



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

**ORDINANCE No. ~~2255~~-2261-2013**

**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 FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF ALL  
ORDINANCES IN CONFLICT; PROVIDING FOR  
CODIFICATION; 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:**

**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:

CLERKS NOTE: SCRIVENERS ERROR THIS ORDINANCE WAS PRESENTED AS 2255-2013

BUT SHOULD HAVE BEEN 2261-2013

**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, paver stones, turf blocks, or gravel, 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 Section 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.

*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, shellrock, crushed or loose rock, milled asphalt, or any other surface unless approved by the director of public works. *Driveways* are included in calculating a site's maximum impervious surface area as set forth in Section 2.04.01 of the Stuart Land

**Ordinance 2255-2261- 2013**

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

Development Code, unless the surface and base are semi-pervious and approved by the public works director.

*Fully-operable* means a vehicle or vessel which is capable of performing its intended use or purpose, 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 which can be towed by an automobile or light truck.

*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.

*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.

*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 section 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 section 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 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 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

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

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 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 be parked 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 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 a fully operable vehicle, and only in an approved parking space, designated for such use.
- (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.

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

(9) Only fully operable vehicles, vessels, or aircraft shall be parked or stored on residential property.

(10) No vehicle, vessel, or aircraft shall be parked or stored on any front lawn or front yard, except on an approved driveway.

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

(1) Parking only. Operators of fully operable automobiles, recreational vehicles, light trucks, motorcycles, vessels and light utility trailers parked on properties otherwise permitted to be used for parking, in the R-1A, R-1, or 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, subject to a Revocable Permit, if required by this code; 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 (3) below.

(2) Parking in R-1A districts. Notwithstanding the provisions in (1) above, the following additional regulations shall apply in the R-1A land use district:

- a. The only trucks allowed to be parked overnight in the R-1A land use district shall be non-commercial light trucks.
- b. Vessels, trailers, and recreational vehicles shall not be parked overnight in a front driveway or front yard.

(3) Parking or storing of vehicles and vessels. Operators of fully operable automobiles, light trucks, motorcycles, vessels, 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, vessel or trailer, shall be higher than the highest part of the building or roof, whichever is higher.
- c. No vehicle, vessel or trailer, shall be hooked up to water or sewer.
- d. No vehicle, vessel or trailer, shall be used for habitation while parked or stored on the property.

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

- e. Electrical power supply to vehicles, vessels or trailers, 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, vessels, and trailers shall be parked or stored on an approved paved surface.
- g. Only automobiles, motorcycles, light trucks, and vessels shall be stored on a front yard driveway, and only with a property vehicle cover.

**(d) Grandfathered driveways.** On lots 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, where parking has historically occurred on a sub-standard or non-approved driveway surface, such parking shall be allowed to remain as a lawful non-conforming use, subject to the provisions of sec 8.03.01, et seq., Stuart Land Development Code.

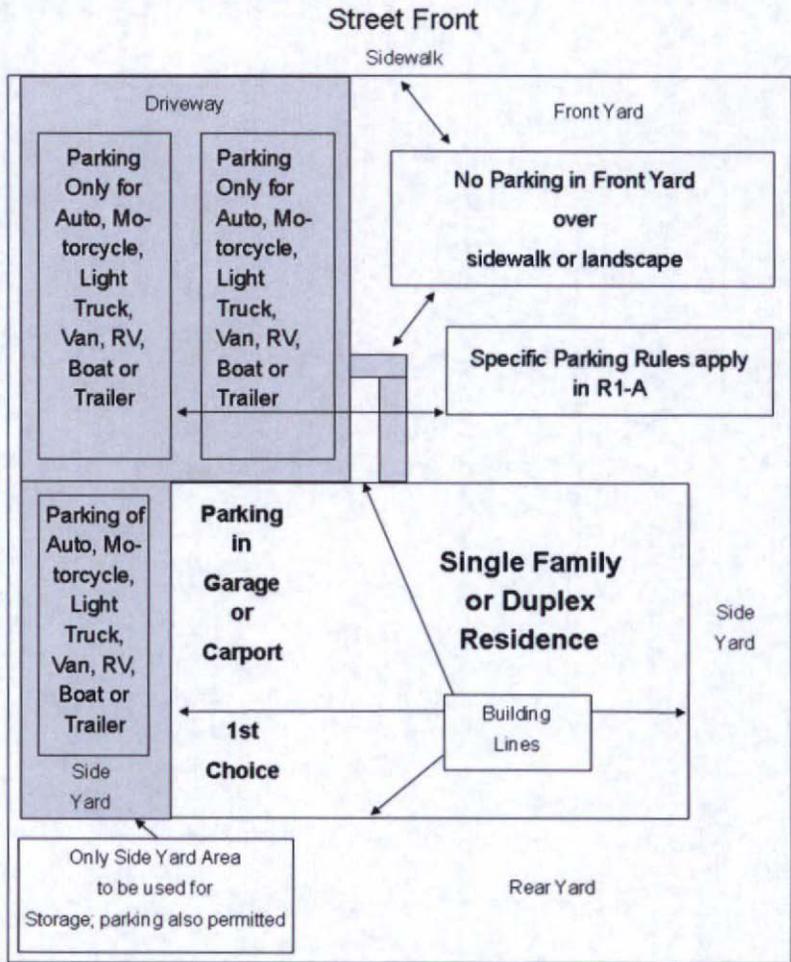
**(e) Irregular lots.** On lots in the R-1A, r-1, and R-2 residential land use (zoning) districts and on occupied single family and duplex residential properties wherever located in the city that are irregularly dimensioned, parking and storing of vehicles and vessels shall occur in accordance with this sec. 10-69 to the greatest extent feasible and practical. The owners or occupants of such lots may apply for an administrative variance where the dimensions of the lot make it unfeasible or impractical to comply with this section, and such finding shall constitute a reasonable of practical difficulty necessary for the granting of an administrative variance, when determined by the development director.

**(f) 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. The fee, if any, for said administrative variance shall be established by resolution of the city commission, as provided from time to time.

**Ordinance 2255-2261- 2013**

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

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



**Ordinance 2255-2261- 2013**

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

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: If 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 immediately upon adoption.

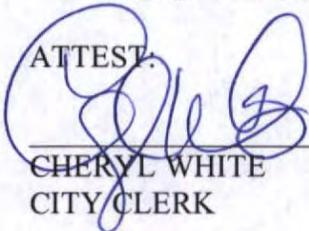
PASSED on First Reading on the 13 day of May, 2013.

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

EULA R. CLARKE, MAYOR  
TROY A. MCDONALD, VICE MAYOR  
KELLI GLASS LEIGHTON, COMMISSIONER  
JEFFREY A. KRAUSKOPF, COMMISSIONER  
JAMES A. CHRISTIE, JR., COMMISSIONER

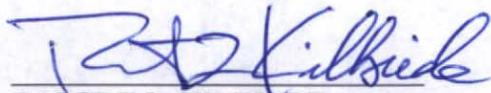
YES	NO	ABSTAIN	ABSENT
✓			
✓			
✓			
✓			
✓			

ADOPTED this 20<sup>th</sup> day of May, 2013.

ATTEST:  
  
CHERYL WHITE  
CITY CLERK

  
EULA R. CLARKE  
MAYOR

APPROVED AS TO FORM  
AND CORRECTNESS:

  
ROBERT L. KILBRIDE  
INTERIM CITY ATTORNEY

