

ORDINANCE NO. 19-014

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA TO REPEAL CHAPTER 22, ARTICLE X, SECTION 22-138 "ENFORCEMENT," TO ADOPT A NEW CHAPTER 22, ARTICLE X, SECTION 22-138 "ENFORCEMENT," ADMINISTERING PROVISIONS OF CHAPTER 22 BY THE CODE ENFORCEMENT DIVISION AS A CIVIL VIOLATION; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 22-139 ELIMINATING PROCEDURES FOR CERTIFICATES OF ZONING COMPLIANCE; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 140 "APPEALS FROM RULINGS OF ADMINISTRATIVE OFFICER," SUBSECTION (A) "GENERAL," AND TO RENUMBER SECTION 22-140 TO SECTION 22-139, AMENDING RENUMBERED SECTION 22-139 TO CLARIFY PROCEDURES FOR APPEALS OF DECISIONS BY THE PLANNING DIRECTOR AND ANY OTHER ADMINISTRATIVE OFFICER; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 141 "SUPPLEMENTAL APPLICATION INFORMATION," AND TO RENUMBER SECTION 22-141 TO SECTION 22-140 AND AMENDING RENUMBERED SECTION 22-140 TO ELIMINATE REQUIRED APPLICATION INFORMATION FOR CERTIFICATES OF ZONING COMPLIANCE; TO RENUMBER SECTION 22-142 THROUGH SECTION 22-148 - SECTION 22-155; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-138, Enforcement, along with Section 139, Certificates of Zoning Compliance, Section 140 Appeals From Rulings of Administrative Officer, and Section 141, Supplemental Application Information; and

WHEREAS, the City Commission of the City of Fort Pierce on December 20, 1982, approved Ordinance H-244 that amended Section 22-141, Supplemental Application Information; and

WHEREAS, the City Commission of the City of Fort Pierce on January 7, 1985, approved Ordinance I-98 that amended Section 22-140, Appeals From Rulings of Administrative Officer; and

WHEREAS, Florida Building Code Section 102.1.1 and Florida Statute Section 553.80(7) expressly prohibit the Building Department, through the Building Inspector, from enforcing planning and zoning requirements; and

WHEREAS, Certificates of Zoning Compliance are procedures that are no longer conducted by the City; and

WHEREAS, the City of Fort Pierce Planning Board held a public meeting on February 12, 2019, to consider the land development code amendment and recommended approval of the amendment by a vote of 6 to 0; and

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

SECTION 1. Section 22-138 is hereby amended so that the same shall read as follows:

~~Section 22-138. — Enforcement.~~

~~The building inspector shall have the power and principal responsibility for enforcing provisions of this chapter. Neither the building inspector nor any other administrative officer of the city shall issue any permit or license for any use, activity or structure which violates provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be void. An appeal from a ruling of the building inspector or any other administrative officer of the city regarding a provision of this chapter may be made only to the board of adjustment.~~

~~Section 22-138. – Enforcement.~~

~~Provisions of Chapter 22 may be enforced by the City as a civil violation pursuant to Chapter 2, Article XIII, or Chapter 2, Article XIII.5 (Supplemental Municipal Code Enforcement Procedures).~~

SECTION 2. Section 22-139 is hereby stricken in its entirety.

~~Section 22-139. — Certificates of zoning compliance.~~

~~(a) General. Certificates of zoning compliance shall state that the building or the proposed use of a building or land complies with all provisions of this chapter. Such certificates shall be signed by the building inspector or a designated representative of the building inspector. A record of all certificates of zoning compliance shall be kept on file in the office of the building inspector or his subordinates and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.~~

~~(b) When required. Certificates of zoning compliance shall be required before any of the following occurs:~~

- ~~(1) Occupancy and use of a building hereafter erected or structurally altered;~~
- ~~(2) A change in a use of an existing building to a use of a different classification;~~
- ~~(3) Occupancy and use of vacant land;~~
- ~~(4) A change in the use of land to a use of a different classification; or~~
- ~~(5) Issuance of a building permit.~~

~~A certificate of zoning compliance may also be required by any public employee or official of the city responsible for issuing permits or licenses, in addition to building permits, in order to determine if a use, activity or structure for which a permit or license has been requested will violate provisions of this chapter.~~

~~(c) Procedure. An application for a certificate of zoning compliance for a new building or for alteration of an existing building shall be made at the same time as the application for the building permit for such building. Applications for other required certificates of zoning compliance shall be made before the particular action in question takes place. All applications shall be filed with information specified in section 22-141. The building inspector shall grant or deny a certificate of zoning compliance, based on the provisions of this chapter, within three (3) working days of the filing of the application for such certificate, except the building inspector with good cause demonstrated may allow an extension of time.~~

~~(d) Conditional certificates of zoning compliance. When the provisions of this chapter have been complied with except for landscaping provisions in section 22-59, a conditional certificate of zoning compliance may be granted by the building inspector for a period not to exceed sixty (60) days upon receipt of a written affidavit from the property owner that landscaping will be complete in accordance with this chapter in the specified length of time. Applications for conditional certificates of zoning compliance, stating reasons and/or extenuating circumstances, shall be submitted in writing to the building inspector. In the event the required landscaping is not completed within the period specified by the building inspector, then the property owner shall be subject to the provisions of section 22-144.~~

SECTION 3. Section 22-140 is hereby amended so that it is now renumbered as Section 22-139 and shall read as follows:

Section 22-~~139~~440. – Appeals from rulings of administrative officer.

(a) General. An appeal to the board of adjustment may be made by any person aggrieved or by any officer or bureau of the city affected by any decision of the ~~building inspector~~ planning director or any other administrative officer of the city regarding a provision of this chapter. Such appeal shall be made within a reasonable time, as provided by the rules of the board, by filing a notice of appeal with the officer from whom the appeal is made and with the board of adjustment. The notice of appeal must specify the grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was made.

SECTION 4. Section 22-141 is hereby amended so that it is now renumbered as Section 22-140 and shall read as follows:

Section 22-141. ~~Supplemental application information.~~

~~(a) General. Application for certificates of zoning compliance, temporary uses, site plan reviews, conditional uses, nonconforming structures as special exception and variances shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the property and the size and locations of all existing and proposed structures; the intended use of each structure, the number of households, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this chapter. These applications shall also be accompanied by a legal description of the property involved and any information required by other parts of this chapter.~~

~~(b) Certificates of zoning compliance. In addition to the information specified in subsection (a) of this section, the following information shall be submitted along with the applications for certificates of zoning compliance: A description of all landscape materials which will be used and plans showing the location of proposed parking spaces, driveways, other vehicular use areas and landscaped areas (including the location of sprinklers or water outlets)~~

Section 22-140444. – Supplemental application information.

(a) General. Application for certificates of temporary uses, site plan reviews, conditional uses, nonconforming structures as a special exception, and variances shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the property and the size and locations of all existing and proposed structures; the intended use of each structure, the number of households, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with this chapter. These applications shall also be accompanied by a legal description of the property involved and any information required by other parts of this chapter.

SECTION 5. Section 22-142 is hereby amended so that it is now renumbered as Section 22-141.

SECTION 6. Section 22-143 is hereby amended so that it is now renumbered as Section 22-142.

SECTION 7. Section 22-144 is hereby amended so that it is now renumbered as Section 22-143.

SECTION 8. Section 22-145 is hereby amended so that it is now renumbered as Section 22-144.

SECTION 9. Section 22-146 is hereby amended so that it is now renumbered as Section 22-145.

SECTION 10. Section 22-147 is hereby amended so that it is now renumbered as Section 22-146.

SECTION 11. Section 22-148 is hereby amended so that it is now renumbered as Section 22-147.

SECTION 12. Sections 22-149 – 22-155 are hereby amended so that they are now renumbered as Sections 22-148 – 22-155.

SECTION 13. 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 14. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 15. This Ordinance shall be and become effective immediately upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

Peter J. Sweeney
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. 19-014 was duly advertised by title only in the St. Lucie News Tribune on Sunday, March 31, 2019 and on Sunday, April 21, 2019; 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 April 15, 2019; and was duly introduced, read by title only, and passed on second and final reading May 6, 2019, 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 XX day of April, 2019.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)