

ORDINANCE NO. 20-006

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 3, SECTION 3-9, ELIMINATING SUBSECTION 3-9(4) FOR THE REQUIREMENT OF A FOUR-FIFTHS VOTE BY CITY COMMISSION IN THE EVENT THAT THE PLANNING BOARD RECOMMENDS DISAPPROVAL OF A WAIVER OF DISTANCE FOR THE ISSUANCE OF AN ALCOHOL LICENSE FROM THE STATE OF FLORIDA; RENUMBERING CHAPTER 3, SECTION 3-9; AMENDING CHAPTER 22, SECTION 22-76, ELIMINATING SUBSECTION 22-76(2) FOR THE REQUIREMENT OF A FOUR-FIFTHS VOTE BY CITY COMMISSION IN THE EVENT THAT THE PLANNING BOARD RECOMMENDS DISAPPROVAL OF A CONDITIONAL USE OR IN THE CASE OF A PROTEST AGAINST AN APPLICATION SIGNED BY 20% OF THE OWNERS WITHIN 500 FEET OF SAID APPLICATION; RENUMBERING CHAPTER 22, SECTION 22-76; AMENDING CHAPTER 22, SECTION 22-128, ELIMINATING THE REQUIREMENT OF A FOUR-FIFTHS VOTE BY CITY COMMISSION IN THE EVENT OF A PROTEST AGAINST AN APPLICATION AMENDING THE TEXT OF THE ZONING ORDINANCE OR THE ZONING ATLAS THAT IS SIGNED BY 20% OF THE OWNERS OF EITHER THE LOTS INCLUDED IN SUCH PROPOSED CHANGE OR THOSE WITHIN 500 FEET OF THE AREA INCLUDED IN THE PROPOSED CHANGE; 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 1960 approved Section 3-9, Waiver of Distance, which has been amended from time to time through July 5, 2011; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that amended Section 22-76, Procedure for the Review and Approval of Conditional Uses as well as Section 128, Amendment Procedures; and

WHEREAS, the City of Fort Pierce Planning Board held a public meeting on January 14, 2020, to consider the land development code amendment and recommended approval of the amendment unanimously; and

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

SECTION 1. Section 3-9 is hereby amended so that the same shall read as follows:

Sec. 3-9. - Waiver of distance procedure.

Any person whose location or place of business does not meet the distance restrictions in subsection 3-7(b) and who is applying to the State of Florida, Division of Alcoholic Beverages and Tobacco for a license may have this distance waived in the following manner:

(1) A request for waiver may be initiated by filing an application in writing for such waiver in the office of the department of planning and development.

(2) The department of planning and development shall refer such application to the city planning board for review and report after conferring with affected city departments. Such recommendation and report shall be forwarded to the city commission within ninety (90) days of the receipt of a complete application.

(3) Upon receipt of the report from the planning board, the city commission shall conduct a public hearing thereon giving at least fifteen (15) days notice thereof in a newspaper having general circulation in the city.

~~(4) In case, however, that the planning board recommends disapproval of the application for waiver, such waiver shall not be granted by the city commission except by four-fifths vote thereof.~~

(54) Before consideration of a request for waiver by the city commission pursuant to this section, notice by mail shall be given pursuant to section 22-1432 of the City Code.

(65) Before any action is taken upon any application as provided in this section, either by the planning board or the city commission, the applicant shall deposit with the city a fee established by the city commission by resolution to cover the approximate cost of the procedure and such sum is not refundable in any event.

SECTION 2. Section 22-76 is hereby amended so that the same shall read as follows:

Sec. 22-76. - Procedure for the review and approval of conditional uses.

The application for conditional use with the application for site plan review, when not exempt in accordance with the requirements of section 22-75, shall be reviewed as a unit in accordance with the requirements of section 22-58 except that:

(1) The city commission shall hold a public hearing in accordance with the provisions of section 1432 prior to acting on the application for conditional use.

~~(2) In the event the city planning board disapproved the application for conditional use or in case of a protest against said application signed by twenty (20) per cent of the owners within five hundred (500) feet of the area included in said application, such application shall not be approved except by a four-fifths vote by the city commission.~~

(32) In permitting a conditional use or the modification of an existing conditional use, the city commission may impose, in addition to those standards and requirements expressly specified in this chapter, any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.

SECTION 3. Section 22-128 is hereby amended so that the same shall read as follows:

The following procedure shall apply to amendment of the text of the zoning ordinance or the zoning atlas:

(1) The department of planning and development shall refer the application to the city planning board together with a staff report which notes any inconsistency between the proposed amendment and the comprehensive plan or this chapter.

(2) The city planning board will review the proposed amendment within forty-five (45) days of the filing except that it may provide for a reasonable extension of time within which to consider the amendment upon a showing of good cause.

(3) The city planning board will recommend approval, modified approval or disapproval of the proposed amendment, and its recommendations with the proposed amendment shall then be submitted to the city commission. Prior to acting on the proposed amendment, the city commission will hold a public hearing in accordance with the provisions of section 22-1432.

(4) In the event the city planning board recommends disapproval, ~~or in case of a protest against any said proposed change signed by twenty (20) per cent of the owners of either the lots included in such proposed change or those within five hundred (500) feet of the area included in such proposed change~~ such amendment shall not become effective except by a four-fifths vote by the city commission.

SECTION 4. 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 5. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 6. 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. 20-006 was duly advertised by title only in the St. Lucie News Tribune on Sunday, February 16, 2020 and on Sunday, March 1, 2020; 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 March 2, 2020; and was duly introduced, read by title only, and passed on second and final reading March 16, 2020, 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 16th day of March, 2020.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)