

**ORDINANCE NO. L-291**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE II; AMENDING SECTION 22-16, DESIGNATION OF OVERLAY DISTRICTS; CREATING SECTION 22-16(b)(3)(a)(4), NEW PROVISIONS FOR **OVERNIGHT ACCOMMODATIONS AND BED AND BREAKFAST FACILITIES IN THE DOWNTOWN BUSINESS AND ENTERTAINMENT OVERLAY DISTRICT**; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1.** Section 22-16 (b) (3) (a) (4) is hereby created so that the same shall read as follows:

(b) *Downtown Business and Entertainment Overlay District.*

(1) *Purpose.* The purpose of the Downtown Business and Entertainment Overlay District is to:

\$ Recognize the unique urban character of the downtown; and

\$ Recognize the unique orientation to the waterfront; and

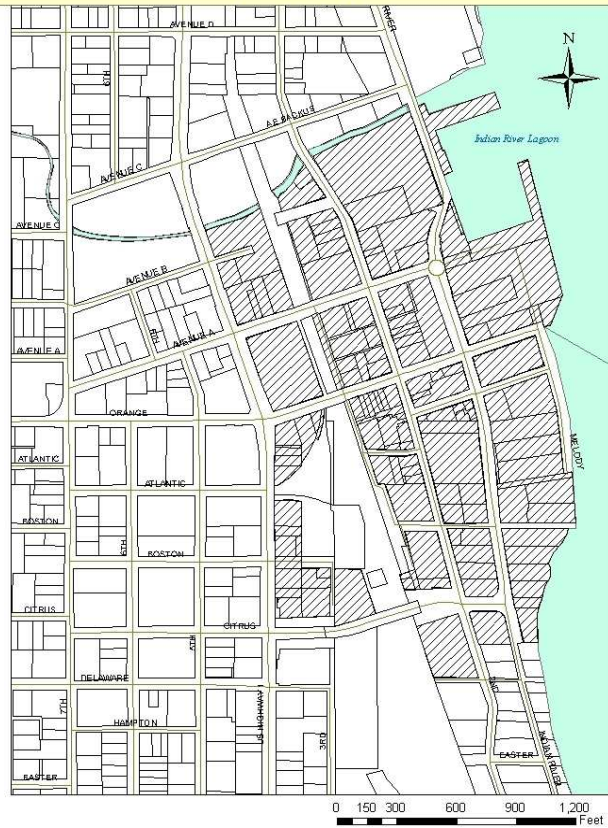
\$ Recognize its historic urban design typified by its pedestrian-oriented design and its human-scale development; in order to

\$ Build on this unique character by encouraging redevelopment in keeping with these recognized values; and

\$ Further the downtown's desirability as a place to work, play and live through encouraging a broad variety of urban-scale uses.

(2) *Delineation of district.* The Downtown Business and Entertainment Overlay District includes all parcels in the shaded area as indicated in figure 1-2.

Downtown Business and Entertainment District  
FIGURE 1-2



(3) *District regulations.*

(a) *Permitted uses.* The following uses are allowed within the boundaries of the overlay district in addition to the uses permitted by the underlying zoning districts, subject to compliance with any use standards identified herein.

1. *Wine and/or cigar bars.*

a. *Use standards:*

- (1) Less than two thousand (2,000) square feet of floor area.
- (2) No drive-through facilities.
- (3) Live music shall be unamplified acoustic only.
- (4) Shall be fitted with filtration system so as to not allow odors to leave the premises and infiltrate to surrounding or attached business or residences.
- (5) Sidewalk café permit may only be

issued with a condition that smoking is prohibited in the sidewalk café area.

2. *Residences.*

a. Use standards:

- (1) Residential uses shall be located within mixed use structures which shall offer commercial retail, service or office uses along the full frontage of the first floor abutting the pedestrian right-of-way. No portion of any residential use shall be permitted along any portion of the frontage of the first floor abutting the pedestrian right-of-way. A rear service alley is not considered a pedestrian right-of-way.

3. *Pedicabs.*

- a. *Definition.* Any vehicle with three (3) or more wheels propelled solely by human power which is used for transporting passengers for consideration.

b. *Use standards.*

(1) *Operation.*

- (a) Operator shall embark/disembark passengers out of the flow of traffic;
- (b) Operator shall not drive pedicab on sidewalk;
- (c) Parking pedicab in any public on- or off-street parking is prohibited;
- (d) Music is prohibited;
- (e) Open containers of alcohol are prohibited in pedicab, including cab;
- (f) Loud solicitation of service is prohibited;
- (g) Signage is permitted on the pedicab, totaling no more than three (3) square feet for all sides, and no more than one and one-half (1.5) square feet on each side of the cab. Signage shall be

simple in design, and may include the name of the company, phone number and website. Signage shall be professionally designed and shall be subject to the city's design review criteria for signage.

(2) *Vehicle safety requirements.* Pedicabs shall not be operated within the city except in compliance with all laws of the State of Florida.

(a) Pedicabs shall be subject to F.S. ch. 316, as amended.

(b) Any law enforcement officer of the city shall have the right to inspect or cause to be inspected any pedicab operating on any street in the city as often as may be necessary for the purposes of ascertaining and causing to be corrected any unsafe or unsanitary considerations or any violations of this article.

(c) No pedicab driver may operate a pedicab on any street unless the pedicab meets the following equipment safety standards:

1. *Tires.* Tires shall be of a size appropriate for the pedicab with no mismatched tires. There shall be no cuts to the tire or localized worn spots that expose the ply. No tire is permitted to be used when the tire has tread wear indicators that are visible.

2. *Operational horn.* The pedicab shall be equipped with a fully operational horn or bell.

3. *Brakes.* Each pedicab shall be equipped with an operational brake or brakes which enable the

pedicab driver to stop the pedicab within fifteen (15) feet from a speed of ten (10) miles per hour on dry, level, clean pavement. The brake systems shall demonstrate a reasonable total braking force when tested, using the "quick stop method".

4. *Headlights, tail lights, mirrors, turn signals, and other requirements.* Every pedicab shall be equipped with the following operational equipment set forth in the subsections below:

a. A headlight capable of projecting a beam of white light for a distance at a minimum of five hundred (500) feet, which shall be clearly visible during darkness and which must be illuminated at all times during operation;

b. A red tail light affixed to the rear of the passenger compartment, which shall be clearly visible during darkness from a distance of at least six hundred (600) feet to the rear of the pedicab which must be illuminated at all times during operation;

c. A side-mounted mirror affixed to the pedicab to reflect to the pedicab driver a view of the street for a distance of at least two hundred (200) feet

from the rear of the pedicab;

d. A slow moving vehicle triangle on the rear of the pedicab or reflective tape which outlines the rear of the pedicab from edge to edge;

e. Turn signal lamps which indicators must be visible for a distance of at least five hundred (500) feet from the rear of the pedicab indicating right and left turns which must be utilized when turning.

f. The company or trade name, individual or fictitious name of the pedicab owner shall be displayed on the exterior of each pedicab. This will not be considered advertising.

g. No more than one trailer or sidecar may be attached to any pedicab. Any such trailer or sidecar must be attached in a manner that meets the requirements of §316.530(2), Florida Statutes, as amended.

(3) *Advertising.* Advertising may be permitted on pedicabs for an additional annual fee which shall compensate for the cost of reviewing and enforcing such advertising regulations.

(a) *Size.* No more than six (6)

square feet total on all sides of, and no more than three (3) square feet on any one side of cab.

(b) *Content and design.* All advertising design and content shall be approved by the planning department. Advertising is prohibited for the following: tobacco, adult entertainment, arcades and alcohol. Advertising shall be professionally designed and shall be subject to the city's design review criteria for signage.

c. *Licensing: process and requirements.* No person shall operate, or permit the operation of, a pedicab without first securing from the city clerk a current license, which shall be laminated and affixed to the pedicab at all times.

(1) Application for pedicab license shall be made on a form available in the office of the city clerk, accompanied by the following:

(a) Valid driver's license.

(b) Manufacturer authorized specifications setting forth the characteristics of the pedicab, including its serial number, dimensions, weight, and passenger capacity.

(c) Color photographs of all four (4) sides of pedicab.

(d) Advertising copy, size and rendering, if applying for a license which includes advertising.

(e) Certificate of safety, available from the city clerk, to be completed by a qualified bicycle mechanic

indicating that the pedicab is in safe operating condition.

(f) Insurance and indemnification: Proof of insurance shall be submitted showing conformity to the following: The pedicab owner shall maintain a commercial general liability policy in place with limits of at least three hundred thousand dollars (\$300,000.00) per occurrence, five hundred thousand dollars (\$500,000.00) aggregate with respect to bodily injury, including death, and property damage liability affording coverage for premises and operations liability, personal and advertising injury liability, and contractual and contingent liability exposures. The certificate of insurance must also include coverage for statutory workers' compensation coverage, if applicable, and shall further list the City of Fort Pierce as an additional insured with respect to general liability, and include thirty (30) days on the cancellation provision, except for ten (10) days' notice for nonpayment of premium. Carriers providing this coverage must be authorized to transact business in the state and must possess a financial rating of at least (A-) with a financial strength of (V) or better in accordance to A.M. Best guidelines. Such certificate must be provided to the city risk management division/risk manager, or designee for approval prior to issuance or renewal of any decal. All certificates of insurance shall be kept in full force and effect at all times while any pedicab is operated within the city and must



cover a period of not less than twelve (12) months. Proof of this insurance (e.g. a declarations page or certificate of insurance) must be maintained with the pedicab at all times it is operated within the city. The pedicab owner will indemnify, defend, and hold harmless the city, its officials, employees and agents (collectively referred to as "indemnitees") and each of them from and against all losses, costs, claims, penalties, fines, expenses (including attorney's fees), liabilities (collectively referred to as "liabilities") by reason of any bodily injury to or death of any person or damage to or destruction or loss of any property arising out of, or resulting from, or in connection with this permit. The pedicab owner further agrees to indemnify, defend and hold harmless the indemnitees from and against liability which may be asserted by an employee or former employee of the pedicab owner, or any of its subcontractors, for which liability to such employee or former employee would otherwise be limited to payments under workers' compensation or similar laws.

(2) Fees:

Application and renewal. The city commission shall adopt and amend fees for this use via resolution. Fees shall include: application fee, annual renewal fee, optional advertising fee.

d. *Violations.*

(1) The city police department shall enforce these regulations.

(2) Repeated violations of traffic laws or this ordinance shall result in the

revocation of a licensee's permit,  
as determined by the city manager.

4. Overnight Accommodations & Bed and Breakfast.

a. Overnight Accommodations, Bed and Breakfast: Overnight accommodations, serving breakfast, and located in an owner-occupied residential structure, offering up to eight (8) guest rooms.

b. Overnight Accommodations, Boutique Hotel: Overnight accommodations which include an amenity such as a restaurant or spa, offering up to 18 rooms and located within a structure of residential building typology.

c. Overnight Accommodations, Vacation Rental: A detached dwelling or apartment within a building of residential building typology which is rented out for the purposes of providing accommodations for less than six (6) months to tourists.

d. Use Standards

1. A separate entrance shall be provided for each unit to the exterior or to an interior, secure common area.

2. A business license shall be required for each vacation rental unit.

3. Such units shall be managed by either 1) a Florida-licensed property management agent or 2) the owner-occupant residing in another unit, and shall collect and pay all applicable taxes.

4. Current contact information for the management agency or owner-occupant shall be displayed in an accessible location outside the vacation rental.

(b) *Prohibited uses.*

1. Arcades (games of chance)

(c) *Design and performance standards.*

1. *Off-street parking.* All parcels within the district are exempt from off-street parking requirements, as referenced in section 22-60.
2. *Landscaping.* All parcels within the district are exempt from landscaping requirements, as referenced in section 22-187.
3. *Waiver of distance requirements for the consumption of alcoholic beverages.* All parcels within the district are exempt from waiver of distance requirements for establishments selling alcohol for consumption on or off premises, as referenced in section 3-7.

**SECTION 2.** 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 3.** This Ordinance is and the same shall become effective immediately upon final passage.