

RESOLUTION NO. 24-R29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA ISSUING AN ORDER OF FINDINGS BASED UPON COMPETENT SUBSTANTIAL EVIDENCE DETERMINED AT AN **APPEAL HEARING HELD ON JUNE 3, 2024 FOR THE APPEAL OF THE HISTORIC PRESERVATION BOARD** DECISION ENTERED ON MARCH 25, 2024 FOR PROPERTY LOCATED AT **411 N 2ND STREET**, FORT PIERCE, FL; PROVIDING FOR NOTICE TO ALL PARTIES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce established the Historic Preservation Board whose composition, powers and duties are codified in Chapter 111 of the Fort Pierce Code of Ordinances; and

WHEREAS, on March 25, 2024, the Historic Preservation Board voted to approve a request for a variance/conditional use for an Expansion of the Existing Outdoor Entertainment Area at 411 N. 2nd Street, Parcel ID#: 2403-705-0119-000-4, Owner, JON NOLLI, PIERCED CIDERWORKS, subject to the following conditions:

1. The total area used for outdoor entertainment at the property subject of the variance/conditional use be limited to a maximum of 5,000 square feet.
2. The variance/conditional use will run with the property;
3. Follow all provisions of Chapter 26 of the City Code of Ordinances; and

WHEREAS, notice of such approval by the Historic Preservation Board was issued on April 12, 2024 by City Staff; and

WHEREAS, an appeal of the Historic Preservation Board decision was timely filed by the City of Fort Pierce through its City Manager with the City Clerk pursuant to Section 111-53 of the Fort Pierce Code of Ordinance; and

WHEREAS, the City of Fort Pierce established Appeal Hearing Procedures for the City Commission by Resolution 20-R19; and

WHEREAS, the City Commission held an appeal hearing at its public meeting on June 3, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida;

SECTION 1. The record of the original hearing containing competent substantial evidence was received by the City Commission and oral arguments of the Appellant and Applicant were presented to the City Commission at its public meeting on June 3, 2024 in regards to the approval by the Historic Preservation Board at its meeting on March 25, 2024.

SECTION 2. The City Commission, having reviewed the record of the original hearing and taken into account the arguments presented, hereby finds and orders as follows:

The March 25, 2025 decision of the Historic Preservation Board is hereby affirmed;
OR

The March 25, 2025 decision of the Historic Preservation Board is hereby modified as follows:

_____ ; **OR**

The March 25, 2025 decision of the Historic Preservation Board is hereby reversed and the application for conditional use is denied based upon evidence presented that its approval will _____.

SECTION 3. A certified copy of this Resolution shall be mailed to the Applicant and Appellant by the City Clerk for the City of Fort Pierce, Florida.

SECTION 4. The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, which shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 5. All resolutions or parts of resolution in conflict herewith are hereby repealed.

SECTION 6. This Resolution shall be effective immediately upon final adoption by the City Commission.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 3rd day of June, 2024.

Linda Hudson, Mayor

ATTEST:

Linda W. Cox, City Clerk

(SEAL)

Approved as to Form
And Correctness:

Sara K. Hedges, Esq.
City Attorney