

Sec. 5-375. - Lighting on beach

- (a) *Purpose.* This section is intended to provide for the protection of sea turtles and sea turtle hatchlings. It is found and determined that light which is visible from any point standing on the beach has the potential of disorienting sea turtles and preventing them from reaching the sea. The standards set forth in this section are to be interpreted liberally to provide for the adequate protection of such sea turtles and are effective during the sea turtle nesting and hatching season from March first through October 31.
- (b) *Regulations; standards.* The following regulations and standards shall apply to beach front lighting within the city limits:
 - (1) Existing exterior artificial light fixtures shall be mounted as low as feasibly possible, shielded or replaced with alternative fixtures and lamps so that the source of light is not directly visible from the beach and does not directly or indirectly illuminate areas seaward of the primary dune. Traditional light bulbs should be replaced with alternate light sources including, but not limited to, low pressure sodium lamps, true amber or red LED lights, or low wattage fluorescent bulbs (seven (7) watts or less).
 - (2) For structures built prior to 2008, existing interior lights shall be shielded by window tint, shades and/or blinds that fully eliminate visible light on all windows and glass doors visible from any point on a nesting beach, including any side of the structure. Such blinds or shades shall be drawn after dark to completely cover windows visible from the beach. If the owner of such structure is found guilty of a repeat violation of this section, the enforcing authority may require that window tinting be installed.
 - (3) Site/building plans for new construction shall incorporate exterior and interior lighting designs that are fully compliant with standards for existing lighting. Building plans must include tinted glass or window film for all windows and glass doors visible from any point on a nesting beach, including the sides of the structure. Tinting/film must meet a transmittance value of forty-five (45) per cent or less (amount of light visible from inside to outside).
 - (4) Lighting standards shall apply to all newly installed or replacement exterior and interior light fixtures, both public and private, in direct line-of-sight of the beach.

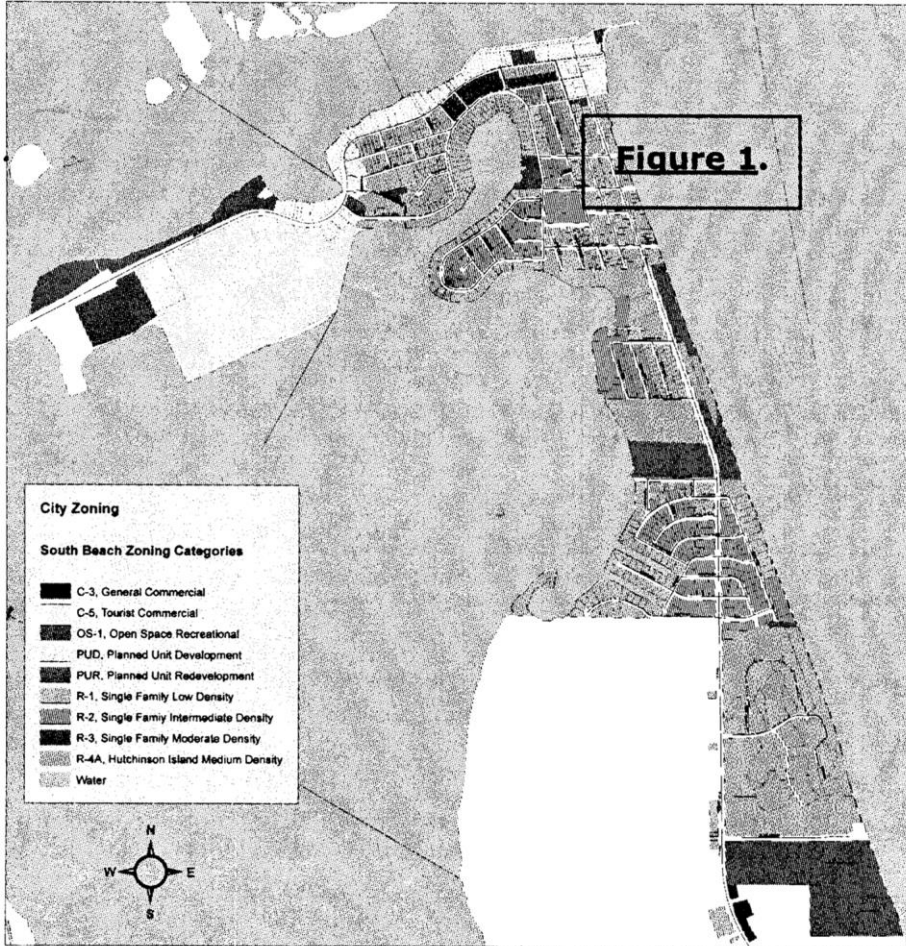
(Ord. No. L-79, § 2, 4-20-09)

Sec. 22-16. - Designation of overlay districts

The city's overlay zoning districts stipulate special provisions that, along with the provisions of the basic zoning district and other ordinance regulations, govern the use of property within the city limits.

(a) *South Beach Overlay District.*

- (1) *Applicability and purpose.* The purpose of the South Beach Overlay District is to promote good planning and site design that produces quality development that is functional, an asset to the community and in keeping with the general character of South Hutchinson Island. By way of this overlay district, the city seeks to preserve, protect and enhance the unique barrier island environment through regulation of development and redevelopment of lots within the district.



SOUTH BEACH OVERLAY DISTRICT

The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. All new development and changes to existing development in the district that require site plan or building permit approval are subject to the overlay district requirements in addition to other applicable regulations in this Code.

Due to ever-accumulating knowledge about the dynamics of a barrier island community, and new and better information about site design, the city's land development regulations will be monitored and reviewed on an on-going basis in order to assess their reasonability and effectiveness in promoting these purposes.

- (2) *Delineation of the district.* The South Beach Overlay District includes all parcels designated in the shaded area as indicated in Figure 1. The boundary of the South Beach Overlay District shall be deemed to automatically adjust pursuant to any annexation approval on South Hutchinson Island.
- (3) *District regulations.*
 - a. *Density.*
 - 1. *Residential.* Residential density shall be based on the requirements of the underlying zoning district except that in no instance shall residential density in the South Beach Overlay District exceed eight (8) units per acre.

2. *Non-residential.* Non-residential density shall be based on the requirements of the underlying zoning district.
3. *Mixed use.* The residential component of a mixed use development shall not exceed eight (8) units per acre. The non-residential component of a mixed use development shall be based on the requirements of the underlying zoning district while factoring the affect and impacts of the residential component on the site.

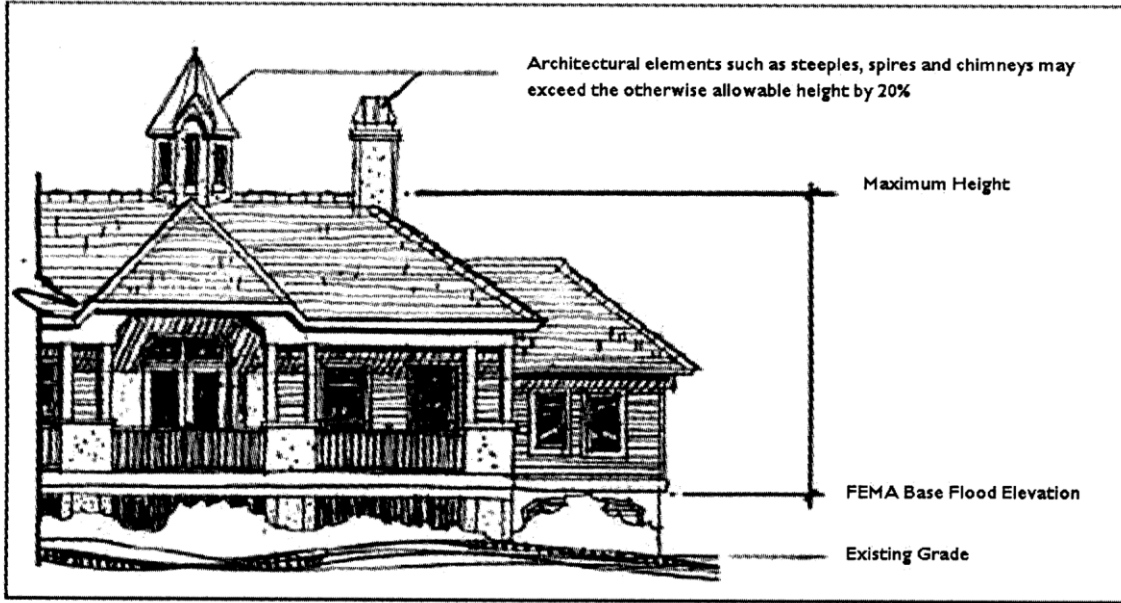
b. Height.

	OS-1	R-1	R-2	R-3	R-4A	C-3	C-5
Maximum height							
- Single family	-	28'	28'	28'	45'	-	-
- Duplex	-	-	-	28'	45'	-	-
- Triplex	-	-	-	-	45'	-	-
- Quadraplex	-	-	-	-	45'	-	-
- Multifamily	-	-	-	-	45'	45'	45'
- Other	35'	28'	28'	28'	45'	45'	45'
1. Maximum height may be extended up to 35' in the R-1, R-2 and R-3 zoning districts subject to conditional use approval.							
2. No habitable space is permitted above the maximum height specified in the zoning district.							
Not to Exceed							
- Single family	-	-	-	-	-	-	-
- Duplex	-	-	-	-	-	-	-
- Triplex	-	-	-	-	-	-	-
- Quadraplex	-	-	-	-	-	-	-
- Multifamily	-	-	-	-	4 stories	4 stories	4 stories

- Other	-	-	-	-	4 stories	4 stories	4 stories
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c. *Calculation of height.*

- Maximum structure height shall be calculated from the established FEMA Base Flood Elevation to the highest point of the roof excluding non-habitable architectural design elements of the structure.



MAXIMUM STRUCTURE HEIGHT

- The height of fences shall be measured from preconstruction grade.

d. *Height in excess of maximum.*

- Equipment including, but not limited to, satellite dishes and heating and air conditioning equipment may be installed on top of buildings provided that the equipment is screened from horizontal view.
- Non-habitable architectural elements that contribute stylistically to the building including, but not limited to, bulkheads, parapet walls, false fronts, cupolas, steeples, spires, and chimneys may exceed the maximum height requirement by 20 per cent.

e. *Design standards.*

	Standards
1. Single-family residential	None.
2. Multifamily	a) Architectural integrity and compatibility with nearby existing buildings both on- and

and non-residential	off-site shall be demonstrated. Architectural considerations shall include building siting, massing, proportion, scale, materials, colors, details, facade treatments, fenestration, parapets, site features, lighting and signage. The openness of ground floor facades and view corridors which face pedestrian utilized roadways, circulation routes or waterways shall be maximized to promote pedestrian activity and increase visibility of activity from the interior of the buildings.
	b) The form of buildings and its architectural details should be designed to create visual interest at the street level using techniques such as incorporating porches, staggering the frontage of the buildings, recessing doors and windows, providing display windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing.
	c) Site and architectural design features shall substantially advance design standards reflected in local precedents or regional buildings. These may include traditional Mediterranean, Key West, Mission, Prairie, Streamlined Art Deco or Mid-Century Modern architecture or other appropriate architectural design compatible with the Florida tropical climate. Materials and colors should be selected to unify the building appearance and fit into the pedestrian realm.
	d) Development along the city's waterfront shall maximize opportunities for public access to the water and facilitate connectivity with adjoining waterfront properties to establish an improved public promenade.

(Ord. No. K-441, § 1, 1-16-07; Ord. No. L-215, § 1, 7-5-11; [Ord. No. L-291, § 1, 6-17-13](#).)

Sec. 22-27.1. - Hutchinson Island Medium Density Residential Zone (R-4A)

- (a) *Purpose.* It is the purpose of this section to establish height and density regulations for lands located within the city which are situated east of the Indian River. The R-4A zone is compatible with the Medium Density Residential Hutchinson Island designation in the comprehensive plan. Permitted gross residential densities in this district may not generally exceed eight (8) units per acre. Bonus density of up to one additional unit per acre is available as provided for in this section. This district is established because Hutchinson Island is a sensitive barrier island which presents development considerations which are either unique to the area or are of added concern, such as environmental fragility, beach erosion, and hurricane evacuation.
- (b) *Basic use standards.* Uses in an R-4A zone must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.
 - (1) *Lot size.*
 - a. The minimum lot area for a single-family dwelling shall be five thousand (5,000) square feet.

- b. The minimum lot area for a townhome dwelling lot shall be one thousand five hundred (1,500) square feet.
- c. The minimum lot area for a duplex, triplex or a quadraplex shall be five (5,000) square feet per unit.
- d. Multifamily housing developments will utilize a lot with a gross density that shall not exceed eight (8) units per acre.
- e. The minimum lot width for duplexes, triplexes, quadraplexes and multifamily housing developments shall be seventy-five (75) feet.
- f. The minimum lot width for townhome developments shall be two hundred (200) feet. Townhome developments shall be subdivided into a minimum lot width of sixteen (16) feet and maximum lot width of twenty-four (24) feet.
- g. The minimum lot width for other uses shall be sixty (60) feet.
- h. The minimum lot depth for duplexes, triplexes and multifamily housing developments shall be ninety (90) feet.
- i. The minimum lot depth for townhome development shall be ninety (90) feet.
- j. The minimum lot depth for other uses shall be seventy (70) feet.

(2) *Yards.*

- a. The minimum depth of the front yard for townhome developments will be ten (10) feet. The minimum depth of the front yard for other uses shall be twenty-five (25) feet.
- b. The minimum depth of the side yards for triplexes, quadraplexes and multifamily developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- c. The minimum depth of the side yards on the periphery of the townhome developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet. The minimum depth of the side yard between individual townhome units or lots shall be zero (0) feet.
- d. The minimum depth of the side yards for other uses shall be six (6) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
- e. The minimum depth of the rear yard shall be twenty (20) feet for triplexes, quadraplexes and multifamily developments.
- f. The minimum depth of the rear yard for townhome lots that abut an alley shall be zero (0) feet. The minimum depth of the rear yard for townhome lots with all other conditions shall be fifteen (15) feet.
- g. All other uses: The minimum depth of the rear yard shall be fifteen (15) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is fifteen (15) feet from the rear lot line and extends to the closest property lines. The minimum depth of the rear yard for the remainder of the lot will be five (5) feet, except on double-frontage and waterfront lots it shall be fifteen (15) feet.
- h. The minimum distance between residential buildings shall be twenty (20) feet except that screen porches located on the ground floor may project into the minimum distance, and except that screen porches in owner occupied condominium projects that maintain a minimum building separation of twenty-eight (28) feet or more may be enclosed with glass. The maximum combined projection between two (2) or more buildings shall be eight (8) feet.

- (3) *Lot coverage.*
- a. Buildings in multifamily housing developments shall not cover more than forty-five (45) per cent of the lot area.
 - b. Buildings for principal residence in townhome developments and townhome dwelling lots shall not cover more than fifty (50) per cent of the lot area. Accessory buildings may cover an additional fifteen (15) per cent of the building site.
 - c. Buildings in other developments shall not cover more than forty (40) per cent of the lot area.
- (4) *Buildings heights.* No building shall exceed forty-five (45) feet above grade.
- (5) *Density.* Unless otherwise provided, densities on land within the city situated east of the Indian River may not exceed eight (8) units a gross acre, other provisions of this chapter notwithstanding. However, upon application in the manner provided for by section 22-58, the commission may allow one additional density bonus for landscaping, for a maximum allowable addition of one (1) density bonus unit per acre upon consideration by the commission of their compatibility with the natural features of the area and surrounding development and the availability of supporting infrastructure. The application shall demonstrate compliance with each of the following criteria depending upon the categories for which density bonuses are sought:
- a. *Landscaping.*
 1. Landscape area requirements as specified in section 22-59 shall be increased by twenty (20) per cent;
 2. Landscape tree planting requirements as specified in section 22-59 shall be increased by twenty (20) per cent;
 3. Minimum height levels of required trees at time of planting, as specified in subsection 22-59(b)(3)b.1. shall be increased by fifty (50) per cent;
 4. Landscape irrigation/sprinkler systems shall be installed;
 5. All plant species must be salt tolerant and meet with the approval of the director of development. An approved species list may be obtained from the director of development.
- (6) *Additional requirements dwelling, townhome.*
- a. *Ownership:* One hundred (100) per cent of the total lot area shall be the minimum area conveyed to the lot owner, including the front yard, back yard and side yard. A homeowners maintenance shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.
 - b. *Common Area:* Any portion of the original lot not divided among and incorporated into the resulting individual townhome dwelling unit lots shall be held by either of the following or a combination of the following. Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of the said lot; or, a property owners association (POA).
 - c. *Parking:* Two (2) parking spaces per dwelling units shall be provided for townhome developments and shall be side-by-side parking and not in-line tandem parking. No off-street parking spaces shall be located between the front of the principal residence and the front property line.
 - d. *Access:* When townhome lots abut an alley, the site plan shall include provisions to utilize the alley as a service corridor for the townhome units. When townhome lots do not abut an alley, the site plan shall include a twenty-foot-wide, unobstructed service corridor along the rear of the properties which shall be dedicated to service use. Garages, surface parking and garbage pickup shall be accessed and accommodated by the service corridor.

- e. *Yards:* Front yards of townhome units shall include a porch, stoop or covered entry. Rear yards shall be enclosed by a building wall or garden wall.

(c) *Other applicable use standards.*

- (1) All multifamily housing developments with twenty (20) or more dwelling units shall be subject to site plan review procedures specified in section 22-58.
- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least five (5) feet from the rear lot line.
- (3) On any lot used for residential purposes, other than a multifamily housing development, no more than one (1) residential building will be allowed on the lot, except one (1) building without kitchen facilities may be allowed as a guest house.
- (4) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet, or the minimum frontage for a townhome development shall be sixteen (16) feet.
- (5) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (6) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61.
- (7) Conditional uses will meet the requirements in sections 22-74 through 22-86.
- (8) Signs will comply with standards referred to in section 22-55.
- (9) All other applicable ordinance requirements will also be satisfied.

(Ord. No. I-461, § 1, 6-3-91; Ord. No. I-469, §§ 1—4, 7-15-91; Ord. No. J-29, §§ 12-14, 12-7-92; Ord. No. K-24, § 6, 8-21-2000; Ord. No. K-148, § 3, 4-15-02; Ord. No. K-464, § 3, 11-18-06; Ord. No. L-73, § 1, 1-5-09; [Ord. No. L-295, § 9, 11-4-13](#))

Editor's note— Ord. No. I-461, § 1, adopted June 3, 1991, amended this chapter by adding provisions designated as § 22-27A, said provisions have been included herein as § 22-27.1., at the discretion of the editor, in conformance with the numbering system of this Code as stated in the Preface.

Cross reference— Imposition land use fees for issuance of building permits on Hutchinson Island, § 5-4.

Sec. 22-59 (g)(2)(d.). - Design review

- (g)
 - (2) *Entrances.*
 - d. Porches shall have a minimum depth of six (6) feet and may encroach up to six (6) feet into the front yard (setback), or into a side yard that abuts a public right-of-way or public space.

(Ord. No. K-497, § 1, 7-16-07; K-497, §, 7-16-07)

Sec. 22-66. - Coastal construction control line

No construction is permitted on the seaward side of the coastal construction control line in any zoning district except for navigational structures, private and semi-public water-dependent recreational uses and water-dependent public uses. Any other construction shall be approved in the form and manner provided for by Chapter 22, Article V, Conditional Uses, of this Code of Ordinances and otherwise shall conform with all other applicable ordinance requirements. The coastal construction control line is that certain line designated by the department of natural resources or its successor agency in accordance with section 161.053, Florida Statutes.

(Ord. No. H-186, § 30-66, 6-15-81)

Sec. 22-76. - Procedure for the review and approval of conditional uses

The application for conditional use with the application for site plan review, when not exempt in accordance with the requirements of section 22-75, shall be reviewed as a unit in accordance with the requirements of section 22-58 except that:

- (1) The city commission shall hold a public hearing in accordance with the provisions of section 22-143 prior to acting on the application for conditional use.
- (2) In the event the city planning board disapproved the application for conditional use or in case of a protest against said application signed by twenty (20) per cent of the owners within five hundred (500) feet of the area included in said application, such application shall not be approved except by a four-fifths vote by the city commission.
- (3) In permitting a conditional use or the modification of an existing conditional use, the city commission may impose, in addition to those standards and requirements expressly specified in this chapter, any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.

(Ord. No. H-186, § 30-76, 6-15-81)

Sec. 22-91. - General exceptions to yard requirements

The following exceptions to yard requirements are authorized for a lot in any zone.

- (1) If there are buildings on both abutting lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- (2) If there is a building on one abutting lot which is within one hundred (100) feet of the lot, and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard depth.

(Ord. No. H-186, § 30-91, 6-15-81)

Sec. 22-100. - Nonconforming lots

If, at the effective date of adoption or amendment of this chapter, a lot of record exists which could be lawfully used for some purpose and the lot is no longer permissible for any use under the terms of this chapter relating to lot size, and if the entire contiguous land holdings in single ownership have not

decreased, other than due to eminent domain proceedings, since the lot became nonconforming, and if the use satisfies other requirements of this chapter, then such lot:

- (1) If located in an E-1, R-1, R-2, R-3, R-4, R-4A or R-5 district may be used for a single-family dwelling except mobile home; provided, however, that this section shall not apply to any such lots which immediately adjoin other such lots and which are under common ownership and capable of being replatted so as to create one or more lots which may be used for some purpose after the effective date of adoption or amendment of this chapter; or
- (2) If located in a nonresidential district may be used for any use allowed in the district.

(Ord. No. H-186, § 30-100, 6-15-81; Ord. No. K-419, § 1, 4-17-06)

Sec. 22-186 - Single- and two-family dwelling units

Landscaping design standards for single-family and two-family residential structures. These standards shall apply to all new single-family and two-family dwelling that have less than four thousand (4,000) square feet of interior floor area or the remodeling of existing units with less than four thousand (4,000) square feet of interior floor area that require a building permit.

- (1) Residential structures constructed with other than slab on grade foundations shall be provided with a continuous skirting of landscaping, in the form of shrubs or hedges, for the entire perimeter of the foundation. Shrubs used to meet the requirements of this section shall be a minimum of thirty-six (36) inches in height when planted. Hedges shall be planted and maintained so as to form a thirty-six-inch or higher continuous, unbroken, solid screen at time of planting. Stone wall foundations may be used in place of landscaping.
- (2) A minimum of four (4) trees must exist or be planted on each developed lot where either a single-family residence or two-family residence is the principal structure. Existing trees must be a species that are acceptable to the department, located away from utility conflicts and in good health. Trees to be planted must be of a variety compatible with the existing soil and drainage conditions and must be provided with adequate water and fertilizer to encourage long term growth. Trees should be planted in locations so as not to present a potentially dangerous condition or interfere with existing structures or utilities at maturity.
- (3) Residential lots must either be fully grass-covered or provided with a combination of grass cover and landscape for the entire ground area, except for permitted, impervious surfaces such as sidewalks, patios, and driveways. Landscaping shall comply with section 22-187, General landscaping requirements, as applicable.
- (4) Public right-of-way which abuts property on which either a single-family residence or a two-family residence is the principal structure must be sodded by the owner to the back of the curb or edge of the pavement, whichever is applicable. Trees shall be planted, as determined by the department, either on the public right-of-way or land adjacent to the public right-of-way so as to serve as shade for sidewalks and contribute to the streetscape design of the adjoining roadway.

(Ord. No. K-126, § 4, 1-22-02)

Sec. 22-194 (d)(5). - Tree protection and mitigation

- (d) Mitigation shall be required for the loss of any native tree at least fourteen (14) inches DBH (except for palms which shall have a minimum clear trunk of ten (10) feet) and shall include the following:
 - (5) When the property being developed is not suitable for on-site mitigation, the applicant's plan, may, with city approval, provide for use of a site on city public lands providing that the applicant furnishes all necessary services incident to such mitigation on public property, including but not limited to funding of plant materials and labor. Alternatively, the applicant may contribute a fee established by the city commission by resolution per inch DBH required for mitigation to the city

to be used by the city for acquisition, maintenance or planting of native trees on publicly owned lands. Any such monies contributed in satisfaction of the applicant's mitigation requirement shall be placed in a specially designated fund entitled the City of Fort Pierce Tree Preservation Funds, the use of which is limited as provided in this section.

(Ord. No. K-126, § 4, 1-22-02; Ord. No. L-86, § 7, 7-20-09)