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**TO:** Nicholas C. Mimms, PE, City Manager

**FROM:** Rebeca A. Guerra, AICP, LEED-AP, CPD, Interim Planning Director 

**RE:** Amendment to Chapter 22 - Zoning,  
Article X – Administrative Provisions

**DATE:** April 24, 2019

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**STAFF REPORT**

The City of Fort Pierce Planning Department is proposing a Zoning Text Amendment to Article X - Administrative Provisions, Section 22-138 through Section 22-155, of the City of Fort Pierce Code of Ordinances to allow provisions of Chapter 22 to 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). Currently, only the City's Building Inspector has the power and principal responsibility of enforcing provisions of this Chapter. Unfortunately, this stipulation is in direct conflict with Florida Building Code Section 102.1.1 and Florida Statute 553.80(7) which expressly prohibit the Building Department from enforcing planning and zoning requirements. The proposed Text Amendment would have the effect of shifting this responsibility to the Code Enforcement Division.

In addition to the above, the proposed Text Amendment also seeks to remove all references to "Certificates of Zoning Compliance" from the Article X as this procedure is no longer conducted by the City. These certificates were once required for "Occupational Licenses" which were retitled "Business Tax Receipts" several years ago.

Lastly, this Text Amendment clarifies that appeals to the Board of Adjustment from rulings of an administrative officer be made by any person aggrieved by, or by any officer or bureau of the City affected by, any decision of the Planning Director or any other administrative officer of the City, instead of the Building Inspector, or any other administrative officer of the City.

The Technical Review Committee (TRC) reviewed this item on January 17, 2019. Comments from each department and agency are attached.

At their meeting on February 12, 2019, the Planning Board unanimously voted to recommend approval of the request, as presented.

Staff recommends that the City Commission approve the request.

Attachments:  
Proposed text amendment  
TRC comments  
Draft Ordinance