apply broadly to the parking or storing of aircraft, vehicles and vessels in the R-1A, R-1, R-2, and R-3 residential land use (zoning) districts, and on any real property in the city where the primary use is residential, regardless of zoning district, unless otherwise provided herein, and it shall apply to both the owners and occupants of the property.

(2) Notwithstanding anything contained in this Sec. 10-69, to the contrary, parking and storing of recreational vehicles in the R-3 multifamily land use district shall be in accordance with the approved site plan or planned unit development ordinance

**Ordinance 2226-2011**

**Parking and Storage of Aircraft, Vehicles and Vessels in Residential Areas**

approved for the site. To the extent that an approved site plan or planned unit development ordinance is silent as to parking and storing of recreational vehicles, then parking only (no storing) shall be permitted for recreational vehicles in designated parking spaces appropriately dimensioned and signed for the use of such vehicles, if any. No other parking or storage of aircraft, recreational vehicles or vessels shall be permitted. *(Notice: condominium and homeowners' associations may have separate covenants, bylaws, or rules and regulations which are more stringent than the city code, and while the city does not enforce those covenants, bylaws or rules and regulations, the condominium or homeowners' association may enforce them.)*

(3) No commercial motor vehicles, dump trucks, motorized cranes, motorized shovels, special mobile equipment, other vehicles designed for the transportation of persons or property to which machinery has been attached, heavy trucks, commercial vessels, commercial vessels on trailers, or aircraft shall be stored on any residential property, and the same shall not be parked on any residential property unless such equipment or vehicle is being actively used on the property for a permitted construction activity, or unless such equipment, vehicle, vessel or aircraft is parked or stored in a fully enclosed garage. A garage does not include a carport or canopy. This provision shall not affect bona fide delivery vehicles while being used to make deliveries to a residential property.

(4) No aircraft, vehicle or vessel shall be:

- a. disassembled or dismantled, except in a fully enclosed garage. A garage does not include an attached or detached carport or a canopy.
- b. spray painted, except in a fully enclosed and approved spray paint booth.
- c. stored on the public right of way.
- d. parked or stored over a sidewalk, at any time.
- e. stored on a vacant lot, or on real property which is under condemnation order, or which has no legal primary use, or on real property where the legal primary use does not permit outdoor storage as an accessory use.
- f. parked on a vacant lot, or on real property which is under condemnation order or which has no legal primary use, except that owners, agents and contractors can park automobiles, light and heavy trucks, motorcycles, commercial motor vehicles, dump trucks, motorized cranes, motorized shovels, special mobile equipment, other vehicles designed for the transportation of persons or property to which machinery has been

**Ordinance 2226-2011**

**Parking and Storage of Aircraft, Vehicles and Vessels in Residential Areas**

attached, heavy trucks, light trucks or other vehicles only when required to be on such property during the performance of bona fide construction activities. Automobiles and light trucks may park on a property for the purpose of allowing the property to be shown to bona fide buyers or lessees.

- (5) No aircraft or vessel shall be parked or stored on the public right of way, at any time.
- (6) No trailer, including any light utility trailer, shall be parked on a public right of way, unless it is attached to an operable vehicle, and only in a parking space designed to accommodate it.
- (7) No trailer shall be parked overnight on a public right of way.
- (8) On corner properties, driveways may be on either or both side yards and automobiles, light trucks, motorcycles and light utility trailers may be parked on any approved driveway. However, only the side yard providing the least visibility to the adjacent public right of way shall be used for the parking and storage of recreational vehicles or the storage of vehicles.

**(c) Single family and duplex residential vehicle parking and storage.**

(1) Parking only. Operators of fully operable automobiles, light trucks, motorcycles and light utility trailers parking on properties otherwise permitted to be used for parking, in the R-1, and R-2 residential land use (zoning) districts and on occupied single family and duplex residential properties wherever located in the city, shall park their vehicles only in the following order:

- a. First, in a permitted garage or carport, or on a designated and approved driveway, such that no part of a vehicle overhangs a sidewalk; and
- b. Second, in a legal designated parking space on the public right of way, if any; and
- c. Third, additional automobiles, light trucks, motorcycles and light utility trailers may be parked on one side yard of the property in compliance with subsection (2) below.

Recreational vehicles shall not be parked overnight in the front driveway or front yard, and shall be stored only as permitted in subsection (3), below.

(2) Parking in R-1A. Operators of fully operable automobiles, non-commercial light trucks, and motorcycles parking on properties otherwise permitted to be used for

**Ordinance 2226-2011**

**Parking and Storage of Aircraft, Vehicles and Vessels in Residential Areas**

parking, in the R-1A residential land use (zoning) district, shall park their vehicles only in the following order:

- a. First, in a permitted garage or carport, or on a designated and approved driveway, such that no part of a vehicle overhangs a sidewalk; and
- b. Second, in a legal designated parking space on the public right of way, if any; and
- c. Third, additional automobiles, non-commercial light trucks, motorcycles and light utility trailers may be parked on one side yard of the property in compliance with subsection (3) below.

Recreational vehicles shall not be parked overnight in the front driveway or front yard, and shall be stored only as permitted in subsection (3), below.

(3) Parking or storing of recreational and other vehicles. Operators of operable or inoperable automobiles, light trucks, motorcycles, light utility trailers and recreational vehicles shall park or store their vehicles only on properties otherwise permitted to be used for parking or storing, in the R-1A, R-1, and R-2 residential land use (zoning) districts, and on occupied single family and duplex residential properties wherever located in the city, and only as follows:

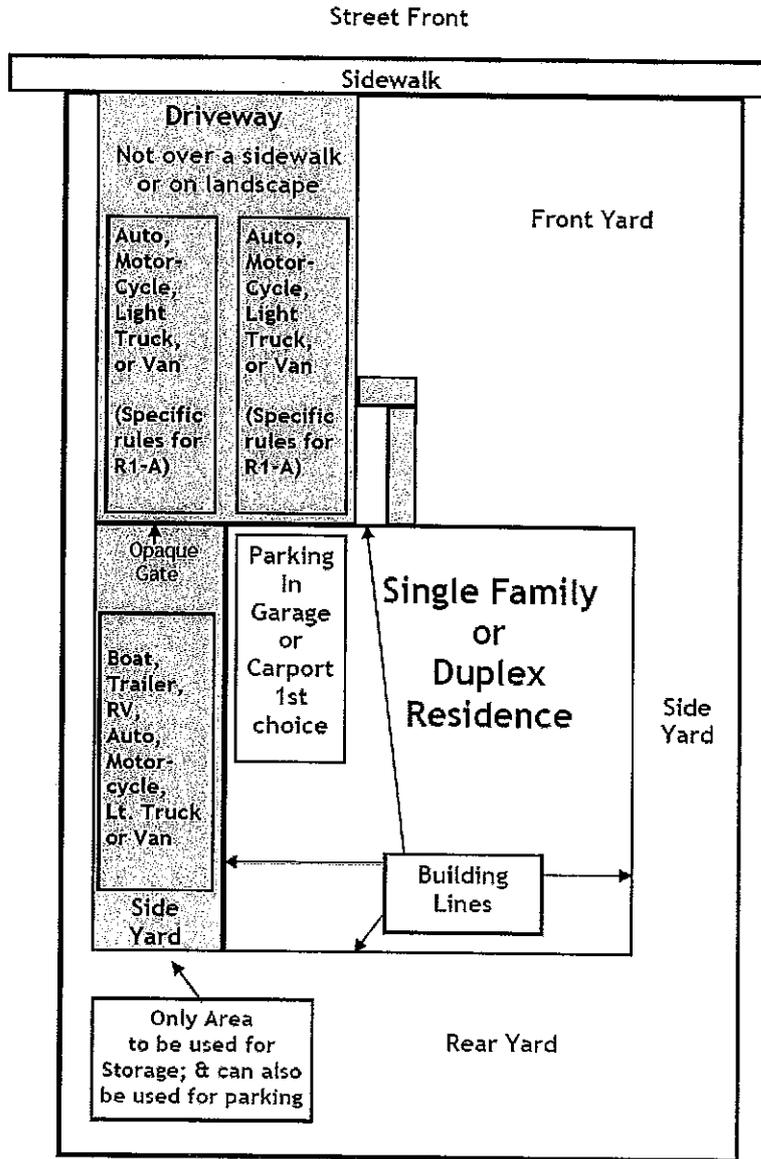
- a. Each vehicle shall be parked or stored only in one side yard between the front and rear building lines, as shown in figure 10-69.
- b. No vehicle shall be higher than the highest part of the building or roof, whichever is higher.
- c. No vehicle shall be hooked up to water or sewer.
- d. No vehicle shall be used for habitation while parked or stored on the property.
- e. Electrical power supply may be provided for operation of air conditioning, dehumidification, and refrigeration for environmental purposes only, as provided in sec. 10-67(d)(4)a, city code.
- f. All vehicles shall be screened from view, in part by using an opaque front gate which meets the requirements of sec. 6.09.05, Stuart Land Development Code, and the Florida Building Code. All vehicles shall be parked or stored on an approved paved surface.

**(d) Administrative variance.** For good cause shown by substantial competent evidence, which shall include a demonstration of hardship, or a reasonable avoidance of practical difficulties, and using the procedures provided in sec. 8.04.08, Stuart Land Development Code, the Development Director may vary the provisions of this section, but in considering such variance, shall grant the least amount of variance and obtain compliance with as many applicable provisions of the section, as can reasonably be

achieved. Fee for said Administrative Variance shall be established by Resolution of the City Commission, as provided from time to time.

Figure 10-69. Parking in R-1A, R-1 and R-2 districts, and other areas where single family and duplex residential uses are located.

3:  
or  
in  
are  
the  
such  
4:



SECTION

All ordinances parts of ordinances conflict herewith hereby repealed to extent of conflict.

SECTION

If

**Ordinance 2226-2011**

**Parking and Storage of Aircraft, Vehicles and Vessels in Residential Areas**

any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 5: The provisions of Sections 1 and 2 of this ordinance shall be codified.

SECTION 6: This ordinance shall take effect on January 1, 2012.

PASSED on First Reading on the 22<sup>nd</sup> day of August, 2011.

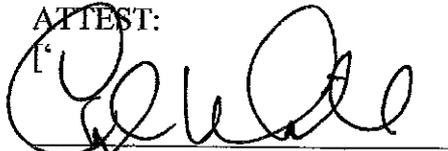
Commissioner MCDONALD offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows

JEFFREY A. KRAUSKOPF, MAYOR  
JAMES A. CHRISTIE, JR., VICE MAYOR  
EULA R. CLARKE, COMMISSIONER  
TROY A. MCDONALD, COMMISSIONER  
MICHAEL J. MORTELL, COMMISSIONER

YES	NO	ABSTAIN	ABSENT
X			
			X
X			
X			
X			

ADOPTED this 12th day of September 2011.

ATTEST:

  
\_\_\_\_\_  
CHERYL WHITE  
CITY CLERK

  
\_\_\_\_\_  
JEFFREY A. KRAUSKOPF  
MAYOR

APPROVED AS TO FORM  
AND CORRECTNESS:

  
\_\_\_\_\_  
MICHAEL D. DURHAM  
CITY ATTORNEY

