

## ORDINANCE NO. 17-024

AN ORDINANCE AMENDING THE PROVISIONS OF FORT PIERCE CODE OF ORDINANCES **CHAPTER 2, ARTICLE XII, SECTIONS 2-221 AND 2-223, REDUCING THE NUMBER OF PLANNING BOARD MEMBERS AND ELIMINATING ITS POWER TO ADOPT RULES AND REGULATIONS**; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Fort Pierce, Florida established a planning board; and

**WHEREAS**, the City of Fort Pierce, Florida desires to reduce the number of planning board members to seven (7) members and (1) alternate, and eliminate its power to adopt rules and regulations.

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

**SECTION 1.** That chapter 2 – Administration, article XII, City Planning Board, sections 2-221 and 2-223 of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby amended to read as follows:

### **Sec. 2-221. - Appointment; qualifications of members; terms.**

There shall be appointed by the city commission a city planning board (referred to in this article as the "board") consisting of ~~ten (10)~~seven (7) members, and ~~two (2)~~one (1) alternate members, who have been residents of the city for the last two (2) years. ~~each of whom serve for a term of two (2) years. Each member of the City Commission shall appoint one (1) member, to serve concurrently with the appointee's term. Additionally, two (2) at-large and one (1) alternate member shall be appointed by majority vote of the City Commission. Each at-large and/or alternate member shall serve for a term of two (2) years.~~ Any member may be removed with or without cause by the city commission. The members of the city commission and the city manager shall be ex officio members of the city planning board.

### **Sec. 2-223. - Powers and duties.**

The board shall have the following powers and duties:

- (1) Personnel. The board is authorized to employ personnel necessary to make surveys and compile data essential to the preparation of a plan for municipal improvements and otherwise to assist the board in the execution of its powers and duties under this article. The employment of such personnel and the amount of salary to be paid shall be approved by the city commission. The board shall not in any manner obligate the city commission without prior approval of the city commission.
- (2) Officers. Elect its own chairman, vice-chairman and secretary.
- (3) ~~Rules and regulations. Procedures.~~ Adopt ~~rules and regulations~~ procedures for its guidance, provided the same are consistent with the ordinances of the city and applicable state laws.
- (4) Disposal of city property. No real property shall be leased by or disposed of by the city until proposal for the leasing or disposition of the same is submitted to the board for its recommendation, provided, however, the city

commission shall have authority to overrule the disapproval of the board on any such proposal.

- (5) Official city map. Draft an official map of the city with the assistance of the director of public works.
- (6) Neighborhoods. Make and adopt plans for the improvement and development of neighborhoods.
- (7) Public relations. Promote public interest in and understanding of the master plan and other proposals submitted by the board.
- (8) Budget. Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements which the board considers necessary or desirable to be constructed during the next ensuing three-year period and establish a priority of such recommended improvements for such period of time.
- (9) Recommend public buildings and lands. Recommend the erection and use of a building or the use of premises in any zoning district when found to be necessary for the public health, convenience, safety or welfare for the following purposes: A public utility; any municipal purpose; community center; cemetery; golf course; educational, philanthropic, charitable or religious use; public or private school (except child nurseries and kindergartens); public or private parks or playgrounds.
- (10) Voting. All recommendations from the planning board, for either approval or disapproval of any measure, petition, plan, program or proposal of any nature, shall be by a majority of the members serving on said board. Such recommendations from the board shall be in writing and shall indicate thereon the names of the members of the board present at the meeting where the recommendations were made and the disposition of the votes of the members of the board, which writing can consist of a copy of the minutes of said board's meeting. If the board is unable to arrive at or make any recommendation hereunder then such inaction shall also be reported in writing in the same manner above prescribed.
- (11) Annexation. Review applications for voluntary annexation to city and make recommendation to city commission.

**SECTION 2.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All ordinances, rules or regulations or parts of ordinances, rules or regulations 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.

APPROVED AS TO FORM & CORRECTNESS:

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James M. Messer, Esq., City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No.17-024 was duly advertised by title only in the St. Lucie News Tribune on July 28, 2017; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on August 7, 2017; and was duly introduced, read by title only, and passed on second and final reading August 21, 2017 by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 17th day of August, 2017.

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Linda Hudson,  
Mayor Commissioner

**ATTEST:**

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Linda W. Cox,  
City Clerk

**(City Seal)**