



CITY OF FORT PIERCE

PLANNING DEPARTMENT

DAVID CARLIN, MPA, PLANNING MANAGER
COMPREHENSIVE PLANNING ◊ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ◊ URBAN DESIGN ◊ URBAN FORESTRY ◊ ZONING

PLANNING BOARD MEETING AGENDA ITEM SUMMARY

MEETING DATE: May 8, 2013

AGENDA ITEM NUMBER: 7

REQUESTED ACTION: Review and approve an Ordinance creating Section 22-22 and amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39.

RESPONSIBLE STAFF: Ryan Sweeney, MSP, Development Review Planner

RECOMMENDATION: Forward a recommendation of approval to the City Commission for said Ordinance.

ATTACHMENTS: Staff Report
Proposed Ordinance
Chairman's Proposed Ordinance

May 8th, 2013 - Version Reviewed by Planning Board carried forward the appropriate distribution of P / C / - classification for this use category



CITY OF FORT PIERCE

PLANNING DEPARTMENT

DAVID CARLIN, MPA, PLANNING MANAGER
COMPREHENSIVE PLANNING ◊ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ◊ URBAN DESIGN ◊ URBAN FORESTRY ◊ ZONING

TO: Members of the City of Fort Pierce Planning Board

THROUGH: David Carlin, MPA, Planning Manager *DC*

FROM: Ryan Sweeney, MSP, Development Review Planner *RS*

SUBJECT: Ordinance Creating Section 22-22 and Amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39
Placing Permitted and Conditional Uses in the Use Table

DATE: May 8, 2013

STAFF REPORT

At the March 12, 2013 Planning Board meeting, the Board voted to have Staff move forward with updating use provisions as part of the LDR rewrite. Pursuant to input received by the Planning Board and LDR Advisory Committee, the first part of the rewrite entails implementing business-friendly Code provisions and simplifying procedural matters. As Board members are aware, the Code currently has a limited scope of semi-restricted and conditional uses within each respective Zoning District. Additionally, the current Code identifies said uses in a list format that is both repetitive and results in each respective Section being longer than necessary.

Accordingly, Staff has prepared an Ordinance to create Section 22-22, creating a Use Table and amend Sections 22-23 through Section 22-28 and Sections 22-29 through 22-39. This Ordinance completely removes all of the "semi-restricted" (permitted) and conditional uses from each respective Code Section and relocates said uses into the Use Table. The proposed changes eliminate the repetitive lists within the current Code and consolidate all of the permitted and conditional uses into one easily readable Use Table. Creating said Use Table allows the user to readily identify where certain uses are allowed for each respective Zoning District.

The newly created Use Table also provides a more comprehensive list of land uses to be permitted under the revised Code. As stated earlier, two of the objectives Staff hopes to accomplish in conducting the LDR rewrite is to create a more business-friendly and user-friendly Code that also clarifies and simplifies administrative and procedural matters. Staff finds that the proposed Ordinance plays an integral role in accomplishing both of these objectives.

Staff would also like to identify that this initiative also helps to better implement the Comprehensive Plan and is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Lastly, the Use Table includes several listed uses that are expressly identified in the Florida Statutes and permits them in certain Zoning Districts accordingly.

It should be noted that Planning Staff met with the City Manager and the Chairman of the Planning Board several weeks ago in order to discuss a specific text amendment that the Chairman had hoped to move forward as part of the LDR rewrite. More specifically, the Chairman requested that several specific uses be included as either Semi-Restricted or Conditional Uses within the C-5, Tourist Commercial Zoning District. Said uses were included in a proposed Ordinance the Chairman had prepared himself (see attached). Staff advised the Chairman and the City Manager that there would be a comprehensive change to all of the uses allowed in each respective Zoning District and that the uses listed in the proposed Ordinance would be included as part of the overall changes. Staff recommends that the Planning Board consider the uses listed in the Chairman's proposed Ordinance and determine whether said uses should be allowed as listed. Additionally, Staff recommends that the Planning Board also consider if said uses should be allowed, either as a permitted use or conditional use, in other Zoning Districts.

Staff Recommendation:

The proposed ordinance satisfies the standards outlined by Section 22-131 of the City Code which states that:

- (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*
 - b. *Meet transportation demands and provide community facilities and services*
- (3) *The amendment will promote and protect the public health, safety and general welfare.*

As the proposed amendment satisfies the above criteria, Staff recommends that the Planning Board forward a recommendation to the City Commission to approve the proposed ordinance.

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
Educational Facilities																							
-College or University		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				
-Elementary, Middle or High School - Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
-Elementary, Middle or High School - Private		C	C	C	C	C	C	C	C			C											
Government Facilities (except as noted below)																							
-Post Office										C	C	P	P	C		C							
-Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P				
Medical Facilities (except as noted below)																							
-Hospital					C	C	C		C	C		C	C	C									
Park and Open Space (except as noted below)																							
-Cemetery/Columbarium/Mausoleum	C	C	C	C	C	C			C	C	C	C		C						C			
-Country Club/Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C			
-Game and Wildlife Management Preserves																				P	P	P	
-Water Dependent Recreation Facilities																				C		C	
Passenger Terminal																							
-Airport/Heliport																	C	C	C				
-Rail/Bus Terminal										C	C	C	C		C	C	C	C	C				
-Bus Shelter	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P				
-Taxi Terminal										C	C	C	C		C	C	C	C	C				
Religious Institution																							
	C	C	C	C	C	C	C	C	C	C	C	P	P	C		C							
Social Service Institution (except as noted below)																							
-Halfway Houses						C	C	C	C	C		C	C				C						
Utilities																							
-Minor, other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	C		
-Major												C	C	C	C	C	C	C	P	C	C		
-Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C		
COMMERCIAL																							
Eating and Drinking Establishments																							
-Coffee Shop							C		C	C	P	P	P	P	P	C	C	C					
-Microbrewery																							
-Neighborhood Bistro									C	C	C	P	P	P	P	C	C	C					
-Neighborhood Café									C	C	C	P	P	P	P	C	C	C					
-Restaurants, Fast Food									C			P	P	P	P	C	C	C					
-Restaurant and Bar									C	C	C	P	P	P	P	C	C	C		C			
-Wine/Cigar Bar									C	C	C	P	P	P	P	C	C						
Entertainment, Indoor (except as noted below)																							
-Adult Establishment												P	P										
-Arcade Amusement Center												C											
-Bar or Nightclub												P	P	P									
-Theater												P	P	P									
Entertainment, Outdoor (except as noted below)																							
-Batting Cages, Driving Ranges												P	P	P									
-Stables or Equestrian Facilities	C	C	C									P		P									
-Stadium or Arena												C		C	C		C	C					
Marine-Related Commercial (except as noted below)																							
-Boat and Marine Equipment Sales										C		P	P	C	P			C		C			
-Marina/Boat Livery										C		C	C	C	C			P		C			
Office																							
-Administrative, Professional, General Office							C	C	C	P	P	P	P	P	P	P	C	C					
-Day Labor Employment Agency										P	C	P	P			P							
-Medical and Dental Clinic										P	C	P	P	C		P		C					
-Television and Radio Studios										P	P	P	P	P	C	P		C					
Overnight Accommodations																							
-Bed & Breakfast							C	C	C		P	P	P	P									
-Dwelling Rental		C	C	C	C	C	C	C	C				P	P									
-Hotel/Motel												P	P	P	P	C							
-Recreational Vehicle Park												C		C									
-Resort Hotel												P	P	P	P								
Parking, Commercial																							
								C		C		P	C	C		C		C					



CITY OF FORT PIERCE

PLANNING DEPARTMENT

DAVID CARLIN, MPA, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

PLANNING BOARD MEETING AGENDA ITEM SUMMARY

MEETING DATE: June 6, 2013

AGENDA ITEM NUMBER: 8

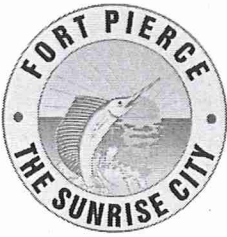
REQUESTED ACTION: Review and approve an Ordinance creating Section 22-22 and amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39.

RESPONSIBLE STAFF: Ryan Sweeney, MSP, Development Review Planner

RECOMMENDATION: Forward a recommendation of approval to the City Commission for said Ordinance.

ATTACHMENTS: Staff Report
Proposed Ordinance

June 6th, 2013 - Version Reviewed by Planning Board carried forward the appropriate distribution of P / C / - classification for this use category





CITY OF FORT PIERCE

PLANNING DEPARTMENT

DAVID CARLIN, MPA, PLANNING MANAGER
COMPREHENSIVE PLANNING ◊ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ◊ URBAN DESIGN ◊ URBAN FORESTRY ◊ ZONING

TO: Members of the City of Fort Pierce Planning Board

THROUGH: David Carlin, MPA, Planning Manager 

FROM: Ryan Sweeney, MSP, Development Review Planner 

SUBJECT: Ordinance Creating Section 22-22 and Amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39
Placing Permitted and Conditional Uses in the Use Table

DATE: June 6, 2013

STAFF REPORT

At the May 14, 2013 Planning Board meeting, the Board reviewed a previous version of the attached "Use Table" ordinance. Said version did not, however, list any permitted or conditional uses for the A-2, Aquatic Development Zoning District. Therefore, Staff is returning to the Board with a revised version of the "Use Table" ordinance in order to reconsider the permitted and conditional uses allowed within the A-2 zone.

Staff also took the opportunity to make one other substantive change to the proposed ordinance. In revisiting the ordinance, Staff also elected to carry over the use standards that were contained within the "Semi-restricted" sections of the existing Code. For example, the limitation of drive-in purchase facilities within the C-4, Central Commercial Zoning District.

Staff Recommendation:

The proposed ordinance satisfies the standards outlined by Section 22-131 of the City Code which states that:

- (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*
 - b. *Meet transportation demands and provide community facilities and services*
- (3) *The amendment will promote and protect the public health, safety and general welfare.*

As the proposed amendment satisfies the above criteria, Staff recommends that the Planning Board forward a recommendation to the City Commission to approve the proposed ordinance.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE THREE, BASIC ZONING DISTRICTS, CREATING SECTION 22-22, SPECIFYING ALLOWED USES; AMENDING CHAPTER 22, ARTICLE THREE, AMENDING SECTIONS 22-23 THROUGH 22-28, BASIC ZONING DISTRICTS; AMENDING CHAPTER 22, ARTICLE THREE; AMENDING SECTIONS 22-29 THROUGH 22-39, BASIC ZONING DISTRICTS; SPECIFYING UPDATED USES IN ALL ZONING DISTRICTS; 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 22-22 is hereby created so that the same shall read as follows:

Sec. 22-22. - Allowed Uses.

(a) Uses listed. Uses listed are allowed in each zoning district in accordance with the Use Table.

(b) Permitted uses. Uses identified with a “P” in the Use Table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(c) Conditional uses. Uses identified with a “C” in the Use Table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(d) Prohibited uses. Uses not identified with a “P” or “C” in the Use Table are expressly prohibited.

(e) Use table.

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
RESIDENTIAL																							
Household Living																							
-Detached House	P	P	P	P	P	P	P	P	C	C	C			C							C		
-Duplex						C	P	P	C	C	C			C									
-Townhouse						C	P	P	P	C	C			C									
-Multi-Dwelling Building						C	P	P		C	C	C		C	C								
-Mobile or Manufactured Home						C	C																
-Manufactured Home Park or Subdivision						C	C																
-Mobile Home Park						C	C																
-Vertical Mixed-Use Building						C	C	P	P	P	P	P	P	P	P								
Home Occupations (per requirements of Section 22-63)	P	P	P	P	P	P	P	P	P					P									
Group Living (except as noted below)					C	C	C	C	C	C		C	C	C									
-Community Residential Home, Type 1 (1-6 residents)	P	P	P	P	P	P	P	P	P														
-Community Residential Home, Type 2 (7-14 residents)						C			C	C		C	C										
-Dormitories, Fraternity and Sorority Houses						C	C	C	C														
PUBLIC AND CIVIC																							
Community/Cultural (except as noted below)					C	C	C	C	C	C	C	P	P	C	C	C				C			
-Community Center					C	C	C	C	C		C	P	P	C		C				C			
-Fraternal Organization/Lodge					C	C	C	C	C		C	P	P	C		C				C			
-Library or Cultural Exhibit					C	C	C	C	C		C	P	P	C		C				C			
-Environmental Research and Education Facilities																				C	C		
Day Care					C	C	C	C	C	C	C	C		C									
-Adult Day Care Center					C	C	C	C	C	C	C	C		C									
-Day Care Center					C	C	C	C	C	C	C	C		C									
-Child Care Facility					C	C	C	C	C	C	C	C		C									

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
-Family Day Care Home	P	P	P	P	P	P	P	P	P														
Educational Facilities																							
-College or University		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				
-Elementary, Middle or High School - Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
-Elementary, Middle or High School - Private		C	C	C	C	C	C	C	C			C											
-Marine Research/Education Facilities																		P				C	
Government Facilities (except as noted below)																							
-Post Office										C	C	P	P			C							
-Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P				
Medical Facilities (except as noted below)																							
-Hospital					C	C	C		C	C		C	C										
-Nursing Home																							
Park and Open Space (except as noted below)																							
-Cemetery/Columbarium/Mausoleum	C	C	C	C	C	C			C	C	C	C								C			
-Country Club/Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C			
-Game and Wildlife Management Preserves																				P	P	P	
-Water Dependent Recreation Facilities																				C		C	C
Passenger Terminal																							
-Airport/Heliport																	C	C	C				
-Rail/Bus Terminal										C	C	C	C		C	C	C	C	C				
-Bus Shelter	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P				
-Taxi Terminal										C	C	C	C		C	C	C	C	C				
Religious Institution																							
-Church	C	C	C	C	C	C	C	C	C	C	C	P	P	C		C							
Social Service Institution (except as noted below)																							
-Halfway Houses					C	C	C	C	C	C		C	C				C						
Utilities																							
-Minor, other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	C	C	C
-Major												C	C	C	C	C	C	C	P	C	C	C	C
-Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C
COMMERCIAL																							
Eating and Drinking Establishments																							
-Brew Pub									C	P	C	P	P	P	P	C	C	C					
-Coffee Shop							C		C	C	P	P	P	P	P	C	C	C					
-Neighborhood Bistro									C	C	C	P	P	P	P	C	C	C					
-Neighborhood Café									C	C	C	P	P	P	P	C	C	C					
-Restaurants, Fast Food									C			P	P	P	P	C	C	C					
-Restaurant and Bar									C	C	C	P	P	P	P	C	C	C		C			C
-Wine/Cigar Bar									C	C	C	P	P	P	P	C	C	C					
Entertainment, Indoor (except as noted below)																							
-Adult Establishment												P	P							C			
-Arcade Amusement Center												C											
-Bar or Nightclub												P	P	P									
-Theater												P	P	P									
Entertainment, Outdoor (except as noted below)																							
-Batting Cages, Driving Ranges												P	P	P									
-Stables or Equestrian Facilities	C	C	C									P		P									
-Stadium or Arena												C		C	C		C	C					
Marine-Related Commercial (except as noted below)																							
-Boat and Marine Equipment Sales										C		P	P	C	P				C				
-Marina/Boat Livery										C		C	C	C	C			P		C			C
Office																							
-Administrative, Professional, General, Medical Office							C	C	C	P	P	P	P	P	P	P	C	C					
-Day Labor Employment Agency										P	C	P	P			P							
-Medical and Dental Clinic										P	C	P	P	C		P		C					
-Television and Radio Studios										P	P	P	P	P	C	P		C					
Overnight Accommodations																							
-Bed & Breakfast							C	C	C		P	P	P	P									
-Dwelling Rental		C	C	C	C	C	C	C	C				P	P									
-Hotel/Motel												P	P	P	P	C							



CITY OF FORT PIERCE, FLORIDA


City Commission Meeting

Agenda Item # _____

Commission Meeting _____ July 15, 2013

To : The Honorable Mayor and Members of the City Commission

Through : Robert J. Bradshaw, City Manager

From : Ryan Sweeney, MSP, Interim Planning Manager 

Re : **Ordinance L-295: Creating Section 22-22 and Amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39 Placing Permitted and Conditional Uses in a Use Table**

Date : July 8, 2013

ISSUE(S): An Ordinance relocating all permitted and conditional uses listed for each zoning district into a Use Table and providing for additional uses as listed.

SUMMARY:

- This Ordinance is being brought forward as an initial part of the LDR re-write.
- The Ordinance creates an easy-to-read Use Table and makes the City Code more user friendly.
- The table also provides for additional or expanded uses that were not previously listed in current City Code.
- The Planning Board voted unanimously to recommend

FISCAL IMPACT: July 8th, 2013 (CC First Reading) - Version Reviewed, during the first public hearing, by City Commission presented the appropriate distribution of P / C / - classification for this use category uses as a

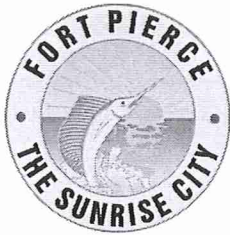
RECOMMENDATION: Approve Ordinance L-295.

ALTERNATIVES: Direct Staff to amend Ordinance L-295.

RESPONSIBLE STAFF: Ryan Sweeney, MSP, Interim Planning Manager

COORDINATED WITH: City Attorney's Office

ATTACHMENTS: Staff Report, Ordinance L-295, June 11, 2013 Planning Board Minutes, May 14, 2013 Planning Board Minutes.




CITY OF FORT PIERCE

PLANNING DEPARTMENT

RYAN SWEENEY, MSP, INTERIM PLANNING MANAGER
COMPREHENSIVE PLANNING ◊ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ◊ URBAN DESIGN ◊ URBAN FORESTRY ◊ ZONING

TO: Robert J. Bradshaw, City Manager

FROM: Ryan Sweeney, MSP, Interim Planning Manager 

SUBJECT: Ordinance L-295: Creating Section 22-22 and Amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39
Placing Permitted and Conditional Uses in a Use Table

DATE: July 8, 2013

STAFF REPORT

The proposed Ordinance relocates all of the “permitted” (formerly referred to as “semi-restricted”) and conditional uses for all of the zoning districts into one combined Use Table. The Use Table is located in a newly created Section of the Code and is now a “one-stop-shop” for anyone wanting to know where a particular use is permitted within the City. The proposed table also provides for several additional uses that are not currently listed within the City Code and expands some of the existing listed uses into additional zoning districts.

This particular Ordinance plays an integral part in the City’s ongoing efforts of re-writing the Land Development Regulations (LDRs). Said Ordinance is the result of numerous hours of Staff time and considerable efforts by the LDR Advisory Committee and the Planning Board. Revisiting the permitted and conditional uses allowed within the City has been a major priority of Staff and the Planning Board alike.

While the Use Table has been analyzed and amended numerous times, there are still changes that may be made if so desired by the City Commission. Understandably, there is a plethora of information included within the proposed Use Table. Therefore, should the City Commission wish, Staff would be happy to facilitate a workshop regarding the proposed Ordinance, prior to the second and final reading. It is Staff’s recommendation that this item be added to the August Conference Agenda, prior to coming back to the Commission for a second and final reading.

Planning Board Recommendation:

The Planning Board voted unanimously to recommend approval at their June 11, 2013 meeting.

Recommendation:

Before an amendment is approved, the following standards must be satisfied per Section 22-131 of the City Code:

- (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 proposed amendment satisfies the above criteria. However, given the vast amount of information included in the proposed Use Table, Staff recommends that the City Commission further consider this item at the August Conference Agenda prior to second and final reading.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE THREE, BASIC ZONING DISTRICTS, CREATING SECTION 22-22, SPECIFYING ALLOWED USES; AMENDING CHAPTER 22, ARTICLE THREE, AMENDING SECTIONS 22-23 THROUGH 22-28, BASIC ZONING DISTRICTS; AMENDING CHAPTER 22, ARTICLE THREE; AMENDING SECTIONS 22-29 THROUGH 22-39, BASIC ZONING DISTRICTS; SPECIFYING UPDATED USES IN ALL ZONING DISTRICTS; 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 22-22 is hereby created so that the same shall read as follows:

Sec. 22-22. - Allowed Uses.

(a) Uses listed. Uses listed are allowed in each zoning district in accordance with the Use Table.

(b) Permitted uses. Uses identified with a “P” in the Use Table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(c) Conditional uses. Uses identified with a “C” in the Use Table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(d) Prohibited uses. Uses not identified with a “P” or “C” in the Use Table are expressly prohibited.

(e) Use table.

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	
RESIDENTIAL																								
Household Living																								
-Detached House	P	P	P	P	P	P	P	P	C	C	C			C								C		
-Duplex						C	P	P	C	C	C			C										
-Townhouse						C	P	P	P	C	C			C										
-Multi-Dwelling Building						C	P	P		C	C	C		C	C									
-Mobile or Manufactured Home						C	C																	
-Manufactured Home Park or Subdivision						C	C																	
-Mobile Home Park						C	C																	
-Vertical Mixed-Use Building						C	C	P	P	P	P	P	P	P	P									
Home Occupations (per requirements of Section 22-63)	P	P	P	P	P	P	P	P	P					P										
Group Living (except as noted below)					C	C	C	C	C	C		C	C	C										
-Community Residential Home, Type 1 (1-6 residents)	P	P	P	P	P	P	P	P	P															
-Community Residential Home, Type 2 (7-14 residents)								C		C	C		C	C										
-Dormitories, Fraternity and Sorority Houses						C	C	C	C															
PUBLIC AND CIVIC																								
Community/Cultural (except as noted below)					C	C	C	C	C	C	C	P	P	C	C	C					C			
-Community Center					C	C	C	C	C		C	P	P	C		C					C			
-Fraternal Organization/Lodge					C	C	C	C	C		C	P	P	C		C					C			
-Library or Cultural Exhibit					C	C	C	C	C		C	P	P	C		C					C			
-Environmental Research and Education Facilities						C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Day Care					C	C	C	C	C	C	C	C		C										
-Adult Day Care Center					C	C	C	C	C	C	C	C		C										
-Day Care Center					C	C	C	C	C	C	C	C		C										
-Child Care Facility					C	C	C	C	C	C	C	C		C										

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
-Family Day Care Home	P	P	P	P	P	P	P	P	P														
Educational Facilities																							
-College or University		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				
-Elementary, Middle or High School - Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C							
-Elementary, Middle or High School - Private		C	C	C	C	C	C	C	C			C											
-Marine Research/Education Facilities																		P				C	
Government Facilities (except as noted below)																							
-Post Office										C	C	P	P			C						C	C
-Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P			C	C
Medical Facilities (except as noted below)																							
-Hospital				C	C	C			C	C		C	C										
-Nursing Home				C	C	C			C	C		C	C										
Park and Open Space (except as noted below)																							
-Cemetery/Columbarium/Mausoleum	C	C	C	C	C	C			C	C	C	C								C			
-Country Club/Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C			
-Game and Wildlife Management Preserves																				P	P	P	
-Water Dependent Recreation Facilities																				C		C	C
Passenger Terminal																							
-Airport/Heliport																	C	C	C				
-Rail/Bus Terminal										C	C	C	C		C	C	C	C	C				
-Bus Shelter	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P				
-Taxi Terminal										C	C	C	C		C	C	C	C	C				
Religious Institution																							
-Church	C	C	C	C	C	C	C	C	C	C	C	P	P	C		C							
Social Service Institution (except as noted below)																							
-Halfway Houses					C	C	C	C	C	C		C	C				C						
Utilities																							
-Minor, other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	C	C	C
-Major												C	C	C	C	C	C	C	P	C	C	C	C
-Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C
COMMERCIAL																							
Eating and Drinking Establishments																							
-Brew Pub									C	P	C	P	P	P	P	C	C	C					
-Coffee Shop							C		C	C	P	P	P	P	P	C	C	C					
-Neighborhood Bistro									C	C	C	P	P	P	P	C	C	C					
-Neighborhood Café									C	C	C	P	P	P	P	C	C	C					
-Restaurants, Fast Food									C			P	P	P	P	C	C	C					
-Restaurant and Bar									C	C	C	P	P	P	P	C	C	C		C			C
-Wine/Cigar Bar									C	C	C	P	P	P	P	C	C	C					
Entertainment, Indoor (except as noted below)																							
-Adult Establishment												P	P							C			
-Arcade Amusement Center												C											
-Bar or Nightclub												P	P	P									
-Theater												P	P	P									
Entertainment, Outdoor (except as noted below)																							
-Batting Cages, Driving Ranges												P	P	P									
-Stables or Equestrian Facilities	C	C	C									P		P									
-Stadium or Arena												C		C	C		C	C					
Marine-Related Commercial (except as noted below)																							
-Boat and Marine Equipment Sales										C		P	P	C	P				C				
-Marina/Boat Livery										C		C	C	C	C			P		C			C
Office																							
-Administrative, Professional, General, Medical Office							C	C	C	P	P	P	P	P	P	P	C	C					
-Day Labor Employment Agency										P	C	P	P			P							
-Medical and Dental Clinic										P	C	P	P	C		P		C					
-Television and Radio Studios										P	P	P	P	P	C	P		C					
Overnight Accommodations																							
-Bed & Breakfast							C	C	C		P	P	P	P									
-Dwelling Rental		C	C	C	C	C	C	C	C				P	P									
-Hotel/Motel												P	P	P	P	C							

Motion was made by Commissioner Becht, seconded by Commissioner Alexander, that Ordinance No. L-292 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. L-292 on second and final reading were: Commissioners Alexander, Becht, Perona, Sessions, and Hudson. Those opposed: None.

Ordinance No. L-295 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE; AMENDING CHAPTER 22, ARTICLE THREE, BASIC ZONING DISTRICTS, CREATING SECTION 22-22, SPECIFYING ALLOWED USES; AMENDING CHAPTER 22, ARTICLE THREE, AMENDING SECTIONS 22-23 THROUGH 22-28, BASIC ZONING DISTRICTS; AMENDING CHAPTER 22, ARTICLE THREE, AMENDING SECTIONS 22-29 THROUGH 22-39, BASIC ZONING DISTRICTS; **SPECIFYING UPDATED USES IN ALL ZONING DISTRICTS**; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mr. Ryan Sweeney, Interim Planning Manager, said tonight they have before them what is deemed the Use Table Ordinance. Effectively what it does is transfer all of the permitted or semi-restricted as well as conditional uses into a table. It also includes a number of additional new uses that are either contemplated via state statute or through public input. It is the result of literally hundreds of hours with meetings with the LDR Advisory Committee, the Planning Board, and Planning Staff. It is understandably a lot of information, the ordinance itself is 52 pages long, and the table contemplates several hundred uses over the course of all of the zoning districts in the City. He tried to strike a balance between moving this forward in a quick manner, by the wishes of the public and most certainly the Planning Board. But he realizes it is a lot of information. So his recommendation, if it is the Commission's wish, to discuss this further either in a workshop or at the conference agenda prior to second and final reading. This ordinance has been approved as to form and correctness. It is an ordinance that can be advanced, but there is a lot of information to it.

Mayor Hudson declared a Public Hearing on Ordinance No. L-295 in session and asked if anyone in the audience wished to be heard.

Ms. Carole Mushier, President of the South Beach Association, said she is probably the only one in the room that has been directly involved in the over five year period of the LDR Rewrite. She was one of those selected to meet with the consultant to give direction before the process began. She has followed it through the multiple Planning Board and Advisory Committee meetings, some of which were as exciting as watching grass grow. Now finally the LDR Rewrite will begin to come to them in pieces, the first being the Use Table. Don't be misled, this is not a simple benign document. It has taken the uses that were strewn throughout the code and brought them together, attempting to make it more user friendly. But it is more than that. There are new uses listed, there are changes in what is permitted, permitted with conditional use, or not permitted at all. You must do your homework to be able to evaluate the Use

CC Meeting Minutes from the First Reading, which discussed this issue.

Side Note: It could be argued (possibly), that the adoption of the, Ordinance enacting the, South Beach Overlay actually meant to "repeal" the earlier ordinance which allowed consideration of a dwelling rentals as conditional use in the R-1 & R-2 districts, based upon the definitions and the presumed conflict created with the adoption of the SBO.

Regular Meeting

Table. After Carlin, Leslie see no glaring is probably the result of bringing a total package before them in pieces. If they will follow along with her, she will try to make a complicated issue simple. On Page 16 of the June 11, 2013, Planning Board Minutes, there is reference to the lack of definition for vacation rentals. Mr. Sweeney suggested that the Board defer discussion at that meeting, since the expansion of vacation rentals is being considered in the near future. Yet on Page 2 of the Use Table Ordinance at the very bottom, under "Commercial - Overnight Accommodations", go down to "Dwelling Rental". They will see a Conditional Use listed for R-1 and R-2. This is in direct conflict with the South Beach Overlay. The South Beach Overlay is still intact at this point in time and it has a restriction requiring a minimum six-month rental in R-1 and R-2 zones. That would still hold as long as the Overlay is intact. But their concern is, in the Overlay one of the definitions of a dwelling unit contains an ordinance that was passed many years ago, which is the six month minimum requirement for R-1 and R-2. When the consultant was working on this total package, he took all of the definitions and put them into one place, which makes good sense. However, when that was done, the ordinance was lost, the six month restriction was lost. It isn't in the definitions as the consultant did it. She is sure that when the Planning Board and Staff get to the definitions - and they will bring those to the Commission later on - that they will take care of this error. But the SBA just wanted to be on the record to preserve this item in the Overlay. Perhaps the easiest solution at this point is to simply remove the line "Overnight Accommodations" until such time as the Planning Board submits their recommendation regarding the total picture of vacation rentals. They don't have a definition of vacation rentals, yet they jumped to overnight accommodations, which is a hotel or a hot-sheet house in an R-1 and R-2 district. She is not sure they want that anywhere in the City, never mind on South Beach. So her recommendation would be at this point in time working with this document, that would be the simplest answer to this question. If they are going to have this at a conference agenda and get to discuss all of this, they don't have to be terribly concerned about it at this point in time.

Mr. Sweeney said those are the precise type of anomalies or situations that he really would like to expand more with the Commissioners. It is going to take some time. He thinks it would be the prudent thing to sit down and go over these types of issues. But he is trying to strike a balance between that and moving this ordinance forward, which is precisely what he believes the Planning Board has directed him to do. He can certainly address Ms. Mushier's proposal in a number of different ways; but he thinks the prudent thing would be to discuss this further in a workshop or conference agenda setting.

Ms. Mushier said she has one other comment and it deals with the same section of the Planning Board Minutes that she referenced before. Chairman Weaver made a comment that she can only call unfortunate in that it is inaccurate. He states:

"Establishments in Ocean Village are breaking the law by doing short term leases." Ocean Village is zoned R-4A and there is no prohibition of short term leases to her knowledge. She believes that the folks at Ocean Village and the primary real estate firm housed there would be distressed to learn that according to the Chair of the City Planning Board, they are and have been engaged in illegal activities for many years.

Seeing no one further and hearing no one wishing to be heard, Mayor Hudson declared the Public Hearing closed.

Commissioner Alexander said he doesn't see a reference to signage in the zoning districts.

Mr. Sweeney said this has nothing to do with the sign ordinance.

Commissioner Alexander said he thought there were no long arcades, it is under "Commercial".

Mr. Sweeney said they can visit that item at the workshop, but he will have to confer with the City Attorney on how the recent legislation affects their existing arcade ordinance.

Commissioner Sessions said this ordinance was placed before them this evening for passage. But Mr. Sweeney would like to give the Commission more input before it is actually approved.

Mr. Sweeney said in fairness to the Commission, this is really the first time they have seen it in ordinance form. But he realized as he was submitting it that this is quite a bit of information to digest. It is in acceptable form per the City Attorney, but he does think there is a couple of items that should be buttoned up. He thinks the best forum for that would be an open dialog with the Commission, to seek some direction or consensus. He can make any changes if necessary to the ordinance prior to second and final reading.

Commissioner Becht asked has this been sent out to the Chamber of Commerce, the Treasure Coast Builders Association, or the Realtor Association of St. Lucie County?

Mr. Sweeney said in a formal letter, no. This item has been in front of many bodies in one form or another; but this final form, no.

Commissioner Becht said his understanding from speaking with at least two of those organizations is that they now have a designated person for governmental regulations. If Mr. Sweeney sends it to them, they are going to pass it on to that person who is now charged with reviewing it with an eye toward unintended consequences. Mr. Sweeney is asking for additional time for the Commission to digest this. It is a big chunk of information. If he could send it out formally to the three organizations - not as a condition of passage of the ordinance. Get the information out to them. If they choose to review it to try to figure out how this ordinance may impact them and they comment, then he is going to listen to them. If they review it and not comment, then that says something too. He for one would

like it sent out to them before the Commission reviews this at a workshop or whatever.

Commissioner Alexander asked when are their next meetings?

City Manager Bradshaw said the City Manager's Conference Agenda is August 12th.

Mayor Hudson said she wants to thank all of the volunteers. She actually watched some of those meetings, they really worked hard and long. What Mr. Sweeney is trying to do is bring this forward as quickly as possible because they are trying to make their code user-friendly and business-friendly. She had a couple of questions. Come of the zoning districts do not have height restrictions. Are each one of them supposed to have height restrictions?

Mr. Sweeney said what they in the planning world refer to as dimensional standards, those have not been touched. So if the existing zoning district doesn't have a height limitation or requirement, then it remains unchanged.

Mayor Hudson asked if you are a property owner, would there be something lurking in here that would adversely affect your property that you wouldn't know about?

Mr. Sweeney said the intent was to make this more property owner friendly. The intent was to absolutely preserve all existing property rights and expand them.

Mayor Hudson asked so they didn't do a lot of changes? This is really almost a format change?

Mr. Sweeney said he doesn't want to downplay it because there are a number of additional uses that are culled out that are either permitted or conditional. But they did their absolute best to carry forward the existing uses in the current code into a new format. And then they also revisited it again, whether it be statute-driven, comp plan-driven, or items that back in 1981 when this code was really first drafted weren't even contemplated. They have done their best to do that. But he does not think there is any intent to mislead or take away from the zoning districts.

Commissioner Sessions asked what is Staff looking for in terms of time?

City Manager Bradshaw said they ask for the Commission to approve this on first reading and then refer it to the first Conference Agenda in August. They would like to make sure they have a comfort level with this, make sure they are not missing anything. He thinks it is a pretty comprehensive fix. Let's just make sure they have everything where everybody wants it before it goes to second reading.

Motion was made by Commissioner Becht, seconded by Commissioner Sessions, that Ordinance No. L-295 be passed on first reading subject to these conditions: The Commission will have a

workshop on Ordinance No. L-295; and notices be sent to the Chamber of Commerce, the Treasure Coast Builders Association, and the St. Lucie Realtors Association, and they want to hear back from them before they have the second reading.

Those voting in favor of the passage of Ordinance No. L-295 on first reading, with conditions, were: Commissioners Alexander, Becht, Perona, Sessions, and Hudson. Those opposed: None.

The next item on the Agenda was City Engineer update on **State Road A1A Project.**

Mr. Jack Andrews, City Engineer, said they are in the final process of finishing the construction on the A1A project. Before he had reported to the Commission that at the end of the project he would be approaching FDOT for some additional resurfacing on the streets that were utilized for the detours on the project. It looks like they will have some money for that, they are making a formal request to FDOT. It will help them out on those roads that have been really compromised during the construction process.

Commissioner Becht said on the Consent Agenda is a Change Order for about \$143,000. It looked to him like only \$90,000 of that is related to the extension. Maybe he is not understanding what the first \$43,000 was.

Mr. Andrews said that total amount, the \$142,369, is for the sidewalk café extension east of the roundabout.

Commissioner Becht asked so all of this money is for east of the roundabout.

Mr. Andrews said about \$42,000 will be coming back from FDOT because that is part of the project for the sidewalks and the landscaping, they can contribute that to them.

Commissioner Becht asked so when that comes back in, it will go into the same account that the money came out of?

Mr. Andrews said correct.

Commissioner Becht asked what dialog, if any, was he able to establish with the hotel operator who is at the very easternmost point? Was he able to do anything with him?

Mr. Andrews said the conversation the last time he spoke with him, he was still in agreement for a portion of it. The other business owners, he hasn't heard from them yet. So what he would like to do is move ahead with this.

Commissioner Becht said there was up to \$20,000 of private landowner money that was supposed to come in for this. Did that not materialize.

Mr. Andrews said he has not seen an agreement on that yet.

Commissioner Becht asked who would have seen it if not Mr.





CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Robert J. Bradshaw, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Manager 

FROM: Ryan Sweeney, MSP, Development Review Planner 

SUBJECT: Ordinance L-295: Creating Section 22-22 and Amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39
Placing Permitted and Conditional Uses in a Use Table

DATE: October 3, 2013

October 14th***?, 2013 (Conference Agenda) - Version reviewed by City Commission presented the appropriate distribution of P / C / - classification for this use category. It is important to track down minutes from this meeting to determine whether

The proposed Ordinance relocates all of the “permitted” (formerly referred to as “semi-restricted”) and conditional uses for all of the zoning districts into one combined Use Table. The Use Table is located in a newly created Section of the Code and is now a “one-stop-shop” for anyone wanting to know where a particular use is permitted within the City. The proposed table also provides for several additional uses that are not currently listed within the City Code and expands some of the existing listed uses into additional zoning districts.

This particular Ordinance plays an integral part in the City’s ongoing efforts of re-writing the Land Development Regulations (LDRs). Said Ordinance is the result of numerous hours of Staff time and considerable efforts by the LDR Advisory Committee and the Planning Board. Revisiting the permitted and conditional uses allowed within the City has been a major priority of Staff and the Planning Board alike.

As directed by the City Commission during the first reading of the proposed Ordinance, Planning Staff distributed the Ordinance via e-mail to the Treasure Coast Builders Association (TCBA), the St. Lucie County Chamber of Commerce (Chamber) and the Realtors Association of St. Lucie County (RASL) on July 31, 2013. The TCBA responded with no specific comments and stated, “we appreciate the City trying to streamline the process.” No comments have been received from the Chamber or RASL.

As recommended during the first reading of the proposed Ordinance, Staff would like to provide the Commission with an opportunity to ask any additional questions in a workshop-like setting, prior to approving the Ordinance on second and final reading.

Planning Board Recommendation:

The Planning Board voted unanimously to recommend approval at their June 11, 2013 meeting.

Recommendation:

Before an amendment is approved, the following standards must be satisfied per Section 22-131 of the City Code:

- (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.

As the proposed amendment satisfies the above criteria, Staff recommends approval.

ORDINANCE NO. L-295

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE THREE, BASIC ZONING DISTRICTS, CREATING SECTION 22-22, SPECIFYING ALLOWED USES; AMENDING CHAPTER 22, ARTICLE THREE, AMENDING SECTIONS 22-23 THROUGH 22-28, BASIC ZONING DISTRICTS; AMENDING CHAPTER 22, ARTICLE THREE; AMENDING SECTIONS 22-29 THROUGH 22-39, BASIC ZONING DISTRICTS; SPECIFYING UPDATED USES IN ALL ZONING DISTRICTS; 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 22-22 is hereby created so that the same shall read as follows:

Sec. 22-22. - Allowed Uses.

(a) Uses listed. Uses listed are allowed in each zoning district in accordance with the Use Table.

(b) Permitted uses. Uses identified with a “P” in the Use Table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(c) Conditional uses. Uses identified with a “C” in the Use Table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(d) Prohibited uses. Uses not identified with a “P” or “C” in the Use Table are expressly prohibited.

(e) Use table.

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	
RESIDENTIAL																								
Household Living																								
-Detached House	P	P	P	P	P	P	P	P	C	C	C			C								C		
-Duplex						C	P	P	C	C	C			C										
-Townhouse						C	P	P	P	C	C			C										
-Multi-Dwelling Building						C	P	P		C	C	C		C	C									
-Mobile or Manufactured Home						C	C																	
-Manufactured Home Park or Subdivision						C	C																	
-Mobile Home Park						C	C																	
-Vertical Mixed-Use Building						C	C	P	P	P	P	P	P	P	P									
Home Occupations (per requirements of Section 22-63)	P	P	P	P	P	P	P	P	P					P										
Group Living (except as noted below)					C	C	C	C	C	C		C	C	C										
-Community Residential Home, Type 1 (1-6 residents)	P	P	P	P	P	P	P	P	P															
-Community Residential Home, Type 2 (7-14 residents)							C		C	C		C	C											
-Dormitories, Fraternity and Sorority Houses						C	C	C	C															
PUBLIC AND CIVIC																								
Community/Cultural (except as noted below)					C	C	C	C	C	C	C	P	P	C	C	C					C			
-Community Center					C	C	C	C	C		C	P	P	C		C					C			
-Fraternal Organization/Lodge					C	C	C	C	C		C	P	P	C		C					C			
-Library or Cultural Exhibit					C	C	C	C	C		C	P	P	C		C					C			
-Environmental Research and Education Facilities						C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Day Care					C	C	C	C	C	C	C	C		C										
-Adult Day Care Center					C	C	C	C	C	C	C	C		C										
-Day Care Center					C	C	C	C	C	C	C	C		C										
-Child Care Facility					C	C	C	C	C	C	C	C		C										

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	
-Family Day Care Home	P	P	P	P	P	P	P	P	P															
Educational Facilities																								
-College or University		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					
-Elementary, Middle or High School - Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C								
-Elementary, Middle or High School - Private		C	C	C	C	C	C	C	C			C												
-Marine Research/Education Facilities																		P				C		
Government Facilities (except as noted below)										C	C	P	P	C		C						C	C	
-Post Office										C	C	P	P			C								
-Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P			C	C	
Medical Facilities (except as noted below)					C	C	C		C	C		C		C										
-Hospital					C	C	C		C	C		C	C											
-Nursing Home					C	C	C		C	C		C	C											
Park and Open Space (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	
-Cemetery/Columbarium/Mausoleum	C	C	C	C	C	C			C	C	C	C									C			
-Country Club/Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					C			
-Game and Wildlife Management Preserves																					P	P	P	
-Water Dependent Recreation Facilities																					C		C	C
Passenger Terminal																								
-Airport/Heliport																		C	C	C				
-Rail/Bus Terminal										C	C	C	C		C	C	C	C	C					
-Bus Shelter	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P					
-Taxi Terminal										C	C	C	C		C	C	C	C	C					
Religious Institution	C	C	C	C	C	C	C	C	C	C	C	P	P	C		C								
Social Service Institution (except as noted below)										C		C	C				C	C						
-Halfway Houses					C	C	C	C	C	C		C	C				C							
Utilities																								
-Minor, other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P		C	C	C	C
-Major												C	C	C	C	C	C	C	P		C	C	C	C
-Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		C	C	C	C
COMMERCIAL																								
Eating and Drinking Establishments																								
-Brew Pub									C	P	C	P	P	P	P	C	C	C						
-Coffee Shop							C		C	C	P	P	P	P	P	C	C	C						
-Neighborhood Bistro									C	C	C	P	P	P	P	C	C	C						
-Neighborhood Café									C	C	C	P	P	P	P	C	C	C						
-Restaurants, Fast Food									C			P	P	P	P	C	C	C						
-Restaurant and Bar									C	C	C	P	P	P	P	C	C	C		C			C	
-Wine/Cigar Bar									C	C	C	P	P	P	P	C	C	C						
Entertainment, Indoor (except as noted below)												P	P	P							C			
-Adult Establishment												P	P											
-Arcade Amusement Center												C												
-Bar or Nightclub												P	P	P										
-Theater												P	P	P										
Entertainment, Outdoor (except as noted below)												C		P							C			
-Batting Cages, Driving Ranges												P	P	P										
-Stables or Equestrian Facilities	C	C	C									P		P										
-Stadium or Arena												C		C	C		C	C						
Marine-Related Commercial (except as noted below)										C		P	P	C	P					C			C	
-Boat and Marine Equipment Sales												P	C	C	P					C				
-Marina/Boat Livery										C		C	C	C	C				P		C		C	
Office																								
-Administrative, Professional, General, Medical Office							C	C	C	P	P	P	P	P	P	P	C	C						
-Day Labor Employment Agency										P	C	P	P			P								
-Medical and Dental Clinic										P	C	P	P	C		P		C						
-Television and Radio Studios										P	P	P	P	P	C	P		C						
Overnight Accommodations																								
-Bed & Breakfast							C	C	C		P	P	P	P										
-Dwelling Rental	C	C	C	C	C	C	C	C	C															
-Hotel/Motel												P	P	P	P	C								



CITY OF FORT PIERCE, FLORIDA

City Commission Meeting

Agenda Item # _____

Commission Meeting November 4, 2013

To : The Honorable Mayor and Members of the City Commission

Through : Robert J. Bradshaw, City Manager

From : Rebecca Grohall, AICP, Planning Manager



Re : **Ordinance L-295: Creating Section 22-22 and Amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39 Placing Permitted and Conditional Uses in a Use Table**

Date : October 25, 2013

ISSUE(S):

November 4th, 2016 (CC Second Reading) - Version Reviewed, during the second public hearing, by City Commission presented a newly amended distribution of P / C / - classification for this use category, limiting the Conditional Use consideration to the R-1 & R-2 districts

al uses
providing

SUMMARY:

makes the City Code more user friendly.

- The table also provides for additional or expanded uses that were not previously listed in current City Code.
- The Planning Board voted unanimously to recommend approval at their June 11, 2013 meeting.

le and

FISCAL IMPACT:

Potential increase in ad valorem and sales tax revenues as a result of new and expanded uses being permitted.

RECOMMENDATION:

Approve Ordinance L-295.

ALTERNATIVES:

Direct Staff to amend Ordinance L-295.

RESPONSIBLE STAFF:

Ryan Sweeney, MSP, Senior Planner

COORDINATED WITH:

City Attorney's Office

ATTACHMENTS:

Staff Report, Ordinance L-295, July 15, 2013 City Commission Minutes, June 11, 2013 Planning Board Minutes, May 14, 2013 Planning Board Minutes.





CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Robert J. Bradshaw, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Manager 

FROM: Ryan Sweeney, MSP, Senior Planner 

SUBJECT: **Ordinance L-295: Creating Section 22-22 and Amending Sections 22-23 through 22-28 and Sections 22-29 through 22-39 Placing Permitted and Conditional Uses in a Use Table**

DATE: October 25, 2013

STAFF REPORT

The proposed Ordinance relocates all of the “permitted” (formerly referred to as “semi-restricted”) and conditional uses for all of the zoning districts into one combined Use Table. The Use Table is located in a newly created Section of the Code and is now a “one-stop-shop” for anyone wanting to know where a particular use is permitted within the City. The proposed table also provides for several additional uses that are not currently listed within the City Code and expands some of the existing listed uses into additional zoning districts.

This particular Ordinance plays an integral part in the City’s ongoing efforts of re-writing the Land Development Regulations (LDRs). Said Ordinance is the result of numerous hours of Staff time and considerable efforts by the LDR Advisory Committee and the Planning Board. Revisiting the permitted and conditional uses allowed within the City has been a major priority of Staff and the Planning Board alike.

As directed by the City Commission during the first reading of the proposed Ordinance, Planning Staff distributed the Ordinance via e-mail to the Treasure Coast Builders Association (TCBA), the St. Lucie County Chamber of Commerce (Chamber) and the Realtors Association of St. Lucie County (RASL) on July 31, 2013. The TCBA responded with no specific comments and stated, “we appreciate the City trying to streamline the process.” No comments have been received from the Chamber or RASL.

Planning Board Recommendation:

The Planning Board voted unanimously to recommend approval at their June 11, 2013 meeting.

Recommendation:

Before an amendment is approved, the following standards must be satisfied per Section 22-131 of the City Code:

- (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.

As the proposed amendment satisfies the above criteria, Staff recommends approval.

ORDINANCE NO. L-295

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE THREE, BASIC ZONING DISTRICTS, CREATING SECTION 22-22, SPECIFYING ALLOWED USES; AMENDING CHAPTER 22, ARTICLE THREE, AMENDING SECTIONS 22-23 THROUGH 22-28, BASIC ZONING DISTRICTS; AMENDING CHAPTER 22, ARTICLE THREE; AMENDING SECTIONS 22-29 THROUGH 22-39, BASIC ZONING DISTRICTS; SPECIFYING UPDATED USES IN ALL ZONING DISTRICTS; 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 22-22 is hereby created so that the same shall read as follows:

Sec. 22-22. - Allowed Uses.

(a) Uses listed. Uses listed are allowed in each zoning district in accordance with the Use Table.

(b) Permitted uses. Uses identified with a “P” in the Use Table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(c) Conditional uses. Uses identified with a “C” in the Use Table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.

(d) Prohibited uses. Uses identified with a “-” in the Use Table are expressly prohibited.

(e) Use table.

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
RESIDENTIAL																							
Household Living																							
-Detached House	P	P	P	P	P	P	P	P	C	C	C	-	-	C	-	-	-	-	-	-	C	-	-
-Duplex	-	-	-	-	-	C	P	P	C	C	C	-	-	C	-	-	-	-	-	-	-	-	-
-Townhouse	-	-	-	-	-	C	P	P	P	C	C	-	-	C	-	-	-	-	-	-	-	-	-
-Multi-Dwelling Building	-	-	-	-	-	C	P	P	-	C	C	C	-	C	C	-	-	-	-	-	-	-	-
-Mobile or Manufactured Home	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Manufactured Home Park or Subdivision	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Mobile Home Park	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Vertical Mixed-Use Building	-	-	-	-	-	C	C	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
Home Occupations (per requirements of Section 22-63)	P	P	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-
Group Living (except as noted below)	-	-	-	-	C	C	C	C	C	C	-	C	C	C	-	-	-	-	-	-	-	-	-
-Community Residential Home, Type 1 (1-6 residents)	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Community Residential Home, Type 2 (7-14 residents)	-	-	-	-	-	C	-	C	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
-Dormitories, Fraternity and Sorority Houses	-	-	-	-	-	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PUBLIC AND CIVIC																							
Community/Cultural (except as noted below)	-	-	-	-	C	C	C	C	C	C	C	P	P	C	C	C	-	-	-	C	-	-	-
-Community Center	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Fraternal Organization/Lodge	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Library or Cultural Exhibit	-	-	-	-	C	C	C	C	C	-	C	P	P	C	-	C	-	-	-	C	-	-	-
-Environmental Research and Education Facilities	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Day Care	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Adult Day Care Center	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Day Care Center	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Child Care Facility	-	-	-	-	C	C	C	C	C	C	C	C	-	C	-	-	-	-	-	-	-	-	-
-Family Day Care Home	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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
Educational Facilities																							
–College or University	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-
–Elementary, Middle or High School - Public	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-
–Elementary, Middle or High School - Private	-	C	C	C	C	C	C	C	C	-	-	C	-	-	-	-	-	-	-	-	-	-	-
–Marine Research/Education Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	C	-
Government Facilities (except as noted below)	-	-	-	-	-	-	-	-	-	C	C	P	P	C	-	C	-	-	-	-	-	C	C
–Post Office	-	-	-	-	-	-	-	-	-	C	C	P	P	-	-	C	-	-	-	-	-	-	-
–Safety Service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	-	-	C	C
Medical Facilities (except as noted below)	-	-	-	-	C	C	C	-	C	C	-	C	-	C	-	-	-	-	-	-	-	-	-
–Hospital	-	-	-	-	C	C	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
–Nursing Home	-	-	-	-	C	C	C	-	C	C	-	C	C	-	-	-	-	-	-	-	-	-	-
Park and Open Space (except as noted below)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	-
–Cemetery/Columbarium/Mausoleum	C	C	C	C	C	C	-	-	C	C	C	C	-	-	-	-	-	-	-	C	-	-	-
–Country Club/Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	C	-	-	-
–Game and Wildlife Management Preserves	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
–Water Dependent Recreation Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C
Passenger Terminal																							
–Airport/Heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-
–Rail/Bus Terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	C	-	-	-
–Bus Shelter	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
–Taxi Terminal	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C	C	C	C	C	-	-	-	-
Religious Institution	C	C	C	C	C	C	C	C	C	C	C	P	P	C	-	C	-	-	-	-	-	-	-
Social Service Institution (except as noted below)	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	C	C	-	-	-	-	-
–Halfway Houses	-	-	-	-	-	C	C	C	C	C	-	C	C	-	-	-	C	-	-	-	-	-	-
Utilities																							
–Minor, other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	C	C	C	C
–Major	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	P	C	C	C	C
–Utility Cabinets, Above Ground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C
COMMERCIAL																							
Eating and Drinking Establishments																							
–Brew Pub	-	-	-	-	-	-	-	-	C	P	C	P	P	P	P	C	C	C	-	-	-	-	-
–Coffee Shop	-	-	-	-	-	-	C	-	C	C	P	P	P	P	P	C	C	C	-	-	-	-	-
–Neighborhood Bistro	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
–Neighborhood Café	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
–Restaurants, Fast Food	-	-	-	-	-	-	-	-	C	-	-	P	P	P	P	C	C	C	-	-	-	-	-
–Restaurant and Bar	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	C	-	-	C
–Wine/Cigar Bar	-	-	-	-	-	-	-	-	C	C	C	P	P	P	P	C	C	C	-	-	-	-	-
Entertainment, Indoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C	-	-	-
–Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
–Arcade Amusement Center	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-
–Bar or Nightclub	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
–Theater	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Entertainment, Outdoor (except as noted below)	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	-	C	-	-	-
–Batting Cages, Driving Ranges	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
–Stables or Equestrian Facilities	C	C	C	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-
–Stadium or Arena	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	C	C	-	-	-	-	-
Marine-Related Commercial (except as noted below)	-	-	-	-	-	-	-	-	-	C	-	P	P	C	P	-	-	C	-	C	-	-	C
–Boat and Marine Equipment Sales	-	-	-	-	-	-	-	-	-	-	-	P	C	C	P	-	-	C	-	-	-	-	-
–Marina/Boat Livery	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	-	-	P	-	C	-	-	C
Office																							
–Administrative, Professional, General, Medical Office	-	-	-	-	-	-	C	C	C	P	P	P	P	P	P	P	C	C	-	-	-	-	-
–Day Labor Employment Agency	-	-	-	-	-	-	-	-	-	P	C	P	P	-	-	P	-	-	-	-	-	-	-
–Medical and Dental Clinic	-	-	-	-	-	-	-	-	-	P	C	P	P	C	-	P	-	C	-	-	-	-	-
–Television and Radio Studios	-	-	-	-	-	-	-	-	-	P	P	P	P	P	C	P	-	C	-	-	-	-	-
Overnight Accommodations																							
–Bed & Breakfast	-	-	-	-	-	-	C	C	C	-	P	P	P	P	-	-	-	-	-	-	-	-	-
–Dwelling Rental	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
–Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	-	-	-
–Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-

SUITABLE IN CASE OF A PARTICULAR PROPERTY; AMENDING SECTION 20-77; EXEMPTING CERTAIN PROPERTIES FROM STORMWATER ASSESSMENT; AMENDING SECTION 20-79 (REQUEST FOR ADJUSTMENT) BY CLARIFYING DIRECTOR'S DISCRETION AND SCOPE OF REVIEW AND CONSIDERING APPLICATIONS FOR ADJUSTMENT, AND REVISING PROCEDURES FOR ADJUSTMENT; AMENDING SECTION 20-80 (APPEAL PROCESS); PROVIDING FOR APPEAL FROM RULINGS OF SMU DIRECTOR TO STORMWATER MANAGEMENT FEES AND CREDITS APPEALS BOARD; AMENDING SECTION 20-81 REQUIRING THAT CERTAIN STORMWATER FACILITIES BE KEPT IN GOOD REPAIR; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

City Attorney Rob Schwerer advised that a simple revision was made to this ordinance deleting a sentence at the end of Section 2-360 on Page 2 removing the reference to the City Commissioners and City Manager serving as ex-officio members of the Board. An amended ordinance was filed with the City Clerk and the amendment does not affect the advertising or the ability to adopt on second reading if desired.

Commissioner Alexander asked why this new board is only consisting of three members. Mr. Schwerer indicated that they plan to use very technical individuals and it may be difficult to get a larger board together for quorum. The Board can be expanded if it becomes necessary.

Commissioner Perona inquired as to how many appeals we have had in the last couple of years. Mr. Andrews indicated that there has been only one appeal and it wasn't a formal appeal.

Mr. Schwerer indicated that we are not adding anything new with this ordinance, just changing the appeal process from being determined by one person to being reviewed by a technical board.

Mayor Hudson opened the public hearing.

Seeing no one, the Mayor closed the public hearing.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht with comment, to adopt Ordinance L-302 with the revision deleting the last sentence of Section 2-360. Commissioner Becht indicated this was a good ordinance.

Those voting in favor of **November 4th, 2013 - CC Meeting Minutes** Perona, Sessions, and Hudson. Those opposed: None.

11. The next item on the agenda was a Public Hearing on Ordinance L-295, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE THREE, BASIC ZONING DISTRICTS, CREATING SECTION 22-22, SPECIFYING ALLOWED USES; AMENDING CHAPTER 22, ARTICLE THREE, AMENDING SECTIONS 22-23 THROUGH 22-28, BASIC ZONING DISTRICTS; AMENDING CHAPTER 22, ARTICLE THREE; AMENDING SECTIONS 22-29 THROUGH 22-39, BASIC ZONING DISTRICTS; SPECIFYING UPDATED USES IN ALL ZONING DISTRICTS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mr. Ryan Sweeney, Senior Planner, appeared and noted that a scrivener's error was discovered in the use table that included a "P" for adult establishments within C-4, but adult establishments are only permitted within C-3. The table is demonstrative only and the substantive text of the ordinance on page 29 is correct. Staff recommends approval of the ordinance with the deletion of the "P" for adult establishments within C-4 on Page 2.

Commissioner Perona asked for confirmation that if there is a conflict between the use table and the written ordinance that the written ordinance would prevail. Mr. Schwerer confirmed that the text of the ordinance controls.

Mayor Hudson opened the public hearing.

Seeing no one, the Mayor closed the public hearing.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht to adopt Ordinance L-295 with the deletion of the "P" for adult establishments within C-4 on Page 2.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Perona, Sessions, and Hudson. Those opposed: None.

12. The next item on the agenda was Sunrise Theatre's Print Advertising Budget for Scripps Treasure Coast, Marketing Plan and Minority Programming – John D. Wilkes, Executive Director.

John Wilkes, Executive Director of the Sunrise Theatre appeared and offered his thanks for the opportunity to relay information directly to the Commissioners and the public. As to the Scripps advertising, the marketing plan in the package details the dollars spent over the past three years, and the amount of in-kind sponsorship and BOGO ads that have been received by Scripps. The total dollars were decreased this past year and have been up and down in the past based on the activity the Theatre generates. The marketing budget is reevaluated every year based on the programming to insure that appropriate media and techniques are used to market the programming. There is no business as usual for marketing theatre productions. Mr. Wilkes explained that there is great separation between the editorial and sales sides of newspapers and spending less in advertising will not have an impact on the editorial tone.

In reviewing expenditures with Scripps over the last three seasons, an example of in-kind is when we get free advertising in exchange for including their logo on the ads and mentioning their name as a sponsor during the show. A BOGO, is a buy one get one free ad. The Sunrise has also received \$20,000 per year for the last three years from the Scripps Foundation.

Mr. Wilkes further explained that newspaper advertising is not the only avenue to reach the appropriate audiences in light of new technology. He reiterated that just because you spend less in advertising, it will not have an impact on the editorial side. He offered some examples of positive coverage offered by Scripps and TCPalm on behalf of the Sunrise Theatre. Mr. Wilkes discussed the activities of Mr. Darryl Bey in cooperation with the Sunrise and what great diversity his efforts bring to the theatre.

Commissioner Perona asked how we capture the information on where our ticket sales originate. Mr. Wilkes confirmed that we capture that information through the ticketing system and the box office. He further confirmed that we have great attendance from Indian River and Martin Counties and St. Lucie County makes up 54% of total sales.

Mr. Wilkes discussed minority programming, a list of which is contained in the Commission packages. The Sunrise Theatre Advisory Board discusses the issue often and they have a number of challenges. Minority programming, educational programming, outreach programming and getting involved in programs that Mr. Wilkes would like to see such as offsetting costs or reducing ticket prices for those not as well off, such as the elderly and minorities, all cost money. The Theatre cannot earn income on such programming. Mr. Wilkes explained that they have done a lot of ethnic programming and have not had great response. In reference to African-American programming, he has not said no to an African-American group that has come to him to co-sponsor a show with only a few exceptions. He remains willing to consider all suggestions.

Commissioner Becht thanked Mr. Wilkes for calling him upon his arrival back in town. Mr. Wilkes indicated that the Scripps budget request was an efficient use of the print advertising budget and that answered Commissioner Becht's question.