



CITY OF FORT PIERCE  
PLANNING BOARD

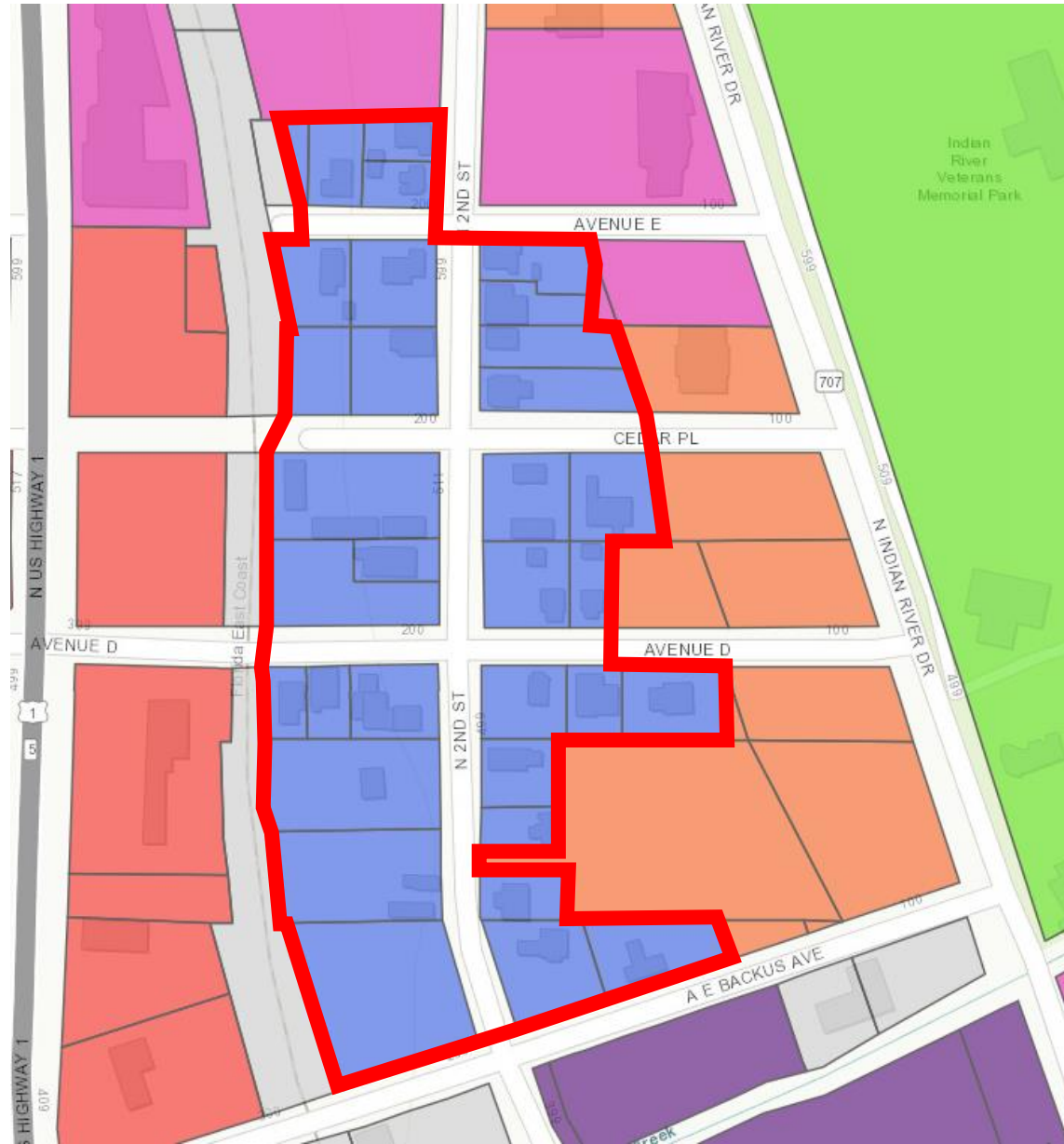
JANUARY 9th, 2023

TEXT AMENDMENT: EDGARTOWN  
SETTLEMENT ZONING DISTRICT

# LOCATION



EDGARTOWN SETTLEMENT  
ZONING DISTRICT (ES)



TEXT AMENDMENT – EDGARTOWN



## BACKGROUND

The existing code, adopted by Ordinance L-270 requires reorganization and clarification.

The code was presented to the Planning Board at their November 14<sup>th</sup>, 2022, meeting, and then at the Planning Board's request to the Historic Preservation Board at their December 5<sup>th</sup>, 2022, meeting as a Discussion Item.

The discussion at the Historic Preservation meeting mentioned whether the appropriate noise level (dBA) should be adopted as initially recommended by Staff (Citywide level of 65 dBA) or reduced to a lower level.

Comment by the attorney representing some residents of the neighborhood requested a reduction to 55 dBA and that certain commercial uses be approved in future by the Conditional Use process. In addition, the limit of 800 sq.ft exterior area used for outside entertainment be strictly enforced.



# COMPREHENSIVE PLAN

## 1.1.6 Policy

The City shall administer Land Development Regulations consistent with the future land uses in this Element...

**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.



# COMPREHENSIVE PLAN

## 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.



## SUMMARY

Consideration of amendments to the Edgartown Settlement Zoning District (ES), which include;

- Reorganization of Purpose and Definitions (existing language relocated).
- Chart 1-1 (Uses allowed) reorganized.
- Code sections reorganized and language presented to Edgartown Community meeting May 12, 2021.
- New language relating to ‘Entertainment Indoor’ and ‘Entertainment Outdoor’ proposed based on existing City Noise Regulations contained in Chapter 26, Article II of the City’s Code of Ordinances. (Unless City Commission advise otherwise).
- Hours of outdoor entertainment re-iterated and ‘acoustic’ terminology removed.
- Conditional Use process required for; Brewpub, Neighborhood Bistro, and Wine and Cigar Bar uses



# PROPOSED AMENDMENTS TO ENTERTAINMENT AND NOISE

## (j) Brewpub, (k) Neighborhood Bistro, (l) Wine and Cigar Bar

<u>Hours of Operation</u>	<u>Between 7.00 a.m. and 11.00 p.m. only</u>
<u>Entertainment Indoor</u>	<u>Permitted subject to Chapter 26, Article II, Noise.</u>
<u>Entertainment Outdoor</u>	<u>Permitted subject to Chapter 26, Article II, Noise, except that no outdoor entertainment shall occur after 9.00 p.m.</u>



## **CITY'S NOISE ORDINANCE Sec. 26 - 40**

No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1 when measured from the real property line of the nearest receiving property, using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

**(Extract from Table 1 below) (dBA, dBC and dBZ)**

Receiving Residential Property **60** (7 a.m. – 11 p.m.)

Receiving Commercial Property **65**

Receiving Industrial Property **70**

Further limitations on Saturdays and Sundays (Residential Only).

TEXT AMENDMENT – EDGARTOWN



## RECOMMENDATION

The Board is asked to consider the proposed text amendment and recommend approval of the proposed amendments to the City Commission.

## ALTERNATIVE RECOMMENDATIONS

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

