

ORDINANCE NO. 21-0xx

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 125, ARTICLE VII, SECTION 125-321, ELIMINATING THAT SECTION IN ITS ENTIRETY FROM CHAPTER 125, ZONING; 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 Chapter 22, Zoning, that established the coastal construction control line to only permit construction seaward of the coastal construction control line in any zoning district except for navigational structures, private and semipublic water-dependent recreational uses and water-dependent public uses in a manner provided for through the conditional use approval process; and

WHEREAS, the City Commission of the City of Fort Pierce re-codified Chapter 125, Zoning via Ordinance No. 20-022 enacted on September 21, 2020 to change the Coastal Construction Control Code from Section 22-66 to Section 125-321; and

WHEREAS, the City Commission of the City of Fort Pierce through City Ordinance 109-25(b) provides that the floodplain administrator is authorized and directed to administer and enforce the provisions of Chapter 109, Flood plain management,

WHEREAS, the City Commission of the City of Fort Pierce through City Ordinance I-200 currently enforces the City's Coastal Construction Code as contained in Article VII and administered by the building department; and

WHEREAS, the City of Fort Pierce Planning Board held a public meeting on August 9, 2021, to consider the Zoning Code amendment and recommended _____ by a vote of ___ to ___; and

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

SECTION 1. Section 125-321 is hereby amended as follows:

~~Sec. 125-321. Coastal construction control line.~~

~~No construction is permitted on the seaward side of the coastal construction control line in any zoning district except for navigational structures, private and semi-public water-dependent recreational uses and water-dependent public uses. Any other construction shall be approved in the form and manner provided for by article V of this chapter and otherwise shall conform with all other applicable ordinance requirements. The coastal construction control line is that certain line designated by the department of environmental protection or its successor agency in accordance with F.S. § 161.053.~~

~~(Code 1983, § 22-66; Ord. No. H-186, § 30-66, 6-15-1981)~~

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:

Tanya M. Earley
Interim 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. 21-0xx was duly advertised by title only in the St. Lucie News Tribune on Sunday, August 1, 2021 ; 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 16, 2021; and was duly introduced, read by title only, and passed on second and final reading September 7, 2021, 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 _____ 2021.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)