CITY PLANNING BOARD

BOARD AGENDA

Planning Board Regular Meeting - Monday, November 9, 2026 - 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. Minutes from the October 12, 2026 meeting

6. **NEW BUSINESS**

   a. **PZTXA2026-00004**
   Zoning Text Amendment
   Chapter 125 – Zoning
   Article IV Basic Zoning Districts, Section 125–187, Allowed Uses
   Article I In General, Section 125-3, Definitions for Manufactured Buildings, Modular Buildings and Factory-Built Buildings

   b. **PZTXA2026-00003**
   Zoning Text Amendment
   Chapter 117 – Sign
   Section 117-1, Definitions
   Section 117-6, General Regulations for Permitted Signs

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 - 2:00 PM **5. a.**

Meeting Date: 11/09/2026

Re: Planning Board Minutes 10/12/26

Submitted For: Kev Freeman, Planning Director, Planning Department

Information

SUBJECT:

Minutes from the October 12, 2026 meeting

Attachments

Planning Board Minutes 10/12/26

Form Review

Form Started By: Alicia Rosenthal Started On: 10/20/2026 09:07 AM

Final Approval Date: 10/20/2026

D R A F T

CITY OF FORT PIERCE

PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON MONDAY, OCTOBER 12, 2026, 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

Present: Krista Storey; Nichelle Clemons; Clayton Johnson; Christopher Widing; Johanna Gromek; Anton Kreisl, Chairman

Staff Present: Camille Wallace, City Attorney

Kev Freeman, Planning Director

Chris Suneson, Assistant Planning Director

Alicia Rosenthal, Planning and Development Organizer

Attendees: Nicole Fogarty, St. Lucie County School Board Ex Officio Member

4. CONSIDERATION OF ABSENCES

All Planning Board members were in attendance.

5. APPROVAL OF MINUTES

a. Minutes from the September 17, 2026 meeting

Motion was made by Christopher Widing, and seconded by Nichelle Clemons to approve the minutes from the September 17, 2026 meeting.

AYE: Clayton Johnson, Christopher Widing, Johanna Gromek, Krista Storey, Nichelle Clemons, Chairman Anton Kreisl

Passed

6. NEW BUSINESS

a. **PZSITE2026-00020**
Major Site Plan with Conditional Use
2535 S. Kings Highway
The Carlton

Mr. Suneson gave an overview of the application and answered questions from the Board.

Site Plan
The Carlton project at 2535 South Kings Highway involves a request by Ferrell Communities of Fort Pierce Owner LLC for a major site plan and conditional use to allow innovative community design for 488 apartment units on 40.77 acres.

The proposed development includes:

- Fifteen three-story apartment buildings containing approximately 32–34 units each.
- Maximum building height of 41 feet, below the zoning district's 45-foot limit.
- A proposed density of approximately 11.97 dwelling units per acre, within the Comprehensive Plan's allowable range of 6.5–12 units per acre.
- A clubhouse with a business center, co-working spaces, conference room, event room, game room, fitness center, and children's playroom.
- A swimming pool, outdoor fitness area, pickleball courts, fire pit, playground, grilling and picnic areas, and separate dog parks.
- Multi-use trails, landscaped open spaces, benches, and interconnected stormwater lakes.
- Landscape buffers generally range from 15 to 20 feet around the property's perimeter, with an eight-foot masonry wall near the adjacent industrial property.
- The property is currently vacant and was previously used for agricultural purposes. It was annexed into the City in March 2004. A similar site plan was approved in January 2024.

Access, Transportation, and Stormwater
The applicant proposes roadway and pedestrian improvements, including a southbound right turn lane on South Kings Highway, reconstruction of a portion of the existing sidewalk, and a pedestrian crosswalk across Pruitt Research Road near the secondary entrance.

The site plan includes an internal bus loop and stop near the main entrance. Stormwater facilities will consist of interconnected lakes and detention areas, with drainage directed toward a canal along South Kings Highway under the jurisdiction of the North St. Lucie River Water Control District.

Staff reported that the applicant's traffic impact study had been endorsed by St. Lucie County.

Zoning and Conditional Use
Staff explained that the property is designated RM, Medium Density Residential, and zoned R4, Medium Density Residential. Multifamily apartments are permitted in the zoning district; however, the conditional use application is necessary to utilize the Comprehensive Plan's higher density allowance. Under conventional R4 zoning, the permitted density would be limited to 10 units per acre.

Staff reviewed the applicable innovative community design criteria, including compatibility with surrounding development, utility availability, transportation capacity, landscaping, recreation, architectural design, workforce housing, stormwater management, and building setbacks.

Staff concluded that the proposal met the applicable criteria. All departments participating in the Technical Review Committee supported the application.

Staff Recommendation
Staff recommended approval subject to nine conditions addressing:

1. Obtaining a tree removal permit before issuance of a land-clearing permit.
2. Obtaining a land-clearing permit before issuance of a land development permit.
3. Submitting a gopher tortoise survey dated within 90 days of land-clearing activity.
4. Completing the required stormwater design review.
5. Obtaining the required St. Lucie County site development permit for access and drainage.
6. Obtaining all required state and federal agency permits.
7. Obtaining separate building permits for signs.
8. Submitting a signed and notarized landscape maintenance agreement before issuance of a certificate of occupancy.
9. Acknowledging that municipal approval does not replace required state or federal permits or relieve the applicant of applicable legal obligations.

Board Discussion
Board members discussed the following issues:

Previous Approval:
The Chair confirmed that a similar project had been approved in January 2024. Staff indicated that the current application involved the same design representatives, but a different ownership entity expected to acquire the property following approval.

Density and Conditional Use:
A board member requested that future agenda materials and staff reports explain the reason for a conditional use application more clearly. Staff explained that the conditional use allows the applicant to pursue the Comprehensive Plan density of up to 12 units per acre rather than the conventional R4 limit of 10 units per acre.

Roadway and Pedestrian Improvements:
A board member questioned why the proposed turn lane and pedestrian improvements were not included among the recommended conditions. Staff explained that S. Kings Highway is a state facility managed by FDOT and that the required improvements would be subject to external agency permitting. The Board discussed documenting these obligations through additional conditions.

Site Plan and Architectural Commitments:
Members discussed whether the submitted renderings, landscaping, benches, building elevations, colors, and amenities would be binding. Staff clarified that the submitted site plan, landscape plan, architectural elevations, and other approved application documents would form the basis for subsequent permitting. The discussion emphasized the importance of identifying these documents specifically in the approval conditions.

Plan Amendments:
Staff explained that future modifications to the approved plans could require an amendment and additional review, depending on the extent of the changes.

Additional Conditions Proposed for Consideration
During the discussion, staff suggested adding conditions to strengthen the approval documentation:

- Approved plans: Identify and incorporate the submitted site plan, landscape plan, architectural elevations, and other application documents into the approval conditions, including their references, dates, and preparers.

- External roadway improvements: Require roadway improvements mandated by external agencies to be completed before issuance of the first certificate of occupancy for a residential building.

Planning Board Discussion

The Board's discussion focused on sidewalk improvements, buffering from nearby commercial and industrial uses, compatibility with the surrounding area, traffic projections, and approval of the school-bus stop and circulation plan for The Carlton development.

1. Sidewalk improvements and pedestrian connections

Board members asked whether the project would include sidewalk improvements along South Kings Highway and Pruitt Research Road.

Staff explained that an existing sidewalk would need to be partially reconstructed and relocated on S. Kings Highway to accommodate construction of the right-turn lane.

Staff was unsure whether sidewalks currently existed along Pruitt Research Road, but indicated that a crosswalk was proposed to connect to the north side. The development would also be required to provide roadway improvements through the site development process.

2. Eight-foot wall and landscaping buffer

A Board member questioned whether the proposed eight-foot wall would adequately screen the residential development from the large commercial building and activity across the roadway.

Staff explained that the proposed buffering included mature live oak trees, two rows of shrubs, and an eight-foot wall. The shrubs would be approximately two to three feet high at installation, with other plantings around five feet high. Staff acknowledged that residents on upper floors might still see nearby commercial properties, but anticipated that the landscaping would provide more screening as it matured.

The Board also discussed truck activity on S. Kings Highway. Staff noted that the planned signalized intersection at Pruitt Research Road and White Road and the deceleration of southbound trucks approaching the turn lane could help moderate traffic speeds. However, the Board's concerns extended beyond visibility to truck movements and the potential effects on residents' quality of life.

3. Compatibility with industrial and commercial development

Several Board members expressed concern about placing residential development in an area increasingly characterized by warehouses, logistics facilities, and heavy truck traffic.

Specific concerns included: The ongoing operations of Thermo King and Amazon-related facilities. The potential for 24-hour noise and truck activity. Future traffic from cross-dock facilities that had been built but were not yet fully leased or operational. Whether future residents would experience reduced quality of life because of the surrounding industrial and commercial environment.

Board members acknowledged that the development had attractive design features but questioned whether residential and heavy commercial uses could coexist comfortably in this location.

Other Board members emphasized that the property was already zoned R-4 residential and that the applicant had made substantial efforts to address compatibility concerns through wider buffers, increased setbacks, additional landscaping, walls, stormwater improvements, and an open site layout.

4. Purpose of the Innovative Community Design approach

Staff explained that the property's existing zoning already allowed residential development. The Innovative Community Design approach allowed the City to offer additional development flexibility, including density, in exchange for enhanced site design and amenities.

Staff stated that the applicant had worked through several rounds of negotiation and revised the original site plan to address the issues raised during review. Staff considered the resulting buffers, landscaping, stormwater provisions, and site layout improvements to be meaningful benefits beyond what might otherwise be required under the existing zoning.

Staff also acknowledged that traffic impacts would remain a concern as S. Kings Highway continues to develop, especially because different land uses generate different traffic patterns and vehicle types.

5. Residential development versus employment-generating uses
One Board member expressed particular concern that the surrounding corridor was becoming increasingly dominated by commercial and industrial operations, including facilities that operate around the clock. The member questioned how residential uses could be reconciled with heavy truck traffic, noise, and the City's goal of attracting employment-generating businesses.
In response, another Board member noted that the City must balance the developer's existing land-use rights with community interests. The discussion recognized that housing choices, potentially including more affordable options, are important, even where an area may not offer the conditions some residents would prefer.
The Board's discussion reflected differing concerns: some members emphasized the need to respect existing zoning and the applicant's mitigation efforts, while others remained concerned about long-term compatibility and residential quality of life.
6. Clarification of the previously approved development and traffic projections
Board members questioned whether the revised application would increase density and traffic compared with the earlier approval.
Staff clarified that the development was approved in January 2024 for 488 residential units, also using the Innovative Community Design approach. The current proposal retained the same number of units, so staff did not consider it an increase in the project's approved residential density.
Staff explained that an updated traffic study had been required because the earlier study might not account for the Amazon development. Staff stated that the roadway analysis did not indicate a change in the net service impact compared with the previous residential application.
Board members then discussed traffic figures in the supporting documentation, including references to approximately 665 daily trips and a figure approaching 3,000 trips. The discussion indicated that these numbers might represent different traffic measures or comparisons. Staff offered to review the figures, and the applicant was invited to clarify them.
7. School-bus stop approval and circulation
A Board member asked whether St. Lucie County Schools had reviewed and approved the proposed bus-stop location.
Staff stated that the County had been asked to review the location but that a response had not yet been received. A representative of the School District, Ms. Fogarty, then addressed the Board and confirmed that the location had been reviewed and met the District's standards. She noted that the roundabout provided sufficient space for school buses to enter and turn around. The absence of gates was appreciated. The proposed parking near the bus stop would provide space for parents and reduce the likelihood of their vehicles obstructing school buses.
The Board then asked whether buses would travel only through the roundabout or continue through the parking lot. The applicant confirmed that the intended route was through the roundabout only. The School District representative stated that using an alternative route through the parking lot would require another operational review.

Brad Currie, Applicant Representative from Haley Ward gave a PowerPoint presentation and answered questions from the Board.

<u>Previously Approved Development and Current Request</u>
Mr. Currie began by emphasizing that the property already has an approved site plan for 488 residential units, originally approved in January 2024. He stated that the approval remains valid until March 23, 2028, following a state emergency extension. He explained that the principal difference between the previously approved plan and the current proposal is the building height and number of floors. The original approval allowed four-story apartment buildings, whereas the applicant now proposes three-story buildings. He explained that his client, who is looking to purchase the property, prefers to construct a three-story residential product rather than a four-story development. Mr. Currie stressed that the current proposal is not a project conceived recently; the applicant has spent approximately six to seven months working with multiple firms and design professionals to prepare the site plan changes. He also explained that the change from four stories to three stories affects the traffic analysis. According to Mr. Currie, the

applicable Institute of Transportation Engineers trip-generation methodology can assign more trips to a three-story multifamily development than to a four-story development, even though the lower building height might intuitively appear to generate less traffic.

Purpose of the Innovative Community Design Request
Mr. Currie explained that the application seeks site plan approval under the innovative community design provisions. He noted that these provisions offer flexibility in how a development is designed, including potential adjustments to setbacks and other site-design elements.

Surrounding Land Uses and Compatibility
Mr. Currie discussed the surrounding properties and argued that the proposed residential development would be compatible with the area's existing and planned uses. He clarified that the property immediately north of the site is designated for general commercial or planned development rather than simply being characterized as industrial. He acknowledged that some nearby properties appear industrial in their operations but argued that the surrounding land-use designations and development pattern support residential use in this location. Mr. Currie described the project as an urban-style residential community intended for people who want to live near transportation corridors, Interstate 95, shopping, services, and employment. He acknowledged that residents may hear trucks and other activity associated with nearby businesses but argued that proximity to employment offers practical benefits for residents. He also characterized the nearby industrial-type uses as potentially resembling light industrial operations, which he suggested could be compatible with residential development depending on the nature of the activities.

Proximity to Employment Centers and Housing Needs
Mr. Currie emphasized the amount of existing and planned nonresidential development in the S. Kings Highway corridor. He referenced nearby large employment and logistics facilities, including Amazon-related facilities, Ashley Capital, South Florida Logistics, and a county fire station. Mr. Currie argued that locating housing near these employment centers creates opportunities for residents to live closer to where they work. He supported introducing higher-density residential housing along the corridor and characterized the proposal as contributing to a mix of housing options near employment.

Comparison of the Previously Approved Plan and Proposed Plan
Mr. Currie displayed the previously approved site plan and compared it with the current proposal. He explained that the two plans are generally similar in their overall organization, including: apartment buildings are arranged around the perimeter of the development. A lake and open-space features in the central portion of the property. A clubhouse and associated recreational amenities and internal access and circulation.

Proposed Site Layout and Access
Mr. Currie presented the proposed site plan and described the principal design elements. The layout includes access from S. Kings Highway and Pruitt Research Road, a proposed turn lane, a roundabout within the entrance circulation system, a clubhouse near the entrance, and apartment buildings arranged around the lakes and perimeter of the site. He explained that some areas previously planned as green space were redesigned to include lakes.

Bus Stop and School-Bus Circulation
Mr. Currie explained that the proposed bus stop and associated circulation area are intended to improve safety and reduce congestion within the development. Under the proposed arrangement, a bus would enter the site, circulate through the internal roundabout, proceed to a designated stopping and loading area, and then leave by the same route. The bus stop area would be located near the mail kiosks and would include space for parents to park while waiting for children. He explained that the route is somewhat longer but would keep children away from

the roundabout and allow buses to stop outside the main traffic lanes. He stated that stopping a bus within a roundabout can back up traffic and lead to complaints. Mr. Currie demonstrated an animated graphic of the bus route during the presentation.

Three-Story Buildings and Development Character
Mr. Currie stated that Mahaffey builds this type of residential product throughout Florida. He described the development as a high-end rental community, with the clubhouse, recreational facilities, landscaped areas, and lakes intended to create an attractive residential environment.

Clubhouse and Indoor Amenities
Mr. Currie presented renderings of a clubhouse facility based on a similar community constructed by the builder. He explained that the proposed clubhouse would be near the entrance to the development and would serve as a focal point for residents. He said the anticipated features include: workout and fitness areas, meeting and working spaces, a conference facility, a pool and associated outdoor recreation area, fire pits and other gathering spaces. Mr. Currie presented the images as examples of the general type of facility envisioned for The Carlton rather than as confirmation that every depicted detail would be identical.

Children's Play Areas, Pickleball Courts, and Dog Parks
Mr. Currie highlighted the distribution of recreational amenities across the property. He informally described the amenity plan as serving “kids, dogs, and grown-ups.”
The features he discussed included: children's play areas, including a tot lot, pickleball courts and additional green space for adults, a large dog park, a separate small dog park and community gathering and recreational areas. He also referenced charging stations and additional park-like spaces within the development.

Architectural Renderings, Landscaping, and Site-Plan Commitments
Mr. Currie displayed renderings showing the proposed residential elevations, landscaping, lake, and pedestrian walkways. He stated that the building elevations submitted as part of the design review had been approved and were therefore established components of the development's design. He also indicated that the renderings illustrated the general landscaping and plantings around the buildings. The images showed walkways around the proposed lake, benches, views across the water, and the clubhouse in the background. Mr. Currie then addressed how the proposed design features would be enforced. He explained that, in his experience, an approved site plan showing sidewalks, benches, and other design elements is generally enforceable without every feature needing to be repeated as a separate condition of approval. However, he stated that the applicant would be agreeable to having features identified both on the site plan and in the approval conditions if the Planning Board wanted that additional assurance.

Public Transit and Existing Drainage Approvals
Mr. Currie acknowledged that a mass transit service was not yet available directly at the development. He stated that the applicant proposed a stop at the site, while the closest existing service was farther south near Peters Road. He also addressed drainage approvals. Mr. Currie stated that the drainage design had an existing permit through the South Florida Water Management District and that the applicant was not proposing changes to that previously approved drainage arrangement. In addition, he stated that previous approvals had been obtained from the Florida Department of Transportation and St. Lucie County.

Updated Traffic Study
Mr. Currie explained that the applicant had updated the traffic study to reflect the proposed three-story buildings instead of the four-story buildings in the earlier approval.
He reported that St. Lucie County had reviewed and approved the updated traffic study.

Chris Piazza, applicant representative from the McHaffey Development Team, spoke primarily about the developer's experience, long-term ownership and management approach, modern Carlton community designs, anticipated economic contributions, and commitment to residents and local communities. He emphasized that the company has operated in Florida since the 1960s, continues to manage properties over the long term, and has recently completed large apartment communities in Fort Myers, Winter Haven, and Palmetto. Mr. Piazza highlighted the company's estimates for job creation and investment, its anticipated need for 20–30 onsite employees, and its efforts to engage residents and support local activities.

Planning Board Questions and Discussion Summary

The Board's discussion focused on the proposed development's construction schedule, site access, parking, pedestrian connectivity, school-bus circulation, traffic impacts, compatibility with nearby industrial and commercial uses, and the City's ability to provide public services as the area develops.

1. Construction schedule and project phasing

Board members asked whether the development would be constructed in phases or as one project, and when residents could expect the clubhouse, pool, and other amenities to be available.

The applicant stated that construction would proceed as one overall project, while individual buildings could receive certificates of occupancy as they were completed. The applicant intended to complete the clubhouse, pool, and amenities before the residential buildings opened, although inspections and material delays could affect the schedule.

Staff clarified that the site plan identifies individual building phases, but required infrastructure, parking, landscaping, and other site improvements must be completed before the first certificate of occupancy. The Board also discussed ensuring that the required roadway improvements would be completed before the first building opened.

2. Site access and shared access with neighboring property

The Board asked whether the applicant would consider sharing access with the property to the west, as suggested in a comment from St. Lucie County.

The applicant opposed shared access, citing potential disputes over maintenance costs, pothole repairs, liability, and the agreements needed between property owners. The applicant also noted that Pruitt Research Road is a local roadway and that shared access was not included in the previous approval.

3. Garages and parking

Board members asked whether the revised development would include separate garage structures and how many parking spaces would be provided.

The applicant clarified that garages would be integrated into the residential buildings rather than constructed as stand-alone structures. The applicant identified approximately 146 garages and stated that the project would provide more than 1,000 parking spaces, including garages, consistent with its standard of approximately two spaces per unit.

4. Sidewalk connections and electric-vehicle charging

A Board member asked about sidewalks along Pruitt Research Road. Staff explained that a sidewalk had been constructed along the fire district property frontage and that the development would connect to the existing sidewalk. The applicant explained that garages would be wired to allow residents to install EV chargers if desired.

5. School-bus circulation and safety

The Board discussed the proposed school-bus route and whether the circulation pattern would be practical for school transportation operations. The applicant explained that school buses would enter from S. Kings Highway and use the planned internal circulation route. Ms. Fogarty from St. Lucie County Schools cautioned that the route would need to be evaluated through the transportation system and timed to determine its effect on existing routes. Based on her experience, Ms. Fogarty anticipated that buses might travel straight through the roundabout and exit near the mail kiosks. The discussion highlighted the need to verify the route's operational feasibility rather than relying solely on the site-plan illustration.

6. Roadway improvements and access from S. Kings Highway

Board members emphasized that roadway improvements and access across the canal would need to be addressed early in construction. They discussed whether the applicable roadway-improvement condition would be tied to issuance of the first certificate of occupancy. The discussion established that access from S. Kings Highway was important because the site did not yet have a direct driveway connection from that roadway. Completing the necessary improvements early would help ensure the development had access beyond Pruitt Research Road.

7. Thermo King, setbacks, and buffering

Board members reviewed the location of Thermo King in relation to the proposed residential development and asked where the eight-foot wall and building setbacks would be located. The applicant and staff reviewed the site plan to identify Thermo King's building, the nearby pond, and the narrow portion of property extending toward Pruitt Research Road. The discussion identified an approximately 95-foot setback from the southern property line and described the pond as approximately 430 feet across, providing additional separation. The questions reflected the Board's interest in understanding how the proposed wall, setbacks, and pond would separate the residential development from the neighboring business.

8. Traffic study and future development

A Board member questioned whether the traffic study accounted for Thermo King, Amazon-related development, and other anticipated development in the surrounding area. Staff explained that traffic studies generally consider existing traffic, known or planned projects identified through the St. Lucie County's review process, and an applicable growth rate. Projects without sufficiently defined development plans are difficult to include because their future uses and traffic generation are unknown. The Board's concern was that additional development in the area could generate traffic beyond what is reflected in the current study.

9. Police staffing and public-service impacts

The Board asked about a Police Department comment concerning increased staffing needs, including a projection that was discussed as increasing from 2.5 to 4.1.

Staff explained that the Police Department's comments were intended to project service needs, but the City did not have an established police level-of-service standard that would make the projection an enforceable requirement for this development. Staff further explained that the City was working toward a more comprehensive law-enforcement impact-fee calculation. The existing analysis focused on population and did not account for police-service needs associated with commercial, office, and retail uses. A Board member also noted that the project would be subject to taxation and would contribute tax revenue to the City. The discussion raised a broader concern about how the City should assess and fund the public-service demands associated with both residential and commercial growth.

10. Compatibility with nearby industrial and commercial uses

One of the Board's principal concerns was whether the development remained compatible with the surrounding area as nearby businesses became operational and additional commercial or logistics development was anticipated. A Board member specifically questioned how the revised proposal would be compatible with Thermo King and Amazon-related development, particularly given concerns about residential privacy, buffering, and the relationship between residential and industrial uses. In response, a Board member explained that the property was already zoned R-4 when the original application was considered and was surrounded by areas designated for general commercial use. At that earlier stage, the commercial designations did not necessarily indicate exactly which uses would eventually occupy those properties. The Board acknowledged that the area had evolved and that compatibility concerns had become more apparent as development occurred. However, the discussion recognized that the current application had to be evaluated within the existing zoning and approval framework rather than reconsidering the entire history of the property's designation.

11. Changes from the previous approval

The Board asked whether the current application was primarily a change to the Innovative Community Design approach and a reduction in building height, with other aspects of the previously approved project remaining largely the same. The discussion focused on the change

from four-story buildings to three-story buildings and the related traffic projections. A Board member questioned why a development with lower buildings could generate more vehicle trips. The applicant had explained earlier in the presentation that the revised traffic study used trip-generation assumptions for the proposed three-story product and had been reviewed by St. Lucie County. The Board's questions reflected a desire to understand the traffic implications of the revised design and whether other material changes were being proposed.

Motion was made by Christopher Widing, and seconded by Nichelle Clemons to forward a recommendation of approval to the City Commission for The Carlton Major Site Plan and Conditional Use located at 2535 S. Kings Highway with the following 11 conditions:

1. A Tree Removal permit is required prior to the issuance of a Land Clearing permit.
2. A Land Clearing permit is required prior to the issuance of a Land Development permit.
3. A gopher tortoise survey dated within 90 days of land clearing activity must be submitted and reviewed prior to the issuance of Land Clearing permit through Development Plan Compliance Review.
4. Stormwater design has only been reviewed conceptually. A full review is required through Development Plan Compliance Review.
5. A Saint Lucie County site development permit for access and drainage outfall will be required at time of Development Permit Compliance Review.
6. All required State and Federal agency permits shall be required at time of Development Permit Compliance Review.
7. All signs shall be permitted separately under building permits.
8. Prior to the issuance of a final Certificate of Occupancy, a Landscape Maintenance Agreement must be signed, notarized and submitted to the Planning Department.
9. Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.
10. The following documents form the basis of the City Commission's approval for this project:
    a. Project Narrative by Haley Ward dated August 10, 2026;
    b. Concurrency Capacity Analysis received August 11, 2026;
    c. Environmental Assessment completed by Haley Ward dated May 26, 2026;
    d. Traffic Analysis Report completed by MacKenzie Engineering & Planning revised September 2026;
    e. ALTA/ACSM Land Title Survey by Caulfield and Wheeler signed and sealed September 3, 2026;
    f. Site Plan package by Haley Ward dated September 18, 2026;
    g. Floor Plan package by Dragonfly Architecture dated July 20, 2026;
    h. Preliminary Engineering plan by Haley Ward dated May 27, 2026;
    i. Photometric Plan by Precision Technical dated May 27, 2026;
    j. Tree Survey by Haley Ward dated May 15, 2026;
    k. Tree Mitigation package by Haley Ward dated August 10, 2026;
    l. Landscape Plan package by Haley Ward signed and sealed September 17, 2026;
    m. Design Review Narrative by Haley Ward dated June 4, 2026;
    n. Building Elevations by Dragonfly Architecture dated July 20, 2026;
    o. Color Board by Dragonfly Architecture dated July 20, 2026;
    p. Sign Rendering received August 11, 20206.
    Minor changes to these documents will be evaluated, if necessary, under further permitting through Development Plan Compliance Review.
11. Roadway improvements required by external agencies would be undertaken and completed prior to the first Certificate of Occupancy.

AYE: Christopher Widing, Johanna Gromek, Krista Storey, Nichelle Clemons, Clayton Johnson, Chairman Anton Kreisl

Passed

b. **PZTXA2026-00004**
Zoning Text Amendment
Chapter 117 Signs – Billboards and Ground Signs

Staff Presentation and Purpose of the Amendment

Planning Director Kev Freeman presented a proposed text amendment to Chapter 117 of the City's Code of Ordinances, which governs signs. He described the amendment as a clarification intended to resolve conflicting provisions related to off-premise signs, billboards, and ground signs. The existing code contained overlapping cross-references between the regulations for on-premise ground signs and off-premise signs. This created confusion over whether billboards were subject to height restrictions based on the size of the property on which they were located. Under the existing interpretation, a billboard on a property of less than three acres could be limited to a height of 10 feet, despite another provision allowing off-premise signs to reach a maximum height of 25 feet. Mr. Freeman explained that the conflict had resulted in an application involving a digital billboard on 25th Street. The sign had been constructed at a height of approximately 10 feet, and the applicant sought permission to increase it to 25 feet. The Board of Adjustment denied the requested variance, and the applicant subsequently appealed to the City Commission. The appeal was unsuccessful. Following the appeal, the City Commission directed staff to resolve the conflicting code provisions. Mr. Freeman stated that the proposed amendment was intended to carry out that direction without creating more restrictive regulations.

Proposed Changes to the Sign Code

Staff described several proposed changes to Chapter 117.

A. Clarification of the definition of a ground sign

The amendment clarifies that a ground sign is a sign supported by the ground, either directly or by poles, rather than by attachment to a building. The revised language also clarifies that the term ground sign describes the sign's physical construction and support method; it does not, by itself, determine whether the sign is classified as on premise or off-premise.

B. Clarification of the definition of an off-premise sign

An off-premise sign advertises a use, establishment, product, or service located or provided somewhere other than the property where the sign is installed. Such signs are also commonly referred to as outdoor advertising signs or billboards. The proposed language states that an off-premise sign may be constructed as a ground sign or another sign type, but its classification and regulation are governed by the off-premise sign provisions in Chapter 117.

C. Removal of conflicting cross-references

The amendment revises provisions in Section 117-6 to clarify that off-premise signs are regulated under the applicable off-premise sign standards regardless of whether they are physically constructed as ground or freestanding signs. The purpose is to eliminate the circular cross-reference that had caused off-premise billboards to be directed back to the dimensional standards for on-premise ground signs, including height limits tied to lot size.

D. Construction and safety requirements

Mr. Freeman explained that off-premise signs would remain subject to applicable building and safety requirements. These include: compliance with the Florida Building Code, at least nine feet of clearance over a pedestrian walkway where a sign projects over one, at least 14 feet of clearance over a vehicular driveway where applicable, compliance with visibility-triangle and intersection-safety regulations, applicable zoning restrictions, setbacks, and separation requirements between off-premise signs.

Questions About Permitted Locations and Height Restrictions

Board members asked whether off-premise signs could be installed in any zoning district once the connection between sign height and lot size was removed.

Mr. Freeman explained that the amendment concerned the classification and regulation of signs, not the locations where signs are permitted. Chapter 117 already identifies the zoning districts in which off-premise signs may be allowed.

He indicated that off-premise signs are primarily associated with certain commercial and industrial zoning districts, including C-3, C-4, I-1, and I-2. He did not identify them as generally permitted in residential districts, although he noted that a planned development could potentially present a different circumstance.

Staff also confirmed that the existing code provides a maximum height of 25 feet for off-premise signs. Additional restrictions, including separation distances between off-premise signs, would remain in place. Mr. Freeman described those distances as varying from approximately 500 feet to 5,000 feet, depending on the applicable requirements and sign dimensions.

Board members noted that many major roadways contain narrow, irregularly shaped commercial parcels that could be affected by the existing lot-size restrictions. Some members considered removing the connection between lot size and billboard height as a reasonable way to address the problem.

Discussion of the 25th Street Digital Sign

Board members revisited the circumstances that led to the proposed amendment.

Mr. Freeman explained that the 25th Street digital sign had been limited to approximately 10 feet under the existing code interpretation, even though the code separately contemplated off-premise signs up to 25 feet high. The proposed amendment would allow the sign owner to apply to increase the sign’s height to 25 feet, subject to the applicable permitting process and other regulations.

Mr. Freeman also stated that the amendment could resolve a separate issue involving an existing billboard on U.S. 1 that had previously been approved and constructed at 25 feet but was considered nonconforming under the current interpretation.

Several Board members questioned whether the proposed change would effectively allow the owners of small commercial properties to install 25-foot billboards more easily. They were concerned that the amendment might expand the circumstances in which taller signs could be installed, even though the City Commission’s original direction arose from a specific sign dispute.

Other members responded that the amendment would not eliminate zoning restrictions, sign-separation requirements, or the permit process. They argued that off-premise billboards were already subject to a distinct set of regulations and should not be subject to lot-size restrictions intended for on-premise ground signs.

Distinction Between On-Premise and Off-Premise Signs

A substantial portion of the discussion focused on the difference between the two classifications.

Board members generally recognized that:

- On-premise signs advertise a business, product, or activity located on the same property.
- Off-premise signs advertise a business, product, or service located elsewhere.
- Ground sign describes how a sign is physically supported, rather than what the sign advertises.

Members questioned why the code appeared to link these separate classifications and whether removing that link would produce unintended consequences.

One concern was that on-premise signs could remain subject to height limits based on lot size, while off-premise signs could reach 25 feet regardless of lot size. Members discussed whether that difference was appropriate and whether the City should instead make the applicable height standards more consistent.

Staff maintained that the amendment was intended to correct the conflicting provisions without changing the underlying rules about where off-premise signs are permitted.

Concerns About Potential Unintended Consequences

Several Board members expressed reservations about approving the amendment without further review.

Their concerns included:

- Increased sign height: Removing the lot-size connection could allow billboards on smaller properties to reach 25 feet, subject to other applicable requirements.
- Visual impacts: Members discussed whether taller signs would be more appropriate visually because they could allow views beneath the sign structure, while others remained concerned about their overall impact.
- Proliferation of billboards: Some members questioned whether the amendment might make it easier for additional billboards to be installed along major roadways.
- Protection of neighboring properties: Members raised concerns about how taller signs might affect nearby residents and adjacent property owners.
- Unequal treatment: The difference between the height rules for on-premise and off-premise signs prompted questions about whether property owners advertising their own businesses were being treated differently from billboard operators.
- Drafting and enforceability: One member questioned whether language describing how off-premise signs may be constructed belonged in a definition section or should instead appear in a separate regulatory provision.

Other Board members emphasized that the code already contained restrictions governing sign locations, spacing, setbacks, and zoning. They believed the proposed amendment addressed a specific drafting problem rather than opening all properties to unrestricted billboard construction.

Staff Response and Board Discussion

Mr. Freeman reiterated that the City Commission had directed staff to correct the conflicting code language following the unsuccessful appeal. He explained that the code contained two provisions that appeared to contradict one another: one linked permissible sign height to lot size, while another allowed off-premise signs to reach 25 feet.

Staff's position was that the code needed to be clarified so that the lot-size provision would not prevent a sign from reaching the height otherwise permitted under the off-premise sign regulations.

Board members continued debating whether the proposed wording adequately addressed the conflict and whether additional revisions were necessary. They also discussed whether the height standards for on-premise and off-premise signs should be made equivalent or whether the existing distinctions should remain.

The discussion did not produce a clear consensus that the amendment was ready for recommendation. Some members indicated they understood the intent and were prepared to vote, while others wanted more time to examine the language and potential consequences.

Follow-Up and Next Steps

After the vote, staff and Board members discussed the need to review the proposed revisions before the item is returned to the Planning Board. Mr. Freeman indicated that he would undertake the additional work.

One member suggested that some of the proposed wording might need to be removed or relocated and asked that the text be checked carefully.

The Chair concluded by emphasizing that the Board should return prepared to discuss the relevant provisions of Chapter 117 more efficiently at the next meeting.

Motion was made by Krista Storey, and seconded by Johanna Gromek to continue the Zoning Text Amendment **-** Chapter 117 Signs – Billboards and Ground Signs to the next Planning Board meeting on November 9, 2026.

AYE: Johanna Gromek, Krista Storey, Nichelle Clemons, Clayton Johnson, Christopher Widing, Chairman Anton Kreisl

Passed

7. **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

8. **DIRECTOR'S REPORT**

Staff Update on Data Center Regulations

Planning Director Kev Freeman provided an update on the City's efforts to develop regulations governing data centers. He explained that, following the previous month's Planning Board discussion, staff agreed to review the relevant provisions of Florida state law and identify potential conflicts between state requirements and the City's ability to regulate data center development.

He said staff is working with the City Attorney's Office to determine what regulatory options are legally available and how best to present recommendations to the City Commission.

The goal is to obtain direction from the City Commission before staff develops proposed code amendments or additions and returns the matter to the Planning Board. Mr. Freeman indicated that the issue would likely be discussed at a City Commission daytime meeting, where staff would present the relevant legal considerations and potential approaches to regulating data centers.

He anticipated that the meeting could draw significant public attendance. Board members confirmed that the public would have an opportunity to comment during the Commission's consideration. Mr. Freeman explained the Commission's direction would help staff determine what types of regulations the City could legally adopt and what policy approach the City should pursue.

Potential Zoning and Land-Use Regulations

Staff identified several major questions that must be addressed before a regulatory framework can be developed:

- Permitted zoning districts: Determine which zoning districts should allow data centers.
- Approval process: Decide whether data centers should be permitted by right or require conditional-use approval.
- Development conditions: Determine what conditions or requirements could legally be imposed on data center projects.
- Regulatory limits: Establish the boundaries of the City's authority under Florida state law.
- Public transparency: Develop clear standards, so residents understand how data center applications will be evaluated and what requirements applicants must meet.

Mr. Freeman emphasized that the City must first determine what it is legally permitted to regulate before deciding how to structure the code.

Coordination With the Applicant

Mr. Freeman acknowledged that an applicant was actively interested in moving forward with a data center application. However, staff intends to establish the appropriate regulatory framework before the application proceeds further. He said the proposed sequence is intended to give the City greater clarity and provide the public with confidence that future data center applications will be evaluated under established rules.

Discussion of the Review Process and Timing

A Board member asked whether the City would avoid scheduling related data center agenda items back-to-back at the same meeting, given the previous month's discussion.

Mr. Freeman said he would not recommend that approach. He preferred to address the code and zoning framework first, including the standards that might apply to a data center, before moving forward with the applicant's request.

Board members discussed the importance of taking sufficient time to establish a sound process rather than advancing an application before the governing regulations are clear.
A Board member specifically confirmed that the regulations would need to return to the Commission after Planning Board review, and Freeman agreed.
Public Participation and Objective Standards
One Board member reflected on the previous meeting and supported the decision to slow the process down. The member anticipated substantial public interest in data center development and emphasized that residents should have a meaningful opportunity to participate. The member also recommended that, if the City adopts a conditional-use process for data centers, the regulations should contain clear, specific, and measurable standards rather than relying primarily on subjective review. The Board member suggested that the City draw on effective conditional-use provisions already used elsewhere in the City, with clearly stated criteria and requirements that applicants must satisfy.

Potential Port-Area Development
During his director's report, Freeman stated that staff had been involved in preliminary discussions about possible development activity in the Port area. He clarified that these were preliminary discussions rather than formal pre-application submissions. At the time of the meeting, staff had not received applications for the potential projects.

9. BOARD COMMENTS

Board Member's Concerns About the Kings Highway Corridor
A Planning Board member asked staff to clarify the City's long-term vision for the Kings Highway area. The member understood that Kings Highway was intended to become a commercial corridor that would attract businesses and provide good-paying jobs. However, the member questioned how that goal aligned with approving residential development near major commercial and industrial operations. The member acknowledged the improvements made to the roadway and recognized the importance of attracting businesses such as Thermo King and Amazon-related facilities. The concern was whether approving substantial residential development in the same area could undermine the City's efforts to establish and maintain a strong employment corridor.
The member also questioned whether businesses were being asked to meet additional requirements while residential projects were receiving approvals that could affect the surrounding commercial properties.
Existing Property Rights and Development Entitlements
Staff explained that the current development pattern along Kings Highway reflects land-use designations and zoning entitlements granted over many years, including before the corridor became a specific focus of the City's economic development strategy. Staff emphasized that when property owners already have residential future land-use designations and residential zoning, the City generally cannot simply disregard those existing entitlements. Changing zoning or future land-use designations without the property owners' consent could be costly and legally complicated.
The discussion highlighted the distinction between the City's long-term planning goals and the development rights that property owners already possess. Staff also explained that the City's commercial corridor strategy does not automatically mean every property will become commercial. Instead, the area contains different land uses and zoning classifications that have developed over time.
The City's Approach to Balancing Jobs and Housing
Staff explained that a successful community needs a balance of employment opportunities and housing. Simply designating a large area for commercial development does not guarantee that businesses will succeed. The Planning Director noted that Fort Pierce faces two related challenges: The City needs more commercial activity and employment opportunities and businesses need an adequate local workforce, including residents with a variety of skills and

income levels. Staff stated that employers considering a location want to know whether enough workers live nearby and whether those workers have the skills needed for available positions. The discussion also addressed the transportation challenges that arise when housing, employment, and other activities are concentrated in separate areas. A mix of uses can allow people to live closer to where they work and potentially reduce some commuting demands. Staff emphasized the importance of providing a variety of housing types, including single-family and multifamily housing, to support different household needs and income levels.

Concerns About Attracting and Retaining Employers

The Board member reiterated that the concern was not simply whether residential and commercial uses could coexist. The concern was whether the City's decisions were consistent with its efforts to attract and retain employers that could provide substantial employment opportunities.

The member cited the businesses being encouraged to locate along Kings Highway and questioned whether approving residential development nearby could create future conflicts between residents and industrial operations. The discussion specifically referenced Amazon-related cold-storage operations and Thermo King.

The Board member questioned the nature and long-term quality of some warehouse jobs, raising concerns about wages, employee turnover, demanding working conditions, and the potential effects of automation. The member emphasized a desire to encourage businesses that would establish themselves in Fort Pierce and contribute positively to the local economy.

Differences Between the Residential and Commercial Applications

The Board member questioned whether the City had applied consistent standards to residential and commercial applicants. The member recalled that Thermo King had faced substantial scrutiny during its application process and had agreed to requested changes. The member wondered why the expectations appeared different when residential development was being considered near commercial and industrial uses.

Staff explained that the Thermo King application involved a planned development, whereas the residential application relied more directly on the property's existing zoning.

Staff suggested that a closer examination of the property's zoning history—particularly when it was designated R-4 residential—would help explain the current situation. However, staff indicated that if the property had held those entitlements for a long time, the City would have limited ability to change them at that stage.

Compatibility With Surrounding Properties and Buffering Measures

Another participant explained that the residential property was located within the City, while properties to the north and west were in unincorporated county areas with different development patterns. The surrounding area included large lots and low-density housing, described as approximately one dwelling unit per acre, compared with the proposed residential development's density of approximately 6.5 to 12 units per acre. The participant emphasized that this difference made compatibility with neighboring properties an important planning consideration.

Staff and participants discussed several design measures intended to mitigate potential impacts: an approximately eight-foot screening wall between the residential property and Thermo King, setbacks and separation from surrounding commercial and industrial uses, landscaping and trees intended to soften views of neighboring buildings and operations, and additional landscaping as a possible improvement to the proposal.

One participant stated that more landscaping would have been desirable, particularly because residents on upper floors could still have views of nearby industrial buildings. It was also acknowledged that trees would take time to mature.

The discussion recognized that the proposed residential development could appeal to people employed at Thermo King, nearby gas stations, warehouses, and other businesses. At the same time, members acknowledged that residential proximity to industrial activity could raise concerns about the living environment.

Innovative Community Design and the Broader Planning Strategy

Ms. Suneson noted that the residential project retained its existing R-4 zoning and received additional development flexibility through the City's Innovative Community Design process.

Staff emphasized that land-use planning is a gradual process. The City can encourage development consistent with its long-term vision, but property owners also have existing rights and plans that must be considered. Mr. Freeman referenced the City's Comprehensive Plan, explaining that it is a long-range planning document that looks decades into the future rather than producing immediate changes. He described economic development as a cycle: businesses create jobs, workers earn wages, and those wages support the local economy. The types of development that occur along the corridor may change over time as economic conditions evolve, with different periods bringing commercial services, storage facilities, industrial uses, subdivisions, single-family homes, or multifamily development.

Question About a Law Enforcement Impact Fee

A Board member asked for an update on the City's efforts to establish a law enforcement impact fee. The member expressed concern that the issue had not progressed and argued that each approved development represented a potential opportunity to address longstanding funding shortfalls for public services.

Mr. Freeman explained that establishing a police impact fee would require an impact-fee study. He said the City does not currently have the funding available to complete the study, in part because of significant budget constraints. Mr. Freeman noted that the City had not comprehensively updated its impact fees in a significant number of years.

The Board member expressed frustration that the City lacked the resources to initiate the process, suggesting that the funding shortfall could become self-reinforcing as additional development was approved without a corresponding mechanism to fund increased service demands.

10. ADJOURNMENT

Planning Board - 2:00 PM **6. a.**

Meeting Date: 11/09/2026

Re: PZTXA2026-00004 Amendment to Sec. 125.187 Allowed Uses and Table

Submitted For: Kev Freeman, Planning Director, Planning Department

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Information

SUBJECT:

PZTXA2026-00004
Zoning Text Amendment
Chapter 125 – Zoning
Article IV Basic Zoning Districts, Section 125–187, Allowed Uses
Article I In General, Section 125-3, Definitions for Manufactured Buildings, Modular Buildings and Factory-Built Buildings

SUMMARY:

Review an ordinance amending the code of ordinances of the city of fort pierce, florida, amending chapter 125 – zoning, article iv, basic zoning districts, section 125–187 - allowed uses, to amend the use table to incorporate the requirements of fla. Stat. § 553.385, 2026, to permit offsite-constructed residential dwelling units in any zoning district which permits single family residential use; to include the option to allow innovative community development to be utilized within certain zoning districts; and to amend chapter 125 – zoning, article i, in general, section 125-3 , to amend and incorporate definitions for manufactured buildings, modular buildings and factory-built buildings.

An amendment to Section 125-187 of the Code of Ordinances is necessary to clarify use definitions, add allowed uses in certain zoning districts in the City of Fort Pierce, and change allowed uses to be permitted or innovative in certain zoning districts. To be in accordance with Fla. Stat. § 553.385 (2)(a) 2026 for an offsite-constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed. An amendment to Section 125-187 of the Code of Ordinances expands offsite-constructed residential dwellings as a permitted use within zoning districts that permit single-family dwellings.

An amendment to Chapter 125-3 of the Code of Ordinances of the City of Fort Pierce is required to define definitions and to remove certain definitions in order to follow the requirements of Fla. Stat. § 553.385, 2026, and an amendment to Section 125-187 of the Code of Ordinances expands the right of certain residential uses through the innovative community development process as defined at Section 125-243 of the Code of Ordinances

RECOMMENDATION:

The Staff recommend that the Planning Board move the Amendment to Sec. 125.187 Allowed Uses and Table to the City Commission with a recommendation of APPROVAL

ALTERNATIVES:

Approve with alternative language.

OR

Disapprove the Amendment.

RESPONSIBLE STAFF:
Kev Freeman, Planning Director.

COORDINATED WITH:
Technical Review Board - no comments.
City Attorney's office

Fiscal Impact

Budgeted Y/N: N
OTHER INFORMATION:
No direct Fiscal Impact

Attachments

Draft ORD
Permitted Use Table
HB 803 (2026)

Form Review

Form Started By: Kev Freeman Started On: 10/29/2026 04:16 PM
Final Approval Date: 10/30/2026

ORDINANCE NO. 26-NNN

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, **AMENDING CHAPTER 125 – ZONING, ARTICLE IV, BASIC ZONING DISTRICTS, SECTION 125–187 - ALLOWED USES, TO AMEND THE USE TABLE TO INCORPORATE THE REQUIREMENTS OF FLA. STAT. § 553.385, 2026, TO PERMIT OFFSITE-CONSTRUCTED RESIDENTIAL DWELLING UNITS IN ANY ZONING DISTRICT WHICH PERMITS SINGLE FAMILY RESIDENTIAL USE; TO INCLUDE THE OPTION TO ALLOW INNOVATIVE COMMUNITY DEVELOPMENT TO BE UTILIZED WITHIN CERTAIN ZONING DISTRICTS; AND TO AMEND CHAPTER 125 – ZONING, ARTICLE I, IN GENERAL, SECTION 125-3 , TO AMEND AND INCORPORATE DEFINITIONS FOR MANUFACTURED BUILDINGS, MODULAR BUILDINGS AND FACTORY-BUILT BUILDINGS;** PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125-187, “Allowed Uses”, of the City of Fort Pierce Code of Ordinances governs the allowed uses in each zoning district in the City of Fort Pierce; and

WHEREAS, Section 125-187 of the Code of Ordinances has been amended from time to time since its enactment; and

WHERAS, the use table in Section 125-187 of the Code of Ordinances designates permitted, conditional, innovative, and prohibited uses within the zoning districts throughout the City of Fort Pierce; and

WHEREAS, an amendment to Section 125-187 of the Code of Ordinances is necessary to clarify use definitions, add allowed uses in certain zoning districts in the City of Fort Pierce, and change allowed uses to permitted or innovative in certain zoning districts in the City of Fort Pierce; and

WHEREAS, in accordance with Fla. Stat. § 553.385 (2)(a) 2026, an offsite-constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed, and

WHEREAS, an amendment to Section 125-187 of the Code of Ordinances expands offsite-constructed residential dwellings as a permitted use within zoning districts that permit single-family dwellings; and

WHEREAS, an amendment to Chapter 125-3 of the Code of Ordinances of the City of Fort Pierce is required to define definitions and to remove certain definitions in order to follow the requirements of Fla. Stat. § 553.385, 2026; and

WHEREAS, an amendment to Section 125-187 of the Code of Ordinances expands the right of certain residential uses through the innovative community development process as defined at Section 125-243 of the Code of Ordinances; 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 ___, ____, meeting, voted ___ to ___ 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:

Manufactured building, modular building, or factory-built building means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes.

~~Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 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.~~

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~~Modular home means 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.~~

***

Offsite-constructed residential dwelling means a manufactured building as defined in Fla. Stat s. 553.36(13) which is intended for single-family residential use, or a manufactured home as defined in Fla. Stat. §. 320.01(2)(b) which is constructed in whole or in part offsite and is treated as real property.

***

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

Sec. 125-187. Allowed uses.

(a) *Uses listed.* Uses listed are allowed in each zoning district in accordance with the use table.

(b) *Permitted uses.* Uses identified with a "P" in the use table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(c) *Conditional uses.* Uses identified with a "C" in the use table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(d) *Innovative community development.* Uses identified with a "I" in the use table are permitted in the subject zoning district, if the city commission, after a public hearing, determines the proposal conforms to the standards for innovative community developments at section 125-243 of this Code.

(e) *Prohibited uses.* Uses identified with a "-" in the use table are expressly prohibited.

(f) *Planned development zone (PD) and planned unit redevelopment zone (PUR).* Permitted and conditional uses are identified during the review for all proposed PD and PUR districts.

(g) *Edgartown Settlement (ES) zoning district.* Permitted, conditional, and accessory uses shall be allowed in the ES district consistent with section 125-197.

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
RESIDENTIAL																							
Household Living																							
-Detached House	P	P	P	P	I/P	I/P	I/P	I/P	I/P	I	I	-	I	I	-	-	-	-	-	-	I	-	-
-Duplex	-	-	-	-	I	I/P	I/P	I/P	I/P	I	I	I	I	I	-	-	-	-	-	-	-	-	-
-Townhouse	-	-	-	-	-	I/P	I/P	I/P	I/P	I	I	I	I	I	-	-	-	-	-	-	-	-	-
-Multi-Dwelling Building	-	-	-	-	-	I	I/P	I/P	I/P	I	I	I	-	I	I	-	-	-	-	-	-	-	-
~~-Mobile, or~~ Manufactured ~~Home~~ building, or Modular building, or Factory-built building	P	P	P	P	I/P	I/P	I/P	I/P	I/P	I	I	-	I	I	-	-	-	-	-	-	-	-	-
~~-Manufactured Home Park or Subdivision~~ Mobile Home	-	-	-	-	-	I	I	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mobile Home Park	-	-	-	-	-	I	I	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mixed-Use Building or Development	-	-	-	-	-	-	I	C	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P	-	-
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	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Boardinghouse or Roominghouse	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-
PUBLIC AND CIVIC																							
Community/Cultural (except as noted below)	-	-	-	-	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	-	-	-
-Fraternal Organization/Lodge	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Library or Cultural Exhibit	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Environmental Research and Education Facilities	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Day Care	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Adult Day Care Center	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-

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

-Restaurant and Bar	-	-	-	-	-	-	-	-	C	P	C	P	P	P	P	C	C	C	-	C	-	-	C
-Wine/Cigar Bar	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
Entertainment, Indoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C	-	-	-
-Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
-Arcade Amusement Center/Amusement Arcade	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
-Family Entertainment Center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
-Bar or Nightclub	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
-Theater	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Entertainment, Outdoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	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	-	-	-	-	-
Marine-Related Commercial (except as noted below)	-	-	-	-	-	-	-	-	-	C	-	P	P	C	P	-	-	C	-	C	-	-	C
-Boat and Marine Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	P	-	-	C	-	-	-	-	-
-Marina/Boat Livery	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	-	-	P	-	C	-	-	C
Office																							
-Administrative, Professional, General, Medical Office	-	-	-	-	-	-	C	C	C	P	P	P	P	P	P	P	C	C	-	-	-	-	-
-Day Labor Employment Agency	-	-	-	-	-	-	-	-	-	P	C	P	P	-	-	P	-	-	-	-	-	-	-
-Medical and Dental Clinic	-	-	-	-	-	-	-	-	-	P	C	P	P	C	-	P	-	C	-	-	-	-	-
-Television and Radio Studios	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	C	-	-	-	-	-
Overnight Accommodations																							
-Bed and Breakfast	-	-	-	-	-	-	C	C	C	C	P	P	P	P	-	-	-	-	-	-	-	-	-
-Dwelling Rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
-Hotel/Motel	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	C	-	-	-	-	-	-	-
-Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
-Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-
Parking, Commercial	-	-	-	-	-	-	-	C	-	C	C	P	C	C	-	C	-	C	-	-	-	-	-
Retail Sales and Service, Sales-Oriented (except as noted below)	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	C	-	-	-	-	-	-	-
-Art Gallery	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	C	-	-	-	-	-	-	-
-Farmers Market or Farm Stand	P	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	P	-	-	-	-	-	-
- Flea Market (no accessory uses permitted)	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-
-Grocery or Liquor Store	-	-	-	-	-	-	C	-	C	-	P	P	P	C	-	C	-	-	-	-	-	-	-
-Neighborhood Commercial Sale	-	-	-	-	C	C	P	P	P	-	P	P	P	C	-	C	-	-	-	-	-	-	-
-Office Supplies and Electronics	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
-Pet Stores	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-

Retail Sales and Service, Personal-Service Oriented (except as noted below)	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	-	-	-	-	-	-	-
-Art Studio	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	C	-	-	-	-	-	-	-
-Animal Care Facilities & Service	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	C	-	-	-	-	-	-	-
-Animal Grooming Services	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	C	-	-	-	-	-	-	-
-Check Cashing/Loan Service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
-Educational Service Establishments	-	-	-	-	-	-	-	-	C	C	P	P	P	C	P	P	P	C	C	-	-	-	-
-Laundry and Dry Cleaners Pick-Up	-	-	-	-	-	-	C	C	C	C	P	P	P	P	-	C	-	-	-	-	-	-	-
-Laundromat	-	-	-	-	-	-	C	C	C	C	P	P	P	C	-	C	-	-	-	-	-	-	-
-Mortuaries or Funeral Homes	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	C	-	-	-	-	-	-	-
-Neighborhood Commercial Services	-	-	-	-	C	C	P	P	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-
-Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	C	-	-	-	-	-	-	-
-Personal Improvement Service	-	-	-	-	-	-	C	C	C	P	P	P	P	P	-	C	-	-	-	-	-	-	-
-Veterinary (Without Outdoor Runs)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
Retail Sales and Service, Repair-Oriented	-	-	-	-	-	-	-	P	-	C		P	P	P	-	P	-	-	-	-	-	-	-
Self-Service Storage	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	P	-	P	-	-	-	-
Vehicle Sales and Service																							
-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																							
Artisan	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-	P	P	-	P	-	-	-	-
-Cabinet Shops, Woodworking	-	-	-	-	-	-	-	-	-	-	-	P	C	-	C	P	P	-	P	-	-	-	-
Light Industrial Service (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	P	-	-	-	-
-Catering Facility, Large-Scale	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	P	-	-	-	-
-Crematorium	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
-Building Maintenance Facilities And Services	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-	-	-	-
-Contractors/Others Performing Services Off-Site	-	-	-	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	P	-	-	-	-
-Microbrewery	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-	-	-	-
-Research Service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-

Marine-Related Industrial	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	P	P	P	-	-	-	P
Warehouse and Freight (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	C	P	-	-	-	-
-Parcel Service	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	C	P	-	-	-	-
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
-Solid Waste Separation, Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
-Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-
-Wrecking or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	P	-	-	-	-
Heavy Industrial (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
-Heavy Equipment Sales and Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-
-Service of Heavy Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-
-Processing of Food and Related Products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	-
OTHER																							
Aquaculture Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	-	C	C
Community Gardens - Urban Farming	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	-	-
Dock/Moorage Facility (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
-Docks for Single Family Homes	P	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	P	P	P
-Docks for Single Family Homes on canals within Surfside or Jennings Cove	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Navigational Aids	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Telecommunication Facility																							
-Antenna Support Structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
-Antenna (on existing structure)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

SECTION 3. 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 4. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be and become effective immediately upon final passage.

APPROVED AS TO FORM AND
CORRECTNESS:

_____
Camille Wallace, Esq.
INTERIM CITY ATTORNEY

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. 26-NNN was duly advertised in in the St. Lucie News Tribune on Sunday, _____, 2026 and Sunday, _____, 2026; 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 _____, 2026; and was duly introduced, read by title only, and passed on second and final reading _____, 2026, 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 _____, 2026.

_____
Linda Hudson
MAYOR COMMISSIONER

ATTEST

_____

CITY CLERK

(CITY SEAL)

Sec. 125-187. Allowed uses.

(a) *Uses listed.* Uses listed are allowed in each zoning district in accordance with the use table.

(b) *Permitted uses.* Uses identified with a "P" in the use table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(c) *Conditional uses.* Uses identified with a "C" in the use table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(d) *Innovative community development.* Uses identified with a "I" in the use table are permitted in the subject zoning district, if the city commission, after a public hearing, determines the proposal conforms to the standards for innovative community developments at section 125-243 of this Code.

(e) *Prohibited uses.* Uses identified with a "-" in the use table are expressly prohibited.

(f) *Planned development zone (PD) and planned unit redevelopment zone (PUR).* Permitted and conditional uses are identified during the review for all proposed PD and PUR districts.

(g) *Edgartown Settlement (ES) zoning district.* Permitted, conditional, and accessory uses shall be allowed in the ES district consistent with section 125-197.

(h) *Use table.*

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
RESIDENTIAL																							
Household Living																							
-Detached House	P	P	P	P	I/P	I/P	I/P	I/P	I/P	I	I	-	I	I	-	-	-	-	-	-	I	-	-
-Duplex	-	-	-	-	I	I/P	I/P	I/P	I/P	I	I	- I	I	I	-	-	-	-	-	-	-	-	-
-Townhouse	-	-	-	-	-	I/P	I/P	I/P	I/P	I	I	- I	I	I	-	-	-	-	-	-	-	-	-
-Multi-Dwelling Building	-	-	-	-	-	I	I/P	I/P	I/P	I	I	I	-	I	I	-	-	-	-	-	-	-	-
-Mobile or Manufactured Home	-	-	-	-	-	I	I	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Manufactured Home Park or Subdivision	-	-	-	-	-	I	I	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mobile Home Park	-	-	-	-	-	I	I	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mixed-Use Building or Development	-	-	-	-	-	-	I	C	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P	-	-
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	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Boardinghouse or Roominghouse	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-
PUBLIC AND CIVIC																							
Community/Cultural (except as noted below)	-	-	-	-	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	-	-	-
-Fraternal Organization/Lodge	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Library or Cultural Exhibit	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Environmental Research and Education Facilities	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Day Care	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Adult Day Care Center	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-

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

-Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C
COMMERCIAL																							
Eating and Drinking Establishments																							
-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	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	C	C	-	-	-	-	-
-Restaurants, Fast Food	-	-	-	-	-	-	-	-	C	C	-	P	P	P	P	C	C	C	-	-	-	-	-
-Restaurant and Bar	-	-	-	-	-	-	-	-	C	P	C	P	P	P	P	C	C	C	-	C	-	-	C
-Wine/Cigar Bar	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
Entertainment, Indoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C	-	-	-
-Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
-Arcade Amusement Center/Amusement Arcade	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
-Family Entertainment Center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
-Bar or Nightclub	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
-Theater	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Entertainment, Outdoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	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	-	-	-	-	-
Marine-Related Commercial (except as noted below)	-	-	-	-	-	-	-	-	-	C	-	P	P	C	P	-	-	C	-	C	-	-	C
-Boat and Marine Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	P	-	-	C	-	-	-	-	-
-Marina/Boat Livery	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	-	-	P	-	C	-	-	C
Office																							
-Administrative, Professional, General, Medical Office	-	-	-	-	-	-	C	C	C	P	P	P	P	P	P	P	C	C	-	-	-	-	-
-Day Labor Employment Agency	-	-	-	-	-	-	-	-	-	P	C	P	P	-	-	P	-	-	-	-	-	-	-
-Medical and Dental Clinic	-	-	-	-	-	-	-	-	-	P	C	P	P	C	-	P	-	C	-	-	-	-	-
-Television and Radio Studios	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	C	-	-	-	-	-

Overnight Accommodations																							
-Bed and Breakfast	-	-	-	-	-	-	C	C	C	C	P	P	P	P	-	-	-	-	-	-	-	-	-
-Dwelling Rental	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
-Hotel/Motel	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	C	-	-	-	-	-	-	-
-Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
-Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-
Parking, Commercial	-	-	-	-	-	-	-	C	-	C	C	P	C	C	-	C	-	C	-	-	-	-	-
Retail Sales and Service, Sales-Oriented (except as noted below)	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	C	-	-	-	-	-	-	-
-Art Gallery	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	C	-	-	-	-	-	-	-
-Farmers Market or Farm Stand	P	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	P	-	-	-	-	-	-
- Flea Market (no accessory uses permitted)	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-
-Grocery or Liquor Store	-	-	-	-	-	-	C	-	C	-	P	P	P	C	-	C	-	-	-	-	-	-	-
-Neighborhood Commercial Sale	-	-	-	-	C	C	P	P	P	-	P	P	P	C	-	C	-	-	-	-	-	-	-
-Office Supplies and Electronics	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
-Pet Stores	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
Retail Sales and Service, Personal-Service Oriented (except as noted below)	-	-	-	-	-	-	-	-	-	C	C	P	P	P	-	C	-	-	-	-	-	-	-
-Art Studio	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	C	-	-	-	-	-	-	-
-Animal Care Facilities & Service	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	C	-	-	-	-	-	-	-
-Animal Grooming Services	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	C	-	-	-	-	-	-	-
-Check Cashing/Loan Service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
-Educational Service Establishments	-	-	-	-	-	-	-	-	C	C	P	P	P	C	P	P	P	C	C	-	-	-	-
-Laundry and Dry Cleaners Pick-Up	-	-	-	-	-	-	C	C	C	C	P	P	P	P	-	C	-	-	-	-	-	-	-
-Laundromat	-	-	-	-	-	-	C	C	C	C	P	P	P	C	-	C	-	-	-	-	-	-	-
-Mortuaries or Funeral Homes	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	C	-	-	-	-	-	-	-
-Neighborhood Commercial Services	-	-	-	-	C	C	P	P	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-
-Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	C	-	-	-	-	-	-	-
-Personal Improvement Service	-	-	-	-	-	-	C	C	C	P	P	P	P	P	-	C	-	-	-	-	-	-	-

-Veterinary (Without Outdoor Runs)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-
Retail Sales and Service, Repair-Oriented	-	-	-	-	-	-	-	P	-	C		P	P	P	-	P	-	-	-	-	-	-	-
Self-Service Storage	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	P	-	P	-	-	-	-
Vehicle Sales and Service																							
-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																							
Artisan	-	-	-	-	-	-	-	-	-	-	C	P	C	-	-	P	P	-	P	-	-	-	-
-Cabinet Shops, Woodworking	-	-	-	-	-	-	-	-	-	-	-	P	C	-	C	P	P	-	P	-	-	-	-
Light Industrial Service (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	-	P	-	-	-	-
-Catering Facility, Large-Scale	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	P	-	-	-	-
-Crematorium	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
-Building Maintenance Facilities And Services	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-	-	-	-	-	-	-	-
-Contractors/Others Performing Services Off-Site	-	-	-	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	P	-	-	-	-
-Microbrewery	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-	-	-	-
-Research Service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
Marine-Related Industrial	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-	P	P	P	-	-	-	P
Warehouse and Freight (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	P	P	C	P	-	-	-	-
-Parcel Service	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	C	P	-	-	-	-
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
-Solid Waste Separation, Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-

-Recycling Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-
-Wrecking or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	P	P	-	-	-	-
Heavy Industrial (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
-Heavy Equipment Sales and Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-
-Service of Heavy Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-	-	-
-Processing of Food and Related Products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	-
OTHER																							
Aquaculture Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	-	C	C
Community Gardens - Urban Farming	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	C	-	-
Dock/Moorage Facility (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
-Docks for Single Family Homes	P	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	P	P	P
-Docks for Single Family Homes on canals within Surfside or Jennings Cove	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Navigational Aids	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Telecommunication Facility																							
-Antenna Support Structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
-Antenna (on existing structure)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

(Code 1960, § 20-29; Code 1983, §§ 9-179, 22-22; Ord. No. I-120, § 2, 7-15-1985; Ord. No. L-295, § 1, 11-4-2013; Ord. No. 14-017, § 1, 7-21-2014; Ord. No. 15-009, § 1, 4-20-2015; Ord. No. 15-054, § 1, 11-16-2015; Ord. No. 16-013, § 1, 7-5-2016; Ord. No. 16-018, § 1, 9-19-2016; Ord. No. 17-032, § 1, 10-2-2017; Ord. No. 18-004, § 1, 2-20-2018; Ord. No. 18-024, § 1, 7-16-2018; Ord. No. 19-013, § 1, 4-15-2019; Ord. No. 19-034, § 1, 9-23-2019; Ord. No. 20-009, § 1, 8-17-2020; Ord. No. 21-020, § 1, 8-2-2021; Ord. No. 24-031, § 1, 9-3-2024)

An act relating to building permits and inspections; amending s. 125.56, F.S.; providing for expiration of certain building permits issued by a county; providing construction; amending s. 287.056, F.S.; requiring the Department of Management Services to enter into and maintain state term contracts for building code inspection services; creating s. 468.634, F.S.; authorizing individuals to work in specified positions, for a specified timeframe, if they meet certain requirements; amending s. 489.129, F.S.; providing that certain persons are not subject to discipline for performing a job without applicable permits and inspections if otherwise authorized by law; amending s. 553.382, F.S.; prohibiting the Department of Business and Professional Regulation from denying a building permit for certain residential manufactured buildings; requiring that certain housing units be taxed in a certain manner; creating s. 553.385, F.S.; defining the terms "local government" and "offsite-constructed residential dwelling"; requiring that an offsite-constructed residential dwelling be permitted as of right in any zoning district where certain dwellings are allowed; prohibiting a local government from adopting or

enforcing a certain zoning, land use, or development regulation that treats an offsite-constructed residential dwelling differently or more restrictively than certain dwellings in the same district; providing construction; authorizing a local government to adopt compatibility standards for specified architectural features; prohibiting a local government from treating offsite-constructed residential dwellings differently than factory-built buildings based on the method or location of construction; prohibiting a local government from adopting or enforcing certain zoning, land use, or development ordinances or regulations; prohibiting local government ordinances or regulations from having the effect of excluding offsite-constructed residential dwellings; requiring that such ordinances or regulations be reasonable and uniformly enforced without distinction as to type of housing; providing that any such ordinance or regulation is void and unenforceable as applied to offsite-constructed residential dwellings; amending s. 553.77, F.S.; requiring the Florida Building Commission to develop uniform commercial and residential building permit applications by a specified date; providing requirements for a uniform commercial building permit application; amending s. 553.79, F.S.; providing for

expiration of certain building permits issued by a local government; providing construction; providing prohibitions for inspection fees; requiring a local government to exempt certain owners and contractors from building permit requirements for work valued below a specified amount; providing exceptions; prohibiting a construction project from being divided into multiple projects for a certain purpose; requiring certain owners and contractors to submit a written request for exemption to the local enforcement agency with specified documentation; providing that local governments do not have a duty to certain persons; requiring local governments to exempt certain owners and contractors from requiring a building permit for the installation of temporary residential hurricane and flood protection walls or barriers that meet certain requirements; providing an exception; requiring certain owners and contractors to submit a written request for exemption to the local enforcement agency with specified documentation; providing that local governments do not have a duty to certain persons; authorizing the Florida Building Commission to adopt rules; requiring certain local governments to issue a building permit for the installation of certain retaining walls as a whole; prohibiting such

local governments from requiring building permits for each lot or parcel under certain circumstances; prohibiting a political subdivision from imposing certain requirements for glazing on certain proposed construction or restoration projects; providing an exception; defining the terms "glazing" and "primary facade"; amending s. 553.791, F.S.; revising definitions and defining terms; requiring explicit written authorization from a fee owner for a contractor to use a private provider; requiring that such authorization be submitted to the local building official; deleting the requirement that a contract for certain services be in writing; providing that a contract for certain services does not need to be submitted as part of a permit application; providing requirements for reduced permit fees; prohibiting a local jurisdiction from charging punitive administrative fees or fees for plans review services; requiring that certain documents be promptly provided to certain persons; requiring local enforcement agencies to reduce permit fees by specified percentages under certain circumstances; providing that a local enforcement agency forfeits the ability to collect fees under certain circumstances; requiring that a surcharge be calculated based on the reduced

permit fee; prohibiting local governments and local building officials from requiring additional forms; requiring local enforcement agencies to create a specified registration system that must have a method to register and update registration information electronically; prohibiting local enforcement agencies from charging an administrative fee to register or update registration information; requiring private provider firms to register with the local enforcement agency, provide certain information, and update their registration within a specified timeframe after changes occur; prohibiting local enforcement agencies from altering a form adopted by the commission; deleting the requirement that a private provider's qualification statements or resumes be included in a certain notice; deleting time restrictions for electing to use a private provider; requiring local enforcement agencies to accept a certain affidavit electronically; providing which forms and documents a local building official may review; providing notice requirements; providing that certain permits are deemed approved; providing that local enforcement agencies are not responsible for the administration or supervision of services performed by a private provider; prohibiting local enforcement agencies from

requiring additional verification of certain requirements beyond that which is required at registration; revising the timeframe in which certain records must be provided; authorizing certain records to be electronically transmitted; prohibiting local building officials from failing certain inspections; authorizing certain persons to sign certificates of compliance; providing requirements for local building officials who have knowledge that a private provider failed to perform an inspection; providing that virtual inspections may not be prohibited; requiring certain notice before an audit; prohibiting certain entities from discouraging the use of private providers; authorizing certain public entities to use a private provider firm or to employ a licensed building inspector to provide building code inspection services; amending s. 553.792, F.S.; requiring a local government to make certain decisions relating to certain building permits within a specified timeframe; amending s. 720.3035, F.S.; prohibiting an association or certain committees from requiring a building permit as a prerequisite for a certain review; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the Florida Building Code, whichever is later. However, this paragraph does not prevent a local government from extending a building permit beyond the expiration date.

Section 2. Present subsection (4) of section 287.056, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

287.056 Purchases from purchasing agreements and state term contracts; vendor disqualification.—

(4) The department shall enter into and maintain one or

more state term contracts with vendors for the purpose of providing building code inspection services as defined in s. 553.791.

Section 3. Section 468.634, Florida Statutes, is created to read:

468.634 Certification by endorsement during a state of emergency.—Notwithstanding any other law, a person may act in any of the following positions under the direction of the local building official for a period of 1 year from the date of a declaration of a state of emergency issued by the Governor for a natural emergency, a manmade emergency, or a technological emergency as those terms are defined in s. 252.34, if such person has entered into a state term contract pursuant to s. 287.056, is qualified for such work in any state that has a mutual aid agreement pursuant to s. 252.40(2), or has held a valid license for such work in any state for 5 years immediately before the date of the declaration:

(1) Building code inspector.

(2) Building inspector.

(3) Coastal construction inspector.

(4) Commercial electrical inspector.

(5) Electrical inspector.

(6) Mechanical inspector.

(7) Plumbing inspector.

(8) Residential electrical inspector.

(9) Residential inspector.

(10) Plans examiner.

(11) Building plans examiner.

(12) Plumbing plans examiner.

(13) Mechanical plans examiner.

(14) Electrical plans examiner.

Section 4. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed $10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable local building department permits and inspections, unless otherwise provided by law.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

Section 5. Section 553.382, Florida Statutes, is amended to read:

553.382 Placement of certain housing.—Notwithstanding any other law or ordinance to the contrary, in order to expand the availability of affordable housing in this state, any residential manufactured building that is certified under this chapter by the department may not be denied a building permit for placement ~~be placed~~ on a mobile home lot in a mobile home park, on a lot in a recreational vehicle park, or in a mobile home condominium, cooperative, or subdivision. Any such housing unit placed on a mobile home lot is a mobile home for purposes of chapter 723 and, therefore, all rights, obligations, and duties under chapter 723 apply, including the specifics of the

prospectus. However, a housing unit subject to this section may not be placed on a mobile home lot without the prior written approval of the park owner. Each housing unit located on a mobile home lot and subject to this section shall be taxed as a mobile home under s. 320.08(11) and is subject to payments to the Florida Mobile Home Relocation Fund under s. 723.06116.

Section 6. Section 553.385, Florida Statutes, is created to read:

553.385 Permitting and zoning of offsite-constructed residential dwellings; parity.—

(1) As used in this section, the term:

(a) "Local government" means a county or municipality.

(b) "Offsite-constructed residential dwelling" means a manufactured building as defined in s. 553.36(13) which is intended for single-family residential use, or a manufactured home as defined in s. 320.01(2)(b) which is constructed in whole or in part offsite and is treated as real property.

(2)(a) An offsite-constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed.

(b) A local government may not adopt or enforce any zoning, land use, or development regulation that treats an offsite-constructed residential dwelling differently or more restrictively than a single-family site-built dwelling allowed in the same district.

(c) This section does not prohibit a local government from applying generally applicable architectural, aesthetic, design, setback, height, or bulk standards to offsite-constructed residential dwellings, provided such standards apply equally to site-built single-family dwellings permitted in the same district. A local government may adopt compatibility standards that are limited to the following architectural features:

1. Roof pitch.

2. Square footage of livable space.

3. Type and quality of exterior finishing materials.

4. Foundation enclosure.

5. Existence and type of attached structures.

6. Building setbacks, lot dimensions, and the orientation of the home on the lot.

(d) A local government may not treat offsite-constructed residential dwellings differently than factory-built buildings subject to s. 553.38 based on the method or location of construction.

(3) A local government may not adopt or enforce any zoning, land use, or development ordinance or regulation that conflicts with this section or s. 553.38, or that imposes different or more restrictive treatment on an offsite-constructed residential dwelling based on its method of construction or the presence of components built off site. Local government ordinances or regulations may not have the effect of

excluding offsite-constructed residential dwellings and must be reasonable and uniformly enforced without any distinction as to the type of housing. Any such ordinance or regulation is void and unenforceable as applied to offsite-constructed residential dwellings.

Section 7. Present paragraphs (b) through (m) of subsection (1) of section 553.77, Florida Statutes, are redesignated as paragraphs (c) through (n), respectively, a new paragraph (b) is added to that subsection, and present paragraph (c) of that subsection is amended, to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(b) By July 1, 2027, adopt by rule a uniform commercial building permit application to be used statewide for commercial construction projects and a uniform residential building permit application to be used statewide for residential construction projects. To the extent feasible, the uniform commercial building permit application and the uniform residential building permit application adopted by the commission must be capable of integration with existing building permit software systems used by local governments and must account for local amendments to the Florida Building Code.

(d) ~~(c)~~ Upon written application by any substantially affected person or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 relating to new technologies,

techniques, and materials which have been tested where necessary and found to meet the objectives of the Florida Building Code. This paragraph does not apply to the types of products, materials, devices, or methods of construction required to be approved under paragraph (g) ~~(f)~~.

Section 8. Paragraphs (a), (b), (c), and (f) of subsection (1) and paragraph (a) of subsection (24) of section 553.79, Florida Statutes, are amended, and paragraphs (g), (h), and (i) are added to subsection (1) of that section, to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) Unless otherwise provided by law, after the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the

Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(b) A local enforcement agency shall post each type of building permit application, as adopted by the commission, including a list of all required attachments, drawings, or other requirements for each type of application, on its website. A local enforcement agency shall ~~must~~ post and update the status of every received application on its website until the issuance

of the building permit. A local enforcement agency shall allow applicants to submit completed applications, including payments, attachments, drawings, or other requirements or parts of the ~~completed~~ permit application, ~~must be able to be submitted~~ electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in Portable Document Format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. A building official, at his or her discretion, may accept completed applications, including payments, attachments, drawings, or other requirements or parts of the ~~completed~~ permit application, ~~may also be submitted~~ in person in a nonelectronic format~~, at the discretion of the building official~~.

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the Florida Building Code, whichever is later. However, this

paragraph does not prevent a local government from extending a building permit beyond the expiration date.

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

(g)1. A local government that issues building permits shall exempt an owner of a single-family dwelling or the owner's contractor from the requirement to obtain a building permit to perform any work valued at less than $7,500 on the owner's property.

2. The exemption under subparagraph 1. does not apply to any of the following:

a. Work on a property that is partially or entirely located in a flood hazard area as defined by the Florida Building Code.

b. Any electrical, plumbing, structural, mechanical, or gas work performed on property containing a single-family dwelling. A construction project may not be divided into more than one project for the purpose of evading the requirements of

this paragraph.

3. To qualify for the exemption under subparagraph 1., the owner or the owner's contractor must submit a written request for exemption to the local enforcement agency with a copy of the contract or other documentation demonstrating the nature and the value of the work to be performed.

4. A local government has no legal duty to the owner, contractor, or successors or assigns thereof for exempted work performed under this paragraph.

(h)1. A local government that issues building permits shall exempt an owner of a single-family dwelling or the owner's contractor from the requirement to obtain a building permit for the installation of temporary residential hurricane and flood protection walls or barriers that meet all of the following conditions:

a. The wall or barrier is nonhabitable and non-load-bearing.

b. The wall or barrier is installed on the residential property of a single-family or two-family dwelling or townhouse.

c. The wall or barrier is constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property.

d. The wall or barrier is installed by a contractor licensed under part I of chapter 489.

e. The wall or barrier complies with applicable local

zoning, drainage, easement, and setback requirements.

2. The exemption under subparagraph 1. does not apply to work on a property that is partially or entirely located in a flood hazard area as defined by the Florida Building Code.

3. To qualify for the exemption under subparagraph 1., the owner or the owner's contractor must submit a written request for exemption to the local enforcement agency with a copy of the contract or other documentation demonstrating the nature of the work to be performed.

4. A local government has no legal duty to the owner, contractor, or successors or assigns thereof for work performed under this paragraph.

5. The commission may adopt rules under s. 120.54 to incorporate necessary standards to implement this paragraph.

(i) If a retaining wall spans more than one lot or parcel, a local government that issues building permits must issue a permit for a retaining wall for the project as a whole and may not require a building permit for each lot or parcel upon which a retaining wall is installed on the property of a single-family or two-family residential dwelling or a townhouse.

(24)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs

corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et~~.~~ seq.; ~~or~~

2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety; or

3. Imposes a glazing requirement that results in the glazing of more than 15 percent of the surface area of the primary facade for the first 10 feet above the ground floor for a proposed new commercial or mixed-use construction or restoration project, except for individually listed contributing structures in a National Register of Historic Places district. For purposes of this subparagraph, the term:

a. "Glazing" means the installation of transparent or translucent materials, including glass or similar substances, in windows, doors, or storefronts. The term includes any actual or faux windows to be installed on a building facade.

b. "Primary facade" means the single building side housing the primary entrance to the building.

Section 9. Section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

(1) As used in this section, the term:

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and submitted with the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider, unless expressly authorized by this section.

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any

structure or site work for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) "Deliver" or "delivery" means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions such as e-mail or submission through an electronic fill-in form available on the building department's website or through a third-party submission management software.

(f) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the

direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

(g) "Electronic signature" means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(h) "Electronic transmission" or "submitted electronically" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. All notices, documents, and applications provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.

(i) "Electronically posted" means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time

during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant to subsection (7) ~~(6)~~, the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (7) ~~(6)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(o) "Private provider firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers services under this chapter to the public through licensees who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, an engineer under chapter 471, or an architect under chapter 481 may act as a private provider for an agent, employee, or officer of the private provider firm.

(p) "Registration" means the roster of authorized private provider firms held by each local enforcement agency.

(q) ~~(p)~~ "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (15) ~~(13)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(r) ~~(q)~~ "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(s)~~(r)~~ "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(t)~~(s)~~ "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon explicit written authorization from the fee owner, may choose at any time to use a private provider to provide plans review or building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a ~~written~~ contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon explicit written authorization of the fee owner. A copy of such written authorization must be submitted to the local building official. The local enforcement agency may not require the contract to be provided as part of the permit application or as a condition for issuing a permit. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However,

if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) If a fee ~~an~~ owner or the fee owner's contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The permit fee must be based on the cost incurred by the local jurisdiction, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with this section. The local jurisdiction may not charge fees for plans review or building inspections if the fee owner or the fee owner's contractor hires a private provider to perform such services. The local enforcement agency may not charge punitive administrative fees when a fee owner has chosen to work with a private provider~~; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost~~

~~that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both~~.

(c) If a fee ~~an~~ owner or the fee owner's ~~a~~ contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor if such access is provided by software that protects exempt records from disclosure. Access to these documents must be promptly provided.

(d) If a fee owner or the fee owner's contractor retains a private provider for purposes of plans review or building inspection services for a commercial construction project, the local enforcement agency must reduce the permit fee by at least 25 percent of the portion of the permit fee attributable to plans review or building inspection services, as applicable. If the fee owner or the fee owner's contractor retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 50 percent of the amount otherwise charged for such services. If the local enforcement agency does not reduce such fee by at least the percentages provided in this paragraph, the local enforcement agency forfeits the ability to

collect any fees for the commercial construction project. The surcharge required by s. 553.721 must be calculated based on the amount of the reduced permit fee. This paragraph does not prohibit a local enforcement agency from reducing a permit fee in excess of the percentages provided in this paragraph.

(e) A local government or local building official may not require additional forms beyond those required at registration, except for the written notice required under subsection (5), if a fee owner or the fee owner's contractor uses a private provider.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A local enforcement agency must create a registration system for private providers and private provider firms working in the local enforcement agency's jurisdiction. A local enforcement agency must have a method to register and update registration information electronically. The local enforcement agency may not charge an administrative fee for registration or

updates to a registration. The private provider or private provider firm must provide its contact information and verify compliance with the licensure requirements of paragraph (1)(n) or paragraph (1)(o), as applicable, and the insurance requirements of subsection (20). The private provider or private provider firm must register with the local enforcement agency in the jurisdiction in which the provider or firm is working before contracting to provide services in such jurisdiction. The private provider or private provider firm must update its registration within 5 business days after any change to the provider's or firm's contact information, licensure, or insurance coverage.

(5) ~~(4)~~ A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that a private provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on a form ~~to be~~ adopted by the commission. The local enforcement agency may not alter the form. This notice must ~~shall~~ include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail

address of each private provider who is performing or will perform such services, his or her professional license or certification number, ~~qualification statements or resumes,~~ and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner or the fee owner's contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more

insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(6) ~~(5)~~ After construction has commenced ~~and if either the local building official is unable to provide inspection services~~

~~in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling~~, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services for a single-trade inspection for a single-family or two-family dwelling by notifying the local building official of the owner's or contractor's intention to do so ~~by 2 p.m. local time, 2 business days~~ before the next scheduled inspection using the notice provided for in paragraphs (5)(a), (b), and (c) ~~(4)(a)-(c)~~.

(7) ~~(6)~~ A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official. A local enforcement agency must accept electronically submitted affidavits.

(8)(a) The local building official may not review plans, construction drawings, or any other related documents determined by a private provider to be compliant with the applicable codes, except to the extent necessary to determine compliance with local ordinances, floodplain management regulations, site review requirements, and any other administrative or life-safety review unrelated to building code compliance.

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit applicant of any incomplete forms or documents required under this section no later than 10 business days after receipt of a permit application or, if the permit application is relating to a single-trade plans review for a single-family or two-family dwelling, no later than 5 business days after receipt of a permit application, and an affidavit from the private provider as required in subsection (7). The written notice must state with specificity which forms or documents are incomplete.

~~(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a~~

~~single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections.~~ If the local building official does not provide such ~~a~~ written notice ~~of the plan deficiencies~~ within the prescribed time period, the permit ~~application~~ must be deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.

(c) ~~(b)~~ If the local building official provides a written notice ~~of plan deficiencies~~ to the permit applicant of any incomplete forms or documents required under this section at the time of plan submission within the prescribed time period, such ~~the~~ time period is tolled pending resolution of the matter. To resolve the issues raised in the notice ~~plan deficiencies~~, the permit applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit revisions to correct the issues ~~deficiencies~~.

(d) ~~(c)~~ If the permit applicant submits revisions, the local building official has the remainder of the tolled 10-day or 5-day time period plus 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a second

written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~. Any subsequent review by the local building official is limited to the issues ~~deficiencies~~ cited in the original written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(e) ~~(d)~~ If the local building official provides a second written notice ~~of plan deficiencies~~ to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the issues raised in the second notice ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit additional revisions to correct the issues ~~deficiencies~~. For all revisions submitted after the first revision, the local building official has an additional 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete. If the local building official does not provide the notice within the prescribed time period, the permit must be deemed approved as a matter of law, and the local building

official must issue the permit on the next business day ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~.

(9) ~~(8)~~ A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

(10) ~~(9) A private provider performing required inspections under this section shall provide notice to the local building official of the approximate date and time of any such inspection.~~ The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. ~~The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections.~~ A

deficiency notice must be posted by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or the representative of the private provider before being concealed. ~~Reinspection or reaudit fees shall not be charged by~~ The local jurisdiction may not charge reinspection or reaudit fees as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(11) A local enforcement agency is not responsible for the regulatory administration or supervision of building code inspection services performed by a private provider hired by a fee owner or the fee owner's contractor. A local enforcement agency may not require additional verification of licensure or insurance requirements beyond that which is required at registration.

(12) ~~(10)~~ If the private provider is a person licensed as an engineer under chapter 471 or an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (7) ~~(6)~~, the local building official

must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections, within 10 business days after receipt of the permit application and affidavit. In such written notice, the local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated. If the local building official does not provide specific written notice to the permit applicant within the prescribed 10-day period, the permit application is deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(13) ~~(11)~~ If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services without first notifying the local building official ~~pursuant to subsection (9)~~. A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is completed.

(14) ~~(12)~~ Upon completing the required inspections at each applicable phase of construction, the private provider shall

record such inspections on a form provided by the commission ~~acceptable to the local building official~~. The form must bear the written or electronic signature of the private provider or the private provider's duly authorized representative. These inspection records must ~~shall~~ reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection, shall post each completed inspection record, indicating pass or fail, and provide the record to the local building official within 4 ~~2~~ business days. Such inspection record may be electronically posted by the private provider, or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building official may waive the requirement to provide a record of each inspection within 4 ~~2~~ business days if the record is electronically posted or transmitted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted or transmitted, records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. A local building official may not fail any inspection performed by a private provider for not having the

inspection records at the job site if the inspection records have been electronically transmitted to the local building official within the 4-business-day requirement. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

(15) ~~(13)~~ Upon completion of all required inspections, the private provider firm shall prepare a certificate of compliance, on a form provided by the commission ~~acceptable to the local building official~~, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The certificate of compliance may be signed by any qualified licensed individual employed full time by the private provider firm under whose authority the inspection was completed. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and

inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(16)(a) ~~(14)(a)~~ The local building official may only perform building inspections of construction that a private provider has determined to be compliant with the applicable codes if the local building official has knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of the facts and circumstances upon which the local building official relied for such knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the permit is related to single-family or two-family dwellings then no more than 2 business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of completion or provide ~~a~~ notice to the applicant of any incomplete forms or documents required under this section

~~identifying the specific deficiencies, as well as the specific code chapters and sections~~.

(b) If the local building official does not provide notice of any incomplete forms or documents ~~the deficiencies~~ within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified issues ~~deficiencies~~, the applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(17)~~(15)~~ If the local building official determines that the building construction or plans do not comply with the applicable codes, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, if the official determines that the noncompliance poses an immediate threat to public safety and welfare, subject to the following:

(a) The local building official shall be available to meet with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to

the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter, which shall consider the matter at the commission's next scheduled meeting.

(18) ~~(16)~~ For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the permit application or revised permit application, or, if no e-mail address is stated, when actually received by that person or

entity.

(19)(a) ~~(17)(a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

~~(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) and the insurance requirements of subsection (18).~~

(b) ~~(c)~~ This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

(c) A local enforcement agency may not prohibit or limit private providers from using virtual inspections if a virtual inspection is not prohibited by any applicable code.

(20) ~~(18)~~ A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy

limits of $1 million per occurrence and $2 million in the aggregate for any project with a construction cost of $5 million or less and $2 million per occurrence and $4 million in the aggregate for any project with a construction cost of over $5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years after ~~subsequent to~~ the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(21) ~~(19)~~ When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s.

468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a private provider's performance of building code inspection services shall be conducted by the applicable professional board.

(22)~~(20)~~ A local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating private provider audit procedures for the agency's internal inspection and review staff, which includes, at a minimum, the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of areas of noncompliance. Such private provider audit procedures must be publicly available online, and a printed version must be readily accessible in agency buildings. The private provider audit results of staff for the prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures. The same private provider or private provider firm may not be audited more than four times in a year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the private provider or private provider firm. The private provider or private provider firm must be given notice of each audit to be

performed at least 5 business days before the audit. Work on a building or structure may proceed after inspection and approval by a private provider. The work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

(23) ~~(21)~~ The local government, ~~the~~ local building official, and ~~their~~ building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act. The local government, local enforcement agency, local building official, and building code enforcement personnel may not prohibit or discourage the use of a private provider or a private provider firm.

(24) ~~(22)~~ Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider or a private provider firm, or may employ a licensed building inspector as described in s. 468.603(5)(a) or a person who holds the same licensure or certification as a private provider, to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 10. Paragraph (a) of subsection (1) of section

553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1)(a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 5 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for an existing single-family residential dwelling if the value of the work is less than $15,000: structural, accessory structure, alarm, electrical, gas, irrigation, landscaping, mechanical, plumbing, or roofing.

2.~~1.~~ Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3.~~2.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building

permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

4.~~3.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

5.~~4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

6.~~5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

7.~~6.~~ Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program

~~administered by the Department of Commerce~~, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

Section 11. Paragraph (c) is added to subsection (1) of section 720.3035, Florida Statutes, to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.—

(1)

(c) An association or any architectural, construction improvement, or other such similar committee of an association may not require a building permit to be issued by a governmental authority to a parcel owner as a prerequisite for review by the association or committee concerning the construction of structures or improvements on the parcel.

Section 12. This act shall take effect July 1, 2026.

Planning Board - 2:00 PM **6. b.**

Meeting Date: 11/09/2026

Re: PZTXA2026-00003 - Amendment to Billboards

Submitted For: Kev Freeman, Planning Director, Planning Department

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Information

SUBJECT:

PZTXA2026-00003
Zoning Text Amendment
Chapter 117 – Sign
Section 117-1, Definitions
Section 117-6, General Regulations for Permitted Signs

SUMMARY:

This item is continued from the October 12, 2026 Planning Board.

REVIEW OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, **CHAPTER 117 – SIGNS, SECTION 117-1**, **DEFINITIONS, AND SECTION 117-6, GENERAL REGULATIONS FOR PERMITTED SIGNS;** CLARIFYING THE REGULATORY DISTINCTION BETWEEN ON-PREMISES GROUND SIGNS AND OFF-PREMISES SIGNS INCLUDING BILLBOARDS; REPLACING THE CROSS-REFERENCE APPLYING GROUND SIGN STANDARDS TO OFF-PREMISES SIGNS; PRESERVING CONSTRUCTION, CLEARANCE, AND CLEAR VISION REQUIREMENTS

The amendment clarifies the definitions of 'Billboard', 'Off-Premise', and 'Ground Sign'.

An appeal of the Board of Adjustment's May 28, 2026, denial of a variance at 1710 N. 25th Street, PZVAR2026-00001 failed at City Commission on August 3rd, 2026. The approximately 0.25-acre C-3 property contained a permitted 10-foot-high, V-shaped off-premises sign. The requested increase to 25 feet highlighted the overlap between the ground-sign and off-premises-sign regulations. **The City Commission directed staff to resolve the cross-reference**.

Section 117-1 defines ground signs by their attachment to the ground and lack of building support. It defines off-premises signs by the location of the advertised activity and identifies billboards as off-premises signs. A billboard may therefore satisfy both definitions.

Section 117-6(b)(3) establishes ground-sign height limits of 10, 12, 15, 18, or 20 feet depending on site acreage. Section 117-6(c)(3) establishes a 25-foot maximum height for off-premises signs. Existing section 117-6(c)(7) nevertheless requires an

off-premises sign that is also a ground sign to comply with subsection (b)(3). Staff previously applied both provisions, resulting in the lower acreage-based height limit on the subject parcel. The cross-reference also imports different setback requirements and construction and sight-line provisions.

The Local Planning Board discussed this item at its October 12, 2026 meeting: Several Board members expressed reservations about approving the amendment without further review. Their concerns included:
- Increased sign height: Removing the lot-size connection could allow billboards on smaller properties to reach 25 feet, subject to other applicable requirements.
- Visual impacts: Members discussed whether taller signs would be more appropriate visually because they could allow views beneath the sign structure, while others remained concerned about their overall impact.
- Proliferation of billboards: Some members questioned whether the amendment might make it easier for additional billboards to be installed along major roadways.
- Protection of neighboring properties: Members raised concerns about how taller signs might affect nearby residents and adjacent property owners.
- Unequal treatment: The difference between the height rules for on-premise and off-premise signs prompted questions about whether property owners advertising their own businesses were being treated differently from billboard operators.
- Drafting and enforceability: One member questioned whether language describing how off-premise signs may be constructed belonged in a definition section or should instead appear in a separate regulatory provision.

Other Board members emphasized that the code already contained restrictions governing sign locations, spacing, setbacks, and zoning. They believed the proposed amendment addressed a specific drafting problem rather than opening all properties to unrestricted billboard construction.

RECOMMENDATION:

Move that the Planning Board recommend approval to the City Commission of the proposed amendment of sections 117-1 and 117-6 of Chapter 117, Signs, to clarify the standards governing off-premises signs including billboards and on-premises ground signs.

ALTERNATIVES:

Approve with alternative language.
Or
Deny the amendment.

RESPONSIBLE STAFF:

Kev Freeman, Planning Director.

COORDINATED WITH:

Technical Review Committee — No comments.
City Attorney's Office - Amendments incorporated.

Fiscal Impact

Budgeted Y/N: N

OTHER INFORMATION:

No fiscal impact to the City

Attachments

Draft ORD
Amended Chapter 117-Signs

Form Review

Form Started By: Kev Freeman Started On: 10/29/2026 04:15 PM
Final Approval Date: 11/02/2026

ORDINANCE NO. 26-TBD

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, **CHAPTER 117 – SIGNS, SECTION 117-1**, **DEFINITIONS, AND SECTION 117-6, GENERAL REGULATIONS FOR PERMITTED SIGNS;** CLARIFYING THE REGULATORY DISTINCTION BETWEEN ON-PREMISES GROUND SIGNS AND OFF-PREMISES SIGNS INCLUDING BILLBOARDS; REPLACING THE CROSS-REFERENCE APPLYING GROUND SIGN STANDARDS TO OFF-PREMISES SIGNS; PRESERVING CONSTRUCTION, CLEARANCE, AND CLEAR VISION REQUIREMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, chapter 117 – Signs, of the City of Fort Pierce Code of Ordinances regulates the installation, replacement, and maintenance of signs to protect public health, safety, welfare, appearance, and general wellbeing; and

WHEREAS, section 117-1 defines a ground sign by its physical construction and an off-premises sign, also called a billboard, by its relationship to the location of the advertised use, establishment, product, or service; and

WHEREAS, section 117-6(c) establishes specific standards for off-premises signs, including a maximum height of 25 feet above natural ground level, while section 117-6(c)(7) also requires an off-premises ground sign to comply with section 117-6(b)(3), which establishes different height and setback standards; and

WHEREAS, this overlapping application has created uncertainty in permitting and the City Commission has directed staff to resolve the cross-reference; and

WHEREAS, the city intends that section 117-6(c) govern off-premises sign dimensions regardless of the method of support, while retaining construction, clearance, and clear vision requirements; and

WHEREAS, the City of Fort Pierce Planning Board having been duly designated as the Local Planning Agency pursuant to section 163.3174 et seq., Florida Statutes, having held a public hearing thereon, has considered this proposed amendment to the City's Code of Ordinances; 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 October 12th, 2026, meeting, voted _____ to recommend _____of the request; and

WHEREAS, two (2) public hearings with due notice have been held by the City Commission to inform the public and receive comments and objections, thereafter the City Commission adopted Ordinance No. 26-_____.

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

SECTION 1. Chapter 117-Signs of the City of Fort Pierce Code of Ordinances are amended to read in full as attached herein at Exhibit **'A'**. The provisions of the amendments shall become and be made a part of the Code of Ordinances of the City of Fort Pierce, Florida.

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.

APPROVED AS TO FORM AND
CORRECTNESS:

_____
Camille Wallace, Esq.
INTERIM CITY ATTORNEY

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. 26-TBD was duly advertised in the St. Lucie News Tribune on Sunday, _____, 2026 and Sunday, _____, 2026; 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 _____, 2026; and was duly introduced, read by title only, and passed on second and final reading _____, 2026, 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 _____, 2026.

_____
Linda Hudson
MAYOR COMMISSIONER

ATTEST

_____
Linda W. Cox
CITY CLERK

(CITY SEAL)

EXHIBIT 'A'

Amended Chapter 117 of the City Code of Ordinances

{INSERT}

Chapter 117 SIGNS[1]

Sec. 117-1. Definitions.

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:

A-frame or sandwich sign means a portable upright, rigid supporting sign in the form of a triangle or an inverted V.

Advertising structure means a sign or sign structure erected or intended for advertising purposes, with or without advertisement displayed thereon, situated upon or attached to real estate, upon which any poster, bill, printing, painting or device is fastened, affixed or displayed.

Animated sign means a sign which depicts action or motion or which changes color. An animated sign differs from a flashing sign in that it uses movement to create a special effect or scene, rather than as an attention-getting technique.

Banner sign means a sign made of cloth, fabric, paper, nonrigid plastic or similar type of material.

Billboard. *Means an Off-Premise Freestanding Sign* ~~(See *Off-premises sign.*)~~ with a panel that is designed, intended, or used for the display of outdoor advertising or a message(s), or that directs attention to a business, commodity, service, event, activity, entertainment, person, product, entertainment, commodity, or other subject matter that is sold, offered, located, conducted, or available at a location other than the premises on which the sign is located.. A billboard sign does not include an on-premises freestanding sign, a ground sign, a directional or traffic control sign erected by a governmental authority.

Completely obliterated means not only complete removal of old signage such that it will not be visible, but also that restoration of the wall area upon which the signage was affixed shall be in the same color, and of the same texture, and materials as the rest of the wall.

Construction project sign means a temporary sign identifying an active construction project.

Directional sign means:

(1) A sign erected by an official government agency to denote the name of any thoroughfare; to point out the route to any city, educational institution, public building, historic place or hospital; to direct and regulate traffic; and to denote any railroad crossing, bridge or other transportation facility for the convenience and safety of the general public.

(2) A sign giving directions or information about an establishment without advertising except that business logos are permitted. Such name and/or logo shall not exceed 50 percent of sign area. Directional signs may be used to identify entrances, exits, parking areas, clearances, standpipes, business hours, restrictions and traffic directions and order boards.

Facade. (See *Wall face.*)

Flag of the United States of America, often referred to as the American flag, consists of 13 equal horizontal stripes of red (top and bottom) alternating with white, with a blue rectangle in the canton (referred to specifically

[1]State law reference(s)—Sign ordinances, F.S. §§ 163.3202(1)(f), 166.0425; outdoor advertising, F.S. ch. 479.

as the union) bearing 50 small, white, five-pointed stars arranged in nine offset horizontal rows, where rows of six stars (top and bottom) alternate with rows of five stars.

Flag, all other, means a piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution or as a decoration during public festivities.

Flashing sign means any sign which contains a continually intermittent or sequential flashing light source.

Freestanding sign means a sign attached to or supported by one or more uprights, poles, anchors, pedestal, posts, columns, or braces that is not attached to any building, fence, or wall. The term “freestanding sign” includes, pole signs, and pylon signs.

Ground sign or monument sign means a sign ~~affixed to the ground~~with a solid continuous base affixed to the ground which is at least 75% of the width of the sign face and is not attached to or supported by any exposed poles, uprights, posts, anchors, pedestal, columns, braces~~, either flush or on poles,~~ and not attached to any building or other structural supports. ~~for support, which may include a reader board (also called a detached, pole or freestanding sign).~~ ,

Group of establishments means two or more commercial, industrial or public establishments that share common frontage, access points, off-street parking, loading and identity containing one or more structures approved as a single development.

Illuminated sign means any sign designed to emit artificial light or designed to reflect light from one or more sources of artificial light.

Interchange of copy means the change or replacement of lettering on a sign without the replacement of the sign face itself.

Main street means an abutting public right-of-way which has the greatest vehicular design capacity or current traffic volume relative to all other abutting public rights-of-way.

Marquee means any hood, awning or canopy of permanent construction which projects from the wall face of a building.

Marquee sign means a sign which is attached to a marquee.

Message sign means an electronically changeable sign upon which graphic displays, symbols or words can be varied upon the face or faces of the sign by a computer controller.

Mural means a painting or artistic work composed of graphics, photographs or arrangements of color, that displays a noncommercial message and is painted on the walls of a building or similar rigid surface. The definition of the term "mural" includes any painting, regardless of content, when the painting is done by a paid or unpaid artist and the artist; or when the painting is done by any other person or entity without compensation.

Obscene means the status of material which the average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest, or depicts or describes, in a patently offensive way, sexual conduct, or taken as a whole lacks serious literary, artistic, political or scientific value.

Off-premises sign means any sign which advertises a use, establishment, product or service that is sold, produced, manufactured or furnished at a place other than on the property on which said sign is located. (Also called an outdoor advertising sign or billboard.)

On-premises sign means a sign which advertises or directs attention to a use or establishment located on-premises or a product or service available on-premises.

Out parcel means a parcel of property containing a single structure with one tenant located within a group of establishments which may be separately owned or leased from the owner of the group of establishments.

Parapet means a false front or wall extension above the roof line.

Pedestrian sign means a sign which is attached to the underside of a cantilevered roof, portico or overhang that extends from the wall face of an establishment or use and covers a pedestrian passageway.

Pennant means any relatively long, tapering flag or banner.

Pole banner means a banner that is attached to and displayed upon an upright pole or staff; also called a vertical banner or feather banner.

Portable sign means a moveable sign not secured or permanently attached to the ground. (Also a trailer, A-frame or sandwich sign.)

Projecting sign means a sign which is affixed to and extends from the outside wall or facade of a building.

Reader board means a sign upon which copy is manually changed periodically to advertise special sales or to otherwise convey a message to the public.

Roof sign means any sign erected over or on the roof of a building.

Sign means any exterior identification, description, illustration or device which directs attention to a product, service, place, activity, person, establishment, institution or business; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information.

Sign areas means:

(1) *Ground and projecting signs.* The entire area within and enclosed by the exterior perimeter of all cabinets or modules within a single, continuous geometric figure, including, but not limited to, all written copy, logos, symbols, decorative embellishments and border or roof treatments. This shall include all open areas within said perimeters and all space separating said cabinets or modules. Only one face (the largest) of any multiple-faced sign shall be counted in calculating sign area.

(2) *Wall signs.* The entire area within a single continuous perimeter composed of squares, rectangles or other geometric figures which enclose the extreme limits of all sign elements affixed to the wall, including, but not limited to, cabinet structures, written copy, logos, symbols and illustrations.

Sign face means the part of a sign that is or may be used for advertising purposes.

Sign structure means all the interrelated parts and materials, such as beams, poles, and mounts, which are constructed for the purpose of supporting or displaying a message or informative content.

Special event sign means a sign which calls attention to activities of a temporary nature.

Temporary sign means a sign which advertises, for a limited period of time, issues, including, but not limited to, political candidates, parties or issues; active construction projects and proposed development projects; real estate for sale, rent or lease; business grand openings, sales events or other types of special events that do not require a special event permit under section 28-78.

Trailer sign means an advertising structure mounted on skids, wheel or wheels, constructed for the sole purpose of advertising, licensed or unlicensed.

Vehicular sign means a sign affixed to a vehicle or trailer for the purpose of advertising. For the purposes of this chapter, such signs shall only be applicable when said vehicle or trailer is temporarily or permanently located on a parcel for the primary purpose of conveying a business message.

Wall face means the entire building front, including the parapet.

Wall sign means a sign erected parallel to the outside wall facade of any building including flat, painted, individual letter or cabinet signs. Mansard and marquee signs shall conform to wall sign provisions.

Window sign means a sign which is painted on or displayed within a storefront window or door.

(Code 1960, § 23A-2(1)—(47); Code 1983, § 15-1; Ord. No. 17-019, § 1, 6-19-2017; Ord. No. 17-029, § 1, 1-2-2018)

Sec. 117-2. Purpose and intent.

The purpose and intent of this chapter is to establish requirements for the replacement, installation and maintenance of signs, in order to protect and preserve the health, safety, welfare, appearance and general wellbeing of the citizens of the city.

(Code 1960, § 23A-1; Code 1983, § 15-2; Ord. No. 17-019, § 1, 6-19-2017)

Sec. 117-3. Administration and enforcement.

(a) *General.* The requirements of this chapter shall be administered and enforced by the city manager or his designee.

(b) *Removal of signs.*

(1) *Vacant premises.* A sign shall be removed by the property owner or lessee of the premises when the establishment which it advertises is no longer active or shall replace the sign face with an opaque, blank face on both sides. Upon the premises becoming vacant, the owner or lessee thereof shall remove and keep the windows clean and free from any lettering or advertising signs of the previous business or profession. Signs painted on or affixed to such premises advertising a previous business or profession shall be removed or completely obliterated after the premises becomes vacant. If the owner or lessee fails to remove any such signs, or to modify the sign face as aforesaid, the owner shall be given 30 days' written notice to remove it. Upon failure to comply with said notice, the sign shall be declared a nuisance and abated in accordance with section 24-22.

(2) *Maintenance.* All signs and advertising structures regulated by this chapter shall be maintained in accordance with the provisions of chapter 5. The owner or lessee of any sign that is unsightly because of a deterioration or lack of maintenance shall be notified in writing and allowed 30 days to correct said violations. Upon failure to comply with said notice, the sign shall be declared a nuisance and abated in accordance with section 24-22.

(3) *Nuisance; abatement.* Any sign which is erected, used or maintained in violation of this chapter is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated in accordance with section 24-22. For such purpose city staff or duly contracted vendor may enter upon private property without incurring any liability therefor. However, if any such sign bears the name of the owner thereof, and said owner holds an unexpired permit issued under this chapter, the said owner shall be given written notice of the violation in accordance with the provisions of section 24-22.

(c) *Emergency removal.* In cases where it reasonably appears that there is imminent danger to life or safety of any person unless a sign located on public or private property is immediately altered, repaired or removed, the sign is hereby declared unsafe. All such unsafe signs are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the International Property Maintenance Code, subject to all amendments, modifications or deletions, or other local ordinance, including article II of chapter 24.

(Code 1960, § 23A-9; Code 1983, § 15-3; Ord. No. J-128, § 1, 12-19-1994; Ord. No. J-201, § 2, 8-20-1996; Ord. No. 17-019, § 1, 6-19-2017)

Sec. 117-4. Nonconforming signs.

(a) *General.* Any sign or advertising structure within the city on the effective date of the ordinance from which this chapter is derived, or a sign or advertising structure existing within any area annexed to the city after the effective date of this chapter, which, by its height, size, zone, location or use does not conform to the requirements of this chapter, shall be termed nonconforming.

(b) *Continuation or removal.* All nonconforming signs or advertising structures properly permitted and conforming to the sign ordinances of the city in effect on July 1, 1980, or existing within any area annexed to the city after the effective date of the ordinance from which this chapter is derived may continue in use in accordance with the other provisions of this section.

(c) *Structural alterations.* Nonconforming signs shall not be structurally altered or enlarged unless they are made to conform with all the requirements of this chapter, except that substitution or interchange of copy may be permitted.

(d) *Natural damage.* Nonconforming signs that incur more than 50 percent damage to the sign structure by wind, deterioration or other damage shall be made to conform with all the requirements of this chapter, or be completely removed.

(e) *Off-premises signs with less than the minimum separation.* Where two or more off-premises signs, each of which was lawfully installed at its time of installation, are situated closer to each other than permitted by section 117-6(c), then all such signs except the one first installed in the city shall be nonconforming.

(Code 1960, § 23A-7; Code 1983, § 15-4; Ord. No. J-201, § 3, 8-20-1996; Ord. No. 17-019, § 1, 6-19-2017)

Sec. 117-5. Prohibited signs or sign characteristics.

The following signs or types of signs shall be prohibited within the city except for those which are specifically authorized or required by the city commission, state law or court order:

(1) Roof signs.

(2) Portable or trailer signs.

(3) A-frame or sandwich signs that do not comply with section 117-6(d)(1).

(4) Signs attached to any tree, shrub or plant that have the potential to damage the tree, shrub or plant.

(5) Signs located over or on any right-of-way except for approved projecting signs or temporary signs that have been properly permitted.

(6) Signs attached to or placed upon any utility pole, streetlight, sidewalk, curb, fire hydrant, bridge or any other public property.

(7) Vehicular signs except for those affixed to franchised buses, taxis, commercial vehicles or other vehicles during their normal course of business or lawfully parked.

(8) Signs which copy or imitate official signs or which purport to have official status including signs utilizing fluorescent colors in the yellow and red spectrum typically associated with traffic control, safety notices and emergency response.

(9) Signs which obstruct or interfere with any door, fire exit, stairway, ladder or opening intended to provide light, air, ingress or egress for any building.

(Code 1960, § 23A-6; Code 1983, § 15-5; Ord. No. 17-019, § 1, 6-19-2017)

Sec. 117-6. Regulation.

(a) *General.* In addition to the requirements set forth in sections 117-7 and 117-8 for permitted signs, this section shall apply to specific types of signs.

(b) *On-premises signs.*

(1) *Wall signs.*

a. Shall not extend more than 18 inches from the wall or facade of the building to which they are attached.

b. Shall not extend more than 24 inches above the roof or parapet of a building, whichever is greater.

c. Shall be located on the main street wall face of the establishment or building they identify except that up to 50 percent of such permitted sign area may be located on other wall faces.

d. Shall be adequately constructed and installed in accordance with the provisions of the state building code.

(2) *Projecting signs.*

a. Shall provide a vertical clearance of not less than nine feet over any pedestrian walkway or 14 feet over any vehicular driveway.

b. Shall not extend closer (leading edge measured horizontally) than 18 inches to the curb face or, where no curb is installed, to the curblines as established by the city engineer, whichever is less.

c. Shall not extend more than 24 inches above the roof or parapet of a building, whichever is greater.

d. Shall be adequately constructed and installed in accordance with the provisions of the state building code.

(3) *Ground signs.*

a. Sites that are less than or equal to three acres shall have a maximum height of ten feet in height.

1. Sites that are greater than three acres and less than or equal to five acres shall have a maximum height of 12 feet.

2. Sites that are greater than five acres and less than or equal to ten acres shall have a maximum height of 15 feet.

3. Sites that are greater than ten acres and less than or equal to 20 acres shall have a maximum height of 18 feet.

4. Sites that are greater than 20 acres shall have a maximum height of 20 feet.

b. Any sign which was permitted on or before November 30, 2004, may not be located less than 18 inches from any public right-of-way line, adjacent property line or structure. If such sign structure sustains at least 50 percent damage and requires a new permit for repair or replacement, it shall be reconstructed under current regulations, but may maintain the 18-inch setback requirement.

Any sign newly permitted on or after December 1, 2004, shall not be located less than five feet from any public right-of-way line, adjacent property line, or structure.

c. Shall provide a vertical clearance of not less than nine feet over any pedestrian walkway or 14 feet over any vehicular driveway.

d. Shall be adequately constructed and installed in accordance with the provisions of the state building code.

e. Shall conform to the clear vision areas of section 125-308 with support structures limited to a maximum two feet in diameter.

(c) *Off-premises signs.*

All off-premises signs are subject to the following regulations.

(1) Shall not exceed an aggregate sign area of 400 square feet including all trim, molding or skirting.

(2) Shall not exceed a sign dimension of 40 feet horizontally or 12 feet vertically including all trim, molding or skirting.

(3) Shall not exceed a total height above natural ground level of 25 feet.

(4) Shall be located a minimum of 25 feet from any right-of-way, property line or structure on the same property, except the minimum setback shall be increased one foot for each ten square feet or portion thereof that the sign exceeds 200 square feet.

(5) Shall have the following minimum distances between any two off-premises signs:

a. Five hundred feet where at least one off-premises sign is more than 100 square feet in sign area.

b. Five thousand feet where both signs are more than 100 square feet in off-premise sign area.

(6) May have two signs situated back-to-back or oriented in a single V having an included angle of not more than 30 degrees.

~~(7) Shall comply with subsection (b)(3) of this section where the off-premises sign is also a ground sign.~~ (8) Shall comply with the Florida Building Code.

(9) Shall have a minimum vertical clearance of nine (9) feet over a pedestrian walkway.

(10) Shall have a minimum vertical clearance of fourteen (14) feet over any vehicular driveway.

(11) Shall comply with Section 125-308 entitled "Clear vision areas." of the Land Development Ordinances.

(d) *Temporary signs.*

(1) *Temporary movable A-frame—sandwich board type signs.* A single, temporary movable A-frame—sandwich board type sign is permitted. It must be no larger than two feet by three feet and placed within ten feet of the entrance to the business and may not block access to any part of the building or sidewalk per the ADA Code and Florida Accessibility Code regarding clearance standards and accessibility. Temporary A-frame signs may be placed on public sidewalks that have sufficient width to comply with this section but shall not be placed in the parking lot, city right-of-way, landscaping or swales.

(2) *Special event signs.* Temporary signs announcing special events may be installed subject to an approved special event permit issued under section 28-78. No special event signs may be located within a public right-of-way, except as specifically authorized herein. The signs may be in the form of freestanding signs no larger than six square feet, flags, banners, pennants, or balloons and exhibited only for that period of time specified on the special event permit. The number of special events signs shall not exceed 75 signs.

a. Special event sign permit applications shall include:

1. Type of signage proposed. Provided information shall include, but is not limited to, the description of signage, dimensions, materials used, method of construction and placement, including dimensions from driveway, right-of-way and edge of pavement, list of sign locations, and such other information as the city may require.

2. Responsible agents. Identify the name and phone number of the sponsoring entity and principle contacts responsible for erecting and removing signage.

3. At the time of submission of an application for a special event sign permit, the applicant shall pay a processing fee in the amount established by resolution.

b. Shall not be illuminated.

c. May not be placed for a period in excess of 30 days.

d. May not impede the clear vision area of driveways or intersections.

e. May be located on the city right-of-way providing all of the above requirements are met.

(3) *Streamers, pennants, banners and flags.*

a. Shall be maintained in good condition; torn, weathered or otherwise deteriorated streamers, pennants, pole banners or flags shall be repaired, replaced or removed.

b. Banners shall not exceed 32 square feet in sign area, except that the combined area of all banners shall not exceed the sign area allowed for on-premises wall or projecting signs.

c. Pole banners must be spaced a minimum of 25 feet apart.

d. May not be placed in the right-of-way or in a way that it impedes pedestrian traffic.

e. May not impede the clear vision area of driveways or intersections.

(4) *All other temporary signs.* Temporary signs, as defined in this chapter, shall comply with the following regulations:

a. Shall be maintained in good condition; torn, weathered or otherwise deteriorated signs shall be repaired, replaced or removed.

b. May not impede the clear vision area of driveways or intersections.

c. May not be placed on city property, in the city right-of-way, medians or parks.

(Code 1960, § 23A-3; Code 1983, § 15-6; Ord. No. I-304, §§ 1—3, 12-19-1988; Ord. No. K-03, § 1, 1-18-2000; Ord. No. K-53, § 1, 1-16-2001; Ord. No. K-303, §§ 1—6, 10, 1-3-2005; Ord. No. 17-019, § 1, 6-19-2017)

Sec. 117-7. Permitted signs.

The following types and sizes of signs or advertising structures shall be permitted within the following zoning districts:

(1) *Single-family residential zoning districts (E-1, E-2, E-3, R-1, R-2 and R-3).*

a. *Semi-restricted uses.* Temporary signs that comply with subsection 117-6(d) and that do not exceed eight square feet and one non-illuminated wall sign per individual dwelling unit, which shall not exceed one square foot in sign area.

b. *Conditional uses.* Types and sizes of signs or advertising structures as permitted by section 117-8(3) in an office commercial zoning district, except that ground signs shall not exceed 18 square feet in sign area.

(2) *Multi-family residential zoning districts (R-4, R-4A and R-5).*

a. *Semi-restricted uses.*

1. Temporary signs that comply with section 117-6(d) and that do not to exceed 32 square feet on lots of one acre or more, or eight square feet on all other parcels; and one non-illuminated wall sign per individual dwelling unit, which shall not exceed one square foot in sign area.

2. One non-illuminated wall or ground sign per entrance of a permitted principal building or use, which shall not exceed 18 square feet in sign area. Ground signs shall not exceed six feet in height.

3. Non-illuminated directional signs, which shall not exceed six square feet in sign area, may be installed as needed with the approval of the director in accordance with section 117-9.

b. *Conditional uses.* Types and sizes of signs or advertising structures as permitted by section 117-8(d) in limited commercial zoning districts except that ground signs shall not exceed 32 square feet in sign area.

(3) *Office commercial and Edgartown Settlement zoning districts (C-1, ES).*

a. *Semi-restricted uses.*

1. Temporary signs that comply with section 117-6(d) and that do not to exceed 32 square feet. Temporary signs must be placed a minimum of 25 feet apart and one wall sign per tenant or occupant which shall not exceed two square feet in sign area.

2. One wall sign per building, which shall not exceed 24 square feet in sign area.

3. Any establishment, or group of establishments, which has main street lot frontage of 60 linear feet or more, shall also be permitted one ground sign, which shall not exceed 48 square feet in sign area and six feet in height.

4. Directional signs, which shall not exceed six square feet in sign area may be installed as needed with the approval of the director in accordance with section 117-9.

b. *Conditional uses.* Types and sizes of signs or advertising structures as permitted by section 117-8(d) in limited commercial zoning districts unless restricted by the city commission when the conditional use is approved.

(4) *Limited commercial and open space/recreational zoning districts (C-2, C-5, C-6, OS-1, OS-2, A-1 and A-2).*

a. *Semi-restricted uses.*

1. One wall sign or one projecting sign per tenant, which shall not exceed a sign area equal to 20 percent of the total wall face area fronting on the main street.

2. Any establishment, or group of establishments, which has a main street lot frontage of 60 linear feet or more, shall also be permitted one ground sign. Such sign shall not exceed a sign area equal to one square foot for every three linear feet of main street lot frontage, up to a maximum of 200 feet. Structures on out parcels with a single tenant having 60 feet of frontage or more shall also be permitted a separate ground sign subject to the restrictions

above. The out parcel frontage shall not be subtracted in calculating the frontage for the group of establishments.

3. One pedestrian sign per tenant, which shall not exceed six square feet in sign area.
4. One rear entrance wall sign per tenant which shall not exceed six square feet in sign area.
5. Window signs per tenant, which shall not exceed 25 percent of such open window display area.
6. Directional signs, which shall not exceed six square feet each in sign area, may be installed as needed with the approval of the director in accordance with section 117-9.
7. Temporary signs that comply with section 117-6(d) and that do not exceed 32 square feet. Temporary signs must be placed a minimum of 25 feet apart.

b. *Conditional uses.* Same as semi-restricted uses.

(5) *General commercial and industrial zoning districts (C-3, C-4, CP, I-1, I-2, and I-3).*

a. *Semi-restricted uses.*

1. Off-premises signs.
2. One wall sign or one projecting sign per tenant, which shall not exceed a sign area equal to 20 percent of the total wall face area fronting on the main street.
3. Any establishment, or group of establishments, which has a main street lot frontage of 60 linear feet or more, shall also be permitted one ground sign. Such sign shall not exceed a sign area equal to one square foot for every three linear feet of main street lot frontage, up to a maximum of 200 square feet except that one additional ground sign shall be permitted when the main street lot frontage exceeds 500 feet. The second ground sign shall not exceed a sign area equal to one square foot for every three linear feet of main street lot frontage in excess of the first 500 feet of frontage, up to a maximum of 200 square feet. Structures on out parcels with a single tenant having 60 feet of frontage or more shall also be permitted a separate ground sign subject to the restrictions above. The out parcel frontage shall not be subtracted in calculating the frontage for the group of establishments.
4. One pedestrian sign per tenant, which shall not exceed six square feet in sign area.
5. One rear entrance wall sign per tenant, which shall not exceed six square feet in sign area.
6. Window display signs per tenant, which shall not exceed 25 percent of such open window area.
7. Directional signs, which shall not exceed six square feet in sign area, may be installed as needed.
8. Temporary signs that comply with section 117-6(d) and that do not exceed 32 square feet. Temporary signs must be placed a minimum of 25 feet apart.

b. *Conditional uses.* Same as semi-restricted uses.

(6) *Planned development and planned unit redevelopment zoning district (PD or PUR).* Except for temporary signs that comply with section 117-6(d) and that do not exceed 32 square feet, the types and sizes of signs and advertising structures permitted shall be determined by the city commission as part of the final development or redevelopment plan except that in no instance may the permitted signage exceed that permitted elsewhere in this chapter.

(7) *I-95 and turnpike interchange district.*

a. *Area defined.* The area subject to this section shall include all commercial and industrial lots or parts thereof located within:

1. One-half mile of where I-95 N intersects with State Road 70;
2. One-half mile of the commencement of the southbound turnpike off ramp; or
3. Extends one-half mile both north and south of State Road 70 between the two interchanges.

b. *Ground sign standards.* Any establishment or group of establishments, which has a main street frontage of 60 linear feet or more, located on a lot which lies in whole or in part in the district provided for by this section, shall be permitted one ground sign. Such sign shall not exceed a sign area equal to one square foot for every three linear feet of main street frontage, up to a maximum of 300 square feet. The maximum height shall be 65 feet.

c. *Other standards.* Additional signs in this district shall conform with regulations and standards provided by this chapter or the appropriate zoning category.

(Code 1960, § 23A-4; Code 1983, § 15-7; Ord. No. I-108, §§ 1, 2, 4-1-1985; Ord. No. I-405, § 4, 12-3-1990; Ord. No. I-462, § 4, 6-3-1991; Ord. No. J-345, § 1, 7-21-1997; Ord. No. K-303, §§ 7—9, 1-3-2005; Ord. No. 17-019, § 1, 6-19-2017; Ord. No. 17-029, § 2, 1-2-2018)

Sec. 117-8. Permit procedures.

(a) *General.* No person shall place, erect or maintain the structure of a sign including the removal or replacement of the sign face, or cause to be placed, erected or maintained, any sign or advertising structure or structure or structural alteration thereto except in conformance with the provisions of this chapter.

(b) *Application.* All plans and layouts for a sign or advertising structure shall be accompanied by an application which shall be filed with the building department in accordance with chapter 103 of this Code prior to the issuance of any permit. Said application shall describe and set forth the following:

(1) The type of proposed sign or advertising structure requested as defined in this chapter.

(2) The street address and legal description of the property upon which said sign is to be located.

(3) The square foot area per sign face and message content.

(4) Plans drawn to scale showing:

a. The location of all proposed signs and existing signs to be retained.

b. Complete design specifications of all proposed signs to show methods of construction and installation in accordance with the provisions of the state building code.

(5) Photographs of all existing on-site signs.

(6) The name and address of the person in control or possession of the property upon which said sign is to be located and authorization from same for possession to place said sign upon the property.

(7) The name of the person or contractor erecting the structure.

(8) Such other pertinent information as may be required by the building department.

(c) *Permit.* After the provisions of this chapter have first been complied with, and the sign or advertising structure does not violate any of the terms, conditions or provisions herein or of any other law or ordinance, a permit shall be issued for such sign or advertising structure.

(d) *Fee schedule.* A permit fee shall be paid in accordance to the fee schedule established in section 103-53. Separately, permit fees for special event signs shall be paid in accordance to the fee established in section 117-6(d).

(e) *Permit and fee exemptions.* The following types of signs shall not be required to have a permit or subject to the above fees, but shall meet all other appropriate requirements within this chapter:

(1) Temporary signs, except special event signs.

(2) Murals.

(3) Window signs, including, but not limited to, credit card signs, decals or emblems.

(4) Interchange of copy.

(5) Public convenience sign, which identifies the location of restrooms, public telephones or the like, not including signs required for compliance with the state accessibility code for which a permit is required.

(6) Public utility sign, which identifies the location of underground lines, high voltage areas or the like.

(7) Public warning sign, which indicates the dangers of trespassing, swimming, animals or the like.

(8) Flag, emblem or insignia of the United States, the state or the city.

(9) Seasonal display or decoration not advertising a product, service or establishment.

(f) *Contractors.* No person shall engage in the business of construction, erecting, altering or maintaining signs that require a permit within the city until he is state certified or has a valid certificate of competency from the city.

(g) *Stop-work orders.* Upon notice from the building official or his designee that work on any sign or advertising structure is being done contrary to the provisions of this chapter or the Code or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent or to the person doing the work, and shall state the condition upon which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the building official.

(h) *Revocation of permit.* The building official may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement, concealment or misrepresentations as to a material fact in the application or plans on which the permit or approval was based.

(Code 1983, § 15-8; Code 1960, § 23A-8; Ord. No. J-144, § 1, 3-6-1995; Ord. No. J-200, § 1, 8-20-1996; Ord. No. J-345, § 2, 7-21-1997; Ord. No. K-520, § 1, 11-19-2007; Ord. No. L-86, § 3, 7-20-2009; Ord. No. 17-019, § 1, 6-19-2017; Ord. No. 19-010, § 7, 3-18-2019; Ord. No. 23-023, § 1, 4-17-2023)