



CITY OF FORT PIERCE PLANNING BOARD

September 11th, 2023

Boardinghouses/ Roominghouses and Other
Amendments to Zoning Code of Ordinances

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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.

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This item proposes amendments to the Code of Ordinances which 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.

Additional amendments are proposed and will be described later within the report.

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The issue was presented to City Commission Conference meeting on 11th, October 2021.

The issue was presented to City Commission Conference meeting on 11th, October 2021 and thereafter to Planning Board on 12th, June 2023.

The direction provided to staff by the Planning Board was to return with a definition of number of rooms and potentially including additional zoning districts as conditional uses.

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EXISTING DEFINITION

Boarding house (Rooming house) 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.

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PROPOSED DEFINITION

Boarding house or Rooming house shall mean a building in which 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.

Boarding house or Rooming house unit shall mean any room used or intended to be used as sleeping accommodations, excluding common areas.

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ZONING DISTRICT USE TABLE (Sec. 125-187 – Allowed Uses)

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
Group Living (except as noted below)	-	-	-	-	C	C	C	C	C	C	-	C	C	C	-	-	-	-	-	-	-	-	-
-Community Residential Home, Type 1 (1-6 residents)	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Community Residential Home, Type 2 (7-14 residents)	-	-	-	-	-	-	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
-Dormitories, Fraternity and Sorority Houses	-	-	-	-	-	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Boarding House or Rooming House	-	-	-	-	-	-	C	-	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-

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Sec. 125-194. - Medium density residential zone (R-4).

(a)Purpose. The medium density residential district is designed to accommodate a variety of housing types, including conventional single-family dwellings, duplexes and, where desirable, townhome dwellings, mobile homes or multifamily housing with three or more dwelling units. Maximum gross densities should generally not exceed ten units per acre for conventional developments and 12 units per acre for innovative residential developments. This intensity of residential use is envisioned for locations which have public water and sewer service, and which have adequate access to arterial or collector streets. Certain nonresidential uses are permitted under the parameters and safeguards set forth in this section.

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Sec. 125-196. - High density residential zone (R-5).

(a) Purpose. This residential category is intended to encourage the development of multifamily dwellings. Maximum gross densities should generally not exceed 15 units per acre for conventional developments and 18 units per acre for innovative residential developments. This zone provides for high density residential uses in locations which have suitable utilities and have good access to arterial or collector streets. Single-family homes, townhomes, duplexes, other residential uses, and various nonresidential uses are allowed when parameters and safeguards in this section are satisfied.

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Sec. 125-199. Neighborhood Commercial Zone (C-2).

(a) Purpose. This district is intended to be a restricted commercial zone which is designed to meet some of the commercial needs of the immediate residential neighborhood. Uses allowed are primarily those which provide convenience goods or frequently used services. Large business operations and extensions of strip commercial areas are not desired. Areas zoned C-2 should be located near the intersections of major streets and generally close to an R-4 zone.

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PROPOSED CODE – 125-328

Sec. 125-328. - Boarding Houses and Rooming Houses

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

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PROPOSED CODE – 125-328

(b) Minimum maintenance standards. The owner of a boarding or rooming house shall not occupy nor let to another for occupancy, a boarding or rooming house 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.

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PROPOSED CODE – 125-328

(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.
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- (1) (d) Minimum Parking Requirements 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.

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PROPOSED CODE – 125-328

(f) Preexisting boarding houses or rooming houses.

- (1) Preexisting boarding houses/rooming houses will be required to comply immediately with all minimum maintenance standards.
- (2) Preexisting boarding houses/rooming houses will be required to comply immediately with all applicable Florida Building and Fire Codes.
- (3) Preexisting boarding houses/rooming houses will be allowed twenty-four (24) months after the effective date to comply with the parking requirement and the minimum space requirement.

(g) 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.

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Additional amendments attached to this item:

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.

'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.

Sec. 125-318. - Home Occupations, of the city's code of ordinance requires amendment together with Sec. 125-187. – Allowed Uses, to direct that the provisions for home occupations are regulated by FL. STAT.§ 559.955 Home based business: local government restrictions.

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ZONING DISTRICT USE TABLE (Sec. 125-187 – Allowed Uses)

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
-Detached House	P	P	P	P	P	P	P	P	C	C	C	-	C	C	-	-	-	-	-	-	C	-	-
-Duplex	-	-	-	-	C	P	P	P	C	C	C	-	C	C	-	-	-	-	-	-	-	-	-
-Townhouse	-	-	-	-	C	P	P	P	C	C	C	-	C	C	-	-	-	-	-	-	-	-	-
-Multi-Dwelling Building	-	-	-	-	C	P	P	P	C	C	C	-	C	C	-	-	-	-	-	-	-	-	-
-Mobile or Manufacture d Home	P	P	P	P	P	CP	CP	P	C	C	C	-	C	C	-	-	-	-	-	-	C	-	-
- Manufacture d Home Park or Subdivision	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mobile Home Park	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mixed-Use Building or Developmen t	-	-	-	-	-	C	C	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Home Occupations (per requirements of Section 125-318)	P	P	P	P	P	P	P	P	P	P	P	-	CP	P	-	-	-	-	-	-	P	-	-

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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.~~

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Sec. 125-318. Home occupations. *(continued)*

- (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.~~

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RECOMMENDATION

Staff recommendation is for the Planning Board to move the proposed zoning text amendments to City Commission with a recommendation of approval.

ALTERNATIVE RECOMMENDATION

1. Approval with amendments.
- or
2. Denial.