

ORDINANCE NO. 23-NNN

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING SECTION 125-3. DEFINITIONS GENERALLY; AMENDING SECTION 125-187. ALLOWED USES; AMENDING SEC. 125-318. HOME OCCUPATIONS; ESTABLISHING SEC. 125-328. BOARDINGHOUSES AND ROOMINGHOUSES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce, though the establishment and enforcement of applicable standards for boardinghouses and roominghouses located within the city limits, allows the protection and preservation of the health, safety, appearance, and general welfare of the citizens of the city, and

WHEREAS, under FL. STAT.§ 163.3202(5) and FL. STAT.§ 320.8285(6) the allowed uses in certain zoning districts require amendment to Sec. 125-187. Allowed Uses, to allow residential units constructed as manufactured, modular, or mobile homes to be considered as single-family dwellings and for such dwellings to be reviewed in the same manner as conventionally constructed housing, and

WHEREAS, the definition of Fence in Sec. 125-3. - Definitions Generally, of the city code of ordinances, requires amendment to remove conflicts with Sec. 125-322. - Fences, walls, and hedges; installation, replacement, and maintenance, and the definition of accessory structure, within the city code of ordinances, and

WHEREAS, Sec. 125-318. - Home Occupations, of the city's code of ordinance requires amendment together with Sec. 125-3. – Definitions Generally, to direct that the provisions for home occupations are regulated by FL. STAT.§ 559.955 Home based business: local government restrictions, and

WHEREAS, the City of Fort Pierce Planning Board held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their _____, 2023, meeting, voted _____ to recommend _____ of the request.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Sec. 125-3 Definitions, and Sec. 125-187, and Sec. 125-318 are hereby amended, and Sec. 125-328 is established, so the same shall read as follows:

Sec. 125-3. Definitions; generally.

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:

General. For the purposes of this chapter, certain words and phrases are defined as indicated in this section. Terms in the present tense include the future, the singular includes the plural and the plural the singular; the terms "shall," "will" and "must" are mandatory, and the term "may" is permissive.

Accessory use or accessory structure means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use. In all residential zoning districts, accessory structures shall be limited in size to no more than 25 percent of the main structure, which size limitation shall be cumulative and calculated in combination with any other existing accessory structure so that the total size of all accessory structures shall not exceed this maximum. Such accessory structures shall further not exceed the maximum building height of the existing or planned main structure. In calculating maximum building size, existing or planned attached garages shall not be considered. Detached garages which are permanently affixed to the property with a proper foundation shall not be subject to the 25 percent size limitation specified herein; provided, however, such detached garages shall conform with the applicable height restriction. Nothing in this section shall supersede lot coverage standards provided elsewhere in the Code restricting the total size of all structures which may be located on any property.

Adult congregate living facility means a facility which undertakes through its ownership or management to provide, for a period exceeding 24 hours, one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services. Personal services means in addition to housing and food service, which include, but are not limited to, personal assistance with bathing, dressing, ambulation, housekeeping, supervision, eating, supervision of self-administered medications and assistance with securing health care from appropriate sources. Any such facility shall be licensed as such by the state pursuant to F.S. § 429.07, and regulations applying thereto, as it now exists or as subsequently recodified. This definition shall not be deemed to include boardinghouses or rooming houses as defined in this section.

Alley means a public thoroughfare which affords only a secondary means of access to abutting property.

Amusement arcade means that portion of an interior premises consisting of three or more amusement devices, but no more than 49 amusement devices.

Amusement device means any table, platform, mechanical or electronic device or apparatus operated or intended to be operated indoors for amusement, pleasure, test of

a skill, competition or sport, where the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin, electronic card, or token in a slot or otherwise so long as the person playing does not receive anything of value or any prize in violation of state or federal law. The definition of the term "amusement device" includes, but is not ~~be~~-limited to, devices commonly known or simulated baseball, simulated football, simulated basketball, simulated hockey, simulated boxing, pinball, shuffleboard, ray guns, bowling games, bumper games, skiball, electronic video games, and shall also include billiard tables and pool tables (whether coin or not). Such definition does not include a bowling alley, juke box, or other coin-operated music machine, or a mechanical children's amusement riding device.

Amusement park means a large scale permanent or transient commercially operated enterprise, the majority of which is outdoors, that supplies various forms of amusement, entertainment and recreation, such as a carnival, circus, theme park and amusement ride facility.

Aquaculture facilities means facilities for the raising, feeding, planting and harvesting of aquatic organisms.

Aquatic areas means tidal waters and wetlands and nontidal sloughs, streams, lakes and wetlands. The lands underlying the waters are also included. The upper limit of aquatic areas is the mean high tide line in tidal areas and the ordinary high-water line in nontidal areas.

Arcade amusement center means that portion of an interior premises consisting of 50 or more amusement devices.

Arterial street means a street designated as an arterial street in the comprehensive plan.

Bankline/streamline alteration means realignment of a stream bank or the entire stream, either within or without its normal high water boundaries.

~~*Boardinghouse (roominghouse)* means an establishment, other than an adult congregate living facility or a health care facility, with lodging for four, but not more than nine persons. There shall be no provision for cooking in individual sleeping rooms but meals may be regularly prepared and served for compensation, provided the food is placed upon the table family-style without service or ordering individual portions from a menu.~~

Boardinghouse or roominghouse means an establishment where sleeping accommodations are provided for a fee, with lodging for a minimum of four, but not more than nine persons, where meals may be furnished for the occupants, but individual cooking facilities in the accommodations are prohibited. This definition shall not be deemed to include an adult congregate living facility or bed and breakfast.

Boardinghouse or rooming house unit means any room or group of rooms, excluding common areas, forming a single habitable unit, used, or intended to be used as sleeping accommodations.

Building means any structure, temporary or permanent, having a roof impervious to

weather and a fixed base on a fixed connection to the ground and which is used or built for the shelter or enclosure of persons, animals or property of any kind.

Building height means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points of other types of roofs.

Business service establishments means businesses primarily engaged in rendering services; other than professional, educational, repair or contract construction services; to other business establishments. These services include, but are not limited to, employment services, advertising services, consumer credit and reporting services, collection services, mailing services and building maintenance services.

Collector street means a street designated as a collector street in the comprehensive plan.

Commercial off-street parking lot means any area, other than a public right-of-way, which is used for the parking of cars and is available to the public for a fee and which includes all of the space needed for the movement of vehicles and people, landscaping and access drives.

Communication service establishments means businesses primarily engaged in communications activities, including newspaper and printing services, television and radio services and telephone and telegraph services.

Comprehensive plan means the comprehensive development plan for the city adopted by the city commission, comprised of plans, maps, reports or any combination thereof which relates to the future economic and physical growth and development or redevelopment of the city.

Condo hotel means a building constructed, maintained, operated and managed as a hotel or resort hotel in which each sleeping unit in the facility is individually owned and in which all sleeping units are available for transient occupancy, i.e., daily, weekly or monthly rent and where the structure, common areas and facilities are owned by all owners on a proportional individual basis.

Conventional home/mobile home subdivision means a subdivision in which the principal uses of property are limited to conventional single-family dwellings, mobile homes and community facilities by the subdivision covenants.

Cul-de-sac means a street with only one outlet which has a vehicular turnaround at the opposite end from the outlet.

Day care center means an establishment where six or more children, other than members of the family occupying the premises, are cared for away from their own home by day or night, except foster homes.

Density, gross, means the number of dwelling units per gross acre of land, determined by dividing the total acreage within the lot or parcel excluding aquatic areas but including portions of the property which are or are proposed to be streets, sites dedicated to a

governmental body for public use and other common areas.

Density, net, means a term which refers to the number of dwelling units per net acre of land and which is determined by dividing the number of dwelling units by the total acreage within the lot or parcel excluding aquatic areas and streets.

Dike means a structure designed and built to prevent inundation of nonaquatic areas by water.

Dock/moorage facilities means a pier or secured float for boat tie-up or other water use, often associated with a specific land use on the adjacent shoreland, such as a residence, a group of residences, a commercial use or a light industrial facility. Small, commercial moorages (less than 15 berths) with minimal shoreside services and no solid breakwater are also included in this category. Floathouses, which are used for boat storage, net-drying and similar purposes, are also included in this category.

Dredged material disposal means the deposition of dredged material in aquatic areas or shorelands. Methods include land disposal, in-water disposal, in-water disposal to create land, beach nourishment, flow-land disposal, ocean disposal and other in-water disposal.

Dredging means the removal of sediment or other material from a stream, river, estuary or other aquatic area for the purpose of deepening a navigation channel, mooring basin or other navigational areas, or obtaining fill material.

Duplex means a building containing only two dwellings.

Duplex subdivision means a subdivision in which the principal uses of property are limited to duplexes and community facilities by the subdivision covenants.

Dwelling rental (dwelling unit) means one or more rooms connected together in a building, constituting a separate, independent housekeeping establishment, other than a motel/hotel, for purposes of rental on a daily, weekly or longer basis, though less than what is otherwise provided for a dwelling, physically separated from any other rooms or dwelling units which may be in the building, and containing sleeping and sanitary facilities and one kitchen.

Dwelling unit means one or more rooms, designed, occupied, or intended for owner occupancy, or rental for six months or longer in R-1 and R-2 residential zoning districts, used as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling, single-family, means a building containing only one dwelling.

Dwelling, townhome, means a single dwelling unit attached by at least one, but no more than two, party wall along more than 50 percent of the maximum depth of the unit to one or more other dwelling unit on a continuous foundation, with said party wall being centered on the common property line between adjacent lots.

Educational service establishments means businesses primarily engaged in education, including, vocational and trade schools, business and stenographic schools, art and music schools, dancing schools and correspondence schools.

Family means an individual or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one housekeeping unit using one kitchen, or a group of not more than two unrelated persons living together as one housekeeping unit using one kitchen.

Farmers market complex means an establishment or group of establishments primarily engaged in rendering agricultural sales and services including distribution, wholesale and retail sale of produce and related merchandise, agricultural tourism, training and education, and compatible uses. Such uses include, but are not limited to, retail and wholesale produce markets, agricultural products and food distribution, wholesale bakeries, cafeterias which are intended primarily for use by employees of surrounding businesses, enclosed livestock and equestrian facilities designed for special events and educational service establishments and laboratories for agricultural training classrooms, greenhouses, and aquaculture facilities.

Farmstand sales establishment means a business which is contained within a permanent building with restroom facilities and which is engaged in the wholesale and retail sale of produce and related merchandise to customers. The business shall be located contiguous to an active agricultural use and shall not be located on Indian River Drive.

Fast food establishment means a restaurant which dispenses food at a walk-up window, drive-up window, at parked vehicles or at an indoor counter to be consumed outdoors on the premises or off the premises. Any establishment with one or more of the service methods described above shall be termed a fast food establishment notwithstanding that tables, booths or counter seating is provided indoors for the consumption of food.

Fence means a freestanding ~~accessory~~ structure, designed and intended to serve as a barrier or as a means of enclosing a structure, yard or other area, or to serve as a boundary feature separating two or more properties.

Finance establishments means businesses primarily engaged in offering financial services, such as those provided by banks; savings and loan associations; credit unions; security and commodity brokers, dealers and exchanges; and holding and other investment companies.

Gasoline service station means a business primarily engaged in the retail dispensing of automotive fuels and oil and where grease, batteries, tires and other automobile accessories may be dispensed at retail principally for automobiles, and where various automotive and convenience services may be provided, except restaurant services, major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition and operation of a commercial off-street parking lot.

Grade (ground level) means the average elevation of the finished ground at the centers of all walls of the buildings, except if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls excluding public corridors, common restrooms, attic areas with a headroom of less than seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to building machinery and equipment (such as air conditioning, ventilating or heating), parking structures and basement space where the ceiling is not more than an average of six feet above the general finished and graded level of the adjacent portion of the lot.

Guest house means a dwelling unit in a building separate from, and in addition to, the principal residential building on a lot, but not exceeding 50 percent of the floor area of said principal residential building, intended for intermittent or temporary occupancy.

Hazardous liquids means liquids which are dangerous to people's health because of toxicity, flammability, explosiveness or other characteristics.

Home occupation means an accessory use of a dwelling unit as set out in section 125-318.

Hospital means a building or group of buildings having facilities for overnight care of one or more human patients, providing services to in-patients and medical care to the sick and injured, and which may include, as accessory uses, laboratories, out-patient services, training facilities, central service facilities and staff facilities.

Hotel means a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting spaces, entertainment, and recreational facilities.

Impervious surfaces means any surface which has been altered, covered or controlled resulting in the virtual elimination of the infiltration and percolation of water to the underlying soils. The term "impervious surfaces" includes most conventionally surfaced streets, roofs, sidewalks, parking lots and similar facilities.

Indoor amusement, entertainment and/or recreation facilities means enclosed facilities, which for each wall face have no entrance/exit points wider than five feet or 20 percent of the main wall face, whichever is greater, pertaining to amusement entertainment and/or recreational activities, such as theaters, bowling alleys, pool halls, dance halls and indoor tennis court, handball and swimming pool facilities. This shall not include adult establishments or amusement arcades.

Junkyard means a "junkyard" as defined and regulated in chapter 22, article VII.

Kennels means any premises, except where accessory to an agricultural use, where five or more dogs or other domestic animals which are not sick or injured and are four months in age or older are boarded for compensation, cared for, trained for hire, kept for sale, or bred for sale, but not including veterinary clinics.

Land means ground, water, marsh and swamp.

Land transportation facilities means highways, railroads, bridges and associated structures and signs which provide for land transportation of motorized and/or

nonmotorized vehicles.

Landscaping means living material, such as, but not limited to, grass, ground covers, shrubs, vines, hedges and trees (including palms) and nonliving durable material commonly used in landscaping such as, but not limited to, bark chips, rocks, pebbles, sand and fences, but excluding paving.

Limited cooking facilities means a collection of customary appliances which may include sinks, wet bar areas, refrigerators and microwave ovens provided in transient lodging accommodations for the use, enjoyment and convenience of transient occupants but specifically excluding dish washers, stoves and ovens.

Lot means a parcel, plot or tract of land of at least sufficient size to meet the minimum requirements of this chapter (provided that certain nonconforming lots of record at the effective date of these regulations (June 22, 1981) or their amendment are exempted from certain provisions in accordance with section 125-70).

Lot area means the total horizontal area within the lot lines of a lot exclusive of aquatic areas and streets.

Lot, corner, means a lot abutting on two or more streets at their intersection.

Lot coverage means the portion of the lot area which is covered by a building.

Lot depth means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot, double frontage, means a lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

Lot line means a property line separating a lot from property outside the lot.

Lot of record means a lot which is part of a subdivision, recorded in the office of the county clerk in the county, or a lot described by metes and bounds, the description of which has been recorded in such office.

Lot, waterfront, means any lot or parcel of land which abuts or adjoins any navigable waterway, river, cove, stream, canal, lake or other navigable body of water.

Lot width means the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost point of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Low intensity recreation means small scale recreational improvements involving a relatively minimal capital investment and no structures over 500 square feet in size. Examples of the types of small scale facilities involved are trails, picnic tables, restrooms, viewing platforms, shelters and small piers.

Major utility means towers, power generating plants, facilities and lines of communication and power transmission; solid waste disposal; waste water treatment plants; water treatment plants; storm water and treated waste water outfalls (including industrial); major water, sewer and gas lines, excluding any such lines used for direct distribution to or

collection from customers.

Marinas means facilities which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial fishing and charter fishing vessels. They are differentiated from docks/moorages by their larger scale, the provision of significant landside services and/or the use of a solid breakwater (rock, bulkheading, etc.).

Mean high tide line means the mean high water line as determined according to F.S. ch. 177, pt. II (F.S. § 177.25 et seq.).

Mobile home means a structure, transportable in one or more sections, which has a body eight feet or more in width, is built with a chassis, is designed to be used as a permanent residence when connected to the required utilities and includes plumbing, heating and electrical systems suitable for a residence.

Mobile home park means a place where two or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or offer space free in connection with securing the trade or patronage of such person.

Mobile home subdivision means a subdivision in which the principal uses of property are limited to mobile homes and community facilities by the subdivision covenants.

Motel means a facility offering transient lodging accommodations to the general public with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Multifamily housing development means any development which within two calendar years will have five or more dwelling units on a lot.

Multimodal transit center means transportation facility that connects multiple modes of transportation to include, but not limited to, walking, cycling, automobile and public transit.

Navigational structures means structures such as pile dikes, groins, fills, jetties and breakwaters that are installed to help maintain navigation channels, control erosion, or protect marinas and harbors by controlling water flow, wave action and sand movement.

Breakwaters may be of rock, steel, concrete or piling, or the floating kind. They are used to protect harbors and marinas against waves and currents.

Fills means placements by man of sediment or other material (excluding solid waste) in an aquatic area to create new shorelands or on shorelands to raise the elevation of the land.

Groins means analogous to pile dikes, but are constructed from rocks. They can withstand more intensive wave action than pile dikes, are often used on beaches, where they exert a strong influence on sand transport and extend from the backshore seaward across the beach.

Jetties means the largest of all navigational structures; they are made of rock or concrete and are used to stabilize the channel and improve the scour at the mouth of an estuary.

They must be able to withstand extreme wave conditions and may alter longshore sand transport for many miles along the coast.

Pile dikes means flow-control structures that are used primarily in river systems and are made of closely spaced piling connected by timbers; usually they are perpendicular to the shore. They are constructed to increase scour in the navigation channel and/or control shoreline erosion by interrupting sand transport and encouraging sedimentation in the sheltered lee of the pile dike. A single pile dike is unusual; they are generally constructed in groups.

Parking space means an enclosed or unenclosed area exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a drive, street or alley which affords ingress and egress for automobiles.

Person means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

Personal service establishments means businesses primarily engaged in providing services involving apparel or the care of a person (other than health care), including laundering and dry-cleaning services (except those which primarily serve other businesses), beauty and barber services, garment alterations and funeral homes. This definition shall not include adult massage parlors.

Professional service establishments means businesses primarily engaged in providing services such as the following: medical and other health services; legal services; engineering and architectural services; and accounting, auditing and bookkeeping services.

Property owner means one who possesses title to real property or to whom real property belongs with the requisite intent to own.

Public use means a structure or use intended or used for a public purpose by a city, school district, county, state or by any other public agency or by a public utility.

Public utility structures means a building or structure which is used to provide telephone, power, gas, oil, water or wastewater services and which belongs to a governmental body or to a public organization vested with public/governmental interest and subject to governmental regulations. Aboveground facilities such as electric or gas substations, water tower, pump station, switching station, equipment storage and material storage which are not limited to an interior wall but to a perimeter fence or property line for zoning regulations.

Quadraplex means a building containing only four dwellings.

Railroad passenger station means a facility, either light or heavy rail, for the boarding of passengers and related ticketing sales and offices.

Recreational vehicle means a vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for

human occupancy, is designed for vacation or recreation purposes (not residential), and including, but not limited to, travel trailers, camping trailers, truck campers and motor homes.

Recreational vehicle park means an area which is designed to accommodate the parking of recreational vehicles.

Repair service establishments means business primarily engaged in repairing items and which undertake no more than a minimal amount of manufacturing.

Replacement value means the estimated current replacement cost of the building or structure in kind, as such structure existed before the damage occurred. The cost shall be determined by using the most recent building valuation data for the state as compiled by the International Code Counsel (ICC) using the Marshall Evaluation Service, as published by the Marshall and Swift Publication Company, Los Angeles, California, or the contract price given the applicant by a licensed contractor, whichever is higher.

Resort hotel means a tourist-oriented destination resort facility offering transient lodging accommodations with sleeping units available to the general public in conjunction with marine, aquatic, golf or other recreational amenities, including, but not limited to, organized programs, activities, camps and excursions for both adults and/or children, fitness and spa facilities, as well as other services and amenities including restaurants, meeting, conference and/or banquet facilities as well as entertainment where such sleeping units are intended for the exclusive use as transient lodging accommodations.

Resource enhancement means the use of artificial or natural means to improve the quantity or quality of a specific resource.

Retail sales establishments means businesses which are primarily engaged in selling merchandise to customers for personal, household or farm use (including incidental manufacturing and repairing of goods on the premises; provided, however, that the space devoted to manufacturing and repairing does not exceed 20 percent of the gross floor area of the establishment) such as restaurants, bars, grocery stores, bakeries, department stores, clothing stores, fabric shops, luggage stores, gift shops, jewelry stores, florist shops, camera shops, record stores, toy stores, bookstores, newsstands, stationery stores, drugstores, sporting goods stores, furniture stores, appliance stores, hardware stores, auto parts stores, gasoline service stations, bicycle shops and auto sales facilities. This definition shall not include adult bookstores, adult dancing establishments or other adult establishments.

Semi-public use means a structure or use intended or used for a semi-public purpose by a church, lodge, club or any other nonprofit organization.

Shopping center means two or more commercial establishments which as a group contain a minimum of 15,000 square feet of gross floor area and which are built on a site under unified legal control.

Shoreline stabilization means the protection of the banks of tidal or nontidal stream, river

or estuarine waters by vegetative or structural means.

Shrub means a self-supporting, woody, evergreen species, as normally grown in the county.

Sign means a sign as defined and regulated in chapter 117.

Slaughterhouse means an enclosed building where animals are slaughtered for commercial gain or compensation.

Sleeping unit means one or more rooms designed, occupied, or intended for occupancy as transient lodging accommodations with limited cooking, and sanitary facilities provided within the sleeping unit for the exclusive use as transient lodging accommodations.

Street means the entire width of a public or private thoroughfare between property lines which affords the principal means of access to abutting property, except for some corner lots.

Structure means something constructed or erected on the ground, attached to something located on the ground or requiring construction or erection on the ground, such as buildings, billboards and fences.

Structure alteration means any change in the supporting members of a building, such as bearing walls, bearing partitions, column beams or girders, or any complete rebuilding of the roof or any extension wall.

Student housing means a permanent building consisting of separate sleeping rooms and a common area with a kitchen. A sleeping room is defined as an area with one bed which is intended for one person. The building may contain uses consistent with student housing such as restaurants, cafes, coffee shops, laundry services, and food shops. Tenants occupying the rental units must be students attending colleges, universities, or institutions of higher learning. Parking shall be a minimum of one parking space per two sleeping rooms. Bicycle parking shall be a minimum of one bicycle space per two sleeping rooms. Sleeping rooms in student housing are not subject to density, dwelling unit, or gross floor area definitions of this section. Criteria to be considered in approving a conditional use application for student housing may be found in Resolution No. 09-28. A transit fee shall be paid at the time of issuance of a certificate of occupancy or as directed by the city. This fee shall be adopted by resolution.

Townhome development means a series of townhome units proposed on one or more parcels which, prior to replatting, has a contiguous frontage of at least 200 feet along a public roadway. The maximum length of contiguous building line in a townhome development is 200 feet. The townhome development shall be exempt from section 121-11(e).

Transit stop means an intermediate stop along a public transportation route where passengers or goods are loaded or unloaded that is of a smaller scale than a rail station or intermodal station and primarily oriented to interface with pedestrian modes.

Trees means self-supporting woody plants and palms of species which normally grow to

an overall height of a minimum of 15 feet in the county.

Triplex means a building containing only three dwellings.

Use means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Vehicular use area means any area used for the display or parking of any and all types of vehicles (including boats and heavy construction equipment) whether or not the vehicles are self-propelled and any land upon which vehicles traverse the property as a function of the primary use.

Water-dependent means uses and activities which can only be carried out on, in or adjacent to water, and the water location or access must be needed for one of the following:

- (1) Waterborne transportation (navigation, moorage, fueling and servicing of ships or boats, terminals and transfer facilities, resource material receiving and shipping);
- (2) Recreation (active recreation such as swimming, boating or fishing or passive recreation such as viewing or walking);
- (3) A source of water (energy production, cooling of industrial equipment or wastewater or other industrial processes); or
- (4) Marine research or education (viewing, sampling, recording information, conducting experiments or teaching).

Water-related refers to uses and activities that do not require water access (are not water-dependent), but may be appropriate as consistent with other development criteria because:

- (1) They provide goods and/or services that are directly associated with water-dependent uses (supplying materials to, using products of or offering commercial or personal services to water-dependent uses);
- (2) A location other than adjacent to the water would result in a public loss of quality in the goods and services offered (evaluation of public loss of quality will involve a subjective consideration of economic, social and environmental consequences of the use).

Water reservoirs and control structures means bodies of water collected and stored in a natural system or artificial structure that serve as reserve water supplies or storm/wastewater storage areas and facilities associated with controlling these waters.

Wholesale trade establishments means businesses which generally have substantial quantities of merchandise on the premises and which are primarily engaged in selling merchandise to other wholesalers, retailers, manufacturers, other businesses, governments or institutions.

Yard means:

- (1) A required open space, which is unobstructed from the ground upward except as otherwise allowed in this chapter and except for fences, walls, poles, posts, permitted

signs, children's play equipment, other customary yard accessories, driveways, ornaments, statuary and furniture which will not violate height limitations and requirements limiting obstruction of visibility.

(2) The depth of a front, rear, side or special yard shall be measured at right angles to the appropriate lot line so that the yard established is a strip of the minimum depth required by district regulations.

Yard, front, means a yard extending between side lot lines across the front of a lot adjoining a street; except that on lots fronting on more than one street, the front yard will be determined by the planning director based on the location of any abutting arterial or collector streets, the prevailing yard patterns and the lot depth requirements of the zone.

Yard, rear, means a yard extending across the rear of the lot between inner side yards. On all lots, the rear yard shall be at the opposite end of the lot from the front yard.

Yard, side, means a yard extending from the interior (rear) line of the front yard to the rear lot line, except where it extends between the front yard and a special yard, a special yard and the rear yard, or two special yards.

Yard, special, means a yard behind any required yard adjacent to a street required to perform the same function as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the planning director shall require a yard with minimum dimensions as generally required for a side yard or rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

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Sec. 125-328. - Boardinghouses and Roominghouses

(a) *Purpose.* To establish and enforce standards for boardinghouses and roominghouses in the city in a manner which protects and preserves the health, safety, appearance, and general welfare of the citizens of the city.

(b) *Minimum maintenance standards.* The owner of a boarding or roominghouse shall not occupy nor let to another for occupancy, a boarding or roominghouse unit that is not clean, sanitary, safe, and fit for human habitation as required by the standards established hereunder, and other codes of the City of Fort Pierce, St. Lucie County, and the State of Florida. The owner of a boarding house or rooming house shall:

(1) Maintain the premises and all equipment, furnishings, walls, floors, ceilings, and other building parts in a safe and sanitary condition; and

- (2) Maintain all yards, courts, driveways, lawns, and shrubbery in a safe, clean, and orderly condition; and
 - (3) Provide shades, draperies, or other devices or materials to cover all windows so as to afford privacy to occupants; and
 - (4) Not permit cooking in any boarding or rooming unit; and
 - (5) Promptly dispose of all garbage, rubbish, and trash by placing same in approved containers; and Control and exterminate rodents, vermin, and other pests; and
 - (6) Not permit the use of any cellar or basement space as a habitable room; and
 - (7) Maintain the exterior premises so as to prevent the accumulation of stagnant water thereon; and
 - (8) Not allow animals or pets to be kept in any boarding or rooming unit, or on the premises, in such a manner that creates an unsanitary condition or a nuisance.
- (c) Minimum Space Requirements. Every room occupied for sleeping purposes shall:
- (1) Have a gross floor area of not less than seventy (70) square feet and, when occupied by more than one (1) occupant it shall have a gross floor area calculated on the basis of total habitable room area of not less than fifty (50) square feet for each occupant; and
 - (2) Have a minimum width of eight (8) feet.
 - (3) Every habitable room shall have a ceiling height of not less than seven (7) feet for at least one-half the floor area of the room. Any portion of a habitable room having a ceiling height of five (5) feet or less shall not be included in computing the total floor area of such room.
- (d) Parking Requirements.
- (1) Minimum parking standards for boardinghouses are defined in Sec. 125 – 315 of this code. Roominghouses shall be subject to the same requirements.
 - (2) The determination of a Conditional Use may reduce the parking standards for boardinghouse or roominghouse establishments in consideration of the proximity to public transportation.
- (e) Preexisting boarding houses or rooming houses.
- (1) Preexisting boardinghouses and roominghouses will be required to comply immediately with all minimum maintenance standards.
 - (2) Preexisting boarding houses and roominghouses will be required to comply immediately with all applicable Florida Building and Fire Codes.

- (3) Preexisting boarding houses and roominghouses will be allowed twenty-four (24) months after the effective date to comply with the parking requirement and the minimum space requirement.
- (f) Enforcement.
 - (1) The police department's officers, code enforcement officers, and any other city employees designated by the city manager shall enforce this article; complaints may be filed with the city using all available and acceptable methods.
 - (2) Provisions of this chapter may be enforced by the city as a civil violation pursuant to chapter 1, article II, or chapter 1, article III.

* * * * *

Sec. 125-187. Allowed uses.

- (a) *Uses listed.* Uses listed are allowed in each zoning district in accordance with the use table.
- (b) *Permitted uses.* Uses identified with a "P" in the use table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.
- (c) *Conditional uses.* Uses identified with a "C" in the use table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.
- (d) *Prohibited uses.* Uses identified with a "-" in the use table are expressly prohibited.
- (e) *Planned development zone (PD) and planned unit redevelopment zone (PUR).* Permitted and conditional uses are identified during the review for all proposed PD and PUR districts.
- (f) *Edgartown Settlement (ES) zoning district.* Permitted, conditional, and accessory uses shall be allowed in the ES district consistent with section 125-197.

-Child Care Facility	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Family Day Care Home	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Educational Facilities</i>																							
-College or University	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-
-Elementary, Middle or High School	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-
-Marine Research/Education Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	C	-	
<i>Government Facilities (except as noted below)</i>																							
-Post Office	-	-	-	-	-	-	-	-	-	C	C	P	P	C	-	C	-	-	-	-	-	-	-
-Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	-	-	C	C
<i>Medical Facilities (except as noted below)</i>																							
-Hospital	-	-	-	-	C	C	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
-Nursing Home	-	-	-	-	C	C	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
<i>Park and Open Space (except as noted below)</i>																							
-Cemetery/Columbarium/Mausoleum	C	C	C	C	C	C	-	-	C	C	C	C	-	-	-	-	-	-	-	C	-	-	-
-Country Club/Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	C	-	-	-
-Game and Wildlife Management Preserves	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
-Water Dependent Recreation Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C
<i>Passenger Terminal</i>																							
-Airport/Heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
-Rail/Bus Terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	-	-	-	-
-Bus Shelter	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
-Taxi Terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	-	-	-	-
<i>Religious Institution</i>																							
-Religious Institution (except as noted below)	C	C	C	C	C	C	C	C	C	C	C	P	P	C	-	C	-	-	-	-	-	-	-
<i>Social Service Institution (except as noted below)</i>																							
-Halfway Houses	-	-	-	-	-	C	C	C	C	C	-	C	C	-	-	-	C	-	-	-	-	-	-
<i>Utilities</i>																							
-Minor, other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	C	C	C
-Major	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	P	C	C	C	C
-Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C
COMMERCIAL																							
<i>Eating and Drinking Establishments</i>																							

-Brew Pub	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	C	C	C	-	-	-	-	-
-Coffee Shop	-	-	-	-	-	-	-	C	-	C	P	P	P	P	P	P	C	C	C	-	-	-	-	-
-Neighborhood Bistro	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	C	C	C	-	-	-	-	-
-Neighborhood Cafe	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	C	C	C	-	-	-	-	-
-Restaurants, Fast Food	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	C	C	C	-	-	-	-	-
-Restaurant and Bar	-	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	C	-	-	C
-Wine/Cigar Bar	-	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
<i>Entertainment, Indoor (except as noted below)</i>	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C	-	-	-
-Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
-Arcade Amusement Center/Amusement Arcade	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
-Bar or Nightclub	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
-Theater	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
<i>Entertainment, Outdoor (except as noted below)</i>	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	-	C	-	-	-
-Batting Cages, Driving Ranges	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
-Stables or Equestrian Facilities	C	C	C	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-
-Stadium or Arena	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	C	C	-	-	-	-	-
<i>Marine-Related Commercial (except as noted below)</i>	-	-	-	-	-	-	-	-	-	-	C	-	P	P	C	P	-	-	C	-	C	-	-	C
-Boat and Marine Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	-	P	C	C	P	-	-	C	-	-	-	-	-
-Marina/Boat Livery	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	-	-	P	-	C	-	-	C
<i>Office</i>																								
-Administrative, Professional, General, Medical Office	-	-	-	-	-	-	-	C	C	C	P	P	P	P	P	P	P	C	C	-	-	-	-	-
-Day Labor Employment Agency	-	-	-	-	-	-	-	-	-	-	P	C	P	P	-	-	P	-	-	-	-	-	-	-
-Medical and Dental Clinic	-	-	-	-	-	-	-	-	-	-	P	C	P	P	C	-	P	-	C	-	-	-	-	-
-Television and Radio Studios	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	C	-	-	-	-	-
<i>Overnight Accommodations</i>																								
-Bed and Breakfast	-	-	-	-	-	-	-	C	C	C	C	P	P	P	P	-	-	-	-	-	-	-	-	-
-Dwelling Rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
-Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	-	-	-
-Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
-Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-
<i>Parking, Commercial</i>	-	-	-	-	-	-	-	-	C	-	C	C	P	C	C	-	C	-	C	-	-	-	-	-

<i>Retail Sales and Service, Sales-Oriented (except as noted below)</i>	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	C	-	-	-	-	-	-	-
-Art Gallery	-	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	-	-	-	-	-	-	-
-Farmers Market or Farm Stand	P	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	P	-	-	-	-	-	-
- Flea Market (no accessory uses permitted)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-
-Grocery or Liquor Store	-	-	-	-	-	-	C	-	C	-	P	P	P	C	-	C	-	-	-	-	-	-	-	-
-Neighborhood Commercial Sale	-	-	-	-	C	C	P	P	P	-	P	P	P	C	-	C	-	-	-	-	-	-	-	-
-Office Supplies and Electronics	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
-Pet Stores	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
<i>Retail Sales and Service, Personal-Service Oriented (except as noted below)</i>	-	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	-	-	-	-	-	-	-
-Art Studio	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	C	-	-	-	-	-	-	-
-Animal Care Facilities & Service	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	C	-	-	-	-	-	-	-
-Animal Grooming Services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	C	-	-	-	-	-	-	-
-Check Cashing/Loan Service	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
-Educational Service Establishments	-	-	-	-	-	-	-	-	C	C	P	P	P	C	P	P	P	C	C	-	-	-	-	-
-Laundry and Dry Cleaners Pick-Up	-	-	-	-	-	-	C	C	C	C	P	P	P	P	-	C	-	-	-	-	-	-	-	-
-Laundromat	-	-	-	-	-	-	C	C	C	C	P	P	P	C	-	C	-	-	-	-	-	-	-	-
-Mortuaries or Funeral Homes	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	C	-	-	-	-	-	-	-
-Neighborhood Commercial Services	-	-	-	-	C	C	P	P	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-	-
-Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	C	-	-	-	-	-	-	-
-Personal Improvement Service	-	-	-	-	-	-	C	C	C	P	P	P	P	P	-	C	-	-	-	-	-	-	-	-
-Veterinary (Without Outdoor Runs)	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
<i>Retail Sales and Service, Repair-Oriented</i>	-	-	-	-	-	-	-	P	-	-	C	-	P	P	P	-	P	-	-	-	-	-	-	-
<i>Self-Service Storage</i>	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	P	-	P	-	-	-	-
<i>Vehicle Sales and Service</i>																								
-Automobile Rentals	-	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	-	-
-Automobile Sales	-	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	-	-
-Boat Rentals	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	C	C	P	-	P	-	-	C	P
-Boat Sales	-	-	-	-	-	-	-	-	-	-	-	-	P	C	C	C	C	P	-	P	-	-	-	P
-Fueling Station	-	-	-	-	-	-	-	-	-	C	C	P	C	C	-	C	-	P	-	-	-	-	-	-
-Travel Plaza	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	C	-	-	-	-	-	-	-

Sec. 125-318. Home occupations.

- (a) *Purpose.* This section ~~attempts to~~ recognizes the need for people to conduct appropriate small-scale business activities at home. ~~Provisions for home occupations in the section are also intended to achieve compatibility with other permitted uses and the residential character of the neighborhood and ensure that the home occupation is only an accessory use of the property.~~
- (b) *Standards.* All home occupations shall comply with Florida State Statute 559.955 Home-based business: local government restrictions. ~~following standards and shall be evaluated in the issuance of occupational licenses:~~
- ~~(1) No person other than a person who resides in the dwelling unit shall be engaged in the home occupation.~~
 - ~~(2) The home occupation shall be an accessory use conducted only within the enclosed living area of the dwelling unit or the garage.~~
 - ~~(3) The exterior appearance of the residential dwelling in which the home occupation is located shall not be altered in a manner which would cause the premises to differ from their residential character by the use of colors, materials, construction or lighting.~~
 - ~~(4) The home occupation premises shall not be advertised by the use of any signs on the lot on which the occupation takes place which are readily visible from the street.~~
 - ~~(5) There shall be no outside storage of any kind related to the home occupation.~~
 - ~~(6) The home occupation shall not generate traffic (vehicular or pedestrian), noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.~~
 - ~~(7) The home occupation will not involve the use of commercial vehicles for delivery of materials to or from the premises except for normal home delivery services.~~
 - ~~(8) Parking generated by the conduct of a home occupation shall occur off the street and somewhere other than in a required front yard.~~
 - ~~(9) No home occupation shall cause an increase in the use of water, sewer or garbage services so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.~~
 - ~~(10) The home occupation shall not use raw materials for the manufacture of a finished product by special tools and devices that would not normally be found in a home and considered as purely a domestic implement.~~
 - ~~(11) No home occupation shall display stock for trade on the premises and no article may be sold or offered for sale except as may be produced on the premises or utilized in conjunction with the home occupation, the main purpose of which is to provide a service.~~
 - ~~(12) A home occupation may not be utilized to meet the mixed-use requirements set forth in the central business district future land use designation of the comprehensive plan.~~
- (c) *Compliance.* ~~Home occupations existing at the time this section is adopted will comply substantially with the standards of this section. on or before January 1, 1982.~~

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be and become effective immediately upon final passage.

STATE OF FLORIDA

COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 23-NNN was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on Sunday, _____, 2023 and Sunday, _____, 2023; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on _____, 2023; and was duly introduced, read by title only, and passed on second and final reading _____, 2023, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this ____ of _____, 2023.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM AND
CORRECTNESS:

Sara Hedges, Esq.
ACTING CITY ATTORNEY