

**ORDINANCE NO. 24-NNN**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING SECTION 125-3. DEFINITIONS GENERALLY; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Sec. 125-3. - Definitions Generally, of the City Code of Ordinances, requires amendment to remove conflicts with State Statute, and internal conflicts with the Code of Ordinances, and to provide consistency with the City's Comprehensive Plan, 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 \_\_\_\_\_, 2024, meeting, voted \_\_\_\_\_ to recommend \_\_\_\_\_ of the request.

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

**SECTION 1.** Sec. 125-3 Definitions are 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* means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

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

~~elsewhere in the Code restricting the total size of all structures which may be located on any property.~~

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

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

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

*Amusement device, game, or machine, skill-based* means a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, by the application of skill, with no material element of chance inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game. The term does not include any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps. ~~means any table, platform, mechanical or electronic device or apparatus operated or intended to be operated indoors for amusement, pleasure, test of a skill, competition or sport, where the use or operation of which is conditioned upon payment of a consideration either by insertion of a coin, electronic card, or token in a slot or otherwise so long as the person playing does not receive anything of value or any prize in violation of state or federal law. The definition of the term "amusement device" includes, but is not be limited to, devices commonly known or simulated baseball, simulated football, simulated basketball, simulated hockey, simulated boxing, pinball, shuffleboard, ray guns, bowling games, bumper games, skiball, electronic video games, and shall also include billiard tables and pool tables (whether coin or not). Such definition does not include a bowling alley, juke box, or other coin-operated music machine, or a mechanical children's amusement riding device.~~

*Amusement park* means a large scale permanent or transient commercially operated

enterprise, the majority of which is outdoors, that supplies various forms of amusement, entertainment and recreation, such as a carnival, circus, theme park and amusement ride facility.

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

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

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

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

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

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

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

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

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

*Building* means any structure, temporary or permanent, having a roof impervious to weather and a fixed base on a fixed connection to the ground and which is used or built for the shelter or enclosure of persons, animals, or property of any kind.

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

*Business service establishments* means businesses primarily engaged in rendering services; other than professional, educational, repair or contract construction services; to other business establishments. These services include, but are not limited to,

employment services, advertising services, consumer credit and reporting services, collection services, mailing services and building maintenance services.

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

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

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

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

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

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

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

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

*Density, gross* means the number of dwelling units per gross acre of land, as defined by a certified legal survey, determined by dividing the number of units by the total acreage within the lot or parcel. ~~excluding aquatic areas but including portions of the property which are or are proposed to be streets, sites dedicated to a governmental body for public use and other common areas.~~

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

Developable Area, net means the total area of land available for development. It does not include public open space, wetlands, aquatic areas, drainage easements, streets, and land used or reserved for other public facilities.

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

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

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

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

*Duplex* means a building containing only two dwellings.

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

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

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

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

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

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

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

Family Amusement Center means an establishment engaged in indoor entertainment and limited to skill-based amusement games or machines as defined in Florida State Statute 546.10.

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

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

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

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

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

Floor Area Ratio means the ratio of the gross floor area of a building in relation to the size of the net developable area of the lot/parcel that the building is located on.

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

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

the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

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

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

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

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

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

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

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

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

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

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

*Land* means ground, water, marsh and swamp.

*Land transportation facilities* means highways, railroads, bridges and associated

structures and signs which provide for land transportation of motorized and/or nonmotorized vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

*Major utility* means towers, power generating plants, facilities and lines of communication and power transmission; solid waste disposal; waste-water treatment plants; water treatment plants; storm water and treated wastewater outfalls (including industrial); major

water, sewer and gas lines, excluding any such lines used for direct distribution to or collection from customers.

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

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

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

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

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

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* means a facility offering transient lodging accommodations to the general public

with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

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

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

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

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

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

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

*Jetties* means the largest of all navigational structures; ~~they are made~~ constructed of rock or concrete and are used to stabilize the channel and improve the scour at the mouth of an estuary. They must be able to withstand extreme wave conditions and may alter longshore sand transport for many miles along the coast.

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

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

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

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

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

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

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

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

*Quadrplex* means a building containing only four dwellings.

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

*Recreational vehicle* means a vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy, is designed for vacation or recreation purposes (not residential), and including, but not limited to, travel trailers, camping trailers, truck campers and motor homes.

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

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

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

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

sleeping units are intended for the exclusive use as transient lodging accommodations.

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

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

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

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

*Shoreline stabilization* means the protection of the banks of tidal or nontidal stream, river or estuarine waters by vegetative or structural means.

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

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

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

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

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

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

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

*Student housing* means a permanent building consisting of separate sleeping rooms and

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

*Townhome development* means a series of townhome units proposed on one or more parcels. ~~which, prior to replatting, has a contiguous frontage of at least 200 feet along a public roadway. The maximum length of contiguous building line in a townhome development is 200 feet. The townhome development shall be exempt from section 121-41(e).~~

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

*Trees* means self-supporting woody plants and palms of species which normally grow to an overall height of a minimum of 15 feet in the county.

*Triplex* means a building containing only three dwellings.

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

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

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

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

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

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

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

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

*Yard* means:

- (1) A required open space, which is unobstructed from the ground upward except as otherwise allowed in this chapter and except for fences, walls, poles, posts, permitted signs, children's play equipment, other customary yard accessories, driveways, ornaments, statuary, and furniture which will not violate height limitations and requirements limiting obstruction of visibility.
- (2) The depth of a front, rear, side, or special yard shall be measured at right angles to the appropriate lot line so that the yard established is a strip of the minimum depth required by district regulations.

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

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

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

*Yard, special,* means a yard behind any required yard adjacent to a street required to perform the same function as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the planning director shall require a yard with minimum dimensions as

generally required for a side yard or rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

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

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

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

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. **24-NNN** was duly advertised in the St. Lucie News Tribune on Sunday, \_\_\_\_\_, 2024 and Sunday, \_\_\_\_\_, 2024; 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 \_\_\_\_\_, 2024; and was duly introduced, read by title only, and passed on second and final reading \_\_\_\_\_, 2024, 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 \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Linda Hudson  
MAYOR COMMISSIONER

ATTEST

\_\_\_\_\_  
Linda W. Cox  
CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM AND  
CORRECTNESS:

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Sara Hedges, Esq.  
CITY ATTORNEY