

ORDINANCE NO. L-269

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 22, ZONING; AMENDING SECTION 22-65, SETTING OUT PURPOSE STATEMENT; EXPANDING THE TYPES OF TEMPORARY USES PERMITTED; SETTING OUT **TENTS AS A TEMPORARY USE** AND STANDARDS FOR REVIEW; AMENDING AND CLARIFYING PROCEDURAL REQUIREMENTS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Section 22-65, Temporary Uses, Chapter 22, Zoning, is hereby amended as follows:

~~Temporary uses will be allowed by the director of the department of development if he determines that the provisions in this section have been satisfied.~~

(1) Generally. This section provides for the orderly and effective management of temporary uses which may or may not be specifically allowed in a zoning district. Temporary uses are often found to be necessary and desirable for limited periods of time, although they might not be in keeping with the intent and purpose of the zoning district if allowed on a long-term basis. This section provides for a thorough administrative review of these special types of land uses while minimizing adverse impact upon the public health and welfare as well as adverse impacts to public facilities. Conditions may be placed on the approval of a temporary use permit to ensure adverse impacts to neighboring land uses and public facilities are mitigated.

~~(1)(2)~~ Types of temporary uses which may be allowed. A temporary use activity may include but is not limited to the following:

- a. A temporary building or yard for construction offices, material or equipment, provided such use is on or adjacent to the construction site and is adequately equipped with sanitary facilities.
- b. A real estate sales office used for the sale of lots or housing units in a development, provided such office is in or adjacent to the development and is adequately equipped with sanitary facilities.
- c. Temporary housing, including mobile homes, for households displaced from their residences due to fires, floods or other disasters, provided the temporary housing is adequately equipped with sanitary facilities.
- d. Tents erected of a size larger than 12' x 12' under which people gather for a common purpose. Such a use may be for a seasonal commercial use or other use, such as church-related, carnival or special event on private property. ~~A carnival or circus of the type with or without mechanical rides, religious services, show, exhibition or other gathering if adequate~~

~~sanitary facilities are provided and if the city commission, after a public hearing, determines that the temporary use satisfies the requirements of subsection (2), may be held at church or school locations even if said church or school locations are within residential districts. No use may remain more than twenty-one (21) days, except for tents for public assembly may only be erected in accordance with the provisions of sections 5.3. No religious services, shows exhibits or other gatherings may be permitted in residential districts.~~

(1) Standards for Review. The impact on surrounding land uses and on public facilities determines the review and approval process. Application shall be approved when all standards for review are met, per Table 1, and when all other applicable requirements of the section are satisfied. Director of Planning may impose conditions on the approval to mitigate adverse impacts to public health and welfare, to neighboring land uses, and to public facilities when any standard is not met under the proposal. The application shall be denied when conditions cannot be imposed to mitigate adverse impacts.

<u>Table 1 - Standards for Tents</u>	
<u>Length of Time</u>	<u>Seasonal Commercial: 30 days or less;</u> <u>Other: 7 days or less</u>
<u>Noise</u>	<u>No amplification</u>
<u>Traffic</u>	<u>Driveway access to a Collector or Arterial Road</u>
<u>Adjacent Zoning</u>	<u>No Residential Zoning</u>
<u>Tent Size</u>	<u>1600 sq. ft. or less, cumulative</u>
<u>Dimensional Standards</u>	<u>Proposed tent shall meet all setback and clear vision area requirements of the subject zoning district.</u>

~~(2)~~(3) Compatibility standards. No temporary use will be allowed unless:

- a. Any nuisance or hazardous features of the use are suitably separated from adjacent uses;
- b. The use will not generate excessive traffic congestion on nearby streets; and
- c. A vehicular parking problem will not be created.

~~(3)~~(4) Period allowed. Unless otherwise specified in this Section, temporary use permits shall expire after one year. Temporary uses will be allowed for a period of not more than a year after the date of approval. The period for which a temporary use is allowed will be specified by the

~~director of the department of development.~~

~~(4)~~ (5) *Security.* Security for performance of the applicant's obligations, including removal of any structures, equipment and materials, shall be posted ~~in all cases when determined necessary by the Director of Planning.~~ The security may be a performance bond, cash, time certificate of deposit payable to the city and/or other negotiable instrument, including title.

~~(5)~~ (6) *Application for a temporary use.* A property owner or his designated representative may initiate a request for a temporary use by filing an application with the Director of Planning ~~department of development~~ using forms prescribed by the city. ~~The application will be accompanied by a set of findings which demonstrate that applicable zoning and other ordinance requirements will be satisfied.~~ The application will also be accompanied by plans, with information specified in Section 22-141. The director of the department of development may request other drawings or information necessary for an understanding of the request.

SECTION 2. All ordinances of parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 3. This Ordinance is and the same shall become effective immediately upon final passage hereof.

STATE OF FLORIDA)
ST. LUCIE COUNTY)^{SS}

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. L-269 was duly advertised by title only in the St. Lucie News Tribune on August 27, 2012; 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 September 17, 2012; and was duly introduced, read by title only, and passed on second and final reading on October 1, 2012, 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 the 1st day of October, 2012.

MAYOR COMMISSIONER

CITY CLERK

(CITY SEAL)