



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Kori Benton, Senior Planner

RE: Ordinance 16-002
Amendments to Chapter 9 & 22 - Zoning.
Fueling Station Regulation Updates – Location & Design

DATE: February 25th, 2016

STAFF REPORT

Requested Action:

Review and approval of Ordinance 16-002, amending City Code Chapter 9 – Licenses and Business Regulations and Section 22-73; to eliminate obsolete components of Filling (Fueling) Station regulations located in Chapter 9 – Licenses and Business Regulations, and relocate appropriate regulations within Chapter 22 – Zoning.

Staff Analysis:

In the 1960s, the City Commission established regulations and guidelines for the development, and redevelopment, of filling stations, adopted as Article X. –Filling Stations, located within Chapter 9 – Licenses and Business Regulations. Filling stations were regarded as 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. The term was demonstrated as interchangeable with "gasoline station" and "service station".

The regulations adopted sought to minimize the proliferation of gas stations, through the formation of minimum separation distances between filling stations, and distance from schools, churches, hospitals, nursing, or convalescent homes. Furthermore, the policies established design guidelines for the building size, architecture, and outdoor components supporting the use. The ordinances provided zoning type regulations to the use, in the absence of more comprehensive land development code.

Many of the restrictions, and intent of the guidelines, contained within Article X have been enhanced with enactment of Chapter 22 – Zoning, Chapter 3- Alcoholic Beverage, Chapter 17- Streets & Sidewalks, and the integration of various supplementary regulations. The aforementioned Chapters in the City Code, and their developed content fulfill the intent 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” with more

advanced guidelines such as, but not limited to, the establishment of zoning districts, the Use Table which limits eligible locations, design review guidelines, access control requirements, alcoholic beverage sales restrictions, and landscaping mandates.

These guidelines notes, particularly those established within Chapter 22 – Zoning have been adopted and developed over several decades to better serve the health, safety, and welfare of the community, rendering much of the 1960 regulations obsolete. The current proposal seeks to eliminate the unnecessary, and superfluous, components and fulfillment of the underlying purpose of the regulation with the comprehensive regulations established, and presently integrated in the City’s Land Development Code.

The proposes amendment retains, and relocates relevant clarifications for uses associated with fueling stations, maintains requirements for enclosure of activities, and affirms the mandate for compliance with the City’s design review guidelines. The regulations to be brought forward into Section 22-73 are presented as follows:

Sec. 22-73. - 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.**

The Use Table will remain unchanged with this amendment, maintaining the classifications for fueling stations as follows:

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
Vehicle Sales & 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	-	-	-	-	-	-	-

City Code Section 22-131. - Basic amendment standards.

Before an amendment is approved, findings will be made that the following standards are satisfied:

- (1) The amendment is consistent with the comprehensive plan;
- (2) The amendment will not have an adverse affect on the ability of the city to:
 - a. Satisfy land and water use needs; and
 - b. Meet transportation demands and provide community facilities and services; and
- (3) The amendment will promote and protect the public health, safety and general welfare.

The presented amendments meet the standards for authorization of amendment to the Land Development Regulations, and are consistent with the City's Comprehensive Plan.

Technical Review Committee:

All affected departments have reviewed and approved the proposed text amendment based on compliance with the requirements of the City Code, and consistency with the Comprehensive Plan.

The comment issued by the Engineering Department was resolved by clarifying that the application of design review guidelines to exterior design is independent of the thresholds and requirement for site plan review. Design review guidelines are applicable for any new development or redevelopment of a fueling station; however site plan review is only a requirement for fueling stations in excess of 4,000 sq. ft.

Planning Board:

The Planning Board, at their November 10th, 2015 meeting, voted unanimously to recommend approval of the presented amendment.

Staff Recommendation:

Staff recommends approval of Ordinance 16-002 based upon its compliance with City Code Section 22-131 and the Comprehensive Plan.