



Item No. 170

AGENDA ITEM MEMORADUM

Town Commission

Commissioner Stuart Dodd

Department

Department Director

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input type="checkbox"/> June 26, 2012	June 15
<input checked="" type="checkbox"/> July 10, 2012	June 29
<input type="checkbox"/> July 24, 2012	July 13

*Subject to Change

- Presentation Reports Consent Ordinance
 Resolution Quasi-Judicial Old Business New Business

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Review Town Code Requirements for Boats in Side Yards

EXPLANATION: April had 6 code violations for recreational vessels. Historically in the North end of town it was permitted to keep boats in side yards – Various homes in the South end have spent money to erect gates to allow their boat to be placed beside the house and partially hidden from view. This was with code approval as the gates needed a permit. The homeowner received a courtesy notice. If we are one town then we should have one set of regulations. I personally feel boats should be allowed in side setbacks Town wide provided there are gates, the boat is kept in good order, trailer licensed and in working order, suitable surface not grass but pervious if possible and the boat covered if appropriate.

I am requesting Commission approval when the next code reviews are done that this is on the agenda for staff and Planning and Zoning to make a recommendation on how to clean up this section of the code.

EXPECTED OUTCOME: Approval to pass to staff and Planning and Zoning board for consideration.

EXHIBIT(S): Existing applicable section of the Code of Ordinances

Reviewed by Town Attorney
 Yes No

Town Manager Initials CSD

Sec. 19-21. - Parking or storage of motor vehicles and vessels.

(a)

Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1)

Commercial motor vehicle or commercial vehicle means any motor vehicle that has one or more of the following characteristics:

a.

Weighs in excess of 10,000 pounds. The weight of the vehicle as listed on the vehicle registration is prima facie evidence of the weight of the vehicle;

b.

Is designed to transport more than ten people;

c.

Is used in commerce;

d.

Displays lettering, signs or advertising identifying a business or other non-personal use of any kind;

e.

Possesses built-in, exterior storage compartments;

f.

Holds tools, equipment, supplies or any other material, refuse or debris that is clearly visible; or

g.

Has fixtures or attachments on the exterior of the vehicle utilized to hold tools, supplies or equipment; or

h.

Is otherwise defined by reference to F.S. ch. 320, as a truck/tractor, semi-trailer, bus, ambulance, trailer, wrecker, hearse or truck, except that pick-up trucks are not prohibited unless it otherwise falls within one of the classifications of commercial vehicle as provided herein.

i.

The definition of commercial vehicle shall not include a vehicle owned by a governmental agency.

(2)

East zone includes all property east of the western property line of those properties abutting State Road A1A to the west.

(3)

For-hire vehicle means any vehicle when used for transporting persons or goods for compensation.

(4)

Motor home means a movable structure designed for use as a temporary or permanent place of dwelling.

(5)

Motor vehicle means any self-propelled vehicle, including a motorcycle, not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

(6)

Overnight parking means parking between the hours of midnight and 5:00 a.m.

(7)

Personal watercraft means any vessel which uses an outboard motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel. The term "personal watercraft" shall include, but is not limited to, those vessels commonly referred to as jet skis, wave runners, sea doos or surf rockets. The term "personal watercraft" shall not apply to any such vessel operated by a governmental agency which provides emergency services.

(8)

Recreational vehicle means any vehicle or portable structure designed primarily to provide temporary living quarters for recreation, camping or travel use either a vehicular structure mounted on wheels, self-powered or designed to be pulled by another vehicle or a structure designed to be mounted upon and carried by another vehicle. This definition includes, but is not limited to, any vehicle listed below as may be further defined by reference to Florida Statutes as a travel trailer, camping trailer, camp bus or house bus, truck camper, motor home, mobile home, motor coach, or fifth-wheel trailer.

(9)

Registered vehicle or *registered vessel* shall mean any vehicle or vessel that is issued a current State-issued certificate of registration.

(10)

Swale means the area between a travel lane and the sidewalk or private property line, whichever is closest.

(11)

Trailer means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.

(12)

Vessel includes every description of boat, watercraft, barge and airboat used or capable of being used as a means of transportation on water.

(13)

West zone shall be from the western property line of those properties abutting State Road A1A to the west extending to the western boundary of the Town.

(b)

Restrictions and prohibitions. In the east and west zones as defined in this section, vessels, commercial vehicles and recreational vehicles are prohibited and restricted as hereinafter set forth.

(1)

Commercial vehicles, recreational vehicles and vessels are prohibited from being parked overnight in a metered parking space within the Town.

(2)

Unregistered commercial vehicles, recreational vehicles or vessels are prohibited from being parked or stored within the boundaries of the Town unless wholly enclosed within a garage.

(3)

East zone.

a.

Registered commercial vehicles or recreational vehicles must comply with the following:

1.

At all times, the vehicle must fit within the single parking space within which it is parked unless it is parked in a private parking lot obscured from view from the street and neighboring properties.

2.

The vehicle cannot protrude into a side or rear setback, sidewalk or right-of-way.

3.

The vehicle must be parked on concrete, asphalt, or some other type of impervious ground cover as approved by the Town and may not be parked, stored, or maintained on the grass.

b.

Registered vessels, personal watercraft and their trailers may be parked, stored or maintained in the Town on private property with the consent of the owner, subject to the following conditions:

1.

Vessels, personal watercraft and their trailers are prohibited from protruding into a sidewalk or right-of-way.

2.

The vessel, personal watercraft and its trailer must be parked on concrete, asphalt or some other type of impervious ground cover as approved by the Town and may not be parked or stored on grass.

3.

Vessels and personal watercraft under 21 feet in length and under ten feet in height may be stored in the rear of the private property only if it is covered and cannot be seen from the street or the neighboring properties.

c.

No commercial vehicle, recreational vehicle, vessel, personal watercraft or trailer shall be parked, stored or maintained:

1.

So as to be visible from Bougainvillea Drive;

2.

On any portion of the public or private beaches.

(4)

West zone.

a.

It shall be unlawful for any person to park, store or maintain any commercial vehicle, recreational vehicle, vessel, personal watercraft or trailer on the streets, rights-of-way, or public or private property in any district of the Town located in the west zone between the hours of 9:00 p.m. and 6:00 a.m. except as provided below.

b.

Uses not prohibited. Nothing herein shall prohibit the parking of commercial vehicles in the west zone while in the process of making deliveries or service calls.

c.

Commercial vehicles, recreational vehicles, vessels, personal watercrafts or trailers must be wholly enclosed within a garage or enclosed within a carport surrounding the vehicle on three sides and the vessel or vehicle does not protrude from the carport.

d.

A for-hire vehicle utilized for the temporary moving of personal property may be parked in view overnight, with a temporary permit issued by the Town, not to exceed three nights.

e.

Registered vessels, personal watercraft and their trailers may be parked, stored or maintained in the west zone of the Town on private property with the consent of the owner, subject to the following conditions:

1.

Neither the vessel nor its trailer may protrude into a side or rear setback. The enforcement of this provision shall be deferred until January 25, 2001 for any vessel owned prior to July 1, 2000 provided said vessel is registered with the Town Police Department prior to July 1, 2000.

2.

The vessel, personal watercraft or vehicle must be wholly enclosed within a garage or enclosed within a carport surrounding the vessel or vehicle on three sides and the vessel, personal watercraft or vehicle does not protrude from the carport. The enforcement of this provision shall be deferred until January 25, 2001 for any vessel owned prior to July 1, 2000 provided said vessel is registered with the Town Police Department prior to July 1, 2000.

3.

The vessel and its trailer must be parked on concrete, asphalt or some other type of impervious ground cover as approved by the Town and may not be parked, stored or maintained on the grass.

4.

Vessels under 21 feet in length and under ten feet in height and personal watercraft may be stored in the rear of the private property only if it is covered and cannot be seen from the street or the neighboring properties.

f.

A recreational vehicle or trailer may be parked overnight for no more than three consecutive days, twice in any calendar month, and then only when the vehicle is registered with the Town and the property owner or property occupant has notified the Town that the vehicle is being parked on the property.

g.

Overnight occupancy of a recreational vehicle parked in the Town is prohibited.

(5)

For properties located in the North Beach Annexation Area (the boundaries of which are described as the *Fire Protection Special Assessment—North* in section 8-101(1) of this Code of Ordinances) who owned their properties and owned a registered vessel at the time of the 2001 annexation into the Town, the regulations contained in subsections (3) and (4) hereof shall not apply if the criteria in subparagraph a. below are satisfied and practical difficulty is

determined to exist. Properties that demonstrate a practical difficulty shall instead be subject to the regulations in subparagraph b.

a.

Finding of practical difficulty:

1.

The owner must demonstrate, on an application in a form required by the Town, that a practical difficulty prevents the owner from fully complying with the regulations in subsections (3) and (4) above, by establishing each of the following:

i.

The property must have been owned by the same property owner continuously from the time of annexation to the time of application pursuant to subsection (5); and

ii.

The vessel to be stored must be owned by the property owner and the property must have been used as the principal place of storage for a vessel continuously from the time of annexation to the time of application pursuant to subsection (5); and

iii.

Compliance with subsections (3) and (4) would make it impractical to use the property for storage of the vessel; and

iv.

Application of the regulations in subparagraph b. to this property would be in harmony with the general purpose and intent of the Town Code, is not injurious to surrounding property owners, and is not otherwise detrimental to the public welfare.

The Town Manager or his/her designee shall review the application to determine whether a practical difficulty exists, and shall notify the property owner in writing of his/her determination.

b.

Alternative regulations of vessel parking and storage if practical difficulty exists:

1.

The alternative regulations contained herein shall be personal to the real property owner at the time of the effective date of this section. Any real property owner who acquires his/her property after the effective date of this section shall be subject to the provisions of subsection (3) or (4), as applicable.

2. Parking or **storage of boats** shall be limited to boats owned by the occupants of the property.

3. All boats, except canoes and boats less than 12 feet in length, must be stored on a currently licensed boat trailer.

4. On a plot containing a one- or two-family dwelling:

i. Not more than one boat may be parked or stored outside of a carport or fully enclosed building.

ii. No boat shall be parked or stored in a location which causes the boat to encroach onto a street or in any location which visually obstructs vehicle egress from contiguous properties.

5. On a plot containing three or more dwelling units:

i. One boat per dwelling unit may be parked or stored on the plot outside of a carport or fully enclosed building, if an area specifically designated for such use is provided.

6. No part of any required off-street parking facility or required landscape area may be used for parking or **storage of boats**.

(6)

All covers used in connection with the storage of vessels for a period of greater than 90 days must be custom fit to the contours of the boat. No tarps or other non-custom fit covers, or ready-fit or semi-custom covers may be used for a period of time greater than 90 days. A custom fit cover is designed, manufactured and tailored to closely fit the body style and size group of the specific make, model and year of the vessel to be covered.

(Code 1962, § 23-5; Ord. No. 359, § 1, 11-22-94; Ord. No. 429, §§ 2, 4, 1-25-00; Ord. No. 437, § 2, 5-23-00; Ord. No. 472, § 2, 5-8-01; Ord. No. 03-505, § 2, 2-11-03; Ord. No. 2009-08, § 1, 3-24-09; Ord. No. 2009-17, § 2, 3-24-09; Ord. No. 2011-09, § 2, 5-24-2011)