

CITY PLANNING BOARD

BOARD AGENDA

Planning Board Regular Meeting - Monday, November 13, 2023 - 2:00 p.m.
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **APPROVAL OF MINUTES**
 - a. Planning Board Minutes from the October 9, 2023, meeting
6. **NEW BUSINESS**
 - a. Zoning Text Amendment - Chapter 125 – Zoning, Article IV – Basic Zoning Districts, Section 125-212. – Planned Development Zone (PD); Deleting Section 125-213. - Planned Unit Redevelopment Zone (PUR)
 - b. Zoning Text Amendment - Chapter 125 – Zoning, Article I – General, Section 125–3 – Definitions Generally to add and Clarify Definitions; to Include a Definition of Agricultural, Amending Chapter 125 – Zoning, Article IVV– Basic Zoning Districts, Section 125–187, Subsection (g) – Allowed Uses to Amend the Use Table; to Include Agricultural Use and Railroad Passenger Station Use by Right in Certain Zoning Districts; Amending Chapter 125 – Zoning, Article VII – Supplementary Regulations, Division 1 – Generally, Section 125-318 – Home Occupations to include Reference to State Statute Establishing Section 125–328 – Boardinghouses and Roominghouses to Regulate the Locations and Standards of Operation of Boardinghouses and Roominghouses

7. **COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Chair, as this section of the Agenda is limited to thirty minutes. The Planning Board will not be able to take any official actions under Comments from the Public. Speakers will address the Board and the Public with respect. Inappropriate language will not be tolerated.

8. **DIRECTOR'S REPORT**

9. **BOARD COMMENTS**

10. **ADJOURNMENT**

Any person seeking to appeal any decision by the Planning Board with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based. Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

Planning Board

5. a.

Meeting Date: 11/13/2023

Re: Planning Board Minutes 10/9/23

Submitted For: Kev Freeman, Planning Director, Planning & Zoning

Information

SUBJECT:

Planning Board Minutes from the October 9, 2023, meeting

SUMMARY:

Minutes from the October 9, 2023

RECOMMENDATION:

Approve minutes

ALTERNATIVES:

Approve with changes

RESPONSIBLE STAFF:

Planning Department

COORDINATED WITH:

Planning Staff

Fiscal Impact

Budgeted Y/N: N/A

Fiscal Year: N/A

Account: N/A

Amount: N/A

OTHER INFORMATION:

N/A

Attachments

Planning Board Minutes 10/9/23

Form Review

Form Started By: Alicia Rosenthal

Started On: 10/16/2023 09:22 AM

Final Approval Date: 10/16/2023

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, **OCTOBER 9, 2023**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Prior to roll call, Chairman Creyaufmiller introduced the new Planning Board member, Justine Carter, and she told the Board a little bit about herself.

Present: Nichelle Clemons; Anton Kreisl; John Heaning; Alexander Edwards; Justine Carter; Frank Creyaufmiller, Chairman

Absent: Uline Daniel

Staff Present: Kev Freeman, Planning Director
Ryan Alitzer, Senior Planner
Kerry Charles, Planner
Alicia Rosenthal, Planning and Development Organizer

4. **CONSIDERATION OF ABSENCES**

Ms. Daniel was excused.

5. **APPROVAL OF MINUTES**

- a. Minutes from the September 11, 2023 meeting

Motion was made by Anton Kreisl, and seconded by Nichelle Clemons to approve the minutes from the September 11, 2023 meeting.

AYE: Anton Kreisl, John Hening, Alexander Edwards, Nichelle Clemons, Justine Carter,
Chairman Frank Creyaufmiller

Passed

6. NEW BUSINESS

a. **Annexation - Hickory Branch Properties (3601, 3605, and 3725 Gordy Road) - Parcel IDs: 2326-413-0001-000-2, 2326-434-0000-000-0 and 2326-413-0000-000-5**

Ms. Charles gave an overview of the annexation. She stated the request is for a voluntary annexation of three (3) parcels of land that have existing St. Lucie County Future Land Use designations of Residential Suburban 2 du/ac (RS-2) and a St. Lucie County Zoning designation of Agriculture (AG-1). The applicant is requesting Future Land Use designations of Mixed-Use Development 15 du/ac (MXD), which designates the property for a greater potential development. Ms. Charles said the property will retain the existing zoning classification of Agriculture (AG-1) and the current value of the property is \$3,332,942. Ms. Charles noted the application involves a land area of greater than 50 acres which will require transmission to the Department of Commerce and other required State agencies for review. The city should consider how it will ensure that Gordy Road operates with sufficient capacity and safety under a more urbanized condition when the subject properties, and other properties along Gordy Road develop.

Chairman Creyaufmiller requested the city begin having discussions on the 10-mile creek flooding with the South Water Management District before the shovels hit the ground on the project. He said the project will compound the flooding problems.

Mr. Freeman stated that FDOT is allocating funds to construct a Turnpike exchange on Midway Road, which will allow for better traffic flow in the area. Mr. Freeman suggested having innovative drainage systems and on site stormwater and treatment. He said he is trying to incorporate amendments to the landscape code to aid in stormwater, plantings, vegetation and habitat. Mr. Freeman noted that rarely are the Future Land Use numbers met. Mr. Freeman answered questions from the Board on Gordy Road and present zoning. He stated the applicant will have to meet road standards during the technical review. Mr. Freeman explained the applicant requested to secure the agricultural zoning until development of the site and, so they can use the agricultural exemption.

Hoyt Murphy, Applicant Representative, said the property has been owned by the Varn family for a couple of generations. He noted the adjoining mixed-use property owned by Zyntec will have to upgrade Gordy Road. Mr. Murphy stated the owners are currently running cattle on the property, so the agricultural exemption will remain for two to three years. Mr. Murphy noted the applicants are looking for density of four (4) to five (5) units per acre.

Motion was made by Nichelle Clemons, and seconded by John Hening to forward a recommendation of approval to City Commission with the following conditions:

1. The applicant will provide a traffic analysis of Gordy Road and the cumulative effects of development at the intersection of State Road 70.
2. An application for rezoning of the property shall be submitted in conjunction with any site plan review.

AYE: Alexander Edwards, Nichelle Clemons, Justine Carter, Anton Kreisl, John Hening,
Chairman Frank Creyaufmiller

Passed

b. Annexation - 1703 Totten Road - Parcel ID: 2417-323-0001-000-5

Ms. Charles gave an overview of the application and stated the voluntary annexation is for one (1) parcel of land which is +/- .59 acres. The subject property has St. Lucie County Future Land Use designations of Commercial (COM), 0 du/ac, and a St. Lucie County Zoning designation of Commercial, Neighborhood (CN). The applicant is proposing Future Land Use designations of General Commercial (GC) 15 du/ac, with a Zoning classification of General Commercial (C-3). Ms. Charles said the current value of the property is \$186,600 and the property has an existing dwelling unit.

George Ruiz Ortiz, Applicant, stated the purpose of the annexation is to get Fort Pierce utilities for a future commercial use. He said the county cannot provide the utilities on the parcel.

Motion was made by Nichelle Clemons, and seconded by Anton Kreisl to forward a recommendation of approval to the City Commission.

AYE: Nichelle Clemons, Justine Carter, Anton Kreisl, John Hening, Alexander Edwards,
Chairman Frank Creyaufmiller

Passed

c. Final Plat - Hernando Street Plat - 601 Hernando Street

Mr. Altizer gave an overview of the application. He stated the request is for review of an application for a final plat to subdivide one (1) parcel, which is 0.81 +/- acres, into six (6) platted lots. The current Future Land Use is HIR, Hutchinson Island Residential and the current Zoning is R-4A, Hutchinson Island Medium Density Residential. Mr. Altizer answered questions from the Board on underground utilities and lot size.

Tod Mowery, Applicant Representative from Redtail Design Group, said the plat process has been going on since 2021. Mr. Mowery stated before the 2004 hurricanes there were 11 apartment units on three (3) lots, and they are lowering the density by platting six (6) lots. He said the plat allows the applicant to sell 45 foot wide lots. Mr. Mowery noted there are no underground utilities only phone lines.

Motion was made by Nichelle Clemons, and seconded by John Hening to forward a recommendation of approval to the City Commission with the following condition:

1. The applicant will supply two (2) Mylars for appropriate signatures and then the plat is recorded with St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.

AYE: Justine Carter, Anton Kreisl, John Hening, Alexander Edwards, Nichelle Clemons,
Chairman Frank Creyaufmiller

Passed

d. **Zoning Text Amendment - Landscape Bond and Landscape Enforcement**

Mr. Freeman gave an overview of the Zoning Text Amendment. He stated the text amendment pertains to Section 123-6 and 123-7 regarding Landscape Bond and Landscape Enforcement. He said the existing site plan process requires the property owner to provide an estimated landscape bond to ensure that all approved landscaping is maintained. He said there are issues managing the bonds, where the bonds are located and the city landscaping the owner's property. Mr. Freeman said the landscape should be maintained as it was approved and if not the Code Enforcement department will issue a fine. The initial landscaping is inspected at final CO and should be monitored. If the landscape inspection fails, the bond is pulled. Mr. Freeman said during the site plan process, the landscape maintenance agreement will be put in place and if not met, the property will be subject to Code Enforcement action. The city will monitor the approved landscaping on an annual basis. He stated the responsibility is carried through in perpetuity of the site being operated and until such a time that the approved site plan/landscape plan is amended. Mr. Freeman recommended the removal of the requirement for a Landscape Bond and add the requirement for Landscape Maintenance Agreement and an annual city inspection.

Mr. Freeman explained the city was getting complaints about the landscape bond being too expensive, and the amendment will move the responsibility on to the developer and property owner rather than the city to maintain the landscaping. Mr. Freeman answered questions from the Board on Code Enforcement responsibility for failed landscaping and who will be performing the landscape inspection. Mr. Freeman explained the Planning Department will be aware of what sites needed landscaping and what trees are to be planted and if this is not met by the city arborist inspection, a report will be created and turned over to Code Enforcement.

Motion was made by John Hening, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission.

AYE: Anton Kreisl, John Hening, Alexander Edwards, Nichelle Clemons, Justine Carter,
Chairman Frank Creyaufmiller

Passed

e. **Zoning Text Amendment - Preliminary Plat Process**

Mr. Freeman gave an overview of the application. Mr. Freeman said at the beginning of the year an optional preliminary plat process was put in place to save time and to be able to assign addresses to lots and to be able to pull building permits where appropriate. The Property Appraiser will not issue parcel ID#'s to lots delineated by a preliminary plat, which in turn does not allow an address to be allocated or building permit to be applied for. The process has caused confusion and has little benefit to applicants and property owners. Mr. Freeman suggested removing the optional Preliminary Plat process and require a Final Plat to meet State Statute requirements, which will cut down on the expense to the applicant. Mr. Freeman explained the Final Plat answers the questions from the Preliminary Plat and the strikethrough's on the draft are not relevant to the ordinance and are covered by state statute.

Motion was made by Nichelle Clemons, and seconded by Anton Kreisl to forward a recommendation of approval to the City Commission.

AYE: John Hening, Alexander Edwards, Nichelle Clemons, Justine Carter, Anton Kreisl,
Chairman Frank Creyaufmiller

Passed

7. COMMENTS FROM THE PUBLIC

There were no comments from the public.

8. DIRECTOR'S REPORT

Mr. Freeman spoke about three agenda items from the October 9, 2023, Conference Agenda. He stated he got positive feedback from the Commission on looking at density differently for affordable housing. He highlighted in the Comprehensive Plan the developer automatically gets an additional market rate unit. Mr. Freeman said to create more homeownership in the city the developer could have varying units, lower income, different sized units and provide additional density without being counted. Mr. Freeman said he is working on ordinances to allow accessory dwellings on the back of houses and allowing homeowners to split lots to build more homes, which will help regenerate the Lincoln Park area.

The next item discussed was notification and expense involved prior to the Planning Board meetings. Mr. Freeman said the Planning Department will engage with the applicant to mandate site noticing and mail outs prior to the Planning Board meeting date and a report will be sent to the City Manager's office of what is going on.

The final discussion item was increasing the threshold of minor site plans. He said the recommendation was to amend residential minor site plans to less than 50 units and commercial minor site plans to less than 10,000 square feet. Mr. Freeman said he will be bringing the item to Planning Board for discussion with an analysis of what sort of developments the administrative approvals would include.

9. BOARD COMMENTS

Chairman Creyaufmiller asked the Board to watch the City Commission meeting from October 3, 2023, regarding the Olsen Residence Conditional Use on Surfside Drive that was tabled by the Planning Board. He said many of the same questions were asked and answered differently at the commission meeting. Chairman Creyaufmiller said the height of a home should not fall under the category of a Conditional Use because the use of the building is not being changed. He said the height increase should be a Variance and the ordinance should be looked at and amended particularly for the South Beach Overlay District.

Chairman Creyaufmiller said he would like to see the Board of Adjustment absorbed by the Planning Board since they are not bombarded by Variance requests and the Board of Adjustment members are scheduling their life around two meetings a year. Chairman Creyaufmiller asked if all ordinances are met, why do applications need to go to the City Commission. He suggested combining efforts of the Board of Adjustment into Planning Board and making the Planning Board Quasi Judicial for appropriate hearings.

Mr. Kreisl commented on the recently approved Olsen Residence on Surfside Drive. He said the city has no maximum limits on the sizes of lots, only minimum limits and the city is not involved in the Unity of Title process. Mr. Kreisl suggested the side yard setbacks are increased when two properties are combined into one lot, so there is control over the amount of green space. He said there needs to be a fair way to mitigate by applying lot line requirements to lot width and instead of a particular zone, have a scale for lot line

requirements.

Mr. Kreisl stated the Future Land Use on the Mixed-Use application is terrifying. He said the code allows 15 dwelling units per acre, but they state they are going to build four (4) to six (6) units per acre. The road will be expanded to four (4) to six (6) units per acre and by the time the property is built or sold it could be 15 units per acre.

10. ADJOURNMENT

Planning Board

6. a.

Meeting Date: 11/13/2023

Re: Proposed Amendment to Planned Development Process

Submitted For: Kev Freeman, Planning Director, Planning Department

Information

SUBJECT:

Zoning Text Amendment - Chapter 125 – Zoning, Article IV – Basic Zoning Districts, Section 125-212. – Planned Development Zone (PD); Deleting Section 125-213. - Planned Unit Redevelopment Zone (PUR)

SUMMARY:

The proposed amendment seeks to set out standards for a flexible Planned Development application, review, and approval process.

The current Code at Sections Sec. 125-212. - Planned Development Zone (PD) and Sec. 125-213. - Planned Unit Redevelopment Zone (PUR) set out alternative processes for Planned Unit Development. The existing differentials in required application submittal documents and definitions of such are causing confusion. In addition, the submittal requirements do not take the cost of development plan preparation and the process of development planning fully into account.

It is therefore proposed to eliminate in entirety Sec. 125-213. - Planned Unit Redevelopment Zone (PUR) from the Code of Ordinances and incorporate elements of the deleted section into an amended Sec. 125-212. - Planned Development Zone (PD) code. The deleted elements include the potential to apply for a ‘Concept Plan Phase’ and a ‘Preliminary Redevelopment Plan Phase’ ahead of a ‘Final Redevelopment Plan Phase’.

RECOMMENDATION:

Recommend that the Planning Board move the proposed amendment to the City Commission with a recommendation of approval.

ALTERNATIVES:

Recommend approval with amendment(s).

or

Recommend disapproval.

RESPONSIBLE STAFF:

Kev Freeman, Planning Director,

City Engineering Department.

COORDINATED WITH:
Engineering Department, TRC

Fiscal Impact

Budgeted Y/N: N

Amount: 0

OTHER INFORMATION:

No Fiscal Impact to the City

Attachments

Staff Presentation

Staff Report

Proposed Code

Original Code

Form Review

Form Started By: Kev Freeman
Final Approval Date: 11/07/2023

Started On: 11/07/2023 11:52 AM



CITY OF FORT PIERCE
PLANNING BOARD

November 13th, 2023

TEXT AMENDMENT
PLANNED DEVELOPMENT

SUMMARY

Approval of text amendments to City Code Sec. 125-212 and 125-213.

BACKGROUND

The proposed amendment seeks to set out standards for a flexible Planned Development application, review, and approval process.

The current Code at Sections Sec. 125-212. - Planned Development Zone (PD) and Sec. 125-213. - Planned Unit Redevelopment Zone (PUR) set out alternative processes for Planned Unit Development. The existing differentials in required application submittal documents and definitions of such are causing confusion. In addition, the submittal requirements do not take the cost of development plan preparation and the process of development planning fully into account.



SUMMARY

Approval of text amendments to City Code Sec. 125-212 and 125-213.

BACKGROUND

It is proposed to eliminate in entirety Sec. 125-213. - Planned Unit Redevelopment Zone (PUR) from the Code of Ordinances and incorporate elements of the deleted section into an amended Sec. 125-212. - Planned Development Zone (PD) code. The deleted elements include the potential to apply for a “Concept Plan Phase’ and a ‘Preliminary Redevelopment Plan Phase’ ahead of a ‘Final Redevelopment Plan Phase’



PROPOSED AMENDMENTS

Sections 125-212 and 125-213 of the City Code of Ordinances

- Amend Sec. 125-212. - Planned Development Zone (PD) to incorporate a **Master PD** and **Final PD** process.
- Delete Sec. 125-213. - Planned Unit Redevelopment Zone (PUR).
- Add table of required submittal documents and definitions of such.



REQUIRED PD PLANS AND DOCUMENTS	MASTER PD	FINAL PD
PREVIOUSLY APPROVED SITE PLANS	X	X
PD SITE PLANS	X	X
PD PHASING PLAN	X	
ARCHITECTURAL DRAWINGS		X
FLOOR PLANS		X
LIGHTING PLANS		X
BOUNDARY SURVEY	X	X
TOPOGRAPHIC SURVEY	X	X
CONSTRUCTION PLANS		X
LANDSCAPE PLANS		X
TREE SURVEY		X
TREE MITIGATION PLAN		X
PROJECT NARRATIVE	X	X



REQUIRED PD PLANS AND DOCUMENTS	MASTER PD	FINAL PD
PROJECT NARRATIVE	X	X
RECORDED DEED	X	X
LEGAL DESCRIPTION	X	X
STATEMENT OF PUD BENEFITS	X	X
SITE LOCATION MAP	X	X
STORMWATER REPORT OR CALCULATIONS		X
MASTER STORM WATER REPORT	X	
STORMWATER MAINTENANCE		X
TRAFFIC IMPACT ANALYSIS	X	X
ENVIRONMENTAL ASSESSMENT	X	X
PRESERVE AREA MANAGEMENT PLAN		X
UTILITIES WATER & WASTEWATER SERVICE	X	X
PLANNED DEVELOPMENT (PD) AGREEMENT	X	X



RECOMMENDATION

Staff recommend that the Planning Board forward the proposed amendments to the City Commission with a recommendation of APPROVAL.

ALTERNATIVE RECOMMENDATION

1. Recommend Modified Approval.
- or
2. Recommend Disapproval.



CITY OF FORT PIERCE

PLANNING DEPARTMENT

PROJECT: AMENDMENT TO THE CITY'S CODE OF ORDINANCES – PLANNED DEVELOPMENT

REVIEWER: KEV FREEMAN, PLANNING DIRECTOR

MEETING DATE: NOVEMBER 13TH, 2023 – PLANNING BOARD

STAFF REPORT

Requested Action: Consider an amendment to Sec. 125-212. Planned Development Zone (PD).

Location: Citywide.

Comprehensive Plan

1.2 Objective:

The City shall use innovative Land Development Regulations to encourage flexibility in development to support compact, mixed-uses compatible with the local context and character. These regulations shall include transit-oriented development, transfer of development rights, density bonuses, planned unit developments and other mixed land use development provisions, where appropriate.

Proposed Amendment:

The proposed amendment seeks to set out standards for a flexible Planned Development application, review, and approval process.

The current Code at Sections Sec. 125-212. - Planned Development Zone (PD) and Sec. 125-213. - Planned Unit Redevelopment Zone (PUR) set out alternative processes for Planned Unit Development. The existing differentials in required application submittal documents and definitions of such are causing confusion. In addition, the submittal requirements do not take the cost of development plan preparation and the process of development planning fully into account.

It is therefore proposed to eliminate in entirety Sec. 125-213. - Planned Unit Redevelopment Zone (PUR) from the Code of Ordinances and incorporate elements of the deleted section into an amended Sec. 125-212. - Planned Development Zone (PD) code. The deleted elements include the potential to apply for a 'Concept Plan Phase' and a 'Preliminary Redevelopment Plan Phase' ahead of a 'Final Redevelopment Plan Phase'.

The revised code establishes a 'Master Planned Development (MPD) and 'Final Planned Development' (FPD). The revision also sets out the minimum required documents for processing an MPD application and FPD application. The process for submittal and review of a MPD allows certain documents to be in conceptual form which permits property owners/applicants to propose a general plan of development without the necessity of producing final site plan and calculations to almost construction ready detail.

Upon approval of an MPD, or if the applicant chooses to move directly to, an FPD. The FPD requires certain plans and calculations to be submitted and approved which encompass the required detail to sufficiently regulate a site plan.

The availability of the Planned Development process is proposed to be restricted to properties greater than 5 acres unless the subject property is located within the defined Fort Pierce Redevelopment Area (FPRA).

Summary of Technical Review Committee

All affected departments have reviewed the proposed Development Plan with regards to consistency with established ordinances and requirements of the City Code. Suggested amendments have been incorporated.

Staff Recommendation:

Staff recommend that the proposed amendment is moved to the City Commission with a recommendation of approval.

Sec. 125-212. Planned Development Zone (PD).

- (a) *Purpose.* The Planned Development (PD) Zone District is intended to provide a process for the evaluation of individually planned developments which are not otherwise permitted in the zoning districts established by this chapter. The PD District is to be a voluntary process commenced by an applicant for such zoning designation. The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time granting the city commission the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare. In so doing, the PD Zone district is designed to:
- (1) Provide for the planning, review, and approval of one or a combination of residential, commercial, public and industrial land uses not otherwise allowed under general zoning districts.
 - (2) Encourage structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.
 - (3) Allow flexibility through a more efficient arrangement of structures, utilities, on-site circulation, and ingress and egress than is permitted under conventional zoning and subdivision regulations.
 - (4) Encourage the preservation of environmental assets and natural amenities as scenic and functional open-space areas.
 - (5) Encourage usable open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.
 - (6) Encourage innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment while preserving onsite natural elements and cultural resources.
 - (7) Promote flexibility and efficiency in site design for more desirable living and working environments.
 - (8) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.
 - (9) Permit site specific requirements based on the unique characteristics of the individual site.
 - (10) Permit site specific limitations where necessary to protect public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.
 - (11) The terms Planned Development (PD) and Planned Unit Development (PUD) are deemed synonymous and may be used interchangeably throughout this Code of Ordinances.
- (b) *General standards for approval.* The Planned Development (PD) district is designed to allow an applicant to submit a proposal for consideration, for any use or any mixture of uses on property not less than five (5) acres in area or on property located within the Fort Pierce Redevelopment Area (FPRA). The approval of planned development rezoning rests with the city commission. However, no rezoning or PD plan may be approved unless the following conditions are met:
- (1) *Comprehensive plan consistency.* Any residential, commercial, industrial, or public land uses and structures are permitted in this district, provided the proposed development is shown to be consistent with the goals, objectives, and policies of the comprehensive plan, and consistent with the future land use element, and the standards and criteria contained in the following sections, unless a corresponding amendment to the comprehensive plan is also adopted.
 - a. *Density.* In no event shall the density granted exceed the maximum gross density permitted under the underlying land use in the comprehensive plan.
 - (2) *Perimeter setbacks.* Setbacks at the perimeter of the development shall be equal to those of the abutting zoning district, except where city commission finds that alternate perimeter setbacks would

be appropriate. Conditions under which alternate perimeter setbacks may be considered include, but are not limited to, the following:

- a. Property in the abutting zoning district is located across a major roadway from the PD, and therefore, a reduced setback would have little or no impact on the character of the adjacent property.
 - b. The minimum PD perimeter setback required by this section cannot be achieved due to exceptional narrowness, shallowness, shape, topographic condition or physical or environmental feature uniquely affecting the subject property.
 - c. The perimeter setback may be reduced from the required distance by providing a landscape strip in lieu of the perimeter setback, except where driveways are located, meeting these requirements:
 1. The strip shall be no less than ten feet wide and include at least one tree for every 200 square feet of required landscaped strip and contain a hedge of landscape material which shall be installed and maintained so as to form a six feet or higher, continuous, unbroken, solid, visual screen within one year after installation, except in clear vision areas required in section 125-308. The remainder of the required landscaped strip shall be completely covered with groundcover or grass.
 2. A wall, berm with planting, or other durable, non-wood privacy fence may be included as part of the required 6 feet high landscape strip, but not replace it.
 - d. The perimeter setback may be reduced from the required distance by no more than one half if the abutting property is similar in use, and intensity or density.
- (3) *Open space.* In all planned developments at least 20 percent of the site shall be devoted to open space, regardless of project size or intended use; open space shall be land devoid of any aboveground structures or buildings, except pergolas, gazebos, pavilions, or other open-air structures; or landscape structures such as terraces, planters, walls or retaining walls. Open space may include natural areas, buffer areas, upland habitats, including those areas of on-site preservation required by the other provisions of this Code; recreation areas, but not including swimming pools, tennis courts or other impervious activity areas; but may include parks, golf courses, sports fields; bicycle, pedestrian or equestrian paths and facilities; common open space, common landscaping or planting areas; stormwater detention and retention facilities providing that no more than 30 percent of the overall open space requirement shall be satisfied in this manner; water features, conservation areas or other areas intended for public purposes other than street or road rights-of-way, but shall exclude aquatic areas for conservation and development.
- (4) *Applicability to other code of ordinances not in conflict herein.* All building code, housing code, and other land use regulations of the city not directly in conflict herewith are applicable to the PD district.
- (5) *Easements.* Easements necessary for the orderly extension and maintenance of public utilities and/or other special needs may be required as a condition of approval.
- (6) *Phasing.* When provisions for phasing are included in the development plan, each phase of development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services, that failure to proceed with subsequent phases will not adversely impact drainage, utilities, parking, or the traffic flow of the completed phases.
- (7) *Other standards.* All planned developments will comply with regulations affecting signs referred to in section 125-310 and applicable portions of the city's regulations governing subdivisions except that in case of conflict.
- (8) *Additional requirements.* The city commission may also establish additional requirements which it considers necessary to ensure that a planned development conforms to the intent of this section.

- (9) *Variances are not necessary.* The specific development standards of the PD district are contained in the approved development plan for each planned development which normally considers those matters which might otherwise be the subject of variance review by the board of adjustment.
- (c) *Application requirements.* When an application is submitted to rezone property to a PD zoning district, the following items will be submitted according to the stage of PD rezoning.
- (1) **Table (c).(1). Master PD and Final PD required plans and documents, and definitions.**

REQUIRED PD PLANS AND DOCUMENTS	MASTER PD	FINAL PD
PREVIOUSLY APPROVED SITE PLANS	X	X
PD SITE PLANS	X	X
PD PHASING PLAN	X	
ARCHITECTURAL DRAWINGS		X
FLOOR PLANS		X
LIGHTING PLANS		X
BOUNDARY SURVEY	X	X
TOPOGRAPHIC SURVEY	X	X
CONSTRUCTION PLANS		X
LANDSCAPE PLANS		X
TREE SURVEY		X
TREE MITIGATION PLAN		X
PROJECT NARRATIVE	X	X
RECORDED DEED	X	X
LEGAL DESCRIPTION	X	X
STATEMENT OF PUD BENEFITS	X	X
SITE LOCATION MAP	X	X
STORMWATER REPORT OR CALCULATIONS		X
MASTER STORM WATER REPORT	X	
STORMWATER MAINTENANCE		X
TRAFFIC IMPACT ANALYSIS	X	X
ENVIRONMENTAL ASSESSMENT	X	X
PRESERVE AREA MANAGEMENT PLAN		X
UTILITIES WATER & WASTEWATER SERVICE	X	X
PLANNED DEVELOPMENT (PD) AGREEMENT	X	X

DEFINITIONS

PREVIOUSLY APPROVED SITE PLANS: Copies of any previously approved site plans.

PD SITE PLAN: Hard and digital copies of the proposed master PD site plan or final PD site plan including consistent data tables and detail sheets. The site plan should identify unit numbers and types, use areas and access points. The master PD site plan is not required to identify individual lots until submittal of a Final PD site plan, but shall detail at minimum; open space coverage, general areas of wetlands, preserve areas, general uses proposed, maximum commercial floorspace and range of residential density.

PD PHASING PLAN: A clear depiction of each phase with descriptions of proposed infrastructure, design elements and preservation areas.

ARCHITECTURAL DRAWINGS: Elevations depicting color, height and architectural elements provided by a licensed architect demonstrating compliance with the city's design standards.

FLOOR PLANS: Separate plan for each floor within the proposed structures including the identification of the proposed use(s) and the area of the proposed use(s). Include square footage of each typical residential unit.

LIGHTING PLANS: Photometric and light pole and fixture details to show compliance with the city's lighting requirements.

BOUNDARY SURVEY: Boundary survey of the entire site including the legal description, parcel control number(s) and acreage, with a field date within 180 days of the date of application. The boundary survey must be an original, signed and sealed by a licensed Florida Professional Surveyor and Mapper and must reference the current title commitment, list all easements and encumbrances of record, and show all those easements and encumbrances that affect the property and are plottable.

TOPOGRAPHIC SURVEY: Topographic survey of the project site that extends a minimum of 200 feet outside the proposed limits of construction (or until a discernible drainage basin boundary is reached). The topography must be collected at an interval adequate to generate one-foot contours. The date of the field survey must be within 180 days of the date of this application; the survey must be originally signed and sealed by a licensed Florida professional surveyor and mapper.

CONSTRUCTION PLANS: Original signed and sealed by a licensed Florida professional engineer and if practicing through a duly authorized engineering business, the name, address, and certification of authorization number of the engineering business. Include land clearing and erosion control plan.

LANDSCAPE PLANS: As prepared by a licensed landscape architect.

TREE SURVEY: A Boundary/Topographic survey that identifies any hardwood native tree having a diameter of fourteen (14) inches DBH or greater and any palms which have a minimum clear trunk of ten (10) feet, tree species, DBH, horizontal location, tree identifier (number), and: The tree survey should be accompanied with an electronic file using state plane coordinate system.

TREE MITIGATION PLAN: A narrative and/or plan setting out the replanting scheme, types and species of trees and maintenance of the replanted trees and tree mitigation calculation if required.

PROJECT NARRATIVE: Project summary including the history of the property/project, the type of development being proposed, the location and size of the subject property, current zoning and future land use, request for zoning and future land use, preserve and landscape areas, building square footage nonresidential), and/or number of residential units, and proposed density. If the application is for an amendment, outline the changes being requested.

RECORDED DEED: A copy of the recorded deed(s) for the subject property.

LEGAL DESCRIPTION: Full legal description including parcel control number(s) and total acreage.

PD ZONING AGREEMENT: Proposed PD Zoning Agreement. If providing a PUD Amendment, include the amendment number. Additionally, submit any previously approved PD Zoning Agreement. Agreements and any relative amendments to the Agreement.

STATEMENT OF PUD BENEFITS: Statement of proposed public benefits including a comparative analysis of developer benefits gained by the PD designation.

SITE LOCATION MAP: Include all adjacent and internal roadways, surrounding properties, and a clear site boundary.

STORMWATER REPORT OR CALCULATIONS: Stormwater management report that is originally signed and sealed (electronic signature not accepted). The report cover sheet and index sheet shall be signed and sealed;

MASTER STORMWATER REPORT: The report originally signed and sealed by a licensed Florida professional engineer to establish the pre-development stormwater runoff discharge rate and provide a discussion on how the water quality is proposed to be treated (i.e. swales, exfiltration trenches, dry retention, wet detention, bioswales, etc.).

STORMWATER MAINTENANCE: A narrative of how the proposed stormwater system will be maintained.

TRAFFIC IMPACT ANALYSIS: Analysis or statement originally signed and sealed by a licensed Florida professional engineer. Development projects shall be categorized as either exempt, de minimis, or with significant impacts.

ENVIRONMENTAL ASSESSMENT: Assessment of native upland habitats, delineated wetlands, and listed species on property as prepared by a environmental professional.

PRESERVE AREA MANAGEMENT PLAN: If the environmental assessment identifies wetlands or native habitats that are required to be preserved on site. Also provide an electronic file DWG with a corresponding metadata: e.g., a text file describing the layers of the preserve areas (wetlands, wetland buffer, upland preserve boundary, parcel boundary).

PROPOSED WATER SOURCES: Proposed utilities and irrigation water sources including any proposed use of wells and septic systems.

UTILITIES WATER & WASTEWATER SERVICE: Confirmation of Water and Wastewater Service.

PD AGREEMENT: A binding agreement between the City and the applicant which includes; legal description, duration and development timing, uses, densities, intensities, height, land use designation, description of any land dedicated for public purposes, description of any improvement works required to public facilities, including roadways, and who should provide such facilities, if necessary financial assurance in the form of bonds for the construction of required facilities, implications of a breach of such agreement and conditions attached to the PD development plan.

(2) *Planned Unit Development review procedures.*

- a. Unless the applicant chooses to move directly to a FPD plan, a PD application shall be reviewed in two phases; a Master PD (MPD) phase and a Final PD (FDP) phase.
- b. The PD rezoning application shall include appropriate information as specified in table (c).1. of this section in accordance with the phase of PD application.
- c. The planning department shall have a maximum of 35 days from the submission of a complete MPD application to review the application and forward it to the Technical Review Committee (TRC). The recommendation of the TRC shall be forwarded to the Planning Board for review. The recommendation of the Planning Board shall be forwarded to the City Commission. Prior to acting on the application for a Master Planned Development plan, the city commission shall hold a public hearing in accordance with section 125-38. The city commission shall approve, approve with conditions, or disapprove the MPD plan.

-
- d. Within a year of the date of approval of an MPD and rezoning to PD, the applicant shall file with the planning department an FDP containing in final form the information required in the MPD. Either the previously approved or a new site development plan can be used to re-apply. This plan may be for the entire development, or when development phasing is identified on the MPD, for a portion of the MPD. If the planned unit redevelopment involves the subdividing of land which is regulated by the city, a final plat should be reviewed concurrently with the FDP. If the FDP is not submitted within the required timeframe, then the MPD is deemed expired. The land will retain the PD zoning designation; however, the Master PD development approved with the MPD rezoning will be null and void.
 - e. The planning department shall have a maximum of 35 days from the submission of a complete FDP application to review the application and forward it to the Technical Review Committee (TRC). The recommendations of the TRC shall be forwarded to the Planning Board for review. The recommendation of the Planning Board shall be forwarded to the City Commission. Prior to acting on the final redevelopment plan, the city commission shall hold a public hearing in accordance with section 125-38. The city commission shall approve, approve with conditions, or disapprove the FDP plan.
 - f. If the city commission finds evidence of a significant deviation from a previously approved and related MPD, the city commission shall advise the applicant to apply for an amendment to the MPD plan. If no significant deviation from the preliminary redevelopment plan is found, the city commission will approve the submitted portions of the FDP.
- (d) *Modification of an approved MPD site plan or FDP site plan.* Changes to approved PD site plans are either major modifications or minor modifications. A major modification shall require the approval of the city commission, while a minor modification may be done administratively by the planning director (or designee).
- (1) *Modification review criteria.* Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved PD plan are to be viewed as a major modification. Once a determination has been made that a proposed modification constitutes a major modification, the applicant shall follow the same procedure as a new planned development request. An application for a major modification shall be filed in the planning department. Applications for a major modification of PD plans may require an updated, revised PD site development plan or portions thereof indicating the effect of the proposed change, a narrative description of the modification and reasons such a change is necessary, and additional information as required by the planning director (or designee) to adequately review the proposed modification. The following alterations shall be considered a major modification, and reapplication as a new development plan will be required:
- a. Increase or decrease in intensity of use. A change of five percent or more of usable floor area, or a change of five percent or more in the number of dwelling units, or a change of five percent or more of outside land area devoted to sales, displays, or demonstrations. In no case shall the intensity or density be increased over the maximum allowed by the future land use element of the comprehensive plan.
 - b. Any change in the location of the parking area, or a change of ten percent or more in the number of spaces approved.
 - c. Structural alterations significantly affecting the basic size and form of the building as shown on the approved plan including an increase in building height of more than one story or 12 feet.
 - d. Any reduction in the amount of open space by five percent or more, or a substantial change in the location or characteristics of open space uses.
 - e. Substantial changes in location or type of pedestrian or vehicular access or circulation.
 - f. Any change which would increase traffic generation by more than ten percent.

-
- g. Any change in land use or an increase in density within 500 feet of the PD boundaries, or within 200 feet of any part of the planned development which has been constructed or sold to an owner or owners different from the applicant requesting the change.
 - h. Any deviation exceeding 12 inches from the setbacks, area, or dimensional standards approved as part of the site development plan.
 - i. A change to the buffering material that negatively impacts the surrounding neighborhood.
 - j. Any change in the design and/or location of the stormwater facility that negatively impacts the surrounding neighborhood.
 - k. Any addition or reduction to the area of a PD.
 - l. Changes proposed to three or more of the criteria that do not meet the threshold individually to be considered a major modification.
 - m. Any change in a condition specifically required by the city commissioners as part of the planned development approval.
- (2) *Minor modification.* Any modification to an approved PD plan which does not constitute a major modification shall be considered a minor modification. Generally, minor variations, extensions, alterations or modifications of proposed uses, buildings/structures or other improvements which are consistent with the purpose and intent of the approved PD plan are considered minor modifications. Upon determination that the proposed modification is a minor modification, the planning director (or designee) shall render a decision to the applicant within 15 working days after submission of a completed modification application. Applications for a modification shall include an updated, revised PD site development plan indicating the effect of the proposed change and a narrative description of the modification and the reasons why such a change is necessary.
- (3) Prior to build-out of 50 percent of the land in a planned development, the property owner shall have the right to initiate any amendments to any developed or undeveloped portions of the planned development. After 50 percent or more of the land in the planned development has been built-out, the property owner may initiate any amendments to undeveloped portions of the planned development; however, amendments to developed portions of the planned development may only be initiated by:
- a. The property owner, for an amendment to the planned development which is not applicable to all developed portions of the planned development;
 - b. Petition by the owners of more than 50 percent of the developed property in the PD district for an amendment to the planned development applicable to all of the developed portions of the planned development; or
 - c. City commission, where necessary to preserve the health, safety, and welfare of the property owners in the planned development.
- (e) *Status of previously approved PD (Planned Development zone) plans or PUR (Planned Unit Redevelopment zone) plans.* Any active or completed planned development project approved prior to the adoption of this section shall continue to be governed by the approved PD plan and any agreements, terms, and conditions to which the approval may be subject, as long as the project continues to be actively under development. Any time limitations to which the approved PD plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify (see major modification), the approved PD plan or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PD district.
- (f) *Expiration of an approved PD plan.* Any planned development approval for a project which has failed to commence by securing a building permit for a vertical improvement in accordance with the approved FPD plans within two years of final approval, shall be considered expired. However, if the property owner obtains a building permit for a vertical improvement in accordance with the approved FPD plans within two years

after final approval of the planned development, the property owner's development rights under the FPD approval shall be deemed vested and shall not expire. Extensions to the expiration date of the FPD approval may be granted by the city commission in two-year increments. Any request for an extension to the expiration date of the FPD approval must be submitted in writing to the planning director for review no later than the expiration date of the FPD approval.

- (g) If the FPD expires, the land will retain the FPD zoning designation; however, the site development plan approved with the FPD rezoning will be null and void and a new application will be required.

(Code 1983, § 22-42; Ord. No. H-186, § 30-42, 6-15-1981; Ord. No. K-258, § 3, 1-20-2004; Ord. No. L-260, § 3, 6-18-2012)

Sec. 125-212. Planned Development Zone (PD).

- (a) *Purpose.* The PD District is intended to provide a process for the evaluation of individually planned developments which are not otherwise permitted in the zoning districts established by this chapter. The PD District is to be a voluntary process commenced by an applicant for such zoning designation. The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time granting the city commission the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety and general welfare. In so doing, the PD district is designed to:
- (1) Provide for the planning, review and approval of one or a combination of residential, commercial, public and industrial land uses not otherwise allowed under general zoning districts.
 - (2) Encourage structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.
 - (3) Allow flexibility through a more efficient arrangement of structures, utilities, on-site circulation, and ingress and egress than is permitted under conventional zoning and subdivision regulations.
 - (4) Encourage the preservation of environmental assets and natural amenities as scenic and functional open-space areas.
 - (5) Encourage usable open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.
 - (6) Encourage innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment while preserving onsite natural elements and cultural resources.
 - (7) Promote flexibility and efficiency in site design for more desirable living and working environments.
 - (8) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.
 - (9) Permit site specific requirements based on the unique characteristics of the individual site.
 - (10) Permit site specific limitations where necessary to protect public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.
 - (11) The terms Planned Development (PD) and Planned Unit Development (PUD) are deemed synonymous and may be used interchangeably throughout this Code of Ordinances.
- (b) *General standards for approval.* The Planned Development (PD) district is designed to allow an applicant to submit a proposal for consideration, for any use or any mixture of uses, The approval of planned development rezoning rests with the city commission. However, no rezoning or development plan may be approved unless the following conditions are met:
- (1) *Comprehensive plan consistency.* Any residential, commercial, industrial, or public land uses and structures are permitted in this district, provided the proposed development is shown to be consistent with the goals, objectives and policies of the comprehensive plan, and consistent with the future land use element, and the standards and criteria contained in the following sections, unless a corresponding amendment to the comprehensive plan is also adopted.
 - a. *Density.* In no event shall the density granted exceed the maximum gross density permitted under the underlying land use in the comprehensive plan.
 - (2) *Perimeter setbacks.* Setbacks at the perimeter of the development shall be equal to those of the abutting zoning district, except where city commission finds that alternate perimeter setbacks would

be appropriate. Conditions under which alternate perimeter setbacks may be considered include, but are not limited to, the following:

- a. Property in the abutting zoning district is located across a major roadway from the PD, and therefore, a reduced setback would have little or no impact on the character of the adjacent property.
 - b. The minimum PD perimeter setback required by this section cannot be achieved due to an exceptional narrowness, shallowness, shape, topographic condition or physical or environmental feature uniquely affecting the subject property.
 - c. The perimeter setback may be reduced from the required distance by providing a landscape strip in lieu of the perimeter setback, except where driveways are located, meeting these requirements:
 1. The strip shall be no less than five feet wide and include at least one tree for every 200 square feet of required landscaped strip and contain a hedge of landscape material which shall be installed and maintained so as to form a 48-inch or higher, continuous, unbroken, solid, visual screen within one-year (maximum) after installation, except in clear vision areas required in section 125-308. The remainder of the required landscaped strip shall be completely covered with groundcover or grass.
 2. A wall, berm, or other durable, non-wood privacy fence may be included as part of the landscape strip, but not replace it.
 - d. The perimeter setback may be reduced from the required distance by no more than one half if the abutting property is similar in use, and intensity or density.
- (3) *Open space.* In all planned developments at least 20 percent of the site shall be devoted to open space, regardless of project size or intended use; open space shall be land devoid of any aboveground structures or buildings, except pergolas, gazebos, pavilions or other open-air structures; or landscape structures such as terraces, planters, walls or retaining walls. Open space may include natural areas, buffer areas, upland habitats, including those areas of on-site preservation required by the other provisions of this Code; recreation areas, but not including swimming pools, tennis courts or other impervious activity areas; but may include parks, golf courses, sports fields; bicycle, pedestrian or equestrian paths and facilities; common open space, common landscaping or planting areas; stormwater detention and retention facilities providing that no more than 30 percent of the overall open space requirement shall be satisfied in this manner; water features, conservation areas or other areas intended for public purposes other than street or road rights-of-way, but shall exclude aquatic areas for conservation and development (A-1 and A-2 zoning).
- (4) *Applicability to other code of ordinances not in conflict herein.* All building code, housing code, and other land use regulations of the city not directly in conflict herewith are applicable to the PD district.
- (5) *Easements.* Easements necessary for the orderly extension and maintenance of public utilities and/or other special needs may be required as a condition of approval.
- (6) *Phasing.* When provisions for phasing are included in the development plan, each phase of development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services, that failure to proceed with subsequent phases will not adversely impact drainage, utilities, parking or the traffic flow of the completed phases.
- (7) *Other standards.* All planned developments will comply with regulations affecting signs referred to in section 125-310 and applicable portions of the city's regulations governing subdivisions except that in case of conflict.

-
- (8) *Additional requirements.* The city commission may also establish additional requirements which it considers necessary to ensure that a planned development conforms to the intent of this section.
- (9) *Variations are not necessary.* The specific development standards of the PD district are contained in the approved development plan for each planned development which normally takes into account those matters which might otherwise be the subject of variance review by the board of adjustment.
- (c) *Application requirements.* When an application is submitted to rezone property to a PD zoning district, the following items will be submitted in addition to other information submitted in accordance with section 125-132, the city's subdivision regulations or other city laws:
- (1) *Written documents.*
- a. *Project narrative; a statement describing the planned development.* This statement should include a description of the character of the proposed development as it relates to the development objectives of the city and the city's comprehensive plan as well as the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development, such as land areas and dwelling units.
- b. *Unified control and property ownership.* All land intended to be included in the planned development shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships and/or corporations. Material which presents firm evidence of ownership may include a copy of the recorded deed, a title policy or an opinion of title. If necessary, material which presents firm evidence of unified control, such as unity of title, on a form approved by the city, shall be submitted with the application.
- c. *Phasing.* A development phasing schedule indicating:
1. The approximate date when construction of the project can be expected to begin.
 2. The number of phases in which the project will be built and the approximate date when construction of each phase can be expected to begin and completed.
 3. A general description of the buildings and streetscapes including standards for height, building coverage, parking areas, and public improvements proposed for each phase of the development.
- d. *Quantitative data for the following.* Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; residential gross densities; total amount of open space; and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).
- e. A list of any exceptions from the standard zoning ordinance and land development code for any features of the proposed development plan.
- f. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the planned development and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.
- (2) *Site plan.* A site plan with the following information must be submitted:
- a. The existing site conditions, shorelines, flood plains, unique natural features and forest cover.
 - b. A landscape and irrigation plan per section 125-314.
 - c. Proposed lot lines and other divisions of land for management, use or allocation purposes.

-
- d. The location, size and height of present and proposed buildings and structures.
 - e. The location and size of all areas proposed to be conveyed, dedicated or reserved for streets, parks, playgrounds, public and semi-public buildings and similar uses.
 - f. The existing and proposed vehicular circulation system, including off-street parking and loading areas.
 - g. The pedestrian circulation system, including its interrelationships with the vehicular circulation system, within the development to adjacent streets, showing all curb cuts and sidewalks.
 - h. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.
 - i. Information on land areas adjacent to the proposed planned development, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
 - j. The proposed buffering treatment of the perimeter of the planned development, refuse stations, storage areas, or loading areas, including materials and techniques used such as screens, fences and walls.
 - k. The location of existing wetlands, proposed preservation and conservation areas.
 - l. A statement describing any endangered or threatened species that may be located on the site and potential environmental impacts on flora and fauna.
- (d) *Planned development review procedures.*
- (1) *Pre-application conference.* The pre-application conference is an informal discussion between the applicant and the staff of any department that will be involved with the technical review of the proposed planned development. The applicant is encouraged to provide the following information related to the proposed development at the meeting.
 - a. Consistency with the adopted comprehensive plan.
 - b. Adequacy of utilities and other public facilities to serve the proposed development.
 - c. Relationship with the surrounding neighborhood.
 - d. Compliance concerns.
 - (2) *Site development plan.* Will include all information specified in this section. The procedure for reviewing the development plan is the procedure set forth in section 125-133, amendment procedures, and section 125-313, site plan review. If the proposed planned development also involves the subdividing of land which is regulated by the city, the preliminary plat should be reviewed concurrently with the development plan as specified in chapter 121. Approval of a development plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property.
- (e) *Adherence to approved development plan.* Building permits for construction shall be issued only if consistent with an approved development plan. No building permit or certificate of occupancy shall be issued for a planned development except in conformity with all provisions of the approved final plan, as amended. All buildings and improvements in a particular phase need not be complete before the issuance of a certificate of occupancy for a completed building in that phase unless otherwise required by the final plan as approved.
- (f) *Modification of an approved PD site plans.* Changes to approved PD site plans are either major modifications or minor modifications. A major modification shall require the approval of the city commission, while a minor modification may be done administratively by the planning director (or designee).

-
- (1) *Modification review criteria.* Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved PD plan are to be viewed as a major modification. Once a determination has been made that a proposed modification constitutes a major modification, the applicant shall follow the same procedure as a new planned development request. An application for a major modification shall be filed in the planning department. Applications for a major modification of PD plans may require an updated, revised PD site development plan or portions thereof indicating the effect of the proposed change, a narrative description of the modification and reasons such a change is necessary, and additional information as required by the planning director (or designee) to adequately review the proposed modification. The following alterations shall be considered a major modification, and reapplication as a new development plan will be required:
- a. Increase or decrease in intensity of use. A change of five percent or more of usable floor area, or a change of five percent or more in the number of dwelling units, or a change of five percent or more of outside land area devoted to sales, displays, or demonstrations. In no case shall the intensity or density be increased over the maximum allowed by the future land use element of the comprehensive plan.
 - b. Any change in the location of the parking area, or a change of ten percent or more in the number of spaces approved.
 - c. Structural alterations significantly affecting the basic size and form of the building as shown on the approved plan including increase in building height of more than one story or 12 feet.
 - d. Any reduction in the amount of open space by five percent or more, or a substantial change in the location or characteristics of open space uses.
 - e. Substantial changes in location or type of pedestrian or vehicular accesses or circulation.
 - f. Any change which would increase traffic generation by more than ten percent.
 - g. Any change in land use or an increase in density within 500 feet of the PD boundaries, or within 200 feet of any part of the planned development which has been constructed or sold to an owner or owners different from the applicant requesting the change.
 - h. Any deviation exceeding 12 inches from the setbacks, area, or dimensional standards approved as part of the site development plan.
 - i. A change to the buffering material that negatively impacts the surrounding neighborhood.
 - j. Any change in the design and/or location of the stormwater facility that negatively impacts the surrounding neighborhood.
 - k. Any addition or reduction to the area of a planned development.
 - l. Changes proposed to three or more of the criteria that do not meet the threshold individually to be considered a major modification.
 - m. Any change in a condition specifically required by the city commissioners as part of the planned development approval.
- (2) *Minor modification.* Any modification to an approved PD plan which does not constitute a major modification shall be considered a minor modification. Generally, minor variations, extensions, alterations or modifications of proposed uses, buildings/structures or other improvements which are consistent with the purpose and intent of the approved PD plan are considered minor modifications. Upon determination that the proposed modification is a minor modification, the planning director (or designee) shall render a decision to the applicant within 15 working days after submission of a completed modification application. Applications for a modification shall include an updated, revised

PD site development plan indicating the effect of the proposed change and a narrative description of the modification and the reasons why such a change is necessary.

- (3) Prior to build-out of 50 percent of the land in a planned development, the property owner shall have the right to initiate any amendments to any developed or undeveloped portions of the planned development. After 50 percent or more of the land in the planned development has been built-out, the property owner may initiate any amendments to undeveloped portions of the planned development; however, amendments to developed portions of the planned development may only be initiated by:
- a. The property owner, for an amendment to the planned development which is not applicable to all developed portions of the planned development;
 - b. Petition by the owners of more than 50 percent of the developed property in the PD district for an amendment to the planned development applicable to all of the developed portions of the planned development; or
 - c. City commission, where necessary to preserve the health, safety and welfare of the property owners in the planned development.
- (g) *Status of previously approved PUD (Planned Unit Development zone) plans.* Any active or completed planned development project approved prior to the adoption of this section shall continue to be governed by the approved PUD plan and any agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development. Any time limitations to which the approved PUD plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify (see major modification), the approved PUD plan or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PD district.
- (h) *Expiration of an approved PD plan.* Any planned development approval for a project which has failed to commence by securing a building permit for a vertical improvement in accordance with the approved PD plans within two years of final approval of the planned development, shall be considered expired. However, if the property owner obtains a building permit for a vertical improvement in accordance with the approved PD plans within two years after final approval of the planned development, the property owner's development rights under the PD approval shall be deemed vested and shall not expire. Extensions to the expiration date of the PD approval may be granted by the city commission in two-year increments. Any request for an extension to the expiration date of the PD approval must be submitted in writing to the planning director for review no later than the expiration date of the PD approval.

If the PD expires, the land will retain the PD zoning designation; however, the site development plan approved with the PD rezoning will be null and void. Either the previously approved or a new site development plan can be used to re-apply.

(Code 1983, § 22-40; Ord. No. 15-004, §§ 1, 2, 3-2-2015; Ord. No. 15-006, § 1, 6-15-2015)

Sec. 125-213. Planned Unit Redevelopment Zone (PUR).

- (a) *Purpose.* The Planned Unit Redevelopment (PUR) zone is intended to encourage comprehensive redevelopment within existing residential and commercial areas of the city. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. It is further intended to promote economics in land development, maintenance, street systems and utility networks, resulting in the provision of needed housing and the redevelopment of older, less economically viable areas.
- (b) *General standards for approval.* Prior to including a tract of land in the PUR zone or approving a final redevelopment plan, the city commission shall determine that:

-
- (1) The planned unit redevelopment is an effective and unified treatment of the development possibilities of the project site while remaining consistent with the comprehensive plan, avoiding environmental hazards and making appropriate provisions for the preservation of natural features such as shorelands and wooded cover.
 - (2) The planned unit redevelopment will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services in terms of their capacities, operational costs or maintenance costs: water, sewer, storm drainage, electrical services, fire protection, police protection and schools.
 - (3) A need exists for the planned unit redevelopment at the proposed location and the applicant has the capacity to ensure completion of the project.
 - (4) The planned unit redevelopment complies with standards referred to in this section, additional zoning ordinance provisions and other city laws.
- (c) *Potential uses.* The following uses are allowed in a planned unit redevelopment if the city commission considers them appropriate for the particular redevelopment being proposed, compatible with nearby uses, and consistent with the comprehensive plan and if other applicable standards are satisfied:
- (1) Duplexes, triplexes and quadraplexes.
 - (2) Multifamily housing developments.
 - (3) Retail sales establishments, except stores selling automobiles, other large motorized vehicles or mobile homes.
 - (4) Motels/hotels.
 - (5) Personal service establishments.
 - (6) Finance, insurance and real estate service establishments.
 - (7) Business service establishments.
 - (8) Communication service establishments.
 - (9) Professional service establishments.
 - (10) Educational service establishments.
 - (11) Indoor amusement, entertainment and/or recreation establishments.
 - (12) Public and semi-public uses including outdoor park and recreation facilities.
 - (13) Temporary uses meeting the requirements in section 125-320.
 - (14) Such other uses the city commission may consider appropriate.
- (d) *Basic use standards.* Area, width, depth, yard and lot coverage requirements for lots in a planned unit redevelopment shall be determined by the city commission on the basis of relevant characteristics of the use, the rest of the planned unit redevelopment and the surrounding area, including those characteristics relating to use compatibility, physical feature constraints and utility and transportation capacities.
- (e) *Open spaces.*
- (1) In all planned unit redevelopments the area devoted to common open space, exclusive of aquatic areas, shall be increased ten percent beyond that which existed prior to the PUR.
 - (2) No area may be accepted as common open space within a planned unit redevelopment unless it meets the following requirements:

-
- a. The location, shape, size and character of the common open space is suitable for the development.
 - b. The common open space is for amenity or recreational purposes and the uses authorized are appropriate for the scale and character of the redevelopment based on consideration of its size, density, expected population, topography and the number and type of dwellings provided.
 - c. The common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation should be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.
 - d. Waterfront access for the public, such as walkways, trails, waterfront seating or landscaped areas, will be provided, whenever possible, when consistent with the scale of the use, surrounding uses, security and proximity to the waterfront.
 - e. No parking facilities will be included in areas designated as common open space unless the parking facilities are intended to provide access to the common open space area and are not intended to meet the ordinance requirements for other uses. No streets will be designated as common open space.
 - f. The redevelopment schedule which is part of the redevelopment plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the building of residential dwellings in the planned unit redevelopment.
 - g. If buildings or structures are to be constructed in the common open space, the developer will provide a bond or other adequate assurances that the building and structures will be completed. The planning director shall release the bond or other assurances when the buildings and structures have been completed according to the redevelopment plan.
- (f) *Various environmental standards.*
- (1) Uses having potential air-polluting sources such as stacks, burning facilities, concentrations of motor vehicles and dust-generating processes shall be located and designed to provide adequate separation of these sources from other development and especially residential neighborhoods, institutional uses and outdoor recreation areas. Any adverse air quality impacts of the use will be reduced to the extent practical.
 - (2) The redevelopment plan shall include provisions needed to control water and wind erosion during and after construction associated with the redevelopment. Runoff from impervious surfaces or other potential polluting sources in the redevelopment area shall be managed so as to reduce the adverse water quality impacts to the extent possible.
- (g) *Transportation.*
- (1) A suitable site layout will be used for all street and on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths and other transportation facilities. Suitability, in part, shall be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.
 - (2) Principal vehicular access points shall be designed to permit smooth traffic flow and to minimize hazards to vehicular and pedestrian traffic. Minor streets within a planned unit redevelopment shall not be connected to streets outside the redevelopment in such a way as to encourage their use by through traffic.

-
- (3) Streets in a planned unit redevelopment may be dedicated to public use or may be retained in private ownership, except the city commission may require arterial and collector streets to be dedicated to the public. When considered appropriate by the city commission, city requirements concerning rights-of-way and street pavement widths may be reduced and those requiring curbs and gutters may be waived, notwithstanding provisions to the contrary in this Code of Ordinances.
- (h) *Compatibility with adjacent development.* If topographical or other barriers near the perimeter of the planned unit redevelopment do not provide reasonable privacy for existing or potential uses adjacent to the redevelopment, the city commission shall require an attractively designed and maintained buffer in the form of vegetation, fencing, walls and/or berms.
- (i) *Landscaping.* The planned unit redevelopment shall comply with the provisions of a landscape plan approved by the city commission. This plan must at a minimum be consistent with landscaping requirements in section 125-314.
- (j) *Unified control.* All land intended to be included in the planned unit redevelopment shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships and/or corporations.
- (k) *Maintenance of common areas.* Common open space, streets and any area or facility designated by the city commission as a shared area will comply with the following provisions:
- (1) The property will be conveyed under one of the following options:
- a. To a public agency which agrees to maintain the property and buildings or structures placed on it; or
 - b. To association of owners and/or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions that are acceptable to the city commission as providing for the continuing care of the property.
- (2) The property may not be put to a use not specified in the final redevelopment plan unless the final redevelopment plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of the property, and all rights to enforce these covenants against any use permitted are expressly reserved.
- (3) If the property is not conveyed to a public agency, the covenants and restrictions that govern the association of owners and/or tenants will at least include the following provisions:
- a. Membership must be mandatory for each home buyer or tenant and each successive buyer or tenant.
 - b. The association must be responsible for liability insurance, local taxes and the maintenance of property.
 - c. Owners and tenants must pay their pro rata share of the cost.
 - d. The association must be able to adjust assessments to meet changing needs.
 - e. The city must be authorized to enforce these and other provisions governing the use, improvement and maintenance of the property.
- (4) If the property is not conveyed to a public agency then, in addition to those requirements set forth hereinabove, there shall be delivered to the building official at or before the time the first building permit is obtained an instrument in recordable form containing:
- a. A legal description of the property upon which the dwelling units are to be constructed;

-
- b. A statement of the total area contained within such description;
 - c. A statement of the number of existing or proposed units situated on the subject property;
 - d. A statement of the number of dwelling units for which the application is made;
 - e. A restriction prohibiting any further development or construction beyond what is set forth in the instrument.

The building official shall thereafter issue permits in accordance with what is set forth in the aforesaid instrument provided all other requirements of this chapter are met and thereafter no further permits shall be issued for any additional units on the tract described. The instrument shall be recorded to place all persons on notice of its contents and limitations upon further building.

- (l) *Utility easements.* Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.
- (m) *Other standards.* All planned unit developments will comply with regulations affecting signs referred to in section 125-310, and applicable with portions of the city's regulations governing subdivisions. In case of conflict the city commission shall determine the requirement for the PUR. The city commission may also establish additional requirements which it considers necessary to ensure that a planned unit redevelopment conforms to the intent of this section.
- (n) *Special application requirements.* When an application is submitted to include property in a PUR zone, the following items will be submitted, in addition to other information submitted in accordance with section 125-132, the city's subdivision regulations or other city laws:
 - (1) *Written documents.*
 - a. A statement of planning objectives to be achieved by the planned unit redevelopment through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed redevelopment.
 - b. Material which presents firm evidence of unified control of the entire area within the proposed planned unit redevelopment, including a certificate of apparent ownership and encumbrance with the opinion of counsel representing the applicant establishing that the applicant has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.
 - c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned unit redevelopment, such as land areas and dwelling units.
 - d. A redevelopment schedule indicating:
 - 1. The approximate date when renovation or construction of the project can be expected to begin.
 - 2. The stages in which the project will be built and the approximate date when each stage can be expected to begin.
 - 3. The anticipated rate of redevelopment.
 - 4. The approximate date when each stage in the redevelopment will be completed.
 - 5. The area, location and degree of development of common open space that will be provided at each stage.
 - e. Quantitative data for the following. Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate residential gross densities; total amount of open space (including separate figures for common open space and usable open

spaces); and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).

- f. A statement indicating the justification for a gross density in excess of 18 units per acre if such a density is being proposed.
 - g. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the planned unit redevelopment and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.
- (2) *Site plan and supporting maps.* Maps with the following minimum information must be submitted:
- a. The existing site conditions, shorelines, floodplains, unique natural features and forest cover.
 - b. A grading plan for the site showing future contours for locations where the existing grade is to be changed by more than two feet.
 - c. A general landscape plan for the planned unit redevelopment.
 - d. Proposed lot lines and other divisions of land for management, use or allocation purposes.
 - e. The approximate location of present and proposed buildings and structures.
 - f. The location and size of all areas proposed to be conveyed, dedicated or reserved for streets, parks, playgrounds, public and semi-public buildings and similar uses.
 - g. The existing and proposed vehicular circulation system, including off-street parking and loading areas.
 - h. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
 - i. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.
 - j. Enough information on land areas adjacent to the proposed planned unit redevelopment to indicate the relationship between the proposed redevelopment and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
 - k. The proposed treatment of the perimeter of the planned unit redevelopment, including materials and techniques used such as screens, fences and walls.
- (o) *Special planned unit redevelopment review procedures.*
- (1) Planned unit redevelopments will be reviewed in at least three phases: A preapplication conference, a preliminary redevelopment plan phase and a final redevelopment plan phase. The preapplication conference will involve a minimum of one informal discussion between the applicant and staff of the planning department on the proposed planned unit redevelopment.
 - (2) At the request of the applicant, an optional phase, a concept plan phase, will take place. For this phase, a map showing the general layout of uses in the proposed planned unit redevelopment will be submitted along with written material mentioned in this section in subsections (n)(1)(a), (c), (d) and (e) of this section. A public hearing will be held by the city planning board on the proposal and it will approve, approve with conditions or disapprove the concept plan.
 - (3) The preliminary redevelopment plan will include information specified in subsection (p) of this section. The procedure for reviewing the preliminary redevelopment plan is the procedure set forth in section 125-133 for amending this chapter. If the proposed planned unit redevelopment involves the

subdividing of land which is regulated by the city, the preliminary plat should be reviewed concurrently with the preliminary redevelopment plan. Approval of a preliminary redevelopment plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property. If the city planning board approved the concept plan or approved it with conditions, the board will not change its earlier opinion unless it determines that it is appropriate due to new information or due to differences between the concept plan and preliminary redevelopment plan.

- (4) Within a year of the date of approval of a preliminary redevelopment plan or approval of the plan with conditions, the applicant shall file with the planning department a final redevelopment plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the redevelopment. If the planned unit redevelopment involves the subdividing of land which is regulated by the city, the final plat should be reviewed concurrently with the final redevelopment plan.
 - (5) The staff of the planning department shall have a maximum of 35 days from the submission of a complete final redevelopment plan to review the plan and prepare comments concerning the plan. Prior to acting on the final redevelopment plan, the city commission shall hold a public hearing in accordance with section 125-38. The city commission shall approve, approve with conditions or disapprove the final redevelopment plan within 20 days of the public hearing, except the city commission with good cause demonstrated may allow an extension of time.
 - (6) If the city commission finds evidence of a significant deviation from the preliminary redevelopment plan, the city commission shall advise the applicant to submit an application for an amendment to the preliminary redevelopment plan. An amendment shall be reviewed using the same procedure as was used for the preliminary redevelopment plan, except that this chapter will not need to be amended. If no significant deviation from the preliminary redevelopment plan is found, the city commission will approve the portions of the planned unit redevelopment in the final plan.
 - (7) If an amended preliminary redevelopment plan is not submitted within 75 days of the city commission decision to require such an amendment, or if the amended preliminary redevelopment plan is not approved or approved with conditions, the city commission shall initiate proceedings for rezoning all of the property in the planned unit redevelopment.
- (p) *Adherence to approved final redevelopment plan.* Building permits for construction shall be issued only if consistent with an approved final redevelopment plan.
- (1) Minor changes not altering the intent and purpose of the approved final redevelopment plan may be approved by the planning director after such departmental comment as he deems appropriate. The director shall also advise the city commission of his administrative determination at the earliest practicable opportunity and such determination shall become effective unless the city commission thereupon finds that the proposed change is substantial in nature and advises the applicant to apply for an amendment of the approved redevelopment plan.
 - (2) Substantial changes in requested uses, density, phasing or other specifications of the approved redevelopment plan must be approved by the city commission after it has held a public hearing and after review of the proposed changes by the city planning board.
 - (3) The amendment of an approved redevelopment shall be in the manner provided for adoption of the redevelopment plan.

(Code 1983, § 22-42; Ord. No. H-186, § 30-42, 6-15-1981; Ord. No. K-258, § 3, 1-20-2004; Ord. No. L-260, § 3, 6-18-2012)

Planning Board

6. b.

Meeting Date: 11/13/2023

Re: Amendments to Code of Ordinance Definitions and Use Table

Submitted For: Kev Freeman, Planning Director, Planning Department

Information

SUBJECT:

Zoning Text Amendment - Chapter 125 – Zoning, Article I – General, Section 125–3 – Definitions Generally to add and Clarify Definitions; to Include a Definition of Agricultural, Amending Chapter 125 – Zoning, Article IVV– Basic Zoning Districts, Section 125–187, Subsection (g) – Allowed Uses to Amend the Use Table; to Include Agricultural Use and Railroad Passenger Station Use by Right in Certain Zoning Districts; Amending Chapter 125 – Zoning, Article VII – Supplementary Regulations, Division 1 – Generally, Section 125-318 – Home Occupations to include Reference to State Statute Establishing Section 125–328 – Boardinghouses and Roominghouses to Regulate the Locations and Standards of Operation of Boardinghouses and Roominghouses

SUMMARY:

This item proposes amendments to the Code of Ordinances:

The establishment of **125-318. Boardinghouses and Roominghouses.**

- The issue of boardinghouses and Roominghouses 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 a review of additional zoning districts as conditional uses. (PB minutes attached).

In addition, a number of amendments to the City's Code of Ordinances are required to address the above code amendments and to remove conflicts within the Code and to amend the code to reflect recent amendments to Florida State Statutes:

Sec.125-3. Definitions Generally, Boardinghouse and Rooming House, Fencing, Gross Density, Net Density, Agricultural, Railroad Passenger Station.

Sec. 126-187. Allowed Uses, Boardinghouse and Roominghouse, Single-Family/Mobile Home units, and Home Occupations, Agricultural, Railroad Passenger Station.

Sec. 125-318. Home occupations.

RECOMMENDATION:

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

ALTERNATIVES:

1. Approval with amendment(s).

or

2. Denial.

RESPONSIBLE STAFF:

Kevin Freeman, Planning Director.

COORDINATED WITH:

Technical Review Committee, City Attorney

Fiscal Impact

Budgeted Y/N: N

Amount: 0

OTHER INFORMATION:

No impact

Attachments

Staff Report

Staff Presentation

Draft Ordinance

Form Review

Form Started By: Kevin Freeman
Final Approval Date: 11/07/2023

Started On: 11/07/2023 02:32 PM

CITY OF FORT PIERCE

PLANNING DEPARTMENT

PROJECT: AMENDMENT TO THE CITY'S CODE OF ORDINANCES – BOARDINGHOUSES AND OTHER CODE

REVIEWER: KEV FREEMAN, PLANNING DIRECTOR

MEETING DATE: NOVEMBER 13TH, 2023 – PLANNING BOARD

STAFF REPORT

Requested Action: Consider an amendment to the City Code of Ordinances establishing Sec. 125-328. Boardinghouses and Roominghouses. Amending Sec.125-3. Definitions Generally, Boardinghouse and Roominghouse, Modular Home, Mobile Home, Manufactured Home, Fencing, Density, Agricultural and Railroad Passenger Station; and amending Sec. 126-187. Allowed Uses, Boardinghouse and Roominghouse, Agricultural, Railroad Passenger Station, Mobile Homes/Single-Family units, Home Occupations, and amending Sec. 125-318. Home occupations

Location: Citywide.

Proposed Amendment:

- This item proposes amendments to the Code of Ordinances which includes:
- The establishment of 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.
- Revisions and Additions to the Permitted Use Table in respect of Agricultural and Railroad Passenger Stations in certain zoning districts.
- Amendments to the list of Definitions.

The issue of Boardinghouse and Roominghouse was presented to the City Commission Conference meeting on 11th, October 2021.

The direction provided to staff was to move forward with the amendment to the code as described. The substantial components of this amendment were discussed and approved by the Planning Board at its meeting of September 11th, 2023.

Since that time, additional amendments have been proposed in respect of the List of Definitions and the Allowed Use Table.

These include the addition of agricultural use to be permitted by right in the E-1, E-2, E-3, C-2, C-3 and C-5 zoning districts (similar development rights as Stables or Equestrian facilities). This will allow the designation of city zoning districts in respect of property which has an agricultural use (county zoning) and is annexing into the city but wishes to retain that use. The definition of agriculture has been added such:

Agricultural; use which involves one or more of the following - livestock and poultry farming, crop production, plant nurseries, greenhouses, forestry, or associated farm facilities.

An additional amendment to the table of permitted uses relates to Railroad Passenger Station, which is important in respect of potential future siting of such within the city. The use table is amended to allow the use of a railroad passenger station in the commercial and industrial zoning districts.

Railroad passenger station; means a facility, either light or heavy rail, for the boarding of passengers and related ticketing sales and offices. Railroad passenger station and associated facilities shall not be subject to yard setback or landscaping buffer requirements.

Technical Review Committee

All affected departments have reviewed the proposed Development Plan with regards to consistency with established ordinances and requirements of the City Code. Suggested amendments have been incorporated.

Staff Recommendation:

Staff recommend that the proposed amendment is moved to the City Commission with a recommendation of approval.



CITY OF FORT PIERCE

PLANNING BOARD

November 13th, 2023

Boarding Houses/ Rooming Houses
And other Amendments to Zoning Code of
Ordinances

This item proposes amendments to the Code of Ordinances which includes:

- The establishment of 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.
- Revisions and Additions to the Permitted Use Table in respect of Agricultural and Railroad Passenger Stations in certain zoning districts.
- Amendments to the list of Definitions.

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

The direction provided to staff was to move forward with the amendment to the code as described. The substantial components of this amendment was discussed and approved by the Planning Board at its meeting of September 11th, 2023.

Since that time, additional amendments are proposed in respect of the List of Definitions and Permitted Use Table.

Several amendments to the City's Code of Ordinances are required to address the above code amendments and to remove conflicts within the Code and to reflect recent amendments to Florida State Statutes.

ZONING DISTRICT	E 1	E 2	E 3	R 1	R 2	R 3	R 4	R 4 A	R 5	C 1	C 2	C 3	C 4	C 5	C 6	C P	I 1	I 2	I 3	O S 1	O S 2	A 1	A 2
<i>RESIDENTIAL</i>																							
<i>Household Living</i>																							
-Detached House	P	P	P	P	P	P	P	P	C	C	C	-	C	C	-	-	-	-	-	-	C	-	-
-Duplex	-	-	-	-	-	C	P	P	C	C	C	-	C	C	-	-	-	-	-	-	-	-	-
-Townhouse	-	-	-	-	-	C	P	P	P	C	C	-	C	C	-	-	-	-	-	-	-	-	-
-Multi-Dwelling Building	-	-	-	-	-	C	P	P	P	C	C	C	-	C	C	-	-	-	-	-	-	-	-
-Mobile or Manufactured Home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	<u>C</u>	<u>C</u>	-	-	-	-	-	-	<u>C</u>	-	-
-Manufactured Home Park or Subdivision	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mobile Home Park	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mixed-Use Building or Development	-	-	-	-	-	-	C	C	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Home Occupations (per requirements of Section 125-318)	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	-	<u>C</u>	<u>P</u>	-	-	-	-	-	-	<u>P</u>	-	-

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.

ORDINANCE NO. 23-NNN

AN AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 125 – ZONING, ARTICLE I – GENERAL, SECTION 125-3 – DEFINITIONS GENERALLY TO ADD AND CLARIFY DEFINITIONS; TO INCLUDE A DEFINITION OF AGRICULTURAL, AMENDING CHAPTER 125 – ZONING, ARTICLE IV – BASIC ZONING DISTRICTS, SECTION 125-187, SUBSECTION (g) – ALLOWED USES TO AMEND THE USE TABLE; TO INCLUDE AGRICULTURAL USE AND RAILROAD PASSENGER STATION USE BY RIGHT IN CERTAIN ZONING DISTRICTS; AMENDING CHAPTER 125 – ZONING, ARTICLE VII – SUPPLEMENTARY REGULATIONS, DIVISION 1 – GENERALLY, SECTION 125-318 – HOME OCCUPATIONS TO INCLUDE REFERENCE TO STATE STATUTE ESTABLISHING SECTION 125-328 – BOARDINGHOUSES AND ROOMINGHOUSES TO REGULATE THE LOCATIONS AND STANDARDS OF OPERATION OF BOARDINGHOUSES AND ROOMINGHOUSES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125-3 - Definitions Generally, require amendment to incorporate updated definitions to resolve code conflicts and revisions to code, these include definitions for, agricultural, boardinghouse, roominghouse, gross density, net density, fence, manufactured home, mobile home, and modular home, and

WHEREAS, under Section 163.3202(5), Florida Statutes, and Section 320.8285(6), Florida Statutes, the allowed uses in certain zoning districts require amendment to Section 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, an amendment to Section 125-187 – Allowed Uses, is required to allow railroad passenger stations to be developed by right in specified commercial and industrial zoning districts, and to remove yard setback and landscape buffer requirements in respect of railway passenger stations; and

WHEREAS, an amendment to Section 125-187 – Allowed Uses, is required to allow agricultural use to be permitted by right in specified zoning districts; and

WHEREAS, Section 125-318 – Home Occupations, of the City's Code of Ordinances requires amendment to direct that the provisions for home occupations are regulated by Section 559.955, Florida Statutes, Home based business: local government restrictions; and

WHEREAS, Section 125-328 - Boardinghouses and Rooming Houses, is created to establish standards in respect of location and maintenance of boardinghouses and roominghouses, 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. Chapter 125, Article I, Section 125-3 is hereby amended, 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; 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; 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; a public thoroughfare which affords only a secondary means of access to abutting property.

Agricultural; use which involves one or more of the following - livestock and poultry farming, crop production, plant nurseries, greenhouses, forestry, or associated farm facilities.

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

Amusement device; 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; 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; facilities for the raising, feeding, planting and harvesting of aquatic organisms.

Aquatic areas; 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; that portion of an interior premises consisting of 50 or more amusement devices.

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

Bankline/streamline alteration; 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; 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 unit or roominghouse unit; any room or group of rooms, excluding common areas, forming a single habitable unit, used, or intended to be used as sleeping accommodations.

Building; 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; 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; 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; a street designated as a collector street in the comprehensive plan.

Commercial off-street parking lot; 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; businesses primarily engaged in communications activities, including newspaper and printing services, television and radio services and telephone and telegraph services.

Comprehensive plan; 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; 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; 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; a street with only one outlet which has a vehicular turnaround at the opposite end from the outlet.

Day care center; 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; the number of dwelling units per gross acre of land, as defined by a certified legal survey, determined by dividing the number of units by the total acreage within the lot or parcel.

Density, net; the number of dwelling units located on an area of land, divided by the area of the lot or parcel excluding streets, aquatic areas and other development associated with the dwelling units.

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

Dock/moorage facilities; 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; 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; 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; a building containing only two dwellings.

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

Dwelling rental (dwelling unit); 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; 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; a building containing only one dwelling.

Dwelling, townhome; 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; businesses primarily engaged in education, including, vocational and trade schools, business and stenographic schools, art and music schools, dancing schools and correspondence schools.

Family; 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; 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; 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; 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; 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; 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; 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); 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; 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; 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; 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; 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; 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; 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; 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; a "junkyard" as defined and regulated in chapter 22, article VII.

Kennels; 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; ground, water, marsh and swamp.

Land transportation facilities; highways, railroads, bridges and associated structures and signs which provide for land transportation of motorized and/or nonmotorized vehicles.

Landscaping; 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; 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; 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; the total horizontal area within the lot lines of a lot exclusive of aquatic areas and streets.

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

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

Lot depth; 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; a lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

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

Lot of record; 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; 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; 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; 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; 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.

Manufactured Home; a structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. A manufactured home means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act. The term "manufactured home" does not include "recreational vehicle" as defined herein.

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

Mobile home; a structure transportable in one (1) or more sections, which structure is eight (8) body feet or more in width and over thirty-five (35) feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A mobile home is a residential unit certified to be in conformity with all federal and state requirements for Mobile Home Construction and Safety Standards.

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

Modular Home; a structure transportable in one or more sections, with or without a permanent chassis, which is designed for and used as a residential dwelling unit when connected to a foundation and the required utilities. Fabrication of such units shall comply with F.S. Ch. 553 and the Florida Building Code. A modular home does not include “manufactured home”, ‘recreational vehicle’, or “mobile home” as defined herein.

Motel; 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; any development which within two calendar years will have five or more dwelling units on a lot.

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

Navigational structures; 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.

Navigational structures, Fills; 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.

Navigational structures, Groins; 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.

Navigational structures, Jetties; 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.

Navigational structures, Pile dikes; 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; 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; 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; 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; 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; one who possesses title to real property or to whom real property belongs with the requisite intent to own.

Public use; 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; 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.

Quadrplex; a building containing only four dwellings.

Railroad passenger station; a facility, either light or heavy rail, for the boarding of passengers and related ticketing sales and offices. Railroad passenger station and associated facilities shall not be subject to yard setback or landscaping buffer requirements.

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

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

Replacement value; 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; 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; the use of artificial or natural means to improve the quantity or quality of a specific resource.

Retail sales establishment; a business which is 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; a structure or use intended or used for a semi-public purpose by a church, lodge, club or any other nonprofit organization.

Shopping center; 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; 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; a sign as defined and regulated in chapter 117.

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

Sleeping unit; 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; 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; 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; 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; 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; 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; 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; 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; a building containing only three dwellings.

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

Vehicular use area; 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; 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; 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; 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 establishment; a business 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;

(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; 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; 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; 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; 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.

SECTION 2. Chapter 125, Article IV, Section 125-187, Subsection (g) is hereby amended, so the same shall read as follows:

Sec. 125-187. Allowed uses.

g) Use table.

ZONING DISTRICT	E 1	E 2	E 3	R 1	R 2	R 3	R 4	R 4 A	R 5	C 1	C 2	C 3	C 4	C 5	C 6	C P	I 1	I 2	I 3	O S 1	O S 2	A 1	A 2
<i>RESIDENTIAL</i>																							
<i>Household Living</i>																							
-Detached House	P	P	P	P	P	P	P	P	C	C	C	-	C	C	-	-	-	-	-	-	C	-	-
-Duplex	-	-	-	-	-	C	P	P	C	C	C	-	C	C	-	-	-	-	-	-	-	-	-
-Townhouse	-	-	-	-	-	C	P	P	P	C	C	-	C	C	-	-	-	-	-	-	-	-	-
-Multi-Dwelling Building	-	-	-	-	-	C	P	P	P	C	C	C	-	C	C	-	-	-	-	-	-	-	-
-Mobile or Manufactured Home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	<u>C</u>	<u>C</u>	-	-	-	-	-	-	<u>C</u>	-	-
-Manufactured Home Park or Subdivision	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mobile Home Park	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mixed-Use Building or Development	-	-	-	-	-	-	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	<u>P</u>	<u>P</u>	-	<u>C</u>	<u>P</u>	-	-	-	-	-	-	<u>P</u>	-	-
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	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Boardinghouse or Roominghouse</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>-</u>	<u>C</u>	<u>-</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<i>PUBLIC AND CIVIC</i>																							
<i>Community/Cultural (except as noted below)</i>	-	-	-	-	C	C	C	C	C	C	C	P	P	C	C	C	-	-	-	C	-	-	-
-Community Center	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-

-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
Airport/Heliport	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
-Rail/Bus Terminal and passenger transit stations	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
-Bus Shelter	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	C	-	-	-	-
-Taxi Terminal	C	C	C	C	C	C	C	C	C	C	C	P	P	C	-	C	-	-	-	-	-	-	-	-
<i>Religious Institution</i>	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	C	C	-	-	-	-	-	-
<i>Social Service Institution (except as noted below)</i>	-	-	-	-	-	C	C	C	C	C	-	C	C	-	-	-	C	C	-	-	-	-	-	-
-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	C	P	C	P	C	C	C	C
-Major	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	P	C	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	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	-	-	-	-	-	-	-

-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	-	-	-	-	-	-	-	-	-
-Truck Stop	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	C	-	-	-	-	-	-	-	-	-
-Vehicle Repair, General	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-	C	P	-	-	-	-	-	-	-	-
-Vehicle Repair, Limited	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-	P	P	-	-	-	-	-	-	-	-
-Marine-Related Repair												P			P		P	P							
-Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	P	C	P	-	-	-	-	-	-
INDUSTRIAL																									
<i>Artisan</i>	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-	P	P	-	P	-	-	-	-	-	-
-Cabinet Shops, Woodworking	-	-	-	-	-	-	-	-	-	-	-	P	C	-	C	P	P	-	P	-	-	-	-	-	-

SECTION 3. Section 125-318 are hereby amended, so the same shall read as follows:

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](#). In addition the following standards and shall be evaluated prior to the issuance of a business tax receipt.:
- (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 4. Section 125-328 is hereby created, so the same shall read as follows:

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 boardinghouse or roominghouse shall not occupy nor let to another for occupancy, a boardinghouse unit 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 boardinghouse or roominghouse 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 boardinghouse unit or roominghouse 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 boardinghouse unit or roominghouse 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; and
 - (3) All room's 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 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 section 125 – 315 of this code. Roominghouses shall be subject to the same requirements.
 - (2) Parking standards for boardinghouse or roominghouse establishments may be reduced by up to 50% if public transportation stops are located within one quarter mile of the boardinghouse or roominghouse.

(e) Preexisting boardinghouses or roominghouses.

- (1) Preexisting boardinghouses and roominghouses will be required to comply immediately with all minimum maintenance standards.
- (2) Preexisting boardinghouses and roominghouses will be required to comply immediately with all applicable Florida Building and Fire Codes.
- (3) Preexisting boardinghouses and roominghouses will be allowed twenty-four (24) months after the effective date, thereafter conditional use application will be required in order to continue the use.

(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

SECTION 5. 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 6. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 7. 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.
CITY ATTORNEY