

## ORDINANCE 21-

AN ORDINANCE AMENDING TITLE XV, "LAND USAGE", CHAPTER 158, "ZONING CODE", ARTICLE XVII, "APPEALS" OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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**WHEREAS**, the City of Port St. Lucie, Florida adopted amendments to the City of Port St. Lucie Comprehensive Plan by Ordinance 12-19 (the "Comprehensive Plan"); and

**WHEREAS**, Section 163.3202, Florida Statutes, provides for the amendment and enforcement of land development regulations that are consistent with and implement the adopted comprehensive plan; and

**WHEREAS**, Section 163.3174, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

**WHEREAS**, this City initiated code amendment, P21-099, proposes to amend Chapter 158 to provide for modify the provisions for appeals; and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174, Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Code of Ordinances (P21-099) and submitted its recommendation thereon to the City Council; and

**WHEREAS**, having considered the recommendations of the Planning and Zoning Board, the Port St. Lucie City Council has found and determined that the adoption of an amendment to Article XVII, will foster and preserve the public health, safety and welfare; improve and protect the environment and value and character of the community; and implement the adopted comprehensive plan.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

**Section 1.** **Ratification of Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

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**Section 2.** Title XV, Land Usage, Chapter 158, Zoning Code, Article XVII, Appeals of the Code of Ordinances of the City of Port St. Lucie is amended as follows:

**Sec. 158.335. - City Council to Serve as Board of Zoning Appeals; Powers and Duties of Board.**

- (A) The City Council shall serve as the Board of Zoning Appeals and shall hear and consider all appeals from the provisions of this chapter.
- (B) The Board of Zoning Appeals shall have the following powers and duties:
  - (1) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the performance of his duties.
  - (2) To hear and decide appeals on denials or approvals of variance applications and landscape modifications by the Planning and Zoning Board.
  - (3) To hear and decide petitions involving proposed changes of nonconforming uses to other nonconforming uses, in accordance with the provisions of section 158.281.
  - (4) To hear and decide appeals on final decisions of the Site Plan Review Committee on site plan approvals and landscape modifications.

**Section 3. Conflict.** If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

**Section 4. Severability.** The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section 5. Codification.** The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

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**Section 6. Effective Date.** This Ordinance shall become effective immediately upon final adoption on second reading.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY: \_\_\_\_\_  
Shannon M. Martin, Vice-Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney