BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2440-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING CHAPTER 10 OF THE CITY OF STUART CODE OF ORDINANCES ENTITLED "BUILDINGS AND BUILDING REGULATIONS" TO ALIGN WITH STATE CODE; TO ENABLE ENFORCEMENT OF CONTRACTOR LICENSING AND TO ESTABLISH SAFETY PROVISIONS FOR STORM SHUTTERS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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WHEREAS, the purpose of this Code of Ordnances amendment is to amend Chapter10 and to and remove inconsistencies therein to align with State Statute and current changes in the building code; and

WHEREAS, the purpose of this Code of Ordinances Code amendment is to enable enforcement of contractor licensing; and

WHEREAS, the purpose of this Code of Ordinances Code amendment is to establish safety provisions for storm shutter installations; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on May 11th, 2020 to consider this ordinance and provide for full public participation in the Code of Ordinances amendment process.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The Stuart Land Development Code is hereby amended as set out below:

Chapter 10 -BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 10-1. - Building permit fees.

Building permit fees and other fees required under the Florida Building Code shall be as currently established or as hereafter adopted by resolution of the city commission from time to time in appendix A to this Code.

(Code 1995, § 18-1; Ord. No. 1682, § 1, 7-12-1999; Ord. No. 1902, § 1, 12-9-2002; Ord. No. 2006, § 2, 11-8-2004; Ord. No. 2070, § 1, 5-8-2006; Ord. No. 2182-09, § 2, 7-13-2009)

Sec. 10-2. - ~~Scaled model charge.~~ Reserved

(a) ~~The city has prepared a three-dimensional scaled model of development in the downtown portion of the urban district. This model is a useful tool to evaluate a proposed development and its impact upon the community. From time to time the area included in the model will be expanded to include greater portions of the urban district.~~

~~(b) For planning purposes, it is necessary to maintain an accurate and current three-dimensional scaled model to enable city officials, developers, property owners, and the public to understand a proposed new development. Therefore, in addition to the development fees described in appendix A to this Code, an applicant for a development permit for development within the urban district shall pay a charge to the city for the preparation of an appropriate model change to represent the proposed development as currently established or as hereafter adopted by resolution of the city commission from time to time in appendix A to this Code.~~

(Code 1995, § 18-2; Ord. No. 1950, § 1, 9-22-2003)

Sec. 10-3. - Fees for additional inspections.

The city development department shall maintain a list of typical building inspections for each type of construction. While building permit fees set forth in appendix A to this Code are presumed to cover the cost of necessary building inspections; in the event additional inspections are deemed necessary by the building official for a particular method of construction, the reinspection fee set forth in appendix A to this Code shall be paid in advance for each additional inspection.

(Code 1995, § 18-3; Ord. No. 2006, § 2, 11-8-2004)

Sec. 10-4. - Building permit fees; estimates of value shall be based on the current International Code Council Valuation Table.

~~(a) Effective January 1 of each year for the purpose of calculating general construction building permit fees, the city development department shall annually publish the square foot value for new construction by categories of duplex, multifamily, office, commercial, and industrial structures. A square foot value shall be published for construction of average quality and for construction of superior quality. The determined values shall reflect a selected average of the county property appraiser's most recent determination of assessed values for newly built structures.~~

~~(b) The building permit fee for a single family house shall be based upon the number of inspections required at the amount as currently established or as hereafter adopted by resolution of the city commission from time to time in appendix A to this Code.~~

(Code 1995, § 18-4; Ord. No. 2006, § 2, 11-8-2004)

~~Sec. 10-5. - Fire district.~~

~~(a) There is hereby established and created the fire district, which shall include that area within the city described in the land development regulations, zoning districts B-1, B-2, B-3, B-4 and I.~~

~~(b) When any property within the city is reclassified or rezoned as business district B-1, B-2, B-3, B-4 or I such property shall be immediately included in the fire district.~~

~~(c) All places of public assembly, regardless of zoning classification, shall be deemed to be within the fire district.~~

~~(d) No buildings shall be moved into the fire district or to another lot in the fire district unless it is of a type of construction permitted in the fire district; provided, however, that the city manager may grant a permit under section 10-119 to allow a building of Type VI construction to be moved into the fire district or to another lot in the fire district. (See section 1204 Regulations for moving buildings of the Florida Building Code, and sections 10-119 and 10-120 of this Code.)~~

~~(e) The occupancy of any building of type VI construction within the fire district may be changed from residential (R) occupancy, which includes only one- and two-family dwellings, to a nonresidential occupancy, only if the building to be so occupied is sprinklered for fire protection in accordance with the applicable provisions of the National Fire Protection Association's Standard for the Installation of Sprinkler Systems.~~

~~(c)~~(a) All new and newly renovated places of assembly, as defined in section 4-1 of the National Fire Protection Association Life Safety Code, regardless of its construction type and zoning, shall be provided with fire sprinkler protection in accordance with the applicable provisions of the National Fire Protection Association's Standard for the Installation of Sprinkler Systems.

~~(g) All new and newly renovated structures of commercial or residential occupancy which are constructed or located within ten feet of an existing structure of commercial or residential occupancy, regardless of its construction type and zoning, shall be provided with fire sprinkler protection in accordance with the applicable provisions of the National Fire Protection Association's Standard for the Installation of Sprinkler Systems.~~

(Code 1981, §§ 6-2, 6-3; Code 1995, § 18-28; Ord. No. 1638, § 1, 5-26-1998; Ord. No. 1666, § 3, 4-12-1999)

Sec. 10-6. - Efficient building development.

(a) *Purpose and intent.* The purpose and intent of this article is to establish programs and procedures that will help the city become a more sustainable community, by promoting the construction of energy

efficient buildings that meet the needs of a stable, diverse and equitable economy without compromising the ability of future generations to satisfy energy demands. This article establishes environmental goals for construction in the city by defining a certification-based building and development program with incentives, and by defining new measurement parameters and reporting criteria to track performance toward these environmental goals. The voluntary program adopted herein promotes economic and environmental health in the city through the design, construction, operation and deconstruction of structures, and by providing leadership in the private and public sectors for efficient building development practices, including resource efficiency and disaster mitigation. The City shall enforce the current version of the Florida Building Code, Energy Conservation.

(b) *Specific practices promoted and supported by this section are as follows:*

(1) Solar electric and Solar water heating projects

(a) Permits shall be issued at no fee

(b) Permits shall be issued within 3 days

(2) Protecting the quality of the air, water, land and other natural resources;

(3) Conserving native vegetation, wildlife and habitat;

(4) Minimizing human impacts on ecosystems, from the local to the global;

(5) Reducing greenhouse gas emissions by minimizing use of fossil fuels and chlorofluorocarbons (CFCs);

(6) Setting policies and practices to encourage service delivery innovations which promote environmental sustainability;

(7) Creating a sustainable jurisdiction by delivering renewable energy and energy-2 efficient projects, developing energy efficient buildings and water-thrifty landscapes, resource education, and utilizing recycling and environmentally sound solid-waste services;

(8) Establishing an efficient building program to:

a. Improve the economic and environmental health of the city through measurable objectives;

b. Track and analyze key indices to measure performance;

c. Attract city residents to achieve tiered efficiency designations;

~~d. Provide incentives and rebates for voluntary compliance;~~

d. Provide efficient building educational opportunities for the community;

e. Help the city meet its overall goal of reducing emissions, reducing energy needs, and reducing water consumption, consistent with the state initiative, "Conserve Florida."

(c) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Conserve Florida means the name of a statewide water conservation effort collectively sponsored and operated by the water management districts and state department of environmental protection to develop and implement an accountable and measurable program to allow public water supply utilities to tailor cost-effective conservation programs to reflect their individual circumstances to achieve greater water-use efficiency.

Current, as in *current standard* means the standard, rule or law in place at the time an applicant submits a completed efficient development project application to the city development department.

Deciduous trees mean a tree(s) that drops all its leaves to survive a cold or dry season; not an evergreen tree.

Efficient building means a designation given to a building in the city that meets or exceeds, and is maintained to, the requirements of one of the efficiency tiers contained in this article or in the alternative, meets or exceeds, and is maintained to the standards required for certification by a recognized green building certifying agency.

Efficient building development means the process of environmentally sensitive, resource efficient, site selection, preparation, design, construction and operation of buildings.

Efficient building program or the program means the city's point system and incentives for efficient building construction and development as set forth in this article.

Efficient construction means any project associated with the creation, development or erection of any building or structure eligible for the city's efficient building development program; or in the alternative, certified by a recognized green building certifying agency.

Efficient development means a building or structural development using land use planning concepts that include consideration of community-wide or regional environmental standards of development, as well as site-specific efficient building concepts. This includes city planning, environmental planning, architecture and community building. Efficient development is consistent with constructing buildings and landscapes in a more environmentally friendly manner. It is efficient development that helps to improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

Evergreen tree means a tree(s) with needles or leaves that remain alive and on the tree through the winter and into the next growing season; sometimes coniferous.

Florida yard and neighborhoods means the University of Florida Extension Service program that encourages homeowners and professionals to create and maintain "Florida-friendly" landscapes that protect the natural environment for future generations. The program consists of nine components indicating how to locate the right plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests responsibly, recycle, reduce storm water runoff and protect the waterfront.

High efficiency heat, ventilation, and air conditioning (HVAC) filter means a filter with the ability to stop particles of dust and other airborne contaminants from passing through. The higher the filter efficiency the better the filters will be at stopping dust, pollen and other particulates.

Independent or *independent of the city* means not employed by, or acting as agents of, the city.

Program certification means the final designation awarded to a program participant for satisfying all requirements associated with the program for a particular project.

Program participant or *participant* means any person or entity seeking program certification for a particular project; or alternatively obtaining certification through a recognized green building certifying agency.

Project means construction associated with the creation, development or erection of any building or buildings, or any development eligible for the program, and shall include new development, renovation development and may include minor building retrofitting or renovations.

Project application form means the form prepared by the city development director to be completed and submitted to the city by a participant indicating a desire to have a specific project considered under the program.

Recognized green building certifying agency means a firm or organization, including but not limited to the U.S. Green Building Coalition (LEED), the Florida Green Building Council (FGBC), the National Association of Home Builders (NAHB-ICC700), or other green building agency which designates high efficient building standards (and certifies projects) which are at least as stringent as those adopted by the city for this program. The city is not a recognized green building certifying agency.

Unit or *dwelling unit* means an individual dwelling unit or residence permitted according to the Florida Building Code (FBC).

Volatile organic compound (VOC) means a building construction or maintenance product such as a sealant, adhesive, paint or cleaner that contains VOCs. A low-VOC or zero-VOC refers to product that according to industry standards has very low or no volatile organic compounds in its formulation.

(d) *Administration; implementation.* The efficient building program shall be administered by the city development director, or designee, who shall at a minimum, be responsible for performing the following:

(1) Encouraging community participation in this program;

(2) Developing appropriate or necessary application procedures, including a program application form;

(3) Writing policies and procedures for staff implementation of the program which do not conflict with this section;

(4) Providing certificates for participation in the program;

~~(5) Providing a rebate to any program participant who has successfully satisfied the program requirements.~~

~~(e) *Applicability*. The program shall apply to all building and development projects, except government projects which are required to comply with green building requirements as provided by state law. The program shall be entirely voluntary and incentive based.~~

~~(f) *Efficient building program*. The program shall be comprised of the following sub-elements:~~

~~(1) New residential construction;~~

~~(2) Residential construction retrofitting or remodeling;~~

~~(3) New commercial or other non-residential construction; and~~

~~(4) Existing commercial or other non-residential construction.~~

~~(g) *Efficient building standards*. In addition to the state building code's minimum standards, the program, including each sub-element, shall be administered using the efficient building standards developed by the city. In order to qualify for the program, a participant shall meet or exceed the point system set forth below:~~

~~Point Values for Use in the City's Efficient Building Development Program~~

~~Residential Development~~

~~Energy~~	***~~Points~~***
~~Deciduous trees shading south side of building~~	~~1 each~~
~~Deciduous trees shading east and west of building~~	~~1 each~~

Washer and dryer outside of conditioned space	1
Tank-less water heater	2
18 SEER or greater A/C system	2
Photovoltaic system	5
Pre-plumb for solar hot water	1
Solar hot water system	2
Insulate all hot water pipes	1
Water	
High efficiency dual-flush or single-flush toilets (all toilets ≤ 1.28 gpf)	2
All fixtures meet or exceed Florida Water Star™ designation	5
Rainwater harvesting system installed with dedicated use	2
Landscaping	
Drought-tolerant turf, with no turf in densely shaded areas	2
Sixty percent, 80 percent, 100 percent, of plants/trees from drought-tolerant list and compatible with local environment	2 – 4
Florida-friendly landscape (plants that are native to Florida)	2
Health	
Detached garage/carport or air barrier between living space and garage	2
No air handler or ducts in garage, unless insulated space	1
Zero VOC paints, stains, and finishes	2
"Healthy" insulation	1
Protect ducts, range hood, and bath exhaust fans during construction	1
Integrated pest management plan	3
Central vacuum system installed with exhaust outdoor	1
Energy star® bath fans with timer or humidistat	1
Kitchen range hood vented to exterior	1
High efficiency heat, ventilation, and air conditioning (HVAC) filter	1
Materials	
Recycled content roof material	1
Recycled content siding or soffit material	1
Steel interior studs	1
Eco-friendly flooring material	1
Resource efficient wall system with integral insulation	3
Implement job site waste management (number of items implemented)	2 – 4

Large overhangs (eave and gables at least 24 inches)	1
Siding and exterior trim primed all sides	1
Plants and turf minimum of three feet from foundation	1
Shutters on southern and western exposure (Bahama, Plantation, etc.)	1
Spray foam attic insulation	2
Disaster mitigation	
Safe room	2
Adhesive applied to roof sheathing	2
Chemical soil treatment avoided	
Alternative state building code approved method of foundation protection	10

Commercial Development

Energy	Points
Design (measured in five percent increments) beginning with 15 percent more efficient than state building code requirements	1—12
Install a tank-less water heater	2
Pre-plumb for solar hot water	1
Install a solar water system	2
Water conservation and usage	
Landscape (measured in ten percent increments) with 20 percent drought tolerant plants	1—4
All plants, turf and irrigation lines minimum three feet from building exterior	1
Florida-friendly landscape designation	2
Reduce potable water consumption for irrigation on minimum of 50 or 75 percent of area irrigated	1—2
Irrigation system to use no potable water or have no permanent system	4
Rainwater harvesting system installed with dedicated use	2
Reduce potable water usage by at least 25 percent (measured in five percent increments) for flush fixtures	1—3
Site Development	
Any type of in-fill development	1
Project is within ¼ mile of public transportation	1
Provide securing locations for bicycles, and showers and changing rooms for five percent of total occupants	2
Preferred parking for three percent of the parking capacity for the use of alternate fuel vehicles, including hybrid vehicles	1

Charging stations for electric vehicles	2
Exceed minimum zoning requirements for open space by 25 percent (30 percent total)	1
No net increase in storm water runoff from pre-development conditions to post-development	2
Provide energy star certified roofing material (mininum 75 percent of roof area)	2
Health	
Systems shall be designed to monitor (CO_2) within the building	1
Indoor environmental quality shall be protected during construction	2
Zero VOC paints, stains, and finishes	2
All carpet and carpet products meet the carpet and rug institute green label certification	1
All composite wood and agrifiber products will contain no added urea-formaldehyde	1
All insulation products will be free of formaldehyde	1
Pest protection from a non-toxic integrated system	1
Provide a central dehumidification system	1
Provide natural daylight to 50 to 75 percent of interior spaces	1 – 2
Materials	
Project must have infrastructure for recycling: paper, cardboard, glass, plastics, and metal	2
Renovation project shall maintain 50 percent (25 percent increments) of existing shell (not including windows and doors)	1 – 3
Project must divert a minimum of 50 percent or 75 percent of all construction waste from landfill	1 or 2
Recycled content roof material	1
Recycled content siding or soffit material	1
Spray-on expanding foam	2
Project to purchase 20 percent (based on cost) of materials from a 700-mile radius from project site	1

Minimum Required Points for Incentives and Rebates

(1) *New single, duplex and multi-family residential projects:*

Certification Level	Minimum Points Required
Tier 1	75
Tier 2	55
Tier 3	35

(2) *Remodeling of existing single family and duplex homes:*

Certification Level	Minimum Points Required
Tier 1	75
Tier 2	55
Tier 3	35

(3) *New commercial, industrial or other non-residential buildings:*

Certification Level	Minimum Points Required
Tier 1	80
Tier 2	70
Tier 3	60
Tier 4	50

(4) *Existing commercial, industrial or other non-residential buildings:*

Certification Level	Minimum Points Required
Tier 1	60
Tier 2	50
Tier 3	40
Tier 4	30

(g) *Project review.*

(1) A program participant shall be bound by the point system designated for a particular sub-element at the time of application, unless the program participant requests to be certified under a more current version of the program. Sub-element participation reviews shall be accomplished by the participant submitting information regarding each point being sought and department staff designee reviewing the information for accuracy, completeness and relevance. If there is a dispute over the point value of a participant submittal, the decision of the department director shall be binding on all parties. A person may apply for program certificate up to 60 months following the date of C/O. However, no rebates shall be awarded retroactively.

(2) A program participant may alternately elect to participate in and receive certification from a recognized green building certifying agency. Any participant who elects to certify using a recognized certifying agency shall receive credit within the city program at a tier appropriate to the level certified. If the certification by the certifying agency exceeds the city's tier 1, then the city's certificate shall note that appropriately.

(h) *Incentives, rebates and awards.* The program shall include incentives, rebates and awards designed to encourage the use of the program.

Incentive credits shall be granted subject to full documentary evidence being provided to the satisfaction of the development director. Point credits can be provided prior to or along with an application for building permits, or may be submitted not later than one year after the issuance of a certificate of occupancy. The city requires a meeting with the program applicant for the purposes of reviewing the application, and confirming an agreement, that the minimum required points will be or have been incorporated into the project and will be maintained in perpetuity, subject to the following:

(1) For the purpose of allowing the orientation of a building to take full benefit of available natural resources, and to accommodate architectural variation and innovation, an administrative variance may be granted concurrently to a site permit subject to the requirements of section 10.02.11 of the Land Development Regulations as amended.

(2) For the purpose of further expediting site plan permitting and building construction permitting review for projects and developments that qualify as "efficient building projects" in accordance with the requirements of rebate and incentive tables contained herein, and which have successfully completed an application review with building official and development staff designee, the developer shall receive written confirmation that the project meets or does not meet the city's qualification requirements for efficient building development and shall be furnished an anticipated expedited review timeline, within two working days of the application review.

(3) The following plan review incentives are approved:

a. Building permit applications for new single family and duplex residential buildings shall be processed within three business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.

b. Building permit applications for the renovation development or remodeling of existing single family or duplex residential buildings shall be processed within two business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.

c. Building permit applications for new commercial, industrial, and other nonresidential buildings shall be processed in three business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.

d. Building permit applications for renovation of existing commercial, industrial and other non-residential buildings shall be processed in five business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.

e. Plumbing permit applications for new solar or tankless water heating shall be processed within two business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.

f. Electric permit applications for new solar electric systems shall be processed within two business days. All such applications shall be accompanied by the appropriate building and efficient building development program application form.

Rebates:

To receive a program rebate, all work shall be completed as approved.

(1) A rebate of permitting and plan review fees shall be in accordance with the tier level achieved by the project. The funding of this program is subject to an annual appropriation by the city commission, and shall consist of the rebate percentage provided in table below.

Project Rebate Rates

Type of Construction	Permit Fee Rebate %		Plan Review Rebate %
New single-family or duplex residential	Tier 1	100%	100%
	Tier 2	60%	60%
	Tier 3	50%	50%
	Tier 4	40%	40%
Renovation of existing residential	Tier 1	100%	100%
	Tier 2	60%	60%
	Tier 3	50%	50%
	Tier 4	40%	40%
New commercial	Tier 1	60%	60%
	Tier 2	40%	40%
	Tier 3	30%	30%
	Tier 4	20%	20%
Renovation of existing commercial	Tier 1	60%	60%
	Tier 2	40%	40%
	Tier 3	30%	30%
	Tier 4	20%	20%
Residential Replacement Upgrades	**Rebate Amount**		
Solar or tank-less water heating	$200.00		
Photovoltaic electric system	$500.00		
HVAC replacement 16 SEER or higher	$500.00		
Energy star rated windows and doors	$100.00 each.		

Program awards.

(1) The "meritorious efficient building award." For the purpose of publicly recognizing commitment to efficient building and development, and the efficient building program, the city development director shall provide for an award certificate called the "meritorious efficient building award" to be awarded by the city to each program participant who satisfactorily completes a project, as certified by the building official, and indicating the tier level achieved by the project.

~~(2) The "outstanding efficient development award." Periodically, and based upon merit, the city commission, upon the recommendation of the city manager, shall provide a special recognition award to those participants, design professionals, contractors, suppliers, or others, who make a significant contribution to this program by doing any of the following:~~

~~a. Contributing or donating significant reusable building materials to non-profit local building organizations;~~

~~b. Contributing or donating significant hours of professional time for the future development of the program;~~

~~c. Demonstrating an outstanding concern for green development by teaching, writing, or facilitating programs, seminars, meetings, or publications for participants or professionals;~~

~~d. Make some other recognizable, lasting, outstanding contribution to the green building movement.~~

~~A recommendation for this award may be initiated by a city employee or by a member of the public, and shall be on a form specified for this purpose by the development director. A completed recommendation form shall be reviewed for completeness and sufficiency by an ad hoc committee of city staff and at least one independent person, and may include the building official, and the city development director. Thereafter, the ad hoc committee shall make a recommendation to the city manager regarding the award. If the city manager agrees that an award should be made, it shall be scheduled for consideration by the city commission.~~

(i) *Education; training and program review.*

(1) The development director, using or reflecting on programs presented by state green building council, the National Association of Home Builders or United States Green Building Council, or other recognized green building certifying agency, shall see to the conduct of at least one training workshop per year for the purpose of educating the public and city staff, including potential or current program participants, about the program.

(2) Whenever feasible, the city manager shall make a city meeting space available for efficient building programs offered by non-profit organizations that are of a general nature (not product specific).

(3) City development staff are encouraged to attend at least six hours of building efficiency or green building training a year.

(4) The development director shall provide for a staff review of the program to determine the need for changes in the program to increase its effectiveness. The city development director shall review standards from time-to-time, and make recommendations to the city manager and city commission for updates or revisions, as needed.

(Ord. No. 2241-2012, § 1, 3-26-2012; Ord. No. 2374-2018 , § 1, 6-25-2018)

Secs. 10-7—10-25. - Reserved.

ARTICLE II. - ADMINISTRATION OF FLORIDA BUILDING CODE[2]

Footnotes:

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State Law reference— Florida Building Code, F.S. § 553.73.

Sec. 10-26. - Purpose.

The city enforces the Florida Building Code as required by state law. The purpose of this article is to provide for the administration of the Florida Building Code as amended by the city in this article.

(Code 1995, § 18-341; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-27. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon or *abandonment* means the termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination, or the failure of a contractor to perform work without just cause for 90 days, or the failure to obtain an approved inspection within 180 days from the previous approved inspection.

Appraised value means either 120 percent of the assessed value of a structure as assessed by the county property appraiser or the value of a structure as established by a certified appraiser.

Assessed value means the value of real property and improvements thereon as assessed by the county property appraiser.

Authorized agent means a person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.

Basic wind speed ~~line~~ ~~means the basic wind speed line for 140 miles per hour.~~ As determined by geographic location as indicated on the Applied Technology Council (ATC) website, or by using the appropriate Figure, such as 1609.3(1), as contained in the Florida Building Code.

Board means the county board of adjustment and appeals, unless otherwise specifically stated.

Building component means an element or assembly of elements integral to or part of a building.

Building shell means the structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

Building system means a functionally related group of elements, components or equipment, such as the electrical, plumbing and mechanical systems of a building.

Certificate of competency or *certificate* means an official document evidencing that a person is qualified to engage in the business of contracting, subcontracting or the work of a specific trade.

Certificate of experience means an official document evidencing that an applicant has satisfied the work experience requirements for a certificate of competency.

Certificate of occupancy or *C.O.* means an official document evidencing that a building satisfies the requirements of the city for occupancy.

Certification means the act or process of obtaining a certificate of competency from the state or county through the review of the applicant's experience and financial responsibility as well as successful passage of an examination.

Certified contractor means any contractor who possesses a certificate of competency issued by the department of business and professional regulation of the state.

Change of occupancy means a change from one building code occupancy classification or subclassification to another building code occupancy classification or subclassification.

Code means the Florida Building Code including the amendments thereto set forth in this article.

Commercial building means any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling or other residential building.

Cumulative construction cost means the sum total of costs associated with any construction work done to a building or structure either at one time or at different times within a specified period of time.

Demolition means the act of razing, dismantling or removing a building or structure, or portion thereof, to the ground level.

Examination means an exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

FCILB means the Florida Construction Industry Licensing Board.

Imminent danger means structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure, or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby, or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

Inspection warrant means a court order authorizing the official or a designee to perform an inspection of a particular property named in the warrant.

Intensification of use means an increase in capacity or number of units of a residential or commercial building.

Interior finish means the preparation of interior spaces of a commercial building for the first occupancy thereof.

Licensed contractor means a contractor certified by the state or the county who has satisfied all state or local requirements to be actively engaged in contracting.

Month means a calendar month.

Owner's agent means a person, firm or entity authorized in writing by the owner to act for or in place of the owner.

Permit means an official document authorizing performance of a specific activity regulated by the code and the land development regulations.

Permit card or *placard* means a document issued by the city evidencing the issuance of a permit and recording of inspections.

Qualifying agent, primary, means a person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise, direct, manage, and control the contracting activities of the business organization with which he is associated, who has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and are evidenced by his possession of a certificate of competency.

Qualifying agent, secondary, means a person who possesses the requisite skill, knowledge, experience and certificate of competency, and has the responsibility to supervise direct, manage and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination and are evidenced by his possession of a certificate of competency.

Reciprocity means the acceptance of a verified affidavit from any municipality or county of the state that the applicant has satisfactorily completed a written examination in its jurisdiction equal in content with the examination required by the Florida Building Code.

Registered contractor means a contractor who has registered with the department of business and professional regulation of the state pursuant to fulfilling the competency requirements of the local jurisdiction.

Registration means the act or process of registering a locally obtained certificate of competency with the state, or the act or process of registering a state issued certificate of competency with the city.

Remodeling means work which changes the original size, configuration or material of the components of a building.

Residential building means any one- or two-family building or other residential building and buildings accessory thereto.

Roofing means the installation of roof coverings.

Spa means any constructed or prefabricated pool containing water jets.

Specialty contractor means a contractor whose services do not fall within the categories specified in F.S. § 489.105(3).

Stop work order means an order by the building official which requires the immediate cessation of all work and work activities described in the order.

Structural component means any part of a system, building or structure, loadbearing or nonloadbearing, which is integral to the structural integrity thereof, including, but not limited to, walls, partitions, columns, beams and girders.

Structural work or *structural alteration* means the installation or assembling of new structural components into a system, building or structure and includes any change, repair or replacement of any existing structural component of a system, building or structure.

Substantial completion means the completion of the construction work to the point where the improvement can be occupied or used for its intended use.

Year means a calendar year, unless a fiscal year is indicated.

(Code 1995, § 18-343; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-28. - General provisions.

(a) *Warranties and liabilities.* The inspection or permitting of any building, system or plan by the city under the requirements of the Florida Building Code shall not be construed as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the city nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting, unless the employee is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.

(b) *Rules of construction.* The rules set out in this article shall be observed, unless such construction is inconsistent with the manifest intent of the code and this article.

(c) *Delegation of authority.* Whenever a provision of the Florida Building Code requires the building official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the building official or other officer to designate, delegate and authorize professional level

subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

(Code 1995, § 18-342; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-29. - Powers and duties of the building official.

(a) *Generally.* The building official is hereby authorized and directed to enforce the provisions of the Florida Building Code, as amended in this article. The building official shall have the authority to render interpretations of the Florida Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the Florida Building Code and shall not have the effect of waiving any of its requirements.

(b) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of the Florida Building Code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or Florida Building Code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing system unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by the Florida Building Code. If such building or premises is occupied, the building official shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to the Florida Building Code.

(c) *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the Florida Building Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed, if any. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work but shall do so as soon as reasonably practicable.

(d) *Revocation of permits.* The building official is authorized to suspend or revoke a permit issued under the provisions of the Florida Building Code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any provisions of the Florida Building Code or of the land development regulations.

(1) *Misrepresentation of application.* The building official may revoke a permit or approval, issued under the provisions of the Florida Building Code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(2) *Violation of code provisions.* The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued, is in violation of, or not in conformity with, the provisions of the Florida Building Code.

(3) *Violation of the city's land development regulations.* The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition,

installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the land development regulations.

(e) *Requirements not covered by code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by the code or by the other technical codes, shall be determined by the building official.

(f) *Timely completion of construction projects.* A permit must be picked up within 60 days of approval. If the first required building inspection is not obtained within 90 days of the permit's issuance, the building official shall require the permit holder to explain the delay and to provide a written timeframe for the completion of the work based on the project's required schedule of inspections. If the permit holder thereafter fails to obtain the first required inspection within 120 days of the permit's issuance, the building official may place a stop work order on the project, and thereafter, may, subject to appeal as provided herein, void the permit upon a determination that there has been a lack of progress or abandonment. In the event a permit is voided, any work which has been commenced or completed shall be removed from the building site. The site shall be placed into a condition similar to that which existed prior to the issuance of the permit, except that no site shall be left in a condition such that a city code violation shall exist.

(g) Expired permits. A permit will expire if a passed inspection has not been done within 180 days after the first passed inspection. Once a permit has expired an application for a new permit must be filed. Failure to obtain a new permit will require any work which has been commenced or completed to be removed from the building site. The site shall be placed into a condition like that which existed prior to the issuance of the permit, except that no site shall be left in a condition such that a city code violation shall exist.

(Code 1995, § 18-344; Ord. No. 1906, § 1, 12-9-2002; Ord. No. 2305-2015, § 1, 5-11-2015)

Sec. 10-30. - Permits.

Permit application specifications for hazardous occupancies. The building official may require the following:

(1) *General site plan.* A general site plan drawn at a legible scale, which shall include, but not be limited to, the location of all buildings, exterior storage facilities, water mains and fire hydrants, permanent accessways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with hazard classes and the maximum quantities per hazard class of hazardous materials stored. Digital "as-builts" at state plane coordinates shall be provided to the city development department prior to final certificate of occupancy and shall be a condition of issuance of the certificate of occupancy.

(2) *Building floor plan.* A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire-rated assemblies with their hourly rating, location of liquid-tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored. Digital "as-builts" shall be provided to the city development department prior to final certificate of occupancy and shall be a condition of issuance of the certificate of occupancy.

(3) *Public right-of-way.* A permit shall not be issued by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the application for right-of-way permits from the authority having jurisdiction over the street, alley or public lane has been approved.

(4) *Demolition permits.* Permits issued for the demolition of a building or structure shall expire 60 days from the date of issuance. For a justifiable cause, one extension of time for a period not exceeding 30 days may be allowed in the sole discretion of the building official. A request therefor shall be made in writing to the building official.

(Code 1995, § 18-345; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-31. - Private review and inspection providers.

(a) *Plan review and building permit issuance.*

(1) ~~At the sole discretion of the building official~~, Per FS 553.791 ~~a construction project owner may, with the approval of the building official, engage a private provider of plan review services to review plans for compliance with the code and other applicable laws of the city~~. The fee owner may elect to use a private provider to provide plan review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plan review, the building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections. An acknowledgment from the fee owner in substantially the following form must be submitted:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

1(a) The private provider plan review does not include Fire, public works, and zoning review. They must be completed by the appropriate City departments and be submitted prior to the building code review submission and the start of the 20 day time limit for issuance of the permit.

The private provider shall be licensed as an engineer under F.S. ch. 471, Engineering; licensed as an architect under F.S. ch. 481: part I, Architecture, interior design and landscape architecture, or licensed pursuant to F.S. ch. 468: part XII, Building code administrator and inspectors; and F.S. ch. 489, Contracting. The City of Stuart, the building official, and the building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act.

(2) Upon submittal of a completed building permit application prepared by a private provider, the building department shall issue a building permit within ~~30~~ 20 business days. ~~The building official~~

~~will have the option to review the plans within the 30-business-day period, and approve or reject the plans if needed to comply with code requirements. Upon resubmittal of the plans, five days shall be added to the days remaining from the initial 30-day period. Should be the time expire, the building permit shall be issued the next business day.~~ If the building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to FS 553.791 or to submit revisions to correct the deficiencies.

(b) *Required inspections.*

(1) ~~At the discretion of the building official, a construction project~~ A fee owner may engage a private provider of construction inspection services. The private provider shall be licensed as an engineer under F.S. ch. 471, Engineering; licensed as an architect under F.S. ch. 481, Architecture, interior design and landscape architecture, or licensed pursuant to F.S. ch. 468: part XII, Building code administrators and inspectors; ~~and F.S. ch. 489, Contracting.~~

(2) ~~For quality assurance purposes~~, The private provider shall notify the local building official of any scheduled inspection required by the code on the business day prior to scheduled inspection. This notification should occur prior to the cutoff time designated by the city for scheduling inspection. ~~The city may provide a building inspector to participate in the inspection but the inspection shall not be delayed if a city inspector is not available~~.

(3) Upon conclusion of each required inspection, the private provider shall post the results of the inspection at the project site immediately, and must report the result of the inspection to the city within two business days. Records of each completed required inspection shall be maintained at the project site at all times. The private provider must use forms established and approved by the City.

(4) Upon completion of all required inspections, the private provider shall submit a certificate of compliance to the local building department.

(5) Upon receipt of a completed application for a certificate of occupancy, the building department shall have two business days to issue the certificate, or provide written notice detailing deficiencies.

(Code 1995, § 18-346; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-32. - Fees.

(a) *Types of fees enumerated.* The city will establish fees for building permits, plan examinations, certificates of competency, application fees, renewal fees, inspection fees, reinspection fees, applications for variances, administrative appeals, and other land use related applications from time to time.

(b) *Building permit valuations.* If an application for a building permit or other city land development approval includes a valuation of an improvement that in the opinion of the building official is not accurate, the building permit or other city land development approval may be withheld by the city until the represented value of the improvement is satisfactorily confirmed by appraisal or other appropriate means. The building official may require that the valuation include the components of the estimated total cost of the improvement in terms of structural, electrical, gas, mechanical, plumbing equipment and other systems. The building official may require that the valuation be divided for materials and labor. The building official may refer to the most recently published "Residential Cost Handbook," published by Marshall & Swift or building valuation data published by the International Code Council.

(Code 1995, § 18-347; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-33. - Inspections.

(a) *Existing building inspections.* Before issuing a building permit, the building official may examine an existing building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. The building official shall inspect all buildings, structures, electrical, gas, mechanical, and plumbing systems, from time to time, during and upon completion of work for which a permit was issued. The building official shall make a record of every such examination and inspection and of all violations of technical codes.

(b) *Manufacturers and fabricators.* The building official may make an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the code and of applicable technical codes.

(c) *Inspection service.* The building official may make the inspections required by section 105 of the code. The building official may accept reports of city inspectors, independent inspectors or of recognized inspection services, provided that after investigation he is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of the code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance with F.S. ch. 468.

(d) *Buildings.*

(1) *Foundation inspection.* A foundation inspection will be made after trenches are excavated and forms erected and shall at a minimum include the stem-wall, monolithic slab-on-grade, piling and pile caps, and footers and grade beams building components.

(2) *Slab inspection.* A slab inspection will be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed, and the electrical, plumbing and mechanical work is complete. The slab shall not be poured until all required inspections have been made and passed.

(3) *Framing inspection.* A framing inspection will be made after the roof, all framing, fire blocking, and bracing is in place and all concealed wiring, all pipes, chimneys, ducts and vents are complete. The framing inspection shall include the window and door framing and installation, vertical cells and columns, inter tie beams, framing trusses, bracing connectors, draft stopping and fire blocking, curtain wall framing, energy insulation and accessibility building components.

(4) *Insulation.* An insulation inspection will be made after the framing inspection is approved and the insulation is in place.

(5) *Sheathing inspection.* A sheathing inspection will be made either as part of a dry-in inspection or separately at the request of the contractor after all roof and wall sheathing and fasteners are complete. The sheathing inspection shall at a minimum include the roof sheathing, sheathing fasteners, and roof and wall dry-in building components. Sheathing fasteners installed and found to be missing the structural member such as "shiners" shall be removed and properly reinstalled prior to the installation of the dry-in material.

(Code 1995, § 18-348; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-34. - Site debris.

The contractor and owner of any active or inactive construction project shall be responsible for the cleanup and removal of all construction debris or any other miscellaneous discarded articles prior to

receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris will not remain on the property for a period of time exceeding 14 days. A construction dumpster or other method as determined by the Building Official shall be used to contain debris.

(Code 1995, § 18-349; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-35. - Tests.

For products not covered under the statewide product evaluation and approval system that are proposed to be used for a single use application, the building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner by an approved testing laboratory or other agency acceptable to the building official.

(Code 1995, § 18-350; Ord. No. 1906, § 1, 12-9-2002)

Sec. 10-36. - Violations and penalties.

Any person, firm, corporation or agent who fails to comply with any provision of the code, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a municipal ordinance violation. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which a violation of any of the provisions of the code is committed or continued. Upon conviction of any such violation such person shall be punished within the limits as provided by law and local ordinance.

(Code 1995, § 18-351; Ord. No. 1906, § 1, 12-9-2002)

Secs. 10-37—10-55. - Reserved.

ARTICLE III. - PROPERTY MAINTENANCE CODE

Sec. 10-56. - Application of article.

(a) *Scope.* The provisions of this article shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(b) *Intent.* This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

(c) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of or encumber such dwelling unit or structure without compliance with the provisions of section 26-29.

(d) The most current version of the International Property Maintenance Code shall be the referenced standard.

(Code 1995, § 18-302; Ord. No. 2156-08, § 1(18-302), 4-14-2008)

Sec. 10-57. - Historic buildings.

A historic building shall be maintained in compliance with this article unless the required maintenance will alter the historical character of the building. The determination of the city development director regarding compliance with the article to a historic building may be appealed to the city magistrate within 30 days of the written rendering of such determination by filing the written notice of same with the city clerk. No historic building shall be occupied which is not a safe building as required by this chapter.

(Code 1995, § 18-303; Ord. No. 2156-08, § 1(18-303), 4-14-2008)

Sec. 10-58. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means having been given up and deserted (see also "abandoned property" as described in section 20-49, pertaining to definitions.

Approved means approved by the code official.

Basement means that portion of a building which is partly or completely below grade.

Bathroom means a room containing plumbing fixtures including a bathtub or shower.

Bedroom means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Code official means the official who is charged with the administration and enforcement of this article, or any duly authorized representative.

Condemn means to adjudge unfit for occupancy.

Dwelling unit means a single unit or rental unit within a building or portion of a building providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement means that portion of real property reserved or granted for present or future use by any person or entity other than the fee simple title owners of the property. The easement shall be permitted for purpose and use under, on or above said real property, as otherwise specified in the granting or reserving instrument.

Exterior property means the outdoor open space on a premise.

Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Garbage means animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Guard means a building component, or a system of building components located at or near the open sides of elevated walking surfaces that minimize the possibility of a fall from the walking surface to a lower level; includes railings walls or fences.

Habitable space means any area in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping unit means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent danger means a condition which could cause serious human or animal injury or death, at any time.

Infestation means the presence of insects, rats, vermin or other pests within or around any structure or premises.

Inoperable motor vehicle means a vehicle which cannot be driven upon the public streets because the vehicle is unregistered or has no license tag, is wrecked, abandoned, or incapable of moving under its own power.

Labeled devices means equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

Let for occupancy or *to let* means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rental unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Motor vehicle means a vehicle or conveyance which is self-propelled or designed to be pulled or towed by a self-propelled vehicle and designed to travel along the ground, and includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, go-carts, golf carts, campers, motorhomes, recreational vehicles, trailers, all-terrain vehicles, airplanes and watercraft.

Nuisance means any of the following conditions:

(1) Any "public nuisance" known at common law or in equity jurisprudence.

(2) Any "attractive nuisance" which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot including but not limited to an abandoned well shaft, swimming pools, dismantled or wrecked vehicles or parts thereof, basements, excavations, abandoned refrigerators, a structurally unsound fence or other structure, and lumber, trash, debris or vegetation.

(3) Whatever is dangerous to human life or is detrimental to health as determined by the proper environmental authority.

(4) The overcrowding of a room or building with occupants.

(5) Insufficient ventilation or illumination in a room or building.

(6) Inadequate or unsanitary sewage or plumbing facilities in a building.

(7) An unclean premise as determined by the proper code authority.

(8) Any substance that renders air, food or drink unwholesome or detrimental to the health of human beings as determined by the proper code authority.

(9) Any place or premises used on more than two occasions within the past 12 months as the site of the unlawful sale or delivery of controlled substances.

(10) Any condition that causes appreciable harm or material detriment to the property values of surrounding properties.

(11) Any condition likely to harbor rats, vermin or other animals the existence of which may cause a hazard to human health.

(12) Unsecured openings including but not limited to broken windows and doors in a structure which invites entry by unauthorized persons.

Occupancy means the purpose for which a building or portion thereof is utilized or occupied.

Occupant means any individual living or sleeping in a building or having possession of a space within a building.

Openable area means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Parts. Whenever the words "dwelling unit," "rental unit, "dwelling," "premises," "building," "rental unit," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this article, they shall be construed as though they were followed by the words "or any part thereof."

Person means an individual, corporation, partnership or any other group acting as a unit.

Portable storage containers means a box-like metal container transported by truck to a desired location for drop off. The container is moved to the ground and back by hydraulic metal framework or similar device. Commonly accepted names of these storage containers is PODS, an acronym for "portable on-demand storage." The maximum allowable size for this type container in R-1 and R-2 residential districts is 130 square feet with an average length not to exceed 16 feet.

Premises means a lot, plot or parcel of land, easement or public way, including any structures thereon.

Public way means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Rental unit means a single dwelling unit within a building or portion of a building providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation which is for rent, lease or hire.

Rooming unit means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rooming house means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rubbish means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Sleeping unit means a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Soil stabilization means the prevention of soil erosion or dust control, due to building demolition, lot restoration or other earth disturbance, and by planting of sod or other methods approved by the development director not more than seven days after such completion.

Strict liability offense means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

Structure means that which is built or constructed or a portion thereof.

Tenant means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room means a room containing a water closet or urinal but not a bathtub or shower.

Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Vessel is synonymous with "boat" as referenced in section 1(b), article VII of the state constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Workmanlike means executed in a skilled manner (e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work).

Unsafe Structure means one that is found to be dangerous to the life, health, property or safety the public or occupants of the structure by not providing the minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Yard means an open space located in front, side or rear on the same lot with a structure as determined by the city land development code.

(Code 1995, § 18-304; Ord. No. 2156-08, § 1(18-304), 4-14-2008)

Sec. 10-59. - Occupancy of certain buildings, dwelling units and rooming houses.

(a) It shall be unlawful for any person to occupy or permit to be occupied any building or portion of a building, dwelling unit or rooming house which is not free of all sanitary nuisances defined in F.S. ch. 386.

(b) It shall be unlawful for any person to occupy or permit to be occupied any building or portion of a building, dwelling unit or rooming house which is not free of all nuisances defined in section 10-58.

(Code 1995, § 18-305; Ord. No. 2156-08, § 1(18-305), 4-14-2008)

Sec. 10-60. - Buildings; prohibited occupancy.

It shall be unlawful for any person to occupy or permit to be occupied any building or portion of a building which is not maintained in accordance with the provisions of this article.

(Code 1995, § 18-306; Ord. No. 2156-08, § 1(18-306), 4-14-2008)

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

(a) *Scope.* The provisions of this section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior of all residential and commercial property.

(b) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this article. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this section. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(c) *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein, including soil stabilization so as not to cause a blighting problem or adversely affect the public health or safety.

(d) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(e) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. All rain gutter down spout and roof discharge water must be directed in a manner not to cause water accumulation or create flooding conditions to abutting properties. This requirement shall not apply to required retention areas.

(f) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

(g) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent infestation. (See also section 10-64(a), pertaining to extermination of infestations.)

(h) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(i) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(j) ~~*Reserved*~~ *. Exterior property and storage prohibited:*

1) General storage, of materials shall be located entirely within an enclosed building or screened from view of the surrounding properties with a sight obscuring fence and/ or landscaping, except as otherwise required by this Code.

(2) No accumulation or storage of the following materials shall be located within any required front yard, side yard or carport that is visible from public view:

(a) Solid waste, rubbish, white goods (washers, dryers, refrigerators, other appliances), mattresses, household furniture typically not for outdoor use, scrap lumber, metals, concrete pieces and concrete block, glass, tires, machinery, auto parts, construction materials and equipment, paint cans and buckets, dead flora potted or un-potted, play gym equipment, merchandise, and landscape equipment

(k) *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any

marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

(l) *Temporary storage containers, pertaining to residential use.*

(1) All portable on-demand storage containers must be of an approved type such as pods, etc. Special "emergency disaster pods" are not permitted for storage and are only to be used in prescribed areas that are designated by federal, state, or local emergency management authorities.

(2) Truck beds or truck bodies are considered not to be approved storage containers and therefore not permitted for use in either commercial or residential zoning districts.

(3) A permit is required and will expire within six months of issue. An extension may be granted on a case by case basis, not to exceed 12 consecutive months and is limited to only one container per residence, placed on the premise's driveway; only.

(m) *Exterior structure.*

(1) *Generally.* The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition and free from mold and mildew. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(3) *Structural members.* All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(4) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(5) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration and must be free from loose materials subject to becoming projectiles under high wind conditions.

(6) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Roofs must be and free from loose materials subject to becoming projectiles under high wind conditions.

(7) *Temporary coverings.* Temporary or emergency roof covering, tarps and the like must be removed within 12 months from the event causing damage; it being the intent of this section that damaged roofs be repaired or replaced within the same time period.

(8) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe

condition and free from loose materials subject to becoming projectiles under high wind conditions.

(9) *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(10) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(11) *Chimneys and towers.* All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(12) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(13) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

a. *Glazing.* All glazing materials shall be maintained free from cracks and holes.

b. *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(14) *Insect screens.*

a. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

b. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(15) *Doors.* All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with NFPA-1.

(16) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit let shall be equipped with devices that secure the units from unauthorized entry.

(17) *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(18) *Doors.* Doors providing access to any dwelling unit, rooming unit or housekeeping unit shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than one inch (25 mm). Such deadbolt locks shall be installed according to the

manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(19) *Windows.* Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(20) Storm shutter regulations.

(1) Protection from windborne debris is encouraged for all structures certified for occupancy in the city. Storm shutters, or hurricane protection devices, shall be designed and installed in conformance with the Florida Building Code in effect at the time such hurricane protection was permitted by the building department of the City of Stuart.

(2) Except during the period from June 1st through November 30th each calendar year, hurricane protective devices are not permitted to be in the closed/secured position, unless there is a hurricane or tropical storm watch outside of the designated hurricane season. Placement of storm shutters during the allowed period shall be as provided in subsection (3), below.

(3) Storm shutter placement. Hurricane protective devices that impede egress, light, and/or ventilation in a closed/secured position on occupied buildings must be removed no later than fourteen (14) days after the termination of a hurricane event (watch, warning, or actual hurricane or tornado) Exceptions:

(a) Unoccupied vacant / part-time residents will be permitted to hang shutters during the time of vacancy except for the front windows in public view. Upon return, occupants must remove shutters within fourteen (14) days. Plywood shutters are to be painted to match structure.

(b) A hurricane or tropical storm watch occurs in the fourteen (14) day period, at which point the fourteen (14) day period begins anew the day after the hurricane or tropical storm conditions have subsided; or

(c) Hurricane or tropical storm watch conditions are predicted to occur within forty-eight (48) hours after the fourteenth day; or

(d) The structure is used for residential purposes, but no person is in residence.

(4) After 14 days a notice will be issued giving 5 additional days to remove the shutters or a schedule 2 fine as stated in 26-30 will be levied.

(Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008; Ord. No. 2226-2011, § 1, 9-12-2011; Ord. No. 225-2013, § 1, 2-25-2013; Ord. No. 2261-2013, § 1, 2013)

Sec. 10-62. - Interior structure.

(a) *Generally.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(b) *Structural members.* All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

(c) *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(d) *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(e) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(f) *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008)

Sec. 10-63. - Rubbish and garbage.

(a) *Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

(b) *Disposal of solid waste.* Every occupant of a structure shall dispose of all solid waste in a clean and sanitary manner as prescribed in chapter 34, article II, pertaining to collection and disposal.

(Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008; Ord. No. 2225-2013, § 1, 2-25-2013)

Sec. 10-64. - Extermination.

(a) *Infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent ~~reinfestation~~. infestation.

(b) *Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(c) *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(d) *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(e) *Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure, except where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(Code 1995, § 18-307; Ord. No. 2156-08, § 1(18-307), 4-14-2008)

Sec. 10-65. - Light, ventilation and occupancy limits.

(a) *Generally.*

(1) *Scope.* The provisions of this section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

(2) *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this section.

(3) *Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code or Florida Existing Building Code shall be permitted.

(b) *Light.*

(1) *Habitable spaces.*

a. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

b. Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 square meters). The exterior glazing area shall be based on the total floor area being served.

(2) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 square meters) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot-candle (11 lux) at floors, landings and treads.

(3) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(c) *Ventilation.*

(1) *Habitable spaces.*

a. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in.

b. Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 square meters). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(2) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by, except that a window shall not be required in

such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(3) *Cooking facilities.*

a. Cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

b. Exceptions: Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

(4) *Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space. Paint booths and other industrial processes have additional requirements as provided by law.

(5) *Clothes dryer exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted to the exterior in accordance with the manufacturer's instructions and installed with noncombustible materials compliant to the Florida Fire Prevention, Building and Existing Building Codes.

(d) *Occupancy limitations.*

(1) Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(2) Minimum room widths. A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. ~~Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.~~

(3) a. Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

b. Exceptions. In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.

(4) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.

(5) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

(6) Bedroom and living room requirements. Every bedroom and living room shall comply with all applicable code requirements.

(7) Room area. ~~Every living room shall contain at least 120 square feet (11.2 square meters) and every bedroom shall contain at least 70 square feet (6.5 square meters).~~ Minimum room area shall be 70 sq. ft.

(8) Access from bedrooms.

a. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

b. Exception: Units that contain fewer than two bedrooms.

(9) Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(10) Prohibited occupancy. Kitchens and uninhabitable spaces shall not be used for sleeping purposes.

(11) Other requirements. Bedrooms shall comply with the applicable provisions of this article including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section; the plumbing facilities and water-heating facilities requirements; and electrical receptacle requirements of section 10-67; and the smoke detector and emergency escape requirements of section 10-68, pertaining to fire safety requirements.

(12) Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

(13) Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

a. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 square meters). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 square meters).

b. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this article shall be provided.

c. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

d. The maximum number of occupants shall be three.

e. Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Code 1995, § 18-309; Ord. No. 2156-08, § 1(18-309), 4-14-2008)

Sec. 10-66. - Plumbing facilities and fixture requirements.

(a) *Generally.*

(1) *Scope*. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided and comply with the Florida Plumbing Code and Florida Existing Building Code.

(2) *Responsibility*. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

(b) *Required facilities.*

(1) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(2) *Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(3) *Hotels.* Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

(4) *Employees' facilities.* A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

(5) *Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(c) *Toilet rooms.*

(1) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(2) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(3) *Location of employee toilet facilities.*

a. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

b. Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(4) *Floor surface.* In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(d) *Plumbing systems and fixtures.*

(1) *Generally.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(2) *Fixture clearances.* Plumbing fixtures shall have adequate clearances for usage and cleaning.

(3) *Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(e) *Water system.*

(1) *Generally.* Every building and dwelling unit sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a metered public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water in accordance with the Florida Plumbing Code and this Code of Ordinances.

(2) *Contamination.* The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(3) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(4) *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(5) *System installation compliance.* All installations must comply with city utilities and building code requirements.

(f) *Sanitary drainage system.*

(1) *Generally.* All plumbing fixtures shall be properly connected to a public sewer system when available or to an approved private sewage disposal system.

(2) *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(g) *Storm drainage.*

(1) Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance, or as otherwise prohibited by law.

(2) All drainage systems must be approved by the city public works department.

(Code 1995, § 18-310; Ord. No. 2156-08, § 1(18-310), 4-14-2008)

Sec. 10-67. - Mechanical and electrical requirements.

(a) *Generally.*

(1) *Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

(2) *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this section.

(b) *Heating facilities.*

(1) *Facilities required.* Heating facilities shall be provided in structures as required by this section as applicable.

(2) *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the Florida Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(3) *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

(4) *Occupiable workspaces.*

a. Indoor occupiable workspaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) in spaces that are occupied.

b. Exceptions:

1. Recreational vehicles parked on residential property can be provided with temporary electrical power to run refrigeration and air conditioning for environmental purposes only. No habitation is permitted.

2. Processing, storage and operation areas that require cooling or special temperature conditions.

3. Areas in which persons are primarily engaged in vigorous physical activities.

(5) *Room temperature measurement.* The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(c) *Mechanical equipment.*

(1) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed according to manufacturers specifications and maintained in a safe working condition, and shall be capable of performing the intended function.

(2) *Removal of combustion products.*

a. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

b. Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

(3) *Clearances.* All required clearances to combustible materials shall be maintained.

(4) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(5) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(6) *Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(d) *Electrical facilities.*

(1) *Facilities required.* Every occupied building and dwelling shall have an electrical system connected to an electric meter in compliance with requirements of the electric service provider.

(2) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single phase electrical service having a rating of not less than 100 amperes.

(3) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(4) *Recreational vehicles parked temporarily or stored on residential property.*

a. May be provided with temporary electrical power for operation of air conditioning and refrigeration, for environmental purposes only.

b. No habitation is permitted.

c. Vehicle parking, must comply with section 10-61(i)(2)c.

(e) *Electrical equipment.*

(1) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(2) *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle with ground fault circuit interrupter protection (GFCI). Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection (GFCI).

(3) *Luminaires.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(f) *Elevators, escalators and dumbwaiters.*

(1) *Generally.* Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection ha the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, appendix N, except where otherwise specified by the authority having jurisdiction.

(2) *Elevators.*

a. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

b. Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(g) *Duct systems.* Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Code 1995, § 18-311; Ord. No. 2156-08, § 1(18-311), 4-14-2008)

Sec. 10-68. - Fire safety requirements.

(a) *Generally.*

(1) *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(2) *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

(b) *Means of egress.*

(1) *Generally.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Florida Fire Prevention, NFPA-1, and 101 Life Safety Codes and NFPA Standards.

(2) *Aisles.* The required width of aisles in accordance with the Florida Fire Prevention Code shall be unobstructed.

(3) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

(4) *Emergency escape openings.* Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(c) *Fire-resistance ratings.*

(1) *Fire-resistance-rated assemblies.* The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(2) *Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(d) *Fire protection systems.*

(1) *Generally.* All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire Prevention Code.

(2) *Smoke alarms*. Shall be in compliance with the current Fl Building Code Residential and FL Fire Prevention Code. ~~Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:~~

~~a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.~~

~~b. In each room used for sleeping purposes.~~

~~c. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.~~

~~d. Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the Florida Fire Prevention, NFPA 1 and 101 Life Safety Codes, and NFPA Standards.~~

~~(3) *Power source.*~~

~~a. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.~~

~~b. Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes in a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.~~

~~(4) *Interconnection.*~~

~~a. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.~~

~~b. Exceptions.~~

~~1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.~~

~~2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.~~

(Code 1995, § 18-312; Ord. No. 2156-08, § 1(18-312), 4-14-2008)

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

(a) *Definitions.* The definitions provided below are intended to supplement those definitions found in F.S. §§ 316.003, 327.02, and 330.27, 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 a pervious or impervious surface constructed of concrete, asphalt, brick pavers, paver stones, turf blocks, or gravel, or on another similar surface acceptable to the public works director.

Commercial vessel means:

(1) 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 F.S. § 379.361. 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

(2) 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, shell rock, 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 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 pounds or less.

Light utility trailer means an open or closed trailer which can be towed by an automobile or light truck.

Noncommercial 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 each location at any time during the hours from 2:00 a.m. to 6:00 a.m., 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:

(1) Manufactured and used primarily for noncommercial purposes; or

(2) 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 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 section 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 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.

(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) of this section.

(2) *Parking in R-1A districts.* Notwithstanding the provisions in subsection (1) of this section, 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 noncommercial 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.

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 section 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 substandard or non-approved driveway surface, such parking shall be allowed to remain as a lawful nonconforming use, subject to the provisions of section 8.03.01 et seq., Stuart Land Development Code.

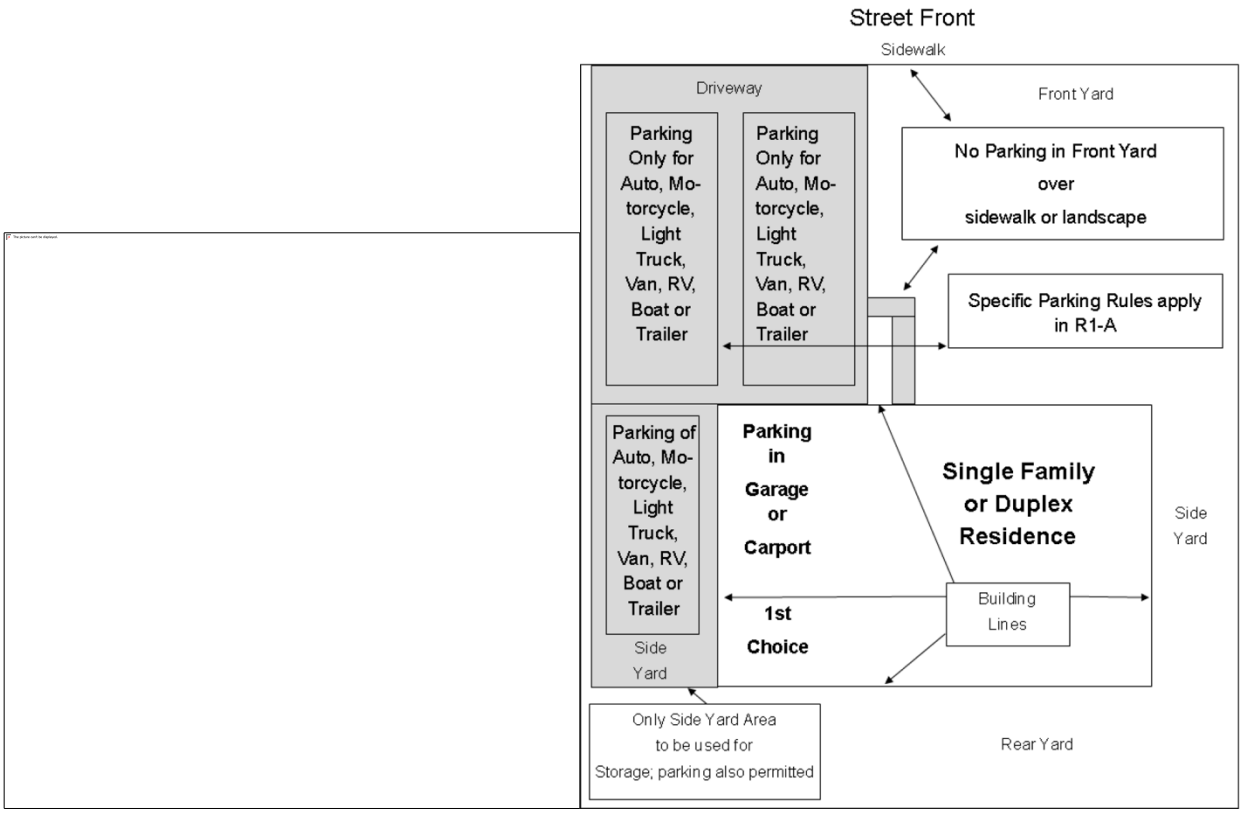
(e) *Irregular lots.* On lots in the R-1A, R-1, and R-2 residential land use (zoning) districts and on occupied single-family and duplex residential properties wherever located in the city that are irregularly dimensioned, parking and storing of vehicles and vessels shall occur in accordance with this section 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 section 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.

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.



(Ord. No. 2261-2013, § 2, 2013)

Editor's note— Ord. No. 2261-2013, § 2, adopted in 2013, amended § 10-69 in its entirety to read as herein set out. Former § 10-69 pertained to similar subject matter and derived from Ord. No. 2226-2011, § 2, adopted Sept. 12, 2011.

Secs. 10-70—10-81. - Reserved.

ARTICLE IV. - UNSAFE BUILDINGS

Sec. 10-82. - Code adopted.

(a) There is hereby adopted by reference the most current version of the International Property Code Section 108. ~~Standard Unsafe Building Abatement Code, as promulgated by the Florida Building Code, inclusive of all amendments thereto. As used herein, the term "code" means the Standard Unsafe Building Abatement Code, as the same may be amended from time to time. A complete copy of the code is on file in the office of the city development department.~~

(b) To the extent that any provisions of the code conflicts with the provisions of this article, the provisions of ~~this article~~ the International Property Code shall apply

(Code 1995, § 18-255; Ord. No. 1671, § 1, 4-12-1999; Ord. No. 1905, § 1, 12-9-2002)

Sec. 10-83. - Unsafe buildings and unsafe systems a public nuisance.

All buildings in the city that are unsafe because of structural, electrical, gas, mechanical or plumbing deficiencies, or that are unsanitary, or do not provide adequate egress, or constitute a fire hazard, or constitute an attractive nuisance or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, will be considered unsafe buildings. Unsafe buildings are a public nuisance because of the danger they pose to the public. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the code and the provisions of this article.

(Code 1981, § 6-510; Code 1995, § 18-256; Ord. No. 1905, § 1, 12-9-2002)

Sec. 10-84. - Prohibited occupancy.

(a) It is unlawful for any person to maintain or permit the existence of any unsafe building within the city. It is also unlawful for the owner, tenant or occupant of any unsafe building to permit such building to remain in an unsafe condition or to permit the occupancy of an unsafe building while it is or remains in an unsafe condition.

(b) It is unlawful for any person to disobey an order of the building official issued pursuant to section 10-85 that an unsafe building be immediately vacated and not reoccupied until the specified repairs and improvements are completed.

(Code 1981, § 6-511; Code 1995, § 18-257; Ord. No. 1905, § 1, 12-9-2002; Ord. No. 2034, § 1, 6-13-2005)

Sec. 10-85. - Notice to owner required.

(a) The building official shall inspect the buildings in the city and the electrical, gas, mechanical and plumbing service systems within them to determine if a building is unsafe as defined in this article.

(b) When the building official determines that a building is unsafe as defined in this article, the building official shall notify the owner of the building and all record lienholders that the building is unsafe. The notice shall state the defects in the building or its service systems that renders the building unsafe and shall indicate the repairs or renovations necessary to satisfy the code. The identity of the owner and record lienholders shall be determined from the public records of the county.

(c) Notice may be provided by certified mail, return receipt requested. Alternatively, notice may be hand delivered by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body, by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice, or, in the case of commercial premises, by leaving the notice with the manager or other person in charge of the business.

(d) The notice shall direct that the necessary repairs or renovations be commenced within 30 days of its receipt by the owner and be completed within 60 days thereof. The notice shall also state that as an alternative to repair or renovation the building may be demolished and removed from the property in accordance with the code.

(e) The notice shall advise that the recipient of the notice has the right to appeal the determination of the building official that the building is unsafe to the city commission.

(f) The notice may require that the unsafe building be immediately vacated and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. In such event, the building official shall cause to be posted at each entrance to such unsafe building a notice stating substantially the following:

THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.

Such notice shall remain posted until the required repairs are made, or demolition is completed.

(Code 1981, § 6-512; Code 1995, § 18-258; Ord. No. 1818, § 1, 12-10-2001; Ord. No. 1905, § 1, 12-9-2002)

Sec. 10-86. - Factors to determine unsafe buildings.

(a) An unsafe building is any building, mobile home, fence, shed, or other manmade structure, or portion thereof, which, because of fire, age, decay, deterioration, structural defects, improper design, termites, obsolescence, abandonment, neglect or other causes:

(1) May cause or aid in the spread of disease, vermin or rodents;

(2) Is especially liable to fire and constitutes or creates a fire hazard;

(3) Is liable to cause injury or damage by collapsing;

(4) Is available to and frequented by trespassing malefactors or disorderly persons;

(5) Is otherwise dangerous to the health and safety of the unsafe building's occupants or to the health and safety of neighboring persons or properties; or

(6) Creates an attractive nuisance that may be injurious to the public.

(b) In deciding whether a building is unsafe, the building official shall consider, in accordance with the definition of unsafe buildings as set out in subsection (a) of this section, the availability, adequacy, and integrity of the following:

(1) Plumbing and plumbing fixtures;

(2) Electricity and electrical features;

(3) Heat and ventilation;

(4) Rodent proofing and water tightness;

(5) Water supply, to include hot water;

(6) Foundations to include supports, sills and floor joists;

(7) Walls to include studs and coverings;

(8) Windows to include glass, screens and hardware;

(9) Doors and door frames to include glass, screens and hardware;

(10) Roofs to include rafters, ceiling joints and coverings; and

(11) Stairways and porches.

(Code 1981, § 6-513; Code 1995, § 18-259; Ord. No. 1905, § 1, 12-9-2002)

Sec. 10-87. - Demolition by city.

In the event the owner and lienholders fail, neglect or refuse to comply with notice to repair, rehabilitate, or to demolish and remove the unsafe building, the building official may cause such unsafe building to be demolished, secured, or required to remain vacant. Demolition shall be undertaken in accordance with applicable provisions of the code.

(Code 1981, § 6-514; Code 1995, § 18-260; Ord. No. 1905, § 1, 12-9-2002)

Sec. 10-88. - Demolition costs a lien against the property; priority of lien; foreclosure.

(a) In the event the city abates an unsafe building nuisance by demolition and removal of an unsafe building, the costs of demolition and removal, as well as all administrative costs incurred by the city described in section 10-89, shall be assessed as a lien against the real property upon which the unsafe building was located. The costs shall be assessed by resolution adopted by the city commission and thereafter recorded in the public records of the county. Notice of the intent to adopt the resolution shall be given in the same manner as notice of the existence of the unsafe building was provided to the owner and record lienholders.

(b) A building demolition lien shall be payable upon the date the resolution creating the lien is adopted by the city commission. Said lien shall remain a lien coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, including antecedent mortgage liens, until paid.

(c) A building demolition lien shall bear interest at the rate of 12 percent per year commencing on the date the resolution assessing the costs is adopted by the city commission.

(d) A building demolition lien may be foreclosed as mortgages are foreclosed.

(Code 1981, § 6-515; Code 1995, § 18-261; Ord. No. 1905, § 1, 12-9-2002)

Sec. 10-89. - Administrative costs of demolition.

In the event the city is required to abate an unsafe building nuisance on private property, all costs of demolition shall be assessed against the private property in the form of a lien adopted pursuant to section 10-88. The costs of demolition include all costs and expenses incurred in connection with inspecting the property, locating proper parties, providing notice, securing the property, as well as demolishing and removing the building.

(Code 1981, § 6-516; Code 1995, § 18-262; Ord. No. 1816, § 1, 11-12-2001; Ord. No. 1905, § 1, 12-9-2002)

Sec. 10-90. - Permit required to commence specified repairs or to demolish unsafe building; cash bond required as condition of permit to repair.

(a) *Permit required.* No repair work or demolition work shall occur unless a permit has been issued for such work by the city and the notice delivered to the owner of record, tenants and other persons in possession as provided in section 10-85 shall so advise.

(b) *Cash bond required for repair permit.* A cash bond shall be posted with the city as a condition of a permit to repair the unsafe building to guarantee commencement of the necessary repair work within 30 days and completion of the necessary repair work within 60 days of the date of the unsafe building notice. The amount of the cash bond shall be determined by the building official to be the amount necessary to demolish the building and remove the demolition debris in the event the permittee fails to commence or complete the necessary repair work.

(c) *Cash bond may be used by city or returned.* In the event the necessary repair work is not commenced within 30 days or completed within 60 days from the date of the unsafe building notice, the city may use the cash bond to pay the costs of building demolition to abate the public nuisance. In the event the necessary repair work is successfully completed within the 60-day period, the full amount of the cash bond will be returned to the depositor.

(Code 1995, § 18-264; Ord. No. 1886, § 1, 6-24-2002)

Secs. 10-91—10-118. - Reserved.

ARTICLE V. - MOVING OF BUILDINGS

Sec. 10-119. - Permit required to move a structure on public right-of-way.

(a) It shall be unlawful for any person to move a structure upon or across any public right-of-way within the city without having first obtained a permit therefor issued by the city manager. The permit shall state the exact time and route of the move, and any conditions placed thereon by the city manager in the interests of the public health, safety and welfare.

(b) An application for a permit to move a structure shall contain the following information:

(1) Name and address of the applicant;

(2) The proposed time, manner and route of the move;

(3) A detailed description of the structure to be moved;

(4) Evidence that all affected utility providers have been contacted and have approved the move; and

(5) Any other information requested by the city manager.

An application fee as currently established or as hereafter adopted by resolution of the city commission from time to time in appendix A to this Code shall accompany the application.

(c) The following standards shall apply to the issuance of a permit by the city manager:

(1) The proposed time, manner and route will not unduly inconvenience the public nor significantly compromise the public health, safety and welfare;

(2) The structure to be moved is suitable to be moved in the manner intended;

(3) The possibility of damage to public or private real or personal property is minimal;

(4) The personnel performing the move are experienced and will employ the necessary equipment; and

(5) All concerns and objections of utility providers have been satisfied.

(d) The city manager may issue a permit which includes conditions relating to the time, manner and route of the move deemed to be appropriate considering the public health, safety and welfare. The applicant may be required to post a cash bond with the city in an amount deemed sufficient by the city manager to protect the city against loss for damage to public property. The city manager may require the use of city personnel and equipment to assist in the move and the applicant shall reimburse the city for all costs so incurred.

(e) For any structure moved to a location within the city no certificate of occupancy shall be issued until the city has been reimbursed for its costs, all damage to city property has been repaired or replaced, and all conditions contained in the permit have been satisfied.

(f) It shall be unlawful for the applicant to deviate from or to alter the terms or conditions of a permit issued hereunder by the city manager. Any such deviation or alteration shall be deemed a municipal ordinance violation punishable as provided in section 1-13.

(Code 1981, § 6-8; Code 1995, § 18-29)

Sec. 10-120. - Time limit for compliance by moved building.

Any house or building moved into or to another location within the city must be brought up to all applicable city standards within 90 days from the date of positioning upon the new site.

(Code 1981, § 6-9; Code 1995, § 18-30)

Sec. 10-121. - Cleaning of site prerequisite to certificate of occupancy.

All debris shall be cleared from the construction, alteration or repair site prior to the issuance of a certificate of occupancy.

(Code 1981, § 6-11; Code 1995, § 18-31)

Secs. 10-122—10-140. - Reserved.

ARTICLE VI. - PARKING LOT CONSTRUCTION

Sec. 10-141. - Submission, approval of plans.

(a) Prior to commencing the installation or construction of a parking lot, the owner of the property or the person desiring to install or construct it shall submit plans thereof to the city engineer and obtain his approval. Such plans shall show proposed finished grades, adjacent floor slab elevations, pavement cross section, drainage, elevations of adjacent streets, etc. Stall and aisle dimensions must be shown. Plans that do not show the previous mentioned items will not be accepted for approval. Minimum plan size shall be 8½ inches by 14 inches.

(b) Parking lot plans shall be submitted to the city engineer for approval with sufficient time for study.

(Code 1981, § 6-397; Code 1995, § 18-206)

Sec. 10-142. - Reserved.

Editor's note— Ord. No. 2227-2011, § 1, adopted Oct. 17, 2011, deleted § 10-142, which pertained to pavement required; exceptions and derived from Code 1981, § 6-401; and Code 1995, § 18-207.

Sec. 10-143. - Asphalt pavement construction.

Asphalt-paved parking lots must comply with the following minimum requirements:

(1) *Non truck traffic.* Parking lots subject to no or very light truck traffic shall consist of:

a. *Surface.* One inch of type II asphaltic concrete surface with a Hubbard field stability of not less than 1,200 pounds.

b. *Base course.* Four inches of compacted lime rock with average density of not less than 98 percent as determined by AASHO-T-180 Proctor; or six inches of shell which shall be mollusk shell (oyster, mussel, clam, etc.). Steamer shell shall not be permitted. At least 50 percent (by weight) of the total shell material shall be retained on a No. 4 sieve. Not more than 7½ percent (by weight) of the total shell material shall pass the No. 200 mesh sieve when determined by elutriations (washing). Cemented coquina shell material, under state department of transportation specifications, section 915, may be used as a base material instead of lime rock.

c. *Subface.* Six inches of stabilizing subface with a minimum Florida Bearing Value of 50 psi.

(2) *Truck traffic.* Parking lots subject to truck traffic shall comply with the requirements for city-maintained streets as specified in sections 62-137 through 62-141.

(Code 1981, § 6-402; Code 1995, § 18-208)

Sec. 10-144. - Concrete pavement construction.

(a) All concrete pavement construction shall be subject to ~~the~~ current City of Stuart Water and Sewer Standard Details.

~~(1) Roadways and driveways subject to heavy commercial loading shall be at least six inches in thickness and reinforced with six by six No. 10 woven wire mesh.~~

~~(2) Driveway areas subject to automobiles or light commercial loading shall be at least five inches of unreinforced concrete.~~

~~(3) Parking stalls sized and intended for automobile-type loading shall be at least four inches of unreinforced concrete.~~

~~(b) All concrete shall be 3,000 psi, placed over a prepared and compacted subbase. The subbase shall have a minimum Florida Bearing Value of 50 psi and be compacted to a minimum of 98 percent of maximum density per AASHTO T-180. The subgrade preparation, setting forms, placing concrete and reinforcement, and spacing of expansion joints shall be in conformance with state department of transportation specifications.~~

(Code 1981, § 6-403; Code 1995, § 18-209)

Sec. 10-145. - Testing.

Tests under this article shall be run by a certified testing laboratory. All testing costs shall be borne by the contractor. The following tests shall be made:

(1) *Florida Bearing Value and density tests.* Florida Bearing Value and density tests shall be taken for every 5,000 square feet for lots up to and including 10,000 square feet in size. For lots over 10,000 square feet but less than 50,000 square feet in size, tests shall be taken every 10,000 square feet. Lots in excess of 50,000 square feet in size shall have tests taken as required by the city engineer. Representative AASHO-T-180 shall be taken in all lot sizes as required.

(2) *Lime rock base.* Field density tests shall be taken at the same rate as specified in subsection (1) of this section.

(3) *Shell base.* Field density tests shall be taken at the same rate as specified in subsection (1) of this section.

(Code 1981, § 6-404; Code 1995, § 18-210)

Sec. 10-146. - Test reports; inspection for conformity with as-built plans.

(a) Testing results shall be submitted to the city engineer prior to final approval of completion. The city engineer shall reserve the right to require testing of the asphaltic concrete surface (type II).

(b) As a prerequisite for the city engineer's final inspection for all parking lots with an excess of 10,000 square feet in area, the engineer of record shall submit a certification that all of the required improvements are complete; that he has inspected these improvements during their construction in accordance with the current city specifications; that improvements conform to approved plans, except for any deviations noted on the "as-built" drawings and enumerated hereafter and that such deviations will not result in functional, structural, maintenance or nuisance problems. The engineer of record shall submit signed "as-built" drawings and a complete set of test reports. In cases where parking lots are less than 10,000 square feet in area, subsection (a) of this section will apply at the discretion of the city engineer depending upon the complexities due to drainage or related matters.

(Code 1981, § 6-405; Code 1995, § 18-211)

Secs. 10-147—10-165. - Reserved.

ARTICLE VII. - MARINE CONSTRUCTION; DOCKS, SEAWALLS AND BULKHEADS[3]

Footnotes:

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State Law reference— Beach and Shore Preservation Act, F.S. ch. 161; tidal lands and bulkheads, F.S. § 253.12 et seq.; bulkhead line established, F.S. § 253.1221.

Sec. 10-166. - Purpose.

The purpose of this article is to promote the public safety, health and welfare of the city by ensuring the safety of persons and property in the event of severe weather; to protect the natural aquatic habitat and aesthetics of the waters over which residential and multifamily docks, seawalls, and bulkheads are constructed; and ensure that docks do not impair the riparian rights of adjacent upland riparian land owners, or the navigational rights and safety of vessels in or on the waters in the city.

(Code 1995, § 18-231; Ord. No. 2155-08, § 1(18-231), 4-14-2008)

Sec. 10-167. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, and shall govern private dock and pier construction:

Agencies means the state department of environmental protection, the United States Army Corps of Engineers, and the South Florida Water Management District, as used appropriately in this article.

Dock means a fixed or floating structure in, on, or over submerged lands, including moorings used for the purpose of berthing vessels.

Dolphin means a mooring post on a dock, pier, which extends into the submerged land.

Finger pier means a smaller or additional pier that projects from a primary larger dock or pier.

Marine construction means development, redevelopment or renovation development in or adjacent to a water body, including but not limited to any original construction or extension, modification or alteration of any dock, seawall, retaining wall, pier, finger pier, dolphin, bulkhead, dock house, boat house or boat lift.

Marine retaining wall means a structure located landward of any water body and landward of maximum high-water elevation, but which is located or to be located within 30 feet of a water body.

Pier means a structure in, on, or over submerged lands which is used for fishing, swimming, or observation, as otherwise permitted or prohibited herein.

Riparian rights means certain submerged bottom land subject to private use and control. As provided in F.S. § 253.141, riparian rights are "those incident to land bordering upon navigable waters. They are rights of ingress, egress, boating, bathing, and fishing and such others as may be or have been defined by law. Such rights are not of a proprietary nature. They are rights inuring to the owner of the riparian land but are not owned by him or her. They are appurtenant to and are inseparable from the riparian land. The land to which the owner holds title must extend to the ordinary high-water mark of the navigable water in order that riparian rights may attach. Conveyance of title to or lease of the riparian land entitles the grantee to the riparian rights running therewith whether or not mentioned in the deed or lease of the upland."

Riparian survey means a survey showing the location of the proposed dock and any adjacent docks, including all existing marine structures within the riparian lines. The survey shall be prepared by an

appropriately licensed professional and meet the minimum technical standards set forth in F.A.C. 61G17-6.002 et seq., and in accordance with the agencies having jurisdiction.

Seawall means a bulkhead or a protective structure of stone, concrete, concrete rubble (rip-rap), aluminum, plastic, timber or other approved product or material, which is located in the wave zone or at mean high-water elevation.

Vessel is synonymous with "boat" as referenced in section 1(b), article VII of the state constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(Code 1995, § 18-232; Ord. No. 2155-08, § 1(18-232), 4-14-2008)

Sec. 10-168. - Information and documents prerequisite to building permit.

(a) All marine construction which is proposed to be constructed, added to, repaired, or structurally altered shall be regulated by the provisions contained herein, as well as all other applicable provisions of the city's land development code, the Stuart Comprehensive Plan, and the Florida Building Code.

(b) It shall be unlawful for any person to perform any marine construction without first obtaining a building permit from the city development department and required permits from all agencies having jurisdiction over the activity.

(c) Notwithstanding the above, minor repairs may be made without a permit, which are limited to repair or replacement of decking, decking supports (not including dolphins) and railing boards only, and provided the repair or replacement is not more than 50 percent of the total replacement cost of the existing structure.

(d) (1) Prior to acceptance of any building permit application for the construction of any new marine construction within the city limits, the applicant shall submit with the permit application a copy of the courtesy notification letter that was sent to the abutting riparian property owners, informing them that a marine construction permit application was submitted to the city development department for processing along with a list of the names and addresses to whom sent; indicating that if such person should have any questions or concerns, or wish to review the construction documents, they may contact the development department within the ten-day permit processing time.

(2) The applicant shall not be required to notify the riparian neighbors when the following situations are applicable:

a. The applicant is seeking to repair a marine structure, without change to the footprint, and the construction previously had all required permits;

b. Such marine construction does not exceed 50 percent of the total replacement cost of the existing structure; and

c. The applicant has provided a riparian survey completed within six months prior to permit application; and the survey shows no riparian encroachments or existing illegal marine construction.

(e) In the event an abutting riparian property owner objects to the proposed marine construction, in writing, to the city development director, within the ten-day period, the city development director, prior to the granting of a permit, may require an as-built riparian survey, and further modification of the structure, or make further requirements pursuant to an action under F.A.C. 18-21.004(7)(f), as amended from time to time; any of which may include:

(1) Signed and sealed drawings by a state-registered professional engineer of the proposed structure showing the structural details, and cross section of same, and including all construction materials, and wind-load calculations.

(2) The plans shall also show soundings in feet and meters for docks and piers, all reclaimed lands, and any bulkhead construction. Soundings shall be referenced to the state-approved mean low-water elevation.

(3) Certification by a state-registered professional engineer that the location and design of the planned construction will not encroach on adjacent property riparian rights.

(Code 1995, § 18-233; Ord. No. 2155-08, § 1(18-233), 4-14-2008)

Sec. 10-169. - Federal and state permits required.

No building permit for marine construction contemplated by section 10-166 shall be issued in the absence of permits from the federal agency and the state agency having jurisdiction, if any are required.

(Code 1995, § 18-234; Ord. No. 2155-08, § 1(18-234), 4-14-2008)

Sec. 10-170. - Technical requirements for marine construction.

(a) *Application.* The technical requirements of this section are hereby adopted for all marine construction. These requirements shall be made in accordance with all requirements as specified by a registered professional engineer and approved by city development director.

(b) *Construction materials.* Marine construction may be composed and constructed of stone, concrete, concrete rubble (rip-rap), aluminum, plastic, timber or other material having a product approval acceptable to the city or certified by a Florida professional engineer.

(c) *Elevation.* Seawalls shall be equal to or above elevation 4.0 feet NGVD, 1929 datum, at top of cap when fronting on any navigable river or estuary. Cap heights shall be constructed as specified by a registered professional engineer, and subject to the approval of the city development director.

(Code 1995, § 18-235; Ord. No. 2155-08, § 1(18-235), 4-14-2008)

Sec. 10-171. - Construction standards for residential docks.

(a) All residential docks or piers shall be set back a minimum of five feet from both the riparian and side property lines, as shown in figure RP1, and shall not impair the use of existing or future dockage, because of proximity.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the _____ day of _____, 2020.

Commissioner _____offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED on second and final reading this ____ day of _____, 2020.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY