

ORDINANCE NO. K - 441

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING ARTICLE I, CHAPTER 22, IN GENERAL, AND ARTICLE II, CHAPTER 22, ESTABLISHMENT OF ZONES, TO AMEND SECTION 22-3 BY UPDATING DEFINITIONS, AND AMEND SECTION 22-15 BY DESIGNATING THE SOUTH BEACH OVERLAY ZONING DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it has been some time since the Zoning chapter has been revised; and

WHEREAS, recent proposed development in the South Beach area of the City of Fort Pierce necessitates this revisions; and

WHEREAS, this revision is found to be in compliance with the Comprehensive Plan of the City of Fort Pierce; and

WHEREAS, the Planning Board of the City of Fort Pierce reviewed this matter on October 10, 2006:

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

Section 1. Chapter 22, Zoning, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 22-16. Designation of Overlay Districts.

The City's overlay zoning districts stipulate special provisions that, along with the provisions of the basic zoning district and other ordinance regulations, govern the use of property within the City limits.

(a) South Beach Overlay District.

(1) Applicability and Purpose.

The purpose of the South Beach Overlay District is to promote good planning and site design that produces quality development that is functional, an asset to the community and in keeping with the general character of South Hutchinson Island. By way of this Overlay District, the City seeks to preserve, protect and enhance the unique barrier island environment through regulation of development and redevelopment of lots within the district.

The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. All new development and changes to existing development in the district that require site plan or building permit approval are subject to the

overlay district requirements in addition to other applicable regulations in the City's Code of Ordinances.

Due to ever-accumulating knowledge about the dynamics of a barrier island community, and new and better information about site design, the City's land development regulations will be monitored and reviewed on an on-going basis in order to assess their reasonability and effectiveness in promoting these purposes.

(2) Delineation of the District.

The South Beach Overlay District includes all parcels designated in the shaded area as indicated in Figure 1. The boundary of the South Beach Overlay District shall be deemed to automatically adjust pursuant to any annexation approval on South Hutchinson Island.

(3) District Regulations.

a. Density.

1. Residential

Residential density shall be based on the requirements of the underlying zoning district except that in no instance shall residential density in the South Beach Overlay District exceed 8 units per acre.

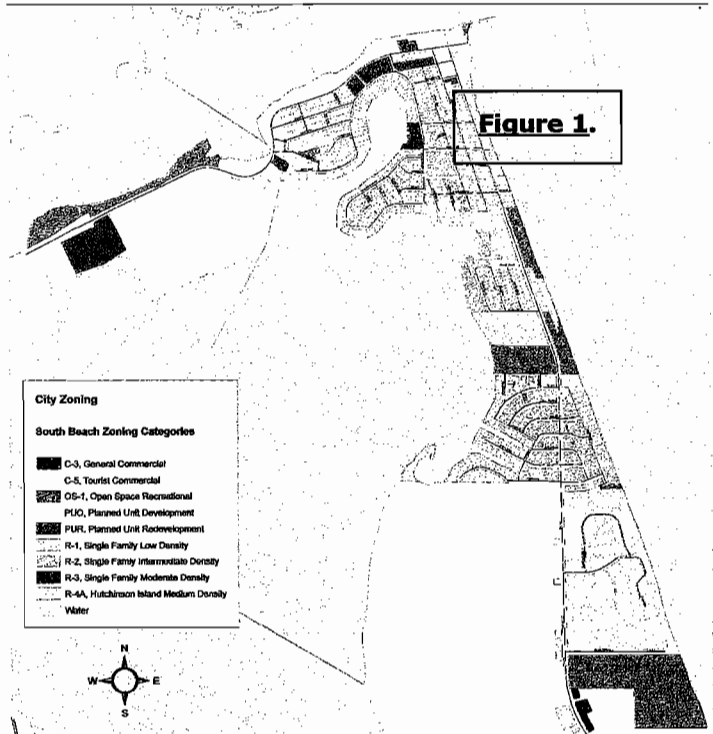
2. Non- Residential

Non-residential density shall be based on the requirements of the underlying zoning district.

3. Mixed Use

The residential component of a Mixed Use development shall not exceed 8 units per acre. The non-residential component of a Mixed Use development shall be based on the requirements of the underlying zoning district while factoring the affect and impacts of the residential component on the site.

South Beach Overlay District



b. Height.

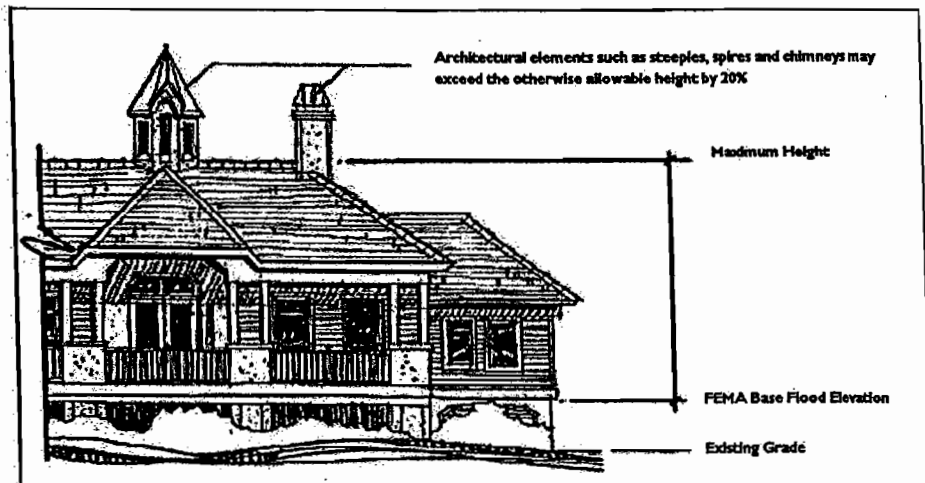
	<u>OS-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4A</u>	<u>C-3</u>	<u>C-5</u>
<u>Maximum Height</u>							
- Single family	-	28' *	28' *	28' *	45' **	-	-
- Duplex	-	-	-	28' *	45' **	-	-
- Triplex	-	-	-	-	45' **	-	-
- Quadraplex	-	-	-	-	45' **	-	-
- Multifamily	-	-	-	-	45' **	45' **	45' **
- Other	35'	28' *	28' *	28' *	45' **	45' **	45' **
<u>Not to Exceed</u>							
- Single family	-	-	-	-	-	-	-
- Duplex	-	-	-	-	-	-	-
- Triplex	-	-	-	-	-	-	-
- Quadraplex	-	-	-	-	-	-	-
- Multifamily	-	-	-	-	4	4	4
					stories	stories	stories
- Other	-	-	-	-	4	4	4
					stories	stories	stories

* Maximum Height may be extended up to 35' subject to Conditional Use approval.

** No habitable space permitted above 45'.

c. Calculation of Height.

1. Maximum structure height shall be calculated from the established FEMA Base Flood Elevation to the highest point of the roof excluding non-habitable architectural design elements of the structure.



2. The height of fences shall be measured from preconstruction grade.

d. Height in Excess of Maximum

1. Equipment including, but not limited to, satellite dishes and heating and air conditioning equipment may be installed on top of buildings provided that the equipment is screened from horizontal view.
2. Non-habitable architectural elements that contribute stylistically to the building including, but not limited to, bulkheads, parapet walls, false fronts, cupolas, steeples, spires, and chimneys may exceed the maximum height requirement by 20 percent.

e. Design Standards.

Standards

1. Single-Family Residential

None.

2. Multifamily and Non-Residential

- a) Architectural integrity and compatibility with nearby existing buildings both on- and off-site shall be demonstrated. Architectural considerations shall include building siting, massing, proportion, scale, materials, colors, details, façade treatments, fenestration, parapets, site features, lighting and signage. The openness of ground floor facades and view corridors which face pedestrian utilized roadways, circulation routes or waterways shall be maximized to promote pedestrian activity and increase visibility of activity from the interior of the buildings.
- b) The form of buildings and its architectural details should be designed to create visual interest at the street level using techniques such as incorporating porches, staggering the frontage of the buildings, recessing doors and windows, providing display windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing.
- c) Site and architectural design features shall substantially

advance design standards reflected in local precedents or regional buildings. These may include traditional Mediterranean, Key West, Mission, Prairie, Streamlined Art Deco or Mid-Century Modern architecture or other appropriate architectural design compatible with the Florida tropical climate. Materials and colors should be selected to unify the building appearance and fit into the pedestrian realm.

- d) Development along the City's waterfront shall maximize opportunities for public access to the water and facilitate connectivity with adjoining waterfront properties to establish an improved public promenade.

f. Nonconforming Situations.

Nonconforming uses and structures that have been damaged or destroyed by natural disaster or other catastrophic event, i.e., fire or other calamity, may be replaced or reconstructed provided that:

1. The significance of the property owner's hardship is more compelling than, and reasonably overbalances, the public benefit resulting from not allowing the use or structure to be reestablished.
2. Replacement or reconstruction of the use or structure is compatible with the character of the neighborhood and will not jeopardize future development of the area in compliance with the provisions and intent of the City's Land Development Regulations.
3. The value of properties in the vicinity of the replacement or reconstruction will not be adversely affected;
4. No expansion of gross floor area occurs;
5. The degree of nonconformity is not increased;
6. The replacement structure is in compliance with the City's adopted Building Code, Coastal Construction Control Line and FEMA regulations; and
7. A Building permit is issued within 24 months after the date of destruction and the construction is diligently pursued to completion.

g. Supplemental Use Regulations.

1. Condominium Hotels.

a. General Requirements.

- i. Condo-hotel facilities shall be created, sold and maintained under documentation, including condominium declaration, bylaws, sales brochures, and pre-construction agreements, with form and content approved by the City Attorney, which adequately disclose and ensure that the condo-hotel facility will, in all respects, be permanently and exclusively operated as a transient accommodations facility and will not be occupied as a multi-family dwelling.
- ii. Condo-hotel facilities must be permanently dedicated in their entirety to the complete control and management of a single hotel or resort hotel operator for operation as a transient accommodations facility.
- iii. Condo-hotel facilities shall contain no dwelling units. Only individual sleeping units that are permanently dedicated for rental to the general public for transient occupancy for periods of less than 28 days on a fulltime basis by the hotel or resort hotel operator shall be permitted; provided, however, that an owner of an individual sleeping unit in a condo-hotel may be permitted to occupy the owned sleeping unit without rental charge for up to 28 days in any calendar year.
- iv. Condo-hotel sleeping units shall not be used for homesteading purposes or home occupational licensing, time share or fractional interests.
- v. Condo-hotel facilities shall be licensed by all applicable state and local agencies that license traditional motels, hotels and/or resort hotels prior to the issuance of any Certificate of Occupancy. All required licenses must be kept current.
- vi. Rental of condo-hotel sleeping units shall be subject to all applicable state and local tourist tax collections.
- vii. Condo-hotel facilities shall be served by singly metered utility services and with a central telephone system and central cable television system installed in all individual sleeping units.
- viii. Individual sleeping units shall not contain any lockable storage closet or cabinet unless access to such closet or cabinet is automatically and uniformly provided to each member of the public who rents the sleeping unit.
- ix. Condo-hotel facilities shall provide an internally-oriented lobby/front desk area.

- x. Condo-hotel facilities shall utilize a uniform key entry system managed by the hotel or resort hotel operator to receive and disburse keys for each condo-hotel sleeping unit.
- xi. All condo-hotel facilities shall offer daily maid service, concierge as well as other customary hospitality services.
- xii. The City may require affidavits of compliance with the criteria from the developer, management entity, and/or each condo-hotel sleeping unit purchaser/owner concurrent with annual renewal of any required occupational license.

b. Conditions of Approval.

The City Commission may impose limitations on condo-hotel facilities, including but not limited to, the size and number of sleeping units and sleeping areas as well as the types of utility fixtures to ensure the viability of hospitality and transient accommodations and to limit impacts on local services including transportation, potable water, sanitary sewer and hurricane evacuation.

Section 2. Chapter 22, Zoning, of the Code of Ordinances, is further amended as follows:

Existing Definitions to be Deleted and Replaced by New Definitions

~~*Dwelling (dwelling unit)*— One or more rooms connected together in a building, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental for 6 months or longer in R-1 or R-2 residential zones, physically separated from any other rooms or dwelling units which may be in the building, and containing sleeping and sanitary facilities and one kitchen.~~

~~*Motel/Hotel*— A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with a daily charge, as distinguished from dwellings, where rentals are for a period of a week or longer and occupancy is generally by residents rather than transients. Where more than twenty five (25) percent of the units have cooking facilities, such living quarters shall be considered as dwellings and shall be subject to the regulations governing dwellings. This definition shall not include adult motels or adult hotels.~~

~~*Resort Hotel*— A place of lodging providing sleeping accommodations that are offered to the public in conjunction with the operation of marine or marina facilities or other tourist-related recreational amenities, and that are intended primarily for rental to transients with a daily or weekly charge, but in any event in which the maximum stay per transient/tenant is limited to thirty (30) days in any twelve month period. Limited kitchen facilities may be provided in the suite. Guest recreational amenities, such as marina facilities, swimming pools, tennis or recreation courts or similar facilities, are to be provided and located on-site.~~

New Definitions

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

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

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

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

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

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

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

Section 3. Chapter 22, Zoning, of the Code of Ordinances, is further amended as follows:

Other Amendments to the Land Development Regulations

- 1) Add new parking standard for Motels, Hotels and Resort Hotels in Section 22-60(d)(2), Off-street Parking and Loading, to require 1.0 parking space for the first sleeping area within a sleeping unit plus .5 parking spaces for each additional sleeping area within a sleeping unit plus 1 parking space per 250 square feet of gross floor area for accessory uses open to the general public.

- 2) Add Motels, Hotels and Resort Hotels As Semi-restricted uses permitted in Section 22-33(b), C-5, Tourist Commercial, zoning district.

Section 4. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

Section 5. This ordinance is and the same shall become effective immediately upon final passage hereof.