

ORDINANCE NO. 19-016

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA TO REPEAL CHAPTER 22, ARTICLE IV, SECTION 22-58 "SITE PLAN REVIEW;" TO ADOPT A NEW CHAPTER 22, ARTICLE IV, SECTION 22-58 "MAJOR AND MINOR SITE PLAN APPLICATION," ESTABLISHING NEW THRESHOLDS FOR SITE PLAN REVIEWS, CREATING MAJOR AND MINOR SITE PLAN REVIEW CLASSIFICATIONS, ESTABLISHING APPLICATION SUBMITTAL REQUIREMENTS FOR MAJOR SITE PLANS, CLARIFYING REVIEW PROCESSES BY THE TECHNICAL REVIEW COMMITTEE, PLANNING, BOARD AND CITY COMMISSION FOR MAJOR SITE PLANS, AND CREATING A NEW MINOR SITE PLAN REVIEW PROCESS AND ASSOCIATED APPLICATION REQUIREMENTS; TO AMEND THE FOLLOWING SUBSECTIONS OF CHAPTER 22, ARTICLE III, FOR CONSISTENCY WITH NEW THRESHOLDS OF SITE PLAN REVIEWS: SUBSECTION 22-27(C)(1) "MEDIUM DENSITY RESIDENTIAL ZONE (R-4)," SUBSECTION 22-27.1(C)(1) "HUTCHINSON ISLAND MEDIUM DENSITY RESIDENTIAL ZONE (R-4A)," SUBSECTION 22-28(C)(1) "HIGH DENSITY RESIDENTIAL ZONE (R-5)," SUBSECTION 22-29(C)(1) "OFFICE COMMERCIAL ZONE (C-1)," SUBSECTION 22-30(C)(1) "NEIGHBORHOOD COMMERCIAL ZONE (C-2)," SUBSECTION 22-31(C)(1) "GENERAL COMMERCIAL ZONE (C-3)," SUBSECTION 22-32(C)(2) "CENTRAL COMMERCIAL ZONE (C-4)," SUBSECTION 22-33(C)(1) "TOURIST COMMERCIAL ZONE (C-5)," SUBSECTION 22-33.1(C)(1) "MARINE COMMERCIAL ZONE (C-6)," SUBSECTION 22-34(C)(1) "LIGHT INDUSTRIAL ZONE (I-1)," SUBSECTION 22-34.1(C)(1) "HEAVY INDUSTRIAL ZONE (I-3)," SUBSECTION 22-35(D)(1) "MARINE INDUSTRIAL ZONE (I-2)," SUBSECTION 22-35.1(E)(1) "COMMERCIAL PARKWAY ZONE (CP-1)," SUBSECTION 22-36(C)(1) "GENERAL AND RECREATIONAL OPEN SPACE ZONE (OS-1);" 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 22-58, Design Review; and

WHEREAS, development proposals shall be reviewed for consistency with the City's design review guidelines and development standards; and

WHEREAS, changes to the City's Design Review process have been recommended by the Growth Management Task Force in June of 2018 as part of an evaluation of the City's regulatory and permitting process; and

WHEREAS, Section 22-58 has been amended from time to time since it was formally adopted on June 15, 1981, under Ordinance H-186; and

WHEREAS, the City of Fort Pierce Planning Board held a public meeting on April 9, 2019, to consider the land development code amendment and recommended approval of the amendment, with modifications, by a vote of 7 to 0; and

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

SECTION 1. Article III, Section 22-58(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-27. - Medium Density Residential Zone (R-4).

(c) Other applicable use standards.

(1) All multifamily housing developments ~~with twenty (20) or more dwelling units~~ shall be subject to site plan review procedures specified in Section 22-58.

SECTION 2. Article III, Section 22-27.1(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-27.1. - Hutchinson Island Medium Density Residential Zone (R-4A).

(c) Other applicable use standards.

(1) All multifamily housing developments ~~with twenty (20) or more dwelling units~~ shall be subject to site plan review procedures specified in Section 22-58.

SECTION 3. Article III, Section 22-28(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-28. - High Density Residential Zone (R-5).

(c) Other applicable use standards.

(1) All multifamily housing developments ~~with twenty (20) or more dwelling units~~ shall be subject to site plan review procedures specified in Section 22-58.

SECTION 4. Article III, Section 22-29(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-29. - Office Commercial Zone (C-1).

(c) Other applicable use standards.

(1) Site plan review ~~shall be required for uses which have buildings with more than four thousand (4,000) square feet of floor area~~ shall be required as outlined in Section 22-58.

SECTION 5. Article III, Section 22-30(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-30. - Neighborhood Commercial Zone (C-2).

(c) Other applicable use standards.

(1) Site plan review shall be required ~~for multifamily housing developments with twenty (20) or more dwelling units and for other uses which have buildings with more than four thousand (4,000) square feet of floor area~~ as outlined in Section 22-58.

SECTION 6. Article III, Section 22-31(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-31. - General Commercial Zone (C-3).

(c) Other applicable use standards.

(1) Site plan review shall be required ~~for uses which have buildings with more than four thousand (4,000) square feet of floor area~~ as outlined in Section 22-58.

SECTION 7. Article III, Section 22-32(c)(2) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-32. - Central Commercial Zone (C-4).

(c) Other applicable use standards.

(2) Site plan review shall be required ~~for all uses which have buildings with more than four thousand (4,000) square feet of floor area~~ as outlined in Section 22-58.

SECTION 8. Article III, Section 22-33(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-33. - Tourist Commercial Zone (C-5).

(c) Other applicable use standards.

(1) Site plan review shall be required ~~for multifamily housing developments and for other uses which have buildings with more than four thousand (4,000) feet of floor area~~ as outlined in Section 22-58.

SECTION 9. Article III, Section 22-33.1(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-33.1. - Marine Commercial Zone (C-6).

(c) Other applicable use standards.

(1) Site plan review shall be required ~~for all uses which have buildings with more than four thousand (4,000) square feet of floor area~~ as outlined in Section 22-58.

SECTION 10. Article III, Section 22-34(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-34. - Light Industrial Zone (I-1).

(c) Other applicable use standards.

(1) Site plan review shall be required ~~for all uses which have buildings with more than four thousand (4,000) square feet of floor area~~ as outlined in Section 22-58.

SECTION 11. Article III, Section 22-34.1(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-34.1. - Heavy Industrial Zone (I-3).

(c) Other applicable use standards.

(1) Site plan review shall be required ~~for all uses which have buildings with more than four thousand (4,000) square feet of floor area~~ as outlined in Section 22-58.

SECTION 12. Article III, Section 22-35(d)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-35. - Marine Industrial Zone (I-2).

(d) Other applicable use standards.

(1) Site plan review shall be required ~~for all uses which have buildings with more than four thousand (4,000) square feet of floor area~~ as outlined in Section 22-58.

SECTION 13. Article III, Section 22-35.1(e)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-35.1. - Commercial Parkway Zone (CP-1).

(e) Other applicable use standards.

(1) Site plan review shall be required ~~for all uses which have buildings with more than four thousand (4,000) square feet of floor area~~ as outlined in Section 22-58.

SECTION 13. Article III, Section 22-35.1(c)(1) is hereby amended so that the same shall read as follows:

ARTICLE III. - BASIC ZONING DISTRICTS

Section 22-36. - General and Recreational Open Space Zone (OS-1).

(c) Other applicable use standards.

(1) Site plan review shall be required for all uses which have buildings with more than four thousand (4,000) square feet of floor area as outlined in Section 22-58.

SECTION 14. Section 22-58 is hereby amended so that the same shall read as follows:

~~Section 22-58. - Site plan review.~~

~~(a) Purpose. Site plan review is intended for developments other than planned unit developments which due to their size or other characteristics require special review to determine their compatibility with the surrounding area and suitability for on-site activities consistent with the natural features of the property.~~

~~(b) Site plan review required. Site plans in accordance with the provisions of this section are generally required for the following types of development:~~

~~(1) Multifamily construction exceeding twenty (20) living units on one lot, group of lots or parcel of land;~~

~~(2) Commercial, industrial or public development where the principal structure exceeds four thousand (4,000) square feet of gross floor area;~~

~~(3) Conditional uses including innovative residential developments regardless of number of units or gross floor area;~~

~~(4) Uses otherwise requiring site plan review will be exempt from the requirement of such review where there is no new construction associated with the use or such construction is limited to: a. Changes in the interior of an existing building; and b. Repair of an existing structure when there is no expansion of the gross floor area.~~

~~(5) Site plan review shall be required for any manmade change to improved or unimproved real estate in FH zones notwithstanding other provisions of this chapter, including but not limited to, buildings or other structures, dredging, filling, grading, paving or excavation. Applications for site plan review shall be reviewed to assure that proposed construction will minimize flooding. The test of minimizing~~

~~flooding where flood elevation data is not available is a local judgment and includes use of historical data, mean high tide line information, photographs of past flooding and other relevant material, where available.~~

~~(c) Performance bond. The city commission may require as a condition for approval that the applicant furnish a development bond up to, and not to exceed, the cost of the required improvements.~~

~~(d) Application for site plan review. A property owner or his designated representative may initiate a request for site plan review by filing an application with the department of planning and development, using forms prescribed by the city. This application will be accompanied by the following information:~~

~~(1) Statements of ownership and control of the proposed development and statements describing in detail the character and intended use of the development.~~

~~(2) A general location map which shows the approximate location of streets, street signals and vehicular access points to streets along streets abutting the proposed development, rights-of-way, zoning districts, existing land uses and important physical features (including drainage ways) within five hundred (500) feet of property proposed for development.~~

~~(3) A survey prepared by a Florida registered land surveyor certifying the gross acreage within the property, excluding aquatic areas.~~

~~(4) A site plan showing the date, scale, north arrow and:~~

~~a. Boundaries of the project and any existing streets, watercourses, easements, mean high tide lines, ordinary high water lines and section lines;~~

~~b. Locations, general dimensions and uses of all buildings and structures, including overhangs, porches, balconies and building heights;~~

~~c. Access and traffic flow for both vehicular and pedestrian traffic;~~

~~d. Off-street parking and loading areas;~~

~~e. Recreation facility locations;~~

~~f. All screens and buffers;~~

~~g. Refuse collection areas;~~

~~h. Location of existing telephone and power poles and access to utilities and points of utility hookups;~~

~~i. Location and size of all signs; and~~

~~j. Tabulation of acreage devoted to various land uses; ground coverage by structures; impervious surface coverage; off-street parking and loading spaces; and gross density for residential uses.~~

~~(5) A general landscaping plan which meets the requirements of article XII of this chapter.~~

~~(6) A storm drainage plan which indicates the techniques used to control drainage. The plan shall include:~~

~~a. Location and elevations of all existing and proposed drainage facilities within the site plan area and adjacent vicinity for one hundred (100) feet in all directions;~~

~~b. Retention areas and exfiltration systems;~~

~~c. Length, width, depth and direction of flow for all canals and ditches;~~

~~d. Storm sewers and appurtenances;~~

~~e. Contour lines at one-foot intervals; and~~

~~f. A note indicating that all storm drainage facilities shall conform to Chapters 17 and 18 of the Fort Pierce Code of Ordinances and the "standard specifications" adopted by the city commission on February 13, 1973.~~

~~(7) A plan providing, where applicable, for the protection of the beach and dune system. The plan shall include these requirements:~~

~~a. Demonstration of compliance with the coastal construction control line established pursuant to Chapter 161, Florida Statutes;~~

~~b. All beach access points are to be provided as beach/dune walkovers in accordance with the requirements of the Florida Department of Natural Resources;~~

~~c. No construction which threatens the stability of the primary dune or beach itself shall be permitted;~~

~~d. No rigid shore protection structures shall be permitted except when used as part of a comprehensive plan for beach restoration and when nonstructural alternatives are unavailable;~~

~~e. Demonstration of dune restoration measures conforming to the requirements of the Florida Department of Natural Resources.~~

~~(8) A lighting plan which shows illumination of all interior and immediately adjoining streets as follows:~~

~~a. At least one (1) average footcandle for streets classified as collector classified as collector, arterial or higher;~~

~~b. At least five-tenths average footcandle for streets other than as described in the immediately foregoing subsection;~~

~~c. At least one (1) average footcandle for specially designated pedestrian walkways.~~

~~The uniformity ratio for lighting required by this section shall be an average/minimum ratio of ten (10) to one (1). There shall be included with the lighting plan a statement of a registered engineer or architect showing calculations demonstrating compliance with this section to the city engineer and such statement shall be subject to the city engineer's approval. Subsequently a certificate of occupancy may not be issued until there is filed with the director a certificate from a registered engineer or architect of design that the lighting installation meets the requirements of this section.~~

~~(9) A design review plan which meets the requirements of Section 22-59.~~

~~(e) Conceptual development plan procedure. Prior to, but not in lieu of, submission of a complete application and site plan the applicant may, solely at his own election, adopt the following procedure:~~

~~(1) A conceptual development plan may be submitted to the department of planning and development, which shall schedule a meeting for its consideration by the city planning board. The conceptual development plan shall include a map showing the general layout of the proposed development, statements describing in detail the character and intended use of the development and information bearing on the ownership and control of the proposed use;~~

~~(2) The city planning board shall review the conceptual development plan and make recommendations as appropriate for its approval or disapproval;~~

~~(3) The city commission shall hold a hearing and approve or disapprove the conceptual development plan or approve it with conditions.~~

~~(f) Site plan approval. When site plan approval is required by the district, type or size of the development and is not otherwise exempt from site plan review, the following procedure and requirement shall be followed:~~

~~(1) An application for site plan review shall be submitted for the proposed development to the department of planning and development;~~

~~(2) The department of planning and development will review the proposed site plan to insure that it conforms to all city codes and ordinances. If there are no violations it will be forwarded to the city planning board with a report on its compliance with the comprehensive plan and its conformance to any conceptual development plan for the development which has previously been reviewed by the city commission;~~

~~(3) The city planning board shall review the proposed site plan and make a recommendation to the city commission. If the board recommends disapproval, the reason shall be stated;~~

~~(4) The city commission shall hold a hearing and approve or disapprove the proposed site plan. Prior approval of a conceptual development plan shall not prevent the city commission from disapproving a final application in the event it determined that such application does not conform to the standards and requirements of this section.~~

~~(g) The city planning board shall consider whether the following standards have been met in its review of the application:~~

~~(1) The site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities or other facilities which are required by city ordinances or desired by the applicant.~~

~~(2) A suitable site layout will be used for access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths or other transportation facilities required by city ordinances or desired by the applicant. Suitability, in part, shall be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.~~

~~(3) Development plans for the property will adequately overcome any limitations resulting from the topography, soils, flooding or other physical characteristics of the site. Potential problems will be eliminated or reduced to the extent necessary for avoiding hazardous situations.~~

~~(4) The placement of buildings, utilities, other facilities and landscaping will be appropriate for on-site activities. The placement of facilities in waterfront areas will take into account the impact on views and vistas from adjacent roads, residential areas and nearby tourist-oriented commercial uses and waterfront access points.~~

~~(5) Uses having potential air-polluting sources such as stacks, burning facilities, concentrations of motor vehicles and dust-generating processes shall be located and designed to provide adequate separation of these sources from other development and especially residential neighborhoods, institutional uses and outdoor recreation areas. Any adverse air quality impacts of the use will be reduced to the extent practical.~~

~~(6) The storm drainage plan, to the extent practical, will attempt to follow the principle that the water falling on a given site should be absorbed to the extent that after development the quantity and rate of water leaving the site would not be significantly different than if the site had remained undeveloped. Techniques that capitalize on and are consistent with natural resources and processes will be used whenever possible. In part, the intent of the plan should be to minimize the adverse cumulative effects of development in an area on drainage.~~

~~(7) The storm drainage plan shall include provisions needed to control water and wind erosion during and after construction associated with the development. Runoff from impervious surfaces or other potential polluting sources in developments with three (3) or more acres of impervious area should be directed to retention areas or through vegetated areas as needed to allow sedimentation and filtration of contaminants to occur before runoff enters canals, rivers or wetland areas. Any adverse water quality impacts of the use will be reduced to the extent practical.~~

~~(h) The city commission shall not approve the site plan if:~~

~~(1) It does not conform to all applicable provisions of the zoning ordinance;~~

~~(2) The health, safety and general welfare of the public are not properly provided for.~~

~~(i) Any change or modification in an approved site plan which is not exempt from the requirements of this section shall require approval of the city commission and shall follow the same procedure required for original approval, except that the director of development may authorize minor amendments to an approved site plan which are not otherwise exempt from site plan review pursuant to this section. Such minor amendments shall be consistent with the intent and purpose of the comprehensive plan and this ordinance and shall be the minimum necessary to overcome the particular difficulty which necessitated such amendment. Such minor amendment shall not:~~

~~(1) Change the use or character of the development;~~

~~(2) Increase the overall coverage or height of structures by more than ten (10) per cent;~~

~~(3) Reduce the approved open space or increase the impervious surface by more than ten (10) per cent;~~

~~(4) Increase density or the total number of dwelling units or the intensity of the development.~~

~~All such minor amendments shall not become effective until a completed application form and filing fee have been received by the director of development and the director shall have advised the city commission of his administrative approval at the earliest practical opportunity; and such determination shall then become effective, unless the city commission thereupon finds that the proposed amendment is substantial, not minor, in nature, whereupon the amendment shall then be reviewed by the same procedure required for original approval as set forth in this section.~~

~~(j) Site plan approval shall terminate twelve (12) months after approval by the city commission if construction of buildings or structures has not been started. If, subsequent to this initial twelve-month period, a valid construction permit is not maintained, the site plan shall be deemed invalid or terminated. Site plan extensions of time may be granted by the city commission prior to the expiration of a site plan upon a showing of good cause and when such extension will promote public health, safety and general welfare. Any request for an extension to a site plan must be submitted in writing to the director of planning for review no later than thirty (30) days prior to expiration of the site plan.~~

Sec. 22-59. - Major and minor site plan application.

(a) Major Site Plans

(1) General. A Major Site Plan is one which is:

a. A residential project which exceeds 20 total dwelling units, or

b. A non-residential or mixed-use development 4,000 square feet in area or larger.

(2) Pre-application conference required. Prior to filing for Major Site Plan review, the developer and/or consultant shall meet with the City Planning Department, and any other relevant departments, to discuss the development review. No person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(3) Submittal requirements.

a. Application. Application forms for any Site Plan review shall be available from the City Planning Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation. The completed application form shall be accompanied by appropriate review fees, a vicinity map, a Site Plan, and by any other information required by the City Planning Department.

b. Vicinity map. The vicinity map shall indicate the general location of the site, abutting streets, existing utilities, complete legal description of the property in question, and all adjacent land uses.

c. Site Plan. A Site Plan shall include, at minimum, the following items. The Planning Director shall have the discretion to request additional information, studies, or plans dependent on the nature of the development being proposed.

i. Name, location, owner, and designer/consultant of the proposed development.

ii. Present zoning for subject site.

iii. Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties as well as access and traffic flow for both vehicular and pedestrian traffic.

iv. Date, north arrow, and graphic scale not less than one inch equal to 50 feet.

v. Area, dimensions, and boundaries of the site.

vi. Location of all property lines, existing right-of-way approaches, sidewalks, curbs, gutters, and streets.

vii. Location of existing telephone and power poles and access to utilities and points of utility hookups.

viii. Location and dimensions of all existing and proposed parking areas and loading areas, along with a lighting plan which shows illumination of all

parking areas, as well as interior and immediately adjoining streets, at levels consistent with City Code.

ix. Location, size, and design of proposed landscaped areas (including existing trees and required landscaped buffer areas).

x. Location and size of any lakes, ponds, canals, or other waters and waterways along with watercourses, easements, mean high tide lines, ordinary high water lines and section lines.

xi. Structures and major features fully dimensioned including setbacks, distances between structures, floor area, width of driveways, parking spaces, property or lot lines, and percent of property covered by structures.

xii. Location of dumpsters with details of any enclosures.

xiii. Locations, general dimensions, and uses of all buildings and structures, including overhangs, porches, balconies and building heights.

xiv. A storm drainage plan which indicates the techniques used to control drainage. The plan shall include:

1) Location and elevations of all existing and proposed drainage facilities within the site plan area and adjacent vicinity for one hundred (100) feet in all directions;

2) Retention areas and exfiltration systems;

3) Length, width, depth and direction of flow for all canals and ditches;

4) Storm sewers and appurtenances;

5) Contour lines at one-foot intervals; and

6) A note indicating that all storm drainage facilities shall conform to Chapters 17 and 18 of the Fort Pierce Code of Ordinances and the "Standard Specifications" adopted by the City Commission on February 13, 1973.

xv. A plan providing, where applicable, for the protection of the beach and dune system. The plan shall include these requirements:

1) Demonstration of compliance with the coastal construction control line established pursuant to Chapter 161, Florida Statutes;

2) All beach access points are to be provided as beach/dune walkovers in accordance with the requirements of the Florida Department of Natural Resources;

3) No construction which threatens the stability of the primary dune or beach itself shall be permitted;

4) No rigid shore protection structures shall be permitted except when used as part of a comprehensive plan for beach restoration and when nonstructural alternatives are unavailable;

5) Demonstration of dune restoration measures conforming to the requirements of the Florida Department of Natural Resources

xvi. A Design Review Plan which meets the requirements of Section 22-59.

xvii. For residential, hotel, motel, bed & breakfast, mobile home park, or other comparable use Site Plans:

1) Tabulation of gross acreage.

2) Tabulation of density.

3) Number of dwelling units proposed.

4) Location and percent of total open space and recreation areas.

5) Percent of lot covered by buildings.

6) Floor area of dwelling units.

7) Number of proposed parking spaces.

8) Street layout.

9) Layout of mobile home stands (for mobile home parks only).

10) Stormwater management plan.

11) Recreation facility locations.

(4) Technical Review Committee. Once review has been completed, the City Planning Department shall then route the application to each reviewing department and other agencies that are part of the Technical Review Committee or are determined necessary for intergovernmental review. Each reviewer shall then submit written comments to the City Planning Department by the Technical Review Committee's meeting date. The Technical Review Committee shall be held on the third Thursday of each month where comments from reviewing departments and

other agencies shall be used to determine whether the application complies with the requirements of this Code or if revisions or additional information is needed in order to proceed.

(5) Planning Board. Once the City Planning Department has determined the application is ready to proceed, the Department will prepare a staff report and recommendation for consideration by the City Planning Board. Notice of the public hearing shall be consistent with Section 22-143 of this Chapter.

(6) City Commission. The City Planning Department will prepare a staff report and recommendation for consideration by the Planning Board. The Planning Board may choose to approve, with or without conditions, deny, or table the item. In no case, however, may a Major Site Plan proceed to City Commission without action from the Planning Board. Notice of the public hearing shall be consistent with Section 22-143 of this Chapter.

(7) City Commission public hearing.

a. At the public hearing, the City Commission shall hear from all interested parties regarding whether the Major Site Plan Application complies with the requirements of this Code. The City Commission shall consider the application, the written comments of each responding department and agency, the compliance recommendation of the City Planning Department, and the comments presented to the Planning Board and City Commission.

b. The City Commission may choose to approve the Major Site Plan, with or without conditions, deny the Site Plan, withdraw the Site Plan, or continue the public hearing.

c. During the public hearing, the City Commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.

(b) Minor site plan

(1) General. A Minor Site Plan is one which is:

a. A single-family, duplex, triplex, townhouse, multi-dwelling building, manufactured home, or multi-family residential project of between 2 and 20 units, inclusive, or

b. A non-residential or mixed-use development under 4,000 square feet in area.

(2) Pre-application conference. Prior to filing for Minor Site Plan review, the developer and/or consultant shall meet with the City Planning Department, and any other relevant departments, to discuss the development review. No person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. The Planning Director may have the option to waive the pre-application conference for any Minor Site Plan Application.

(3) Submittal requirements. Application forms for a Minor Site Plan review shall be available from the City Planning Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation. The completed application form shall be accompanied by appropriate review fees, a vicinity map, a Site Plan, and by any other information required by the City Planning Department. The vicinity map and Site Plan shall be submitted in compliance with Section 55-58(a)(3) of this Chapter.

(4) Technical Review Committee. Once review has been completed, the City Planning Department shall then route the application to each reviewing department and other agencies that are part of the Technical Review Committee or are determined necessary for intergovernmental review. The Minor Site Plan Application shall be reviewed consistent with Section 55-58(a)(4) of this Chapter.

(5) Action on Minor Site Plan. The City Planning Department shall determine if the Minor Site Plan is either in compliance or not in compliance with City Code and ready to proceed.

a. If in compliance, and there are no outstanding documents, actions, or information needed, the Minor Site Plan shall be deemed approved.

b. If not in compliance, the Planning Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 180 days of said conveyance the applicant may submit documents, actions, or information to comply with the requirements. In this event,

the compliance review recommendation(s) of the Department shall be amended accordingly. If an application does not achieve compliance within the 180 days referenced above, the entire application shall be void.

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 or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4. 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. 19-016 was duly advertised by title only in the St. Lucie News Tribune on Sunday, March 17, 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 1, 2019; and was duly introduced, read by title only, and passed on second and final reading April 15, 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)