

## ORDINANCE NO. 16-002

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 9 - LICENSES AND BUSINESS REGULATIONS, BY DELETING ARTICLE X, **FILLING STATIONS** (RELOCATING FILLING STATION PROVISIONS TO CHAPTER 22 – ZONING), AMENDING CHAPTER 22, ARTICLE IV, SUPPLEMENTARY REGULATIONS, CREATING SECTION 22-73, FUELING STATIONS, ESTABLISHING FUELING STATION REQUIREMENTS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, The City of Fort Pierce, in 1960, established regulations for filling stations based upon an abundance of filling stations and their accessory uses which have the effect on the city of impeding both vehicular and pedestrian traffic, which could adversely influence the city's aesthetic potential, and in many cases materially affect surrounding property values.; and

**WHEREAS**, The City of Fort Pierce seeks to further the promotion of health, safety, and welfare of the community by ensuring guidelines established for filling stations account for community growth, economic development, and advances in technology; and

**WHEREAS**, The City of Fort Pierce is eliminating obsolete components of Filling Station regulations located in Chapter 9 – Licenses and Business Regulations, and relocating appropriate regulations within Chapter 22 – Zoning in order to further the goals, policies, and objectives of the Comprehensive Plan; therefore:

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

**SECTION 1.** Article X. - Filling Stations, is hereby eliminated as follows:

**Sec. 9-321. - Definitions. Reserved**

~~In the interpretation and enforcement of this article, all words other than the terms specifically defined in this section shall have, as implied by their context, their ordinarily accepted meanings as generally used; words in the masculine gender include the feminine and neuter. The following definitions shall apply in the interpretation and enforcement of this article and of any rules and regulations adopted pursuant hereto:-~~

~~Accessory uses: Minor repair activities, battery charging, lubricating or washing of automobiles and/or storage of related merchandise and supplies.-~~

~~Accessway improvements: Curb cuts and driveways from a filling station to a dedicated public right of way, determined by the jurisdictional agency (the city public works department).-~~

~~Buffering: A solid or louvered masonry wall at least six (6) feet in height but no greater than eight (8) feet in height.-~~

~~Dedicated public right of way: A right of way, dedicated for public use and maintained by public funds, whether improved or not.-~~

~~Filling station: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories incident thereto, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including~~

~~major repair work, such as motor replacement, body and fender repair or spray painting. This term shall also include the terms "gasoline station" and "service station."~~

~~Minimum separation distance: That distance measured by the nearest exterior wall line of the buildings between two (2) filling stations, school, church, nursing and convalescent home or hospital.~~

~~Nonconformancy: The discontinuance for six (6) months of the activities of any filling station or accessory use defined herein, whether voluntarily or through destruction of improvements through fire, hurricane or other act of God.~~

~~Relocated: A filling station conforming to the provisions of this article voluntarily removed to a second site or so moved within an expanded existing site, with the discontinuation of operation of the original filling station.~~

~~Remodeling: A basic alteration or enlargement of the floor plan of the main filling station structure.~~

~~Roadway jurisdiction: The governmental level at which roadway maintenance within a dedicated public right-of-way is conducted, either by the city or the state department of transportation.~~

#### **Sec. 9-322. - Scope and application. Reserved**

~~(a) — Statement of policy. There exists in the city an abundance of filling stations and their accessory uses which have the effect on the city of impeding both vehicular and pedestrian traffic, which could adversely influence the city's aesthetic potential, and in many cases materially affect surrounding property values.~~

~~(b) — Purpose of article. It is the purpose of this article to protect the public safety and welfare and enhance the city's beauty and protect property values by regulating the intervals of such filling stations, controlling the physical accesses to public dedicated rights-of-way of new or remodeled stations and establishing a basis by which new or remodeled filling stations shall buffer themselves against adjacent residential areas.~~

#### **Sec. 9-323. - Regulation. Reserved**

~~(a) — Zoning. The location of any new, remodeled or relocated filling station shall be in accordance with the permitted use provisions of the city zoning ordinance, as amended.~~

~~(b) — Construction, etc. No filling station, whether having accessory uses or not, shall be erected, relocated or remodeled unless it complies with the provisions of this article. However, so long as existing filling stations, with or without accessory uses, shall continue to operate on an hourly or weekly basis customary to such facilities, this article shall have no effect within the effective period of the issuance of a building permit or the extension of such permit.~~

~~(c) — Enclosed structure. All tire repairing, battery charging, lubricating or washing of automobiles, and/or storage of merchandise or supplies, must be accommodated or conducted wholly within the main structure or an enclosed structure of any new, remodeled, relocated or existing filling station.~~

~~(d) — Distance Two stations. The "minimum separation distance" between a new filling station and an existing one shall be no closer than one thousand (1,000) feet, as measured in the manner prescribed in section 9-321.~~

~~(e) — Same Station and school, etc. The minimum separation distance between a new filling station and any school, church or hospital, nursing or convalescent home shall be no closer than one thousand (1,000) feet, as measured in the manner prescribed in section 9-321.~~

~~(f) — Relocation. A filling station in existence, whether with or without accessory uses, may be voluntarily relocated to a second site if such site is within two hundred (200) feet of the premises of the original station, as measured in the manner established in section 9-321, and if the original filling station ceases to function as such.~~

~~(g) — Site plan. Prior to the application for a building permit for any new, relocated or remodeled filling station a site plan shall be submitted to the office of the director of building and code enforcement and shall indicate the following:~~

~~(1) — The placement of all structures, tanks, etc., on said lot.~~

~~(2) — The location of buffering within the subject property which shall be along any lot line where such lot line abuts a residentially zoned area of the city.~~

~~(3) — The anticipated curb cuts and driveways providing access to a public dedicated right-of-way and in accordance with the standards or recommendations of that agency having roadway jurisdiction over said right-of-way.~~

~~(4) — The site of each new filling station shall have a minimum frontage of one hundred twenty-five (125) feet along a dedicated public right-of-way.~~

~~(5) — The design of each new station, or in the remodeling of an existing station, shall be such that it shall be in architectural harmony and compatible with designs of other business activities in the area. Building facades of brightly adorned, porcelainized steel panels in garish combinations shall be prohibited. Major oil companies that have developed a standardized building design with a well known color scheme and a recognizable insignia may use the same.~~

~~(6) — All new buildings shall have a minimum of one thousand (1,000) square feet under roof and within the exterior walls of the same, excluding canopies.~~

~~(h) — Issuance of permit. When the above site plan is amended to satisfactorily comply with the above standards or recommendations the director of building and code enforcement may issue a building permit for the contemplated filling station.~~

~~(i) — Applicability of distance restrictions. The above-referenced distance restrictions shall not apply to property situated within one thousand five hundred (1,500) linear feet of a limited access highway.~~

#### **Sec. 9-324. - Implementation. Reserved**

~~(a) — The city commission, and it alone, shall hear any appeals regarding the strict application of the provisions of this article; any such appeal shall be identified as one of the following:~~

~~(1) — Removal of noneconforming status of a filling station presently out of business and structurally intact.~~

~~(2) — A variance of the minimum separation distance provisions of this article.~~

~~(b) — All appeals shall be made in writing, addressed to the commission, with appropriate survey material, maps and site plans attached.~~

~~(c) — After due hearing thereon, said commission may grant or deny such appeal; provided, however, that a four-fifths affirmative vote of the commission shall be required for granting.~~

~~(d) — No such appeal shall be granted unless the commission finds that all of the following conditions exist:~~

~~(1) — Such action may be taken without substantial detriment to the public good.~~

~~(2) — The granting of such an appeal is necessary to preserve a substantial property right and not merely to serve as a convenience to the applicant.~~

~~(3) — The authorizing of the appeal will not impair surrounding property values or unreasonably increase congestion on public streets, increase the danger of fire or in any other respect impair the public health, safety, comfort, morals or general welfare of the city's citizens.~~

**SECTION 2.** Section 22-73, Supplemental Regulations, Chapter 22, Reserved, is hereby created to encompass Fueling Station requirements as follows:

**Sec. 22-73. - Reserved. Fueling Stations**

(a) Purpose. It is the purpose of this section is to protect the public safety and welfare, and enhance the city's beauty and protect property values by regulating the location of filling stations and design of new or remodeled stations.

(b) Applicability. This article shall apply to any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories incident thereto, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement, body and fender repair or spray painting. This shall also include the terms “fueling station”, “filling station”, "gasoline station", "service station", and “Gasoline service station”. This section shall not apply to fueling operations accessory to marinas or industrial uses which do not offer retail sale to the general public.

(c) General requirements. Fueling stations shall comply with the following regulations:

1. Enclosed structure. All tire repairing, battery charging, lubricating or washing of automobiles, and/or storage of merchandise or supplies, must be accommodated or conducted wholly within the main structure or an enclosed structure of any new, remodeled, relocated or existing filling station.

2. The design of each new station, or remodeling of an existing station, shall be in compliance with the design review guidelines as contained in Section 22-59 – Design Review. Renovations, alterations and/or additions to existing structures shall be reviewed as minor applications pursuant to City Code Section 22-59.

**SECTION 3.** 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 4.** This Ordinance is and the same shall become effective immediately upon final passage.

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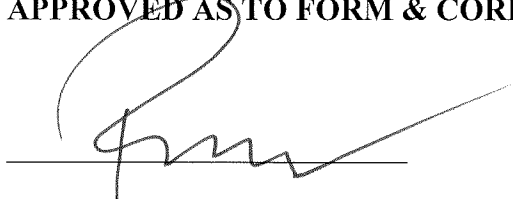
Linda Hudson, Mayor

**ATTEST:**

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Linda Cox, City Clerk

**APPROVED AS TO FORM & CORRECTNESS:**

A handwritten signature in black ink, appearing to read "R. Schwerer", is written over a horizontal line.

Robert V. Schwerer, Esq.,

City Attorney