

**ORDINANCE NO. 16-XXX**

**AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING ORDINANCE NO. L-295 IN ORDER TO CORRECT SCRIVENERS ERROR IN CLASSIFICATION OF DWELLING RENTALS IN CERTAIN ZONING WITHIN THE ADOPTED ZONING USE TABLE; ASSIGNING THE ACCURATE CLASSIFICATION WITHIN THE ADOPTED USE TABLE OF SECTION 22-22 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on November 4<sup>th</sup>, 2013, the City of Fort Pierce Commission adopted Ordinance L-295 for the purpose of amending Chapter 22 – Zoning, Article Three, Basic Zoning Districts, creating Section 22-22 which specified allowed uses; Amending Chapter 22, Article Three, amending Sections 22-23 through 22-39, Basic Zoning Districts; further specifying updated uses in all zoning districts within the newly created Use Table within Section 22-22; and

**WHEREAS**, Ordinance L-295 created a Use Table which presented the collection of uses identified by the land development code and detailed the classification of each use within the various zoning districts as Permitted, Conditional, or Prohibited. Permitted uses identified with a “P”, Conditional uses identified with a “C”, and Prohibited uses identified with a “-”.

**WHEREAS**, the Use Table created by Ordinance L-295 either through scrivener’s error or oversight inadvertently omitted the proper use classification of Dwelling Rentals within certain zoning districts; E-2, E-3, R-3, R-4, R-4A, & R-5 for which previous versions of the document accurately contained and reflected the established and intended classification as Conditional Use within said districts, based upon longstanding ordinance with no intention of amendment, abandonment, or change.

**WHEREAS**, the adopted Ordinance L-295 presented Dwelling Rentals as a prohibited use within these zoning districts; E-2, E-3, R-3, R-4, R-4A, & R-5, as opposed to the intended identification with a “C”, as eligible Conditional uses within said districts, as previously established within the City’s land development regulations; and

**WHEREAS**, on May 8th, 2013, the proposed Ordinance L-295 was presented to the City of Fort Pierce Planning Board with an intended distribution of P / C / - classification for the use category of Dwelling Rentals, correctly identifying the use as a Conditional Use within the E-2, E-3, R-3, R-4, R-4A, & R-5 zoning districts; and

**WHEREAS**, on May 13th, 2013, the draft of proposed Ordinance L-295 was approved as to Form and Correctness by the City Attorney, encompassing an intended distribution of P / C / - classification for the use category of Dwelling Rentals, correctly identifying the use as a Conditional Use within the E-2, E-3, R-3, R-4, R-4A, & R-5 zoning districts; and

**WHEREAS**, on June 11<sup>th</sup>, 2013, the proposed Ordinance L-295 was presented again to the City of Fort Pierce Planning Board with an intended distribution of P / C / - classification for the use category of Dwelling Rentals, correctly identifying the use as a Conditional Use within the E-2, E-3, R-3, R-4, R-4A, & R-5 zoning districts; and

**WHEREAS**, on June 11<sup>th</sup>, 2013, the City of Fort Pierce Planning Board voted to recommend approval of the proposed Ordinance L-295, containing an intended distribution of P / C / - classification for the use category of Dwelling Rentals, correctly identifying the use as a Conditional Use within the E-2, E-3, R-3, R-4, R-4A, & R-5 zoning districts; and

**WHEREAS**, on July 15<sup>th</sup>, 2013, the proposed Ordinance L-295 was presented to the City of Fort Pierce Commission and approved at First Reading with the intended distribution of P / C / - classification for the use category of Dwelling Rentals, correctly identifying the use as a Conditional Use within the E-2, E-3, R-3, R-4, R-4A, & R-5 zoning districts; and

**WHEREAS**, on November 4<sup>th</sup>, 2013, the City of Fort Pierce Commission adopted Ordinance L-295 at Second Reading, however the Ordinance contained scrivener's error with regards to the distribution of P / C / - classification for the use category of Dwelling Rentals, incorrectly identifying the use as a prohibited use within the E-2, E-3, R-3, R-4, R-4A, & R-5 zoning districts; and

**WHEREAS**, the origin or cause for the Scrivener's error is unknown, however staff has affirmed the Scrivener's error as unintended and unrecognized by the participants in the review and final execution of the Ordinance L-295, the associated reports, and minutes of the City Commission pertaining to this action; and

**WHEREAS**, the Use Table adopted via Ordinance No. L-295 was subsequently amended via Ordinances 14-017, 15-009, 15-054, and 16-013, in which the Scrivener's error remained present within each document adopted; and

**WHEREAS**, it is proper to amend Ordinance No. L-295, and acknowledge of the Scrivener's error within Ordinances 14-017, 15-009, 15-054, and 16-013 by setting forward a corrected distribution of P / C / - classification for the use category of Dwelling Rentals, identifying the use as a Conditional Use within the E-2, E-3, R-3, R-4, R-4A, & R-5 zoning districts; and

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

**SECTION 1.** Section 22-22, the Use Table, is hereby amended created so that the same shall read as follows:

**Sec. 22-22. - Allowed Uses.**

(e) *Use table.*

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	II	I2	I3	OS1	OS2	A1	A2
<b>COMMERCIAL</b>																							
Overnight Accommodations																							
-Dwelling Rental	-	C	C	C	C	C	C	C	C	-	-	-	P	P	-	-	-	-	-	-	-	-	-

**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.

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Linda Hudson, Mayor

**ATTEST:**

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Linda W. Cox, City Clerk

**APPROVED AS TO FORM & CORRECTNESS:**

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James M. Messer, Esq.,  
City Attorney