

ORDINANCE NO. 24-008

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, CHAPTER 125 – ZONING, ARTICLE VII – SUPPLEMENTARY REGULATIONS, DIVISION 1 – GENERALLY, SECTION 125-313 – MAJOR AND MINOR SITE PLAN APPLICATION TO INCREASE THE THRESHOLD FOR MINOR SITE PLANS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce, though the site plan application process regulates the approval of development through the major and minor site plan application process; and

WHEREAS, the existing thresholds of major and minor site plan applications require a substantial number of applications to be directed through the major site plan application process, causing additional timeline and cost to be incurred by property owners seeking to redevelop property; and

WHEREAS, on October 9, 2023, the City Commission directed staff to move ahead with proposed changes to the major and minor site plan thresholds; and

WHEREAS, the City of Fort Pierce Planning Board held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their March 11th, 2024, meeting, voted 4 to 2 to recommend approval of the request.

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

SECTION 1. Section 125-313 of the City of Fort Pierce Code of Ordinances is hereby amended so the same shall read as follows:

Sec. 125-313. Major and minor site plan application.

(a) *Major site plans.*

(1) *General.* A major site plan is one which is:

- a. A residential project which exceeds ~~50-20~~ total dwelling units; or
- b. A nonresidential or mixed-use development over ~~10,000~~ ~~4,000~~-square feet in area.

(2) *Pre-application conference required.* Prior to filing for major site plan review, the developer and/or consultant shall meet with the city planning department, and any other relevant departments, to discuss the development review. No person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(3) *Submittal requirements.*

- a. *Application.* Application forms for any site plan review shall be available from the city planning department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation. The completed application form shall be accompanied by appropriate review fees, a vicinity map, a site plan, and by any other information required by the city planning department.
- b. *Vicinity map.* The vicinity map shall indicate the general location of the site, abutting streets, existing utilities, complete legal description of the property in question, and all adjacent land uses.
- c. *Site plan.* A site plan shall include, at minimum, the following items. The planning director shall have the discretion to request additional information, studies, or plans dependent on the nature of the development being proposed.
 1. Name, location, owner, and designer/consultant of the proposed development.
 2. Present zoning for subject site.
 3. Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties as well as access and traffic flow for both vehicular and pedestrian traffic.
 4. Date, north arrow, and graphic scale not less than one inch equal to 50 feet.

5. Area, dimensions, and boundaries of the site.
6. Location of all property lines, existing right-of-way approaches, sidewalks, curbs, gutters, and streets.
7. Location of existing telephone and power poles and access to utilities and points of utility hookups.
8. Location and dimensions of all existing and proposed parking areas and loading areas, along with a lighting plan which shows illumination of all parking areas, as well as interior and immediately adjoining streets, at levels consistent with this Code.
9. Location, size, and design of proposed landscaped areas (including existing trees and required landscaped buffer areas).
10. Location and size of any lakes, ponds, canals, or other waters and waterways along with watercourses, easements, mean high tide lines, ordinary high water lines and section lines.
11. Structures and major features fully dimensioned including setbacks, distances between structures, floor area, width of driveways, parking spaces, property or lot lines, and percent of property covered by structures.
12. Location of dumpsters with details of any enclosures.
13. Locations, general dimensions, and uses of all buildings and structures, including overhangs, porches, balconies and building heights.
14. A storm drainage plan which indicates the techniques used to control drainage. The plan shall include:
 - (i) Location and elevations of all existing and proposed drainage facilities within the site plan area and adjacent vicinity for 100 feet in all directions;
 - (ii) Retention areas and exfiltration systems;
 - (iii) Length, width, depth, and direction of flow for all canals and ditches;
 - (iv) Storm sewers and appurtenances;
 - (v) Contour lines at one-foot intervals; and
 - (vi) A note indicating that all storm drainage facilities shall conform to chapters 32 and 121 and the Standard Specifications adopted by the city commission on February 13, 1973, as amended.
15. A plan providing, where applicable, for the protection of the beach and dune system. The plan shall include these requirements:

- (i) Demonstration of compliance with the coastal construction control line established pursuant to F.S. ch. 161;
 - (ii) All beach access points are to be provided as beach/dune walkovers in accordance with the requirements of the state department of natural resources;
 - (iii) No construction which threatens the stability of the primary dune or beach itself shall be permitted;
 - (iv) No rigid shore protection structures shall be permitted except when used as part of a comprehensive plan for beach restoration and when nonstructural alternatives are unavailable;
 - (v) Demonstration of dune restoration measures conforming to the requirements of the state department of natural resources.
16. A design review plan which meets the requirements of section 125-314.
17. For residential, hotel, motel, bed and breakfast, mobile home park, or other comparable use site plans:
- (i) Tabulation of gross acreage.
 - (ii) Tabulation of density.
 - (iii) Number of dwelling units proposed.
 - (iv) Location and percent of total open space and recreation areas.
 - (v) Percent of lot covered by buildings.
 - (vi) Floor area of dwelling units.
 - (vii) Number of proposed parking spaces.
 - (viii) Street layout.
 - (ix) Layout of mobile home stands (for mobile home parks only).
 - (x) Stormwater management plan.
 - (xi) Recreation facility locations.
- (4) *Technical review committee.* Once review has been completed, the city planning department shall then route the application to each reviewing department and other agencies that are part of the technical review committee or are determined necessary for intergovernmental review. Each reviewer shall then submit written comments to the city planning department by the technical review committee's meeting date. The technical review committee shall be held on the third Thursday of each month where comments from reviewing departments and other agencies shall be used to determine whether the

application complies with the requirements of this Code or if revisions or additional information is needed in order to proceed.

- (5) *Planning board.* Once the city planning department has determined the application is ready to proceed, the department will prepare a staff report and recommendation for consideration by the city planning board. Notice of the public hearing shall be consistent with section 125-37.
- (6) *City commission.* The city planning department will prepare a staff report and recommendation for consideration by the planning board. The planning board may choose to approve, with or without conditions, deny, or table the item. In no case, however, may a major site plan proceed to city commission without action from the planning board. Notice of the public hearing shall be consistent with section 125-37.
- (7) *City commission public hearing.*
 - a. At the public hearing, the city commission shall hear from all interested parties regarding whether the major site plan application complies with the requirements of this Code. The city commission shall consider the application, the written comments of each responding department and agency, the compliance recommendation of the city planning department, and the comments presented to the planning board and city commission.
 - b. The city commission may choose to approve the major site plan, with or without conditions, deny the site plan, withdraw the site plan, or continue the public hearing.
 - c. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.

(b) *Minor site plan.*

- (1) *General.* A minor site plan is one which is:
 - a. A single-family, duplex, triplex, townhouse, multi-dwelling building, manufactured home, or multifamily residential project of between two and 50 ~~20~~ units, inclusive; or
 - b. A nonresidential or mixed-use development under 10,000 ~~4,000~~ square feet in area.
- (2) *Pre-application conference.* Prior to filing for minor site plan review, the developer and/or consultant shall meet with the city planning department, and any other relevant departments, to discuss the development review. No person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. The planning director may

have the option to waive the pre-application conference for any minor site plan application.

- (3) *Submittal requirements.* Application forms for a minor site plan review shall be available from the city planning department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation. The completed application form shall be accompanied by appropriate review fees, a vicinity map, a site plan, and by any other information required by the city planning department. The vicinity map and site plan shall be submitted in compliance with subsection (a)(3) of this section.
- (4) *Technical review committee.* Once review has been completed, the city planning department shall then route the application to each reviewing department and other agencies that are part of the technical review committee or are determined necessary for intergovernmental review. The minor site plan application shall be reviewed consistent with subsection (a)(4) of this section.
- (5) *Action on minor site plan.* The city planning department shall determine if the minor site plan is either in compliance or not in compliance with this Code and ready to proceed.
 - a. If in compliance, and there are no outstanding documents, actions, or information needed, the minor site plan shall be deemed approved.
 - b. If not in compliance, the planning director shall specify the reasons therefor, how the application may be brought into compliance, and convey this information to the applicant. Within 180 days of said conveyance the applicant may submit documents, actions, or information to comply with the requirements. In this event, the compliance review recommendation of the department shall be amended accordingly. If an application does not achieve compliance within the 180 days referenced above, the entire application shall be void.

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 which 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.

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. 24-008 was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on Sunday, March 17th, 2024 and **Sunday, March 31st**, 2024; 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 _____, 2024; and was duly introduced, read by title only, and passed on second and final reading _____, 2024, 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 ____ of _____, 2024.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM AND
CORRECTNESS:

Sara Hedges, Esq.
CITY ATTORNEY