



**TO:** City Commission

**THROUGH:**

**FROM:** Kev Freeman, Planning Director

**RE:** **TEXT AMENDMENT - EDGARTOWN SETTLEMENT ZONING**  
**DISTRICT**

**BOARD DATE:** February 9<sup>th</sup>, 2023

---

### **STAFF REPORT**

**Requested Action:** Approval of text amendments to the Edgartown Settlement Historic District:

**Parcel IDs:** 3403-312-0000-000-4, 3403-312-0001-010-4, 3403-311-0005-010-9, 3403-311-0005-050-1, 3403-502-0075-000-3, 3403-804-0043-000-7, 3403-502-0070-000-8, 3403-502-0069-000-8

**Current Future Land Use:** High Density Residential

**Current Zoning:** Edgartown Settlement (ES)

**Background:** The Edgartown Settlement (ES) Zoning District was adopted by Ordinance L-270 in 2012. Since that time the zoning regulations have been amended and also discussed in detail through Community Meetings. Various Staff proposed amendments to the zoning code were proposed in 2021. Since that time the community has raised concerns regarding outdoor entertainment and noise. This item proposes text amendments to incorporate previous recommendations and to address issues of outdoor use and noise regulation. The proposed amendments seek to better arrange definitions and other sections, including Chart 1-1, uses allowed.

**The item and issues connected to the item have been presented to:**  
**Planning Board 11/14/2022**  
**Historic Preservation Board 12/5/2022 (Discussion)**  
**City Commission Conference 1/9/2023 (Noise demonstration)**  
**Planning Board 1/9/2023 (Recommended Approval)**

---

**Staff Analysis:**

Staff has reviewed the Comprehensive Plan and finds the proposed text amendments to the Code of Ordinances are consistent with the following Objectives and Policies:

**1.1.6 Policy**

The City shall administer Land Development Regulations consistent with the future land uses in this Element. The general description of each land use category is as follows:

**A. Residential**

**High Density Residential (RH):** The High Density Residential (RH) designation is intended for parcels that are best suited for medium to high density multifamily residential uses ranging in density from 12 to 18 dwelling units per acre. This category allows multifamily dwellings including apartments, condominiums and townhomes. Limited commercial uses intended to serve the residential uses shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed.

**1.2 Objective:**

*The City shall use innovative Land Development Regulations to encourage flexibility in development to support compact, mixed-uses compatible with the local context and character. These regulations shall include transit-oriented development, transfer of development rights, density bonuses, planned unit developments and other mixed land use development provisions, where appropriate.*

**1.9 Objective:**

*The City shall support neighborhood planning programs that create physical and economic revitalization of neighborhoods and enhance public safety to maintain the stability and character of the City's neighborhoods.*

**1.15 Objective:**

*Provide identification, protection and awareness of archeological and historic resources to preserve the City's unique economic, political, scientific, religious, and architectural history.*

**1.15.7 Policy:**

The City of Fort Pierce, during the review and evaluation process, shall consider potentially harmful impacts of land use plan amendments and site development approvals on resources of historic significance.

**6.1.6 Policy:**

The City shall promote a variety of housing sizes, types, and price points through its future land use classifications and zoning districts to meet the needs of all population groups including school-age groups, working-age groups, and retirement-age groups.

**6.5 Objective:**

*The City shall provide for identification, conservation, and rehabilitation of historically significant housing in order to maintain its unique history and neighborhood character.*

**12.1.1 Objective:**

*The City shall ensure that private property rights are considered in local decision-making to the extent that they are protected through the legal system and the law and order of the government.*

12.1.1.2 Policy:

The City shall consider the right of a property owner to use, maintain, develop, and improve their property for personal use or for the use of any other person, subject to state law and local ordinances.

**Procedure relating to Zoning Atlas amendments:**

**Sec. 125-133. - Zoning atlas amendment procedures.**

The following procedure shall apply to amendment of the text of 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 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 125-37.
- (4) In the event the city planning board recommends disapproval, such amendment shall not become effective except by a four-fifths vote by the city commission.

**Staff Recommendation**

Staff recommendation is for the City Commission to APPROVE the proposed text amendment.

**Alternative Actions**

The City Commission may take the following actions:

1. Recommend Modified Approval.
2. Recommendation of Disapproval.