

ORDINANCE NO. 19-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY'S COMPREHENSIVE PLAN PURSUANT TO THE EVALUATION AND APPRAISAL REVIEW BASED AMENDMENTS; TO INCLUDE REVISIONS TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, COASTAL MANAGEMENT ELEMENT INCLUDING A COASTAL HIGH HAZARD AREA MAP, HOUSING ELEMENT, RECREATIONAL AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, PUBLIC FACILITIES MANAGEMENT ELEMENT, AND THE PUBLIC SCHOOLS FACILITIES ELEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce has adopted a Comprehensive Plan known as the City of Fort Pierce Comprehensive Plan adopted by Ordinance No. L-136, as subsequently amended; and

WHEREAS, section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules and submit an Evaluation and Appraisal Report (EAR); and

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Section 2(b), Article VII of the State Constitution, and Chapter 166, Part I, Municipal Home Rule Powers Act, the City Commission desires to adopt the proposed comprehensive plan EAR-based amendments and authorize the transmittal to the Department of Economic Opportunity (DEO) and other agencies as required by State law; and

WHEREAS, the Fort Pierce City Planning Board having been duly designated as the Local Planning Agency pursuant to section 163.3174, Florida Statutes, held an advertised public hearing pursuant to section 163.3164(40) and section 163.3174(4)(a), Florida Statutes (2018), on Tuesday, July 9, 2019 on the proposed EAR-based amendments and following that public hearing voted 5-0 to recommended that the City Commission approve the aforesaid EAR-based amendments to the City's Comprehensive Plan; and

WHEREAS, the City Commission reviewed the proposed EAR-based amendments, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process, and authorized transmittal of the EAR-based amendments to the DEO and reviewing agencies for the purpose of review in accordance with Florida law; and

WHEREAS, the City of Fort Pierce desires to hereby formally adopt this amendment to the City's Comprehensive Plan.

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

SECTION 1. Amending the Comprehensive Plan Elements hereby described in **Exhibit A** (which is attached hereto and incorporated herein).

SECTION 2. Notice of this proposed change to the City of Fort Pierce Comprehensive Plan shall be published in the manner prescribed by section 163.3184, Florida Statutes.

SECTION 3. As a condition precedent to the adoption of this ordinance amending the City's Comprehensive Plan, the City Commission shall hold at least one advertised Public Hearing on the proposed Comprehensive Plan or plan amendment pursuant to Florida Statutes, Section 163.3184, for the purpose of transmitting the amendment to the Florida Department of Economic Opportunity.

SECTION 4. All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this Ordinance to the extent of such conflict.

SECTION 5. This ordinance shall become effective upon its final adoption and as provided by general law.

SECTION 6. If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any person, property, or circumstance.

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.19-033 was duly advertised accordance with F.S. 163.3184 by display advertising in the St. Lucie News Tribune on July 21, 2019, and; 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 5, 2019; and was duly introduced, read by title only, and passed on second and final reading _____, 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 ___ day of _____, 2019.

**Linda Hudson
Mayor Commissioner**

ATTEST:

**Linda W. Cox
City Clerk**

(City Seal)

EXHIBIT "A"
COMPREHENSIVE PLAN

**Final Comprehensive Plan Will Go
Here After State Review**