

# TOWN OF JUPITER



**DATE:** November 7, 2011  
**TO:** Honorable Mayor and Members of Town Council  
**THRU:** Andrew D. Lukasik, Town Manager *ADL*  
**FROM:** John R. Sickler, Director of Planning and Zoning *JRS*  
**SUBJECT:** **Residential Swale Parking Regulations** – Text amendment to Chapter 19 (Traffic and Motor Vehicles), amending residential swale parking regulations to:

- Clarify where motor vehicles, boats, trailers and recreational vehicles are permitted to be parked in a right-of-way swale;
- Include new definitions for “swale” and “right-of-way.”

<b>HEARING DATES:</b>	<b>TC 11/15/11 1<sup>st</sup> Reading</b>	<b>Ord #40-11</b>
	<b>TC 12/20/11 2<sup>nd</sup> Reading</b>	<b>PZ #11-302</b>
		<b>DMK</b>

## EXECUTIVE SUMMARY:

Approval of changes to Chapter 19 of the Town Code to clarify how and where motor vehicles, boats, trailers and recreational vehicles will be allowed to be parked in swales along residential streets. The proposed changes also include definitions for a swale and a right-of-way.

The proposed residential swale parking text amendment (Ordinance #40-11) is associated with, and complements, the concurrent proposed residential neighborhood parking regulations (Ordinance #3-11) text amendment. Prior to the scheduled adoption hearing in August 2011 for the proposed residential neighborhood parking regulations text amendment, Neighborhood Services received input from Jupiter River Estates residents. The residents expressed concerns that the proposed residential neighborhood parking regulations would negatively impact parking in road right-of-way swales adjacent to their lots.

The proposed text amendment includes the following regulations to:

- Clarify that motor vehicles, boats, trailers and recreational vehicles parked in residential right-of-way swales must be:
  - Totally in the swale with the left-hand (driver side) wheels parallel to street within 12 inches of paved street edge;
  - Facing in the direction of authorized traffic movement;
  - Compliant with Chapter 316, Florida Statutes “State Uniform Traffic Control”; and
- define “swale” and “right-of-way.”

A public input meeting to explain the proposed text amendments to the residential neighborhood parking regulations and the residential swale parking was held on October 24, 2011 as noted in the staff report. The adoption hearing for the subject text amendment and the concurrent residential neighborhood parking regulations text amendment are both scheduled for the December 20, 2011 Town Council meeting.

## STAFF RECOMMENDATION:

Staff recommends **approval** of the subject text amendments.

**Strategic Priority:** All Neighborhoods as Desirable Places to Live

## Attachments:

Staff Report	Ordinance #40-11
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**TOWN OF JUPITER  
TOWN MANAGER'S OFFICE**



**DATE:** November 7, 2011  
**TO:** Honorable Mayor and Members of Town Council  
**THRU:** Andrew D. Lukasik, Town Manager  
**FROM:** John Sickler, Director of Planning and Zoning JRS  
**SUBJECT:** Residential Swale Parking Regulations – Text amendment to Chapter 19 (Traffic and Motor Vehicles), amending swale parking regulations to:

- Clarify where motor vehicles, boats, trailers and recreational vehicles are permitted to be parked in a right-of-way swale;
- Include new definitions for “swale” and “right-of-way.”

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**Ordinance #40-11**  
**PZ #11-302**  
**DMK**

**Meeting dates:** TC 11/15/11 1<sup>st</sup> Reading  
TC 12/20/11 2<sup>nd</sup> Reading

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**Applicant:** Town initiated  
**Request:** To amend the following in Chapter 19:

1. New Section 19-35 (Limitations on parking on swales in residential zoning districts) to clarify that vehicles must be –
  - Totally in the swale with the left-hand wheels parallel to street within 12 inches of paved street edge;
  - Facing in the direction of authorized traffic movement;
  - Compliant with all applicable State regulations in Chapter 316, Florida Statutes “State Uniform Traffic Control”;
2. Section 19-81 (Definitions) – To include new definitions for “right-of-way” and “swale.”

***Staff Recommendation.***

Planning and Zoning, Police, Code Compliance, Engineering and Neighborhood Services staff recommend **approval** of the proposed text changes contained in Ordinance #40-11 (in an underline and ~~strike-through~~ format), with an effective date of three months after approval.

***Background.***

The subject residential swale parking text amendment (Ordinance #40-11) is associated with, and complements, the concurrent text amendment regarding residential neighborhood parking

regulations (Ordinance #3-11 [see Attachment B]). The adoption hearing (second reading) for the subject text amendment and the concurrent residential neighborhood parking text amendment are both scheduled for December 20, 2011.

Staff postponed the concurrent residential neighborhood parking text amendment to address resident concerns. Prior to the scheduled adoption hearing in August 2011 for the proposed residential neighborhood parking regulations text amendment, Neighborhood Services received input from Jupiter River Estates residents. The residents expressed concerns that the residential neighborhood parking regulations could negatively impact parking in road right-of-way swales adjacent to their lots by pushing these parking problems into the right-of-way. Staff notes that there are existing right-of-way swales in some neighborhoods, including Jupiter River Estates, which are approximately 15 feet wide. Motor vehicles can currently park in these wide swales haphazardly. The intent of the subject residential swale parking text amendment is to address how parking will be regulated in right-of-way swales to avoid a new parking concern.

Since the concurrent Ordinance #3-11 on residential neighborhood parking regulations did not address right-of-way swale parking regulations, staff is initiating the changes in Ordinance #40-11.

The following table indicates the major differences between the existing residential neighborhood parking and residential swale parking regulations and the proposed regulations:

<b>Parking Issue</b>	<b>Existing Parking Regulations</b>	<b>Proposed Changes to Residential Neighborhood Parking Regulations (Ordinance #3-11)</b>	<b>Proposed Changes to Residential Swale Parking Regulations (Ordinance #40-11)</b>
<i>Parking passenger cars and trucks<sup>1</sup> in front and side corner yards</i>	There are no restrictions on where passenger cars and trucks can be parked.	<ul style="list-style-type: none"> <li>• Passenger cars and trucks must be parked on either a paved driveway or on unpaved surfaces parallel to a paved driveway, within eight feet of the edge of the driveway on the side of the driveway closest to the side property line.</li> <li>• If there is not enough room to park a passenger car or truck, either partially or totally, on an unpaved surface parallel to a paved driveway on the side closest to the side property line, then similar parallel parking on unpaved surfaces is allowed on the other side of the driveway.</li> <li>• Parking on unpaved surfaces except as detailed above will be <b>prohibited</b> within the front and side corner yards of a lot.</li> </ul>	Not Applicable
<i>Parking</i>	One boat; one boat trailer or	<b>No Changes</b>	Not Applicable

<sup>1</sup> Consists of panel, pick-up, van or similar types of vehicles not over three-quarter-ton rated capacity.

**Residential Swale Parking Regulations - ZTA**  
**Page 3 of 4**

<i>boats, trailers and recreational vehicles in side and rear yards</i>	utility trailer; and one recreational vehicle, but not more than one of each.		
<i>Parking passenger cars and trucks in rear yards</i>	There are no restrictions on where passenger cars and trucks can be parked.	No more than a total of two passenger cars and/or trucks.	Not Applicable
<i>Parking passenger cars, trucks, trailers, boats and recreational vehicles in swales</i>	<ul style="list-style-type: none"> <li>• Parking on recently seeded or sodded road swales is prohibited.</li> <li>• Parking on a road right-of-way (which includes the paved street and the adjacent swale) for a time-period of more than 24 consecutive hours; or for 72 consecutive hours in designated on-street parking is prohibited.</li> <li>• Must be compliant with the following restrictions (as contained in Chapter 316, Florida Statutes): <ul style="list-style-type: none"> <li>• At least 15 feet away from a fire hydrant;</li> <li>• At least 20 feet away from a crosswalk at an intersection;</li> <li>• At least 30 feet away from a flashing signal, stop sign or traffic control signal.</li> </ul> </li> </ul>	Not Applicable	<ul style="list-style-type: none"> <li>• Must be totally within the swale with the driver-side wheels parallel to and within 12 inches of the edge of the street pavement;</li> <li>• Must be parked in the direction of the adjacent authorized traffic movement;</li> <li>• Parking on an unpaved portion of a road right-of-way adjacent to a curbed street is prohibited.</li> </ul>

The above table and additional diagrams (see Attachment A) illustrate the location of *allowed* and *prohibited* parking based on the residential neighborhood parking regulations and residential swale parking text amendments. The table and diagrams were presented to residents at a public input meeting on October 24, 2011. The information was also placed on the Planning and Zoning web page along with the RSVP for the meeting. Neighborhood Services staff also informed the neighborhoods that have been involved in the public participation process for the residential neighborhood parking regulations text amendment of the October 24<sup>th</sup> meeting. There were 20 persons in attendance at the meeting and all but two were from the Jupiter River Estates neighborhood. They expressed concerns with the new parking regulations stating they would not have enough room to park the number of vehicles they owned in the allowed areas.

**Analysis.**

- 1. New Section 19-35. Limitations on parking on swales in residential zoning districts.**  
Staff proposes to include the following in this new section pertaining to parking of motor vehicles, trailers, boats, watercrafts and/or recreational vehicles a right-of-way swale:
  - a. Must be totally within the swale with left-hand (driver side) wheels parallel to and within 12 inches of the edge of the street pavement – The proposed regulation will create orderly parking in the swale by only allowing parking parallel to the adjacent street pavement. Additionally, it will prohibit double stacked parking in wide residential swales.
  - b. Must be facing in the direction of authorized traffic movement – The proposed regulation is consistent with the corresponding on-street parking regulation contained in Chapter 316, Florida Statutes (F.S.) “State Uniform Traffic Control.” The requirement will help avoid potential accidents associated with entering a street against the flow of traffic.
  - c. Must comply with Chapter 316, F.S. regulations pertaining to parking near fire hydrants, crosswalks at intersections and stop signs – Staff notes that Chapter 19 currently requires adherence to all regulations contained in Chapter 316, F.S. Specific inclusion of the state regulations related to parking near fire hydrants, crosswalks at intersections and stop signs will allow the Town’s Code Compliance officers to more easily communicate these regulations to neighborhood residents and achieve voluntary compliance.
  - d. Parking a motor vehicle on an unpaved portion of a right-of-way adjacent to a curbed street is prohibited – The inclusion of this regulation will prohibit motor vehicles from hopping a curb to park. While most curbed residential streets are located in neighborhoods with restrictive covenants to avoid this type of parking, the regulation will provide a Town-wide regulation.

As previously noted, diagrams indicating *allowed* and *prohibited* parking in a right-of-way swale with the above proposed text amendments is included as Attachment A.

- 2. Amend Section 19-81. Definitions.** Staff proposes amending this section to add the following:
  - a. New definition for “right-of-way” – This definition is proposed to clarify that a right-of-way includes any applicable swale.
  - b. New definition for “swale” – This definition is proposed to clarify the purpose of a swale and the applicable areas that it is located in a right-of-way with or without sidewalks.

Based on the above analysis staff recommends **approval** of the zoning text amendments proposed in Ordinance #40-11. Staff is proposing the effective date of the new regulations be three months after approval by the Town Council. This delay will allow staff time to educate residents on the new parking regulations.

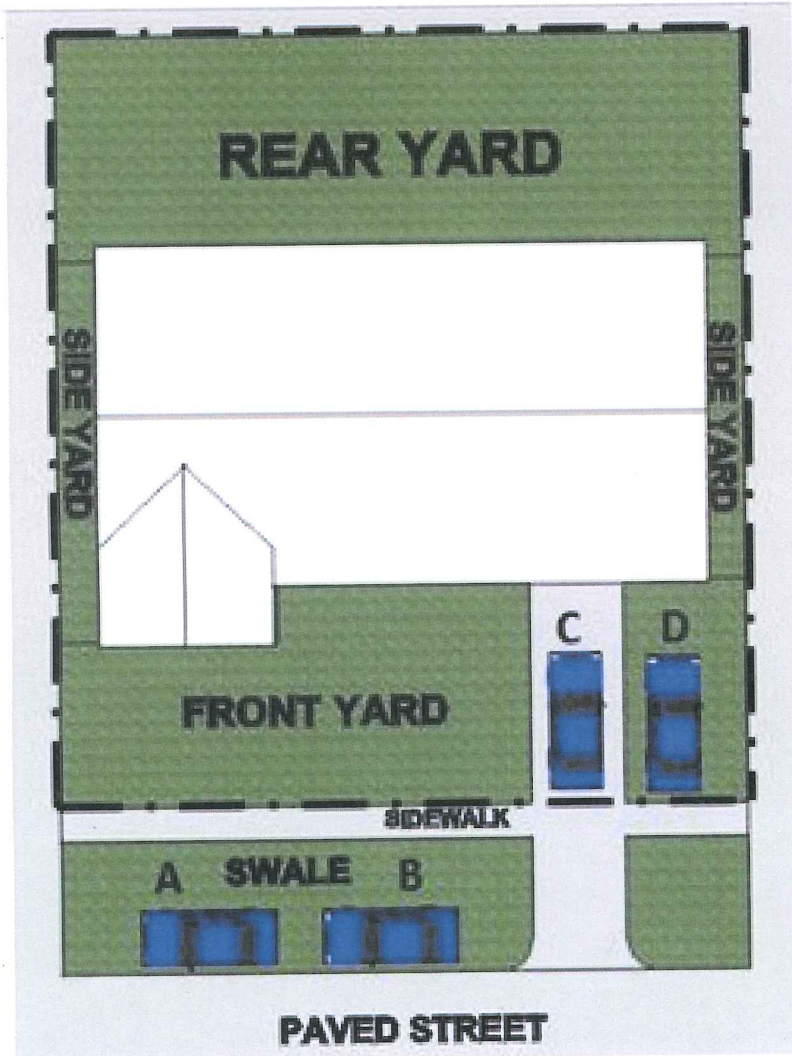
**Attachment:**

- Attachment A – Diagram of allowed and prohibited parking with proposed residential swale parking and residential neighborhood parking text amendments
- Attachment B – Concurrent zoning text amendment on residential neighborhoods parking Ordinance #3-11

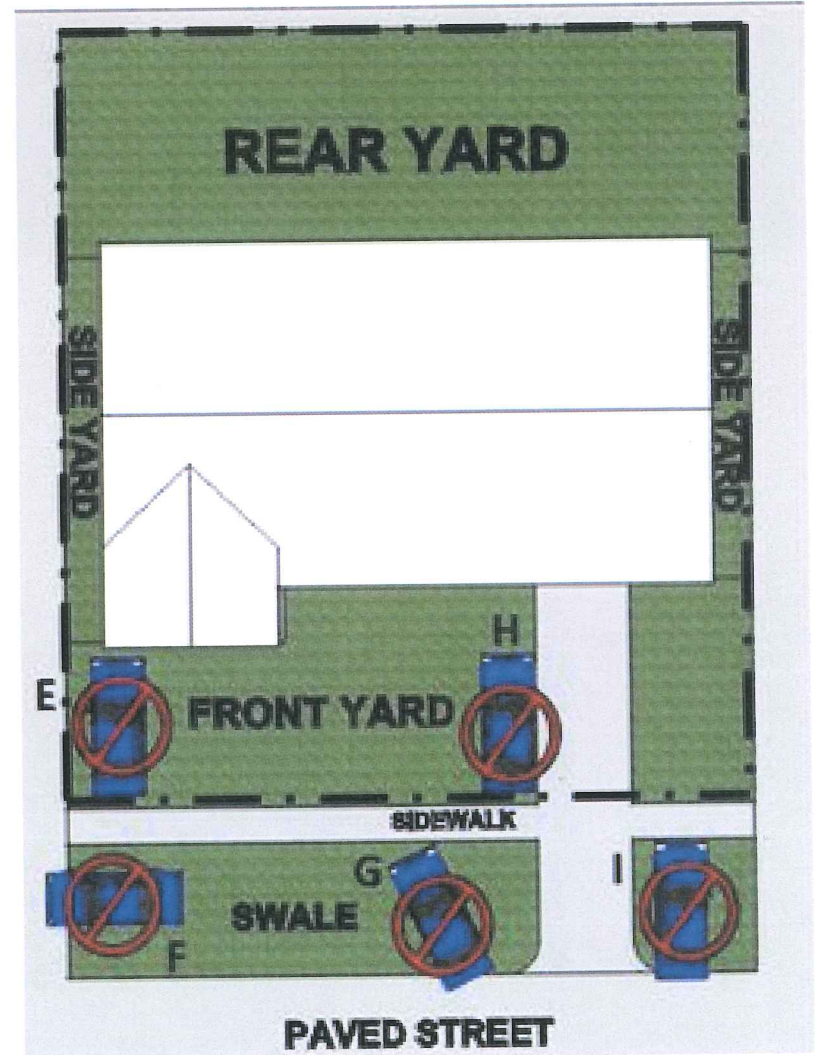


# CHANGES WITH PROPOSED RESIDENTIAL PARKING REGULATIONS

ALLOWED PARKING



PROHIBITED PARKING



ATTACHMENT A

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PROPERTY LINE

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**ORDINANCE NO. 3-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING THE TOWN’S ZONING CODE; PROVIDING FOR THE AMENDMENT OF SECTION 27-1 TO INCORPORATE THE DEFINITIONS SET FORTH IN SECTION 27-1287 AND REMOVING THOSE SAME DEFINITIONS FROM SECTION 27-1287, AND ADDING THE DEFINITION OF “SPECIAL MOBILE EQUIPMENT”; PROVIDING FOR THE AMENDMENT OF SECTION 27-1262 ENTITLED “REGULATIONS” TO IDENTIFY SPECIFIC PAVING MATERIALS PERMITTED IN THE TOWN FOR RESIDENTIAL DRIVEWAYS; PROVIDING FOR STANDARDS TO PERMIT A SECOND DRIVEWAY ON LOTS LESS THAN 75 FEET IN WIDTH; PROVIDING FOR THE AMENDMENT OF DIVISION 12 TO CHANGE ITS TITLE; PROVIDING FOR THE AMENDMENT OF SECTION 27-1286 ENTITLED “INTENT” TO APPLY THE PARKING REGULATIONS CONTAINED IN CHAPTER 27, ARTICLE X, DIVISION 12 OF THE TOWN CODE TO THE NEIGHBORHOOD SUBDISTRICT OF THE MXD ZONING DISTRICT AND THE RESIDENTIAL SUBDISTRICT OF THE INLET VILLAGE ZONING DISTRICT; PROVIDING FOR THE REPEAL OF SECTION 27-1288 ENTITLED “APPLICABLE ZONING DISTRICTS”; PROVIDING FOR THE AMENDMENT OF SECTION 27-1289 TO INCLUDE AN ADDITIONAL MOTOR VEHICLE TO THOSE VEHICLES WHICH ARE PROHIBITED OR RESTRICTED IN THE TOWN’S RESIDENTIAL DISTRICTS; PROVIDING FOR THE AMENDMENT OF SECTION 27-1291 ENTITLED “PERMITTED PARKING” TO LIMIT THE NUMBER AND LOCATION OF VEHICLES WHICH ARE PERMITTED TO PARK ON A SINGLE FAMILY OR DUPLEX RESIDENTIAL LOT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Jupiter, Florida (“Town”) has adopted a Comprehensive Plan (“Plan”) which has been determined to be in compliance with Chapter 163, Part II, Florida Statutes; and

1           **WHEREAS**, pursuant to Section 163.3202(2), Florida Statutes, municipalities are  
2 required to provide specific and detailed land development regulations as part of the  
3 implementation of their adopted comprehensive plans; and

4           **WHEREAS**, the Town Council of the Town has previously enacted land development  
5 regulations which pertain to parking on residential lots; and

6           **WHEREAS**, in furtherance of the public’s health, safety, and general welfare, the Town’s  
7 planning and zoning staff has recommended various amendments pertaining to the land  
8 development regulations which pertain to parking on residential lots; and

9           **WHEREAS**, Town’s Planning and Zoning Commission has reviewed the proposed  
10 amendments and has made its recommendation to the Town Council; and

11           **WHEREAS**, the Town Council, after duly noticed public hearings has determined that  
12 the adoption of the amendments herein would be consistent with the Plan and would further the  
13 public’s health, safety and general welfare.

14           **NOW, THEREFORE**, be it ordained by the Town Council of the Town of Jupiter, Florida  
15 that:

16           **Section 1.** The foregoing whereas clauses are incorporated herein as the legislative  
17 findings of the Town Council.

18           **Section 2.** Chapter 27, Article I, Section 27-1 of the Town Code entitled “Definitions” is  
19 hereby amended as follows:  
20

21 **Sec. 27-1. Definitions**

22           Boat trailer shall mean a trailer which is being used or is designed for the use of carrying  
23 boats.



1 Bus, pole trailer, semi-trailer, trailer, recreational vehicle, truck and truck trailer shall mean  
2 as set forth in the appropriate, duly enacted statutes of the State providing for the regulation,  
3 registration, licensing, and recordation of ownership of motor vehicles.

4 (1) In case of doubt as to the proper classification of a specific vehicle under the foregoing  
5 terms, the determination by the Motor Vehicle Commission of the State shall be controlling.

6 (2) The body description and classification on the motor vehicle certificate of title shall be prima  
7 facie evidence of such determination.

8 Industrial equipment shall mean farm tractors and implements, bulldozers, drag lines,  
9 cranes, derricks, heavy earth moving equipment normally used in farming, excavation and/or  
10 heavy construction activities.

11 Owner, in relation to a motor vehicle, shall mean the individual to which the vehicle is  
12 registered on the motor vehicle certificate of title and shall include, if under lease, rental  
13 agreement, or on loan under any type of arrangement, gratuitous or otherwise, the individual or  
14 firm having possession or control of the vehicle.

15 Owner, in relation to private property in a residential district, shall mean the recorded owner  
16 of the property based upon the records of the County, and shall include, if under lease, rental,  
17 agreement for deed or similar land contract, the person or persons actually in possession and  
18 control of the premises.

19 Passenger car shall mean a motor vehicle with motive power (except a multipurpose  
20 passenger motor vehicle, motorcycle, or trailer) designed to carry not more than 9 individuals.

21 Plot shall include both the lot on which a residence is located and any abutting lot which is in  
22 the control of the occupant of such residence by virtue of ownership or lease of such abutting  
23 lot.

24 Special mobile equipment shall mean any vehicle not designed or used primarily for the  
25 transportation of persons or property and only incidentally operated or moved over a highway,  
26 including, but not limited to, ditch digging apparatus, dump trucks, well-boring apparatus, and

1 road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers,  
2 bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines,  
3 motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and  
4 draglines, and self-propelled cranes and earthmoving equipment. The term does not include  
5 house trailers, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for  
6 the transportation of persons or property to which machinery has been attached.

7 Utility trailer shall mean a small, single axle trailer not exceeding 2,000 pounds gross vehicle  
8 weight.

9 **Section 3.** Chapter 27, Article X, Division 11, Section 27-1262 of the Town Code,  
10 entitled "Regulations" is hereby amended, as follows:

11 **Sec. 27-1262. Regulations.**

12  
13 (a) General.

14 (1) a. Driveways dedicated to the specific use of a residential dwelling shall be considered  
15 as constituting off-street parking spaces for all residential uses when sufficient space  
16 is available on such driveways to meet the requirements of this section.

17 b. All residential driveways shall meet the requirements as stated in section 27-1262  
18 and be maintained free of pot holes and deteriorating conditions.

19 c. A driveway shall be deemed deteriorated if more than ten percent of the area of the  
20 driveway is damaged or degraded.

21 (2) Locations of on-site parking spaces.

22 a. On-site parking spaces shall be located so that no parking areas are a greater  
23 distance than 400 feet from the building or use to which they are assigned; ~~provided~~  
24 this requirement shall not apply to parking spaces for auditoriums, stadiums,  
25 assembly halls, gymnasiums and other places of assembly, industrial, wholesaling  
26 and manufacturing establishments, hospitals and large-scale retail, wholesale and  
27 consumer service uses.

1           b. All required off-street parking spaces for nonresidential uses shall be located in a  
2           minimum of five feet behind the right-of-way line and on the same lot as the building  
3           which they are intended to serve, unless parking is approved that backs directly into  
4           the right-of-way or off-site parking is approved in accordance with this section.

5           c. A back-out area, of at least five feet in depth, shall be provided between the property  
6           line and the first parking stall located adjacent and parallel to such property line, as is  
7           indicated in Figure 2, unless approved by the Town Engineer.

8           (3) Landscaping. All off-street parking areas for all uses except single-family residential  
9           dwellings and duplexes, shall be landscaped in accordance with the Town's landscaping  
10          regulations.

11          (4) Paving, driveway and parking materials, drainage and maintenance.

12          a. Parking lots, driveways, and vehicle use areas shall be constructed and maintained,  
13          including paving and drainage, in a manner consistent with the standards adopted by  
14          the Town. In addition, all parking areas shall be paved in accordance with the  
15          subdivision and land development ordinance of the Town. All parking lots, driveways,  
16          and vehicle use areas shall be maintained in a manner as to not create an on-site or  
17          off-site hazard or nuisance.

18          b. Grass parking.  
19                1. Up to 75 percent of the required parking for churches, funeral homes may be  
20                grass or up to 25 percent for other facilities may be grass when deemed  
21                appropriate by the Town Council or the Director of Planning and Zoning.  
22                2. Grass parking shall be provided in a manner acceptable to the Town Engineer.  
23                3. In the event grassed parking areas become deteriorated, as indicated by dead or  
24                dying grass, bare dirt or overgrown grass and weeds, the ~~Town Manager~~ Director  
25                of the Department of Engineering and Public Works may require the owner of the  
26                property to pave all or part of such areas. All grassed parking shall be installed,

1 irrigated, and maintained in accordance with the provisions of the Town's  
2 landscaping requirements.

3 c. Required driveway parking for residential uses shall be paved in a manner consistent  
4 with the standards contained in Section 25-198 and shall be either concrete, asphalt,  
5 pavers, or other materials that may be permitted by the Town Engineer in  
6 accordance with his interpretation of Chapter 25 of the Town Code:

7 (7) Guidelines for at-street driveway dimensions.

8 a. Nonresidential and multifamily:

- 9 1. Minimum (one-way) width is 12 feet;  
10 2. Minimum (two-way) width is 24 feet for collector or arterial roads or 18 feet for  
11 local roads;  
12 3. Maximum width is 35 feet;  
13 4. Edge of pavement radius at intersection (in feet):  
14 a) Minimum width is ten feet.  
15 b) Maximum width is 30 feet.

16 b. Residential:

- 17 1. All single family and duplex lots shall provide a three foot flare on each side of  
18 the driveway, extending from the property line to the roadway pavement of the  
19 abutting right-of-way, as indicated in Figure 4.  
20 2. Single family lot with right-of-way frontage width less than 75 feet:  
21 a) Only one driveway shall be permitted, unless 20 feet of greenspace is  
22 provided between two driveways;  
23 b) Minimum width shall be nine feet;  
24 c) Maximum width for one driveway or two driveways combined shall be 20 feet.  
25 d) Loop, continuous or U-shaped driveways may be permitted if 20 feet of  
26 greenspace is provided between the two driveways.

- 1           3. Single family lot with 75 feet or greater of right-of-way frontage:
  - 2           a) Up to two driveways may be permitted;
  - 3           b) Single driveways:
    - 4           1) Minimum width shall be nine feet;
    - 5           2) Maximum width shall be 20 feet.
  - 6           c) Two driveways:
    - 7           1) Loop, continuous or U-shaped driveways may be permitted;
    - 8           2) Minimum width of each driveway shall be nine feet;
    - 9           3) Maximum width of each driveway shall be ~~13~~ 20 feet;
    - 10          4) Maximum total width of two driveways combined shall be 32 feet;
    - 11          4) Driveways on a single lot are to be separated by a minimum of 20 feet of
    - 12            greenspace in right-of-way areas.
- 13          4. Single family lots with direct access to two local streets:
  - 14          a) Single driveways:
    - 15          1) Minimum width shall be nine feet;
    - 16          2) Maximum width shall be 20 feet.
  - 17          b) Two driveways:
    - 18          1) Loop, continuous or U-shaped driveways may be permitted;
    - 19          2) One driveway on each frontage is allowed;
    - 20          3) Minimum width of each driveway shall be nine feet;
    - 21          4) Maximum width of each driveway shall be ~~13~~ 20 feet;:-
    - 22          5) Maximum total width of two driveways combined shall be 32 feet.
- 23          5. Single family lots with direct access on both street and alley frontage:
  - 24          a) One driveway on each right-of-way frontage may be permitted;
  - 25          b) Minimum width of each driveway shall be nine feet;
  - 26          c) Maximum width of each driveway shall be ~~13~~ 20 feet;

1                    d) Maximum total width of two driveways combined shall be 32 feet.

2                    Revised Figure 4b (See Exhibit “A”)

3                    **Section 4.** Chapter 27, Article X, Division 12, of the Town Code, entitled “Parking of  
4 commercial vehicles, boats, buses, trailers and trucks in a residential zoning district” is hereby  
5 amended, as follows:

6 DIVISION 12. PARKING OF ~~COMMERCIAL~~ VEHICLES, RECREATIONAL VEHICLES,  
7 BOATS, BUSES, TRAILERS AND TRUCKS IN RESIDENTIAL DISTRICTS

8                    **Section 5.** Chapter 27, Article X, Division 12. Section 27-1286 of the Town Code,  
9 entitled “Intent” is hereby amended as follows:

10 **Sec. 27-1286. Intent.**

11                    The regulations and requirements set forth in this division are intended to preserve the  
12 residential character of the Town by controlling the parking and storing of ~~commercial~~ vehicles,  
13 recreational vehicles, boats, buses, trailers and trucks in all residential districts, which includes  
14 the Neighborhood Subdistrict of the MXD Zoning District, and the Residential Subdistrict of the  
15 Inlet Village Zoning District.

16                    **Section 6.** Chapter 27, Article X, Division 12, Section 27-1287 of the Town Code,  
17 entitled “Definitions” is hereby removed from this Section and shall be incorporated into Article  
18 I, Section 27-1, entitled “Definitions.”

19 ~~**Sec. 27-1287. Definitions.**~~

20 ~~In addition to the definitions provided in section 27-1, the following definitions shall control this~~  
21 ~~division.~~

22                    ~~*Boat trailer* shall mean a trailer which is being used or is designed for the use of carrying~~  
23 ~~boats.~~

1 ~~Bus, pole trailer, semi-trailer, trailer, recreational vehicle, truck and truck trailer shall mean~~  
2 ~~as set forth in the appropriate, duly enacted statutes of the State providing for the regulation,~~  
3 ~~registration, licensing, and recordation of ownership of motor vehicles.~~

4 ~~(1) In case of doubt as to the proper classification of a specific vehicle under the foregoing~~  
5 ~~terms, the determination by the Motor Vehicle Commission of the State shall be controlling.~~

6 ~~(2) The body description and classification on the motor vehicle certificate of title shall be prima~~  
7 ~~facie evidence of such determination.~~

8 ~~Industrial equipment shall mean farm tractors and implements, bulldozers, drag lines,~~  
9 ~~cranes, derricks, heavy earth moving equipment normally used in farming, excavation and/or~~  
10 ~~heavy construction activities.~~

11 ~~Plot shall include both the lot on which a residence is located and any abutting lot which is in~~  
12 ~~the control of the occupant of such residence by virtue of ownership or lease of such abutting~~  
13 ~~lot; parking on any vacant lot is otherwise prohibited.~~

14 ~~Owner, in relation to a motor vehicle, shall mean the individual to which the vehicle is~~  
15 ~~registered on the motor vehicle certificate of title and shall include, if under lease, rental~~  
16 ~~agreement, or on loan under any type of arrangement, gratuitous or otherwise, the individual or~~  
17 ~~firm having possession or control of the vehicle.~~

18 ~~Owner, in relation to private property in a residential district, shall mean the recorded owner~~  
19 ~~of the property based upon the records of the County, and shall include, if under lease, rental,~~  
20 ~~agreement for deed or similar land contract, the person or persons actually in possession and~~  
21 ~~control of the premises.~~

22 ~~Recreational vehicle shall mean and include vehicle-type units primarily designed as~~  
23 ~~temporary living quarters for recreational, camping or travel use, which either have their own~~  
24 ~~motive power or are mounted or drawn by another vehicle, and shall most commonly include~~  
25 ~~travel trailers, camping trailers, truck campers and motor homes.~~



1 ~~Utility trailer shall mean a small, single axle trailer not exceeding 2,000 pounds in weight.~~

2 **Section 7.** Chapter 27, Article X , Division 12, Section 27-1288 of the Town Code,  
3 entitled “Applicable zoning districts” is hereby repealed.

4 ~~**Sec. 27-1288. Applicable zoning districts.**~~

5 ~~The following regulations shall apply to all R-R, R-1, R-2, R-3, and planned unit development~~  
6 ~~districts.~~

7 **Section 8.** Chapter 27, Article X, Division 12, Section 27-1289 of the Town Code,  
8 entitled “Motor vehicles prohibited or restricted in residential districts” is hereby amended, as  
9 follows:

10 **Sec. 27-1289. Motor vehicles prohibited or restricted in residential districts.**

11 (a) It shall be unlawful for any owner, agent, operator, or person in charge of any bus, pole  
12 trailer, semi-trailer, special mobile equipment, trailer, truck and/or truck tractor to park, store  
13 or keep such motor vehicle on any public street, avenue, alley or other thoroughfare, or any  
14 right-of-way therewith within any residential district in the Town for a period in excess of one  
15 hour unless engaged in legitimate loading or unloading activities.

16 **Section 9.** Chapter 27, Article X, Division 12, Section 27-1291 of the Town Code,  
17 entitled “Permitted parking” is hereby amended, as follows:

18 **Sec. 27-1291. Permitted parking.**

19 (a) The parking of the types of vehicles listed below in the front and side corner yard of a single  
20 family or duplex lot which is located in a residential zoning district shall be subject to the  
21 restrictions and conditions set forth below:

22 (1) Passenger cars and trucks (panel, pick-up, van or similar types) of not over three-  
23 quarter-ton rated capacity may be parked on driveways.

24 (2) Passenger cars and trucks (panel, pick-up, van or similar types) of not over three-  
25 quarter-ton rated capacity may be parked on unpaved surfaces provided the vehicle is  
26 parked parallel to and within eight feet of the edge of the existing driveway, and provided

1 the vehicle is parked on the side of the driveway closest to the side property line. If there  
2 is not enough room to park a vehicle, either partially or totally, on an unpaved surface  
3 from the edge of the driveway to the side property line, then vehicle may be parked on  
4 an unpaved surface on the other side of the driveway consistent with the manner  
5 provided in this subsection.

6 (3) The parking of a vehicle on an unpaved surface in a front yard or in a side yard corner,  
7 other than as provided for in subsection (2), is prohibited.

8 (b) The parking of the types of vehicles listed below in the side (interior), side corner or rear  
9 yard of a single family or duplex lot shall be subject to the restrictions and conditions set  
10 forth below:

11 (1) One boat, one boat trailer or utility trailer, and one recreational vehicle, but not more  
12 than one of each, shall be permitted;

13 (2) Such vehicle, boat, recreational vehicle or trailer permitted in subsection (1) above must  
14 be for the use of a resident of the premises and shall not be occupied or used for living,  
15 sleeping or housekeeping purposes.

16 (c) No more than a total of two passenger cars or trucks (panel, pick-up, van or similar types) of  
17 not over three-quarter-ton rated capacity shall be permitted to be parked in a side (interior)  
18 or rear yard.

19 ~~(a) A panel, pick-up, van or similar type of truck of not over three-quarter-ton rated capacity may~~  
20 ~~be parked on a lot in a residential district.~~

21 ~~(b) Boats, boat trailers or utility trailers or recreational vehicles may be parked on a lot in a~~  
22 ~~residential district subject to the restrictions and conditions set forth below:~~

23 ~~(1) One boat or one trailer designed to carry a boat, with or without thereon; and one~~  
24 ~~recreational vehicle, but not more than one of each.~~

25 ~~(2) Such boat or such vehicle or trailer must be for the use of a resident of the premises.~~

1 ~~(3) No boat or vehicle described in this subsection parked in a residential district may be~~  
2 ~~occupied or used for living, sleeping or housekeeping purposes.~~

3 ~~(4) Agricultural uses where permitted in an R-R district may park farm tractors and~~  
4 ~~implements anywhere on such farm provided they are:~~

5 ~~a. Not in direct view of abutting residential properties; or~~

6 ~~b. Are parked a minimum of 50 feet from the abutting residential property.~~

7 ~~(5) The above permitted vehicles shall be parked in the side or rear yard.~~

8 **Section 10. Severability.** If any section, subsection, sentence, clause, phrase or portion  
9 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent  
10 jurisdiction, such portion shall be deemed a separate, distinct and independent provision and  
11 such holding shall not affect the validity of the remaining portions thereof.

12 **Section 11. Repeal of laws in conflict.** All ordinances or parts of ordinances in conflict  
13 herewith are hereby repealed to the extent of such conflict.

14 **Section 12. Codification.** Sections of the Ordinance may be renumbered or re-lettered to  
15 accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other  
16 appropriate word.

17 **Section 13. Effective Date.** This Ordinance shall take effect six months after adoption.

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19 **Attachment: Exhibit "A" – Revised Figure 4b of Section 27-1262**

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**ORDINANCE NO. 40-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AMENDING CHAPTER 19 OF THE TOWN CODE TO CREATE A NEW SECTION 19-35 TO BE ENTITLED, "LIMITATIONS ON PARKING ON SWALES IN RESIDENTIAL ZONING DISTRICTS"; PROVIDING FOR THE AMENDMENT OF SECTION 19-81 TO ADD DEFINITIONS FOR "RIGHT-OF-WAY" AND "SWALE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Jupiter, Florida ("Town") has adopted a Comprehensive Plan which has been determined to be in compliance with Chapter 163, Part II, Florida Statutes; and entitled

**WHEREAS**, pursuant to Section 163.3202(2), Florida Statutes, municipalities are required to provide specific and detailed land development regulations, which may include provisions regulating the parking of vehicles in residentially zoned districts, as part of the implementation of their adopted comprehensive plans; and

**WHEREAS**, the Town Council of the Town of has previously enacted regulations in regards to parking of vehicles in the Town upon swales in residential zoning districts which have been codified in Chapter 19 of the Town Code; and

**WHEREAS**, Town staff has recommended various amendments to the regulations which pertain to parking in swales in residential zoning districts to further the public's health, safety and general welfare; and

1           **WHEREAS**, the Town Council, after duly noticed public hearings has determined that  
2 the adoption of the amendments herein would be consistent with the Town’s Plan and would  
3 further the public’s health, safety and general welfare.

4           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**  
5 **JUPITER, FLORIDA THAT:**

6           **Section 1.** The foregoing whereas clauses are incorporated herein as the legislative  
7 findings of the Town Council.

8           **Section 2.** Chapter 19, Article II, of the Town Code is hereby amended to create a new  
9 Section 19-35 entitled, “Limitations on parking on swales in residential zoning districts”, as  
10 follows:

11           **Sec. 19-35. Limitations on parking on swales in residential zoning districts.**

12           The parking of a motor vehicle (as defined under the Florida Uniform Traffic Control Law),  
13 trailer, boat, watercraft (as defined in Section 14-121) and/or recreational vehicle (as defined in  
14 Section 27-1) within a swale in a right-of-way which is located in a residential zoning district, the  
15 Neighborhood Subdistrict of the Mixed Use Development (MXD) Zoning District or the  
16 Residential Subdistrict of the Inlet Village Zoning District, shall meet the following standards:

17           (a) Must be totally within the swale with the left-hand (driver side) wheels parallel to and within  
18 12 inches of the edge of the street pavement;

19           (b) Must be facing in the direction of authorized traffic movement;

20           (c) Must comply with Chapter 316, Florida Statutes as follows:

21           (1) At least 15 feet away from a fire hydrant;

22           (2) At least 20 feet away from a crosswalk at an intersection;

23           (3) At least 30 feet away from a flashing signal stop sign or traffic control signal.

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26           The parking of a motor vehicle on an unpaved portion of a right-of-way adjacent to a street with  
27 a raised curb is prohibited.

1           **Section 3.** Chapter 19, Article III, Section 19-81 of the Town Code, entitled “Definitions“  
2 is hereby amended to read as follows:

3           **Sec. 19-81. Definitions.**

4           The following words, terms and phrases, when used in Article II and this article, shall have  
5 the meaning ascribed to them in this section, except where the content clearly indicates a  
6 different meaning:

7           Right-of-way shall mean the total width of any land reserved or dedicated to the perpetual  
8 use of the public, which includes uses such as a street, alley, easement, walkway or, swale

9           Swale shall mean the area within any right-of-way, used for the conveyance and/or retention  
10 of stormwater run-off, which has no curb or gutter section lying between the edge of the street  
11 pavement and the nearest edge of a sidewalk or bike path; or, if there is no such sidewalk or  
12 bike path, then lying between the edge of the street pavement and the edge of the right-of-way.

13           **Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion  
14 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent  
15 jurisdiction, such portion shall be deemed a separate, distinct and independent provision and  
16 such holding shall not affect the validity of the remaining portions thereof.

17           **Section 5. Repeal of laws in conflict.** All ordinances or parts of ordinances in conflict  
18 herewith are hereby repealed to the extent of such conflict.

19           **Section 6. Codification.** Sections of the Ordinance may be renumbered or re-lettered to  
20 accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any  
21 other appropriate word.

22           **Section 7. Effective Date.** This Ordinance shall take effect three months from the date  
23 of approval.