

CHAPTER 158: ZONING CODE

ARTICLE I. GENERAL PROVISIONS

§ 158.001. Short Title.

This chapter shall be known, referred to, and recited as the "Port St. Lucie Zoning Code."

§ 158.002. Authority.

This chapter, together with all future amendments hereof, is adopted pursuant to the requirements and authority of F.S. § 163.3202 (the Local Government Comprehensive Planning and Land Development Regulation Act), the City Charter, and under the terms and authority granted by F.S. Ch. 166,

§ 158.003. Jurisdiction and Scope.

The provisions of this chapter shall apply to all lands, waters, buildings, structures, and the use thereof, within the jurisdictional limits of the City. No lands, waters, buildings, or structures shall be used, no buildings or structures shall be erected, and no existing buildings or structures shall be moved, added to, enlarged, altered, or maintained except in conformity with the provisions of this chapter.

§ 158.004. Purpose.

The Zoning Code is related to, based on, consistent with, and adopted to effectuate and implement the policies of the City Comprehensive Plan pursuant to F.S. § 163.3201, in order to preserve, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare; encourage the most appropriate use of land, water, and resources; preserve and enhance the value of land and the character and stability of residential, agricultural, commercial, and industrial areas; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other services; and to conserve, develop, utilize, and protect the natural resources within the City.

Sec. 158.005. Relationship to Comprehensive Plan.

The City Comprehensive Plan is a statement of the policies to guide and implement future land development decisions within the City. In addition, the policies adopted in the Comprehensive Plan provide and shall serve as a framework for the City Council, the Planning and Zoning Board, the Board of Zoning Appeals, and the zoning administrator to review and decide applications for amendment to the zoning map, applications for amendment to the text and this chapter, applications for planned unit developments, applications for variances, applications for special exception use approval, site plans, and any other application required by this chapter. Therefore, all actions taken in regard to amendments to the zoning map, amendments to the text of this chapter, applications for planned unit developments, applications for variances, applications for special exception use approval, site plans, and any other application pursuant to this chapter shall be consistent with the policies and provisions of the City Comprehensive Plan.

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§158.006. Definitions. (See Chapter 153)

§ 158.007—158.019. Reserved.

ARTICLE II. ZONING DISTRICTS; ZONING MAP

§ 158.020. Zoning Districts.

(A) For the purpose of this chapter, the following classifications of zoning districts are hereby established for use within the City:

GU	General Use Zoning District
RE	Estate Residential Zoning District
RS-1	Single-Family Residential Zoning District
RS-2	Single-Family Residential Zoning District
RS-3	Single-Family Residential Zoning District
RM-5	Multiple Family Residential Zoning District
RM-8	Multiple Family Residential Zoning District
RM-11	Multiple Family Residential Zoning District
RM-15	Multiple Family Residential Zoning District
RMH	Mobile Home Residential Zoning District
OSR	Open Space-Recreational Zoning District
OSC	Open Space-Conservation Zoning District
I	Institutional Zoning District
P	Professional Zoning District
CN	Neighborhood Commercial Zoning District
CG	General Commercial Zoning District
CH	Highway Commercial Zoning District
CS	Service Commercial Zoning District
WI	Warehouse Industrial Zoning District
IN	Industrial Zoning District
U	Utility Zoning District
PUD	Planned Unit Development Zoning District
MPUD	Master Planned Unit Development Zoning District
LMD	Limited Mixed District

(B) The zoning ordinance was amended and updated in 1999 to implement the City's revised Comprehensive Plan and for consolidation of similar zoning districts. The following districts have been removed and consolidated and are no longer a part of the Code. Properties with these designations as of adoption of these revisions in 1999 are considered legal nonconforming uses with regards to use and development standards as previously applied provided they have received a final local development order for that use prior to the effective date of these amendments.

RR	Rural Residential Zoning District
CSC	Shopping Center Commercial Zoning District
CR	Resort Commercial Zoning District
FI	Flexible Industrial Zoning District
HI	Heavy Industrial Zoning District

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§ 158.021. Interpretation of Zoning District Boundaries.

The location of any zoning district boundaries shown on the zoning map shall be determined by the following rules:

(A) Zoning district boundary lines are intended to follow center lines of streets or alleys, street, or railroad rights-of-way, or water courses, or to be parallel or perpendicular thereto, unless the zoning district boundary lines are fixed by dimensions shown on the zoning map.

(B) Where zoning district boundaries approximately follow platted lot lines on the zoning map, those lot lines shall be construed to be the boundaries.

(C) Where zoning district boundaries approximately follow City corporate limits, those limits shall be construed to be the boundaries.

(D) Where zoning district boundaries approximately follow section lines or subsection lines, those lines shall be construed to be the boundaries.

(E) Where the foregoing rules cannot be applied to a zoning district boundary traversing un subdivided property, or where a zoning district boundary divides a platted lot, the location of any boundary shall be determined by dimensions as may be shown upon the zoning map or by use of the scale shown upon the map.

(F) If, after the application of the foregoing rules, uncertainty exists as to the exact location of a zoning district boundary, the zoning administrator shall interpret and determine the location in accordance with the intent and purpose of this chapter. Appeal from the interpretation of the zoning administrator shall be only to the Board of Zoning Appeals in accordance with procedures prescribed in sections 158.335 through 158.341.

§158.022. Zoning Map; Established and Adopted; Certification.

(A) Establishment of Zoning Map. The locations and boundaries of zoning districts established within the City shall be shown on a map entitled "City of Port St. Lucie, St. Lucie County, Florida Official Zoning Map," and that map may be amended subsequent to the adoption thereof; and the map, together with all notations, dimension, designations, references, and other data shown thereon, is hereby adopted and made a part of this chapter and the City of Port St. Land Development Regulations to the same extent as if the information set forth on the map were fully described and incorporated herein.

(B) Zoning Map Adopted. The City zoning map containing the entire municipal area of the city, together with all prior ordinances as same are shown and designated upon the map by zoning classification as set forth in this chapter, together with amendments thereto, is hereby officially adopted.

§ 158.023. Location And Maintenance

Location and maintenance. The official zoning map shall be located in the Planning and Zoning Department and maintained in a published version and format as determined by the department.

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§ 158.024. Changes in District Boundaries.

The official zoning map may be amended as provided in article XVI of this chapter. If, in accordance with the provisions of this chapter and applicable provisions of State law, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be entered promptly on the official zoning map after the amendment has been approved by the City Council; the official zoning map shall contain a listing of the identification numbers and dates of approval of all ordinances involving changes of district boundaries or other matter portrayed on the official zoning map. No amendment to this chapter which involves matter portrayed upon the official zoning map shall become effective until established as prescribed by law.

§158.025. Unauthorized Changes Prohibited.

No change of any nature shall be made in the official zoning map or any matter shown thereon except in conformity with the procedures set out in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided by section 158.999.

§158.026. Final Authority as to Current Zoning Status.

Regardless of the existence of purported copies of the zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of all lands and waters within the City.

§158.027—158.039. Reserved.

ARTICLE III. APPLICATION OF ZONING DISTRICT REGULATIONS

§ 158.040. Regulations Apply Uniformly within Districts.

The regulations set forth herein for each zoning district shall apply uniformly to all lands and water within the district and to each class or kind of structure, use, or occupancy permitted within the district.

§ 158.041. Only Listed Uses Permitted.

Only those uses or classes of uses specifically listed as being permitted within a zoning district shall be permitted in that zoning district, and only in accordance with any stipulated provisions. Unless otherwise stated herein, it is the intent of this chapter that any use or class of use not specifically listed as permitted shall be expressly prohibited.

§ 158.042. Only One Principal Building, Structure, or Use Upon Lots in Single-Family Residential Zoning Districts.

Each building, structure, or use erected or established shall be located upon a lot as herein defined and, except as may be herein specifically provided, there shall be no more than one (1) principal building, structure, or use upon any lot.

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§ 158.043. Minimum or Maximum Limitations.

In the interpretation and application of the regulations set forth herein, they shall be held to be the minimum or maximum limitations, as the case may be, which are necessary to carry out the purpose of this chapter. It is not the intent of this chapter to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties, or any other public law, ordinance, rule, regulation, or permit. However, whenever the provisions and regulations of this chapter are more restrictive than those of the private agreements or public requirements, the provisions and regulations of this chapter shall govern.

§ 158.044. Zoning Affects Height of Structures, Population Density, Lot Coverage, Yards, and Open Spaces.

No building or structure shall hereafter be erected or altered in any manner contrary to the provisions of this chapter, and especially:

- (A) To exceed height, bulk, or floor area;
- (B) To provide a greater number of dwelling units or less lot area per dwelling unit;
- (C) To occupy a smaller lot;
- (D) To occupy a greater percentage of lot area;
- (E) To provide narrower or smaller yards, courts, or other open spaces; or
- (F) To provide lesser separation between buildings or structures or portions of buildings or structures.

§ 158.045. Multiple Use of Required Space Prohibited.

No part of a required yard or other required open space, or required off-street parking space or off-street loading space provided in connection with one (1) building, structure, or use shall be included as meeting the requirements for any other building, structure, or use, except where specific provision is made in this chapter.

§ 158.046. Reduction of Lot Area Prohibited.

No lot or yard existing at the effective date of this chapter shall thereafter be reduced in size, dimension, or area below the minimum requirements set forth herein, except by reason of a portion being acquired for public use in any manner, including dedications, condemnation, purchase, and the like. Lots or yards created after the effective date of this chapter shall meet at least the minimum requirements established herein.

§ 158.047. Application of Zoning to Annexed Lands.

Whenever lands may be annexed into the city, the city council shall take prompt and timely steps to apply the provisions of this chapter to those lands, utilizing all applicable procedures established by this chapter and by state law.

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§ 158.048—158.059. Reserved.

ARTICLE IV. GENERAL USE DISTRICTS

§ 158.060. General Use Zoning District (GU).

(A) **Purpose.** The general use zoning district (GU) is intended to apply to those areas of the City which are presently undeveloped and where the future use is either uncertain, or which the arrangement or boundaries of future uses cannot be clearly defined, and for which any other zoning would be premature or unreasonable. The general use (GU) district also allows certain land extensive uses by special exception which may be transitional or which may be allowed permanently if deemed appropriate.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Crop raising; poultry, livestock or cattle production; dairy farming; fruit growing; flower and shrub growing; plant nursery (wholesale only); bee keeping; fish hatchery; and forestry; and including accessory uses or structures and a dwelling occupied only by the owner or tenant and family; the raising of hogs, pigs and goats and the operation of feed lots are expressly prohibited;
- (2) Park or playground, or other public recreation; including the retail sales of alcohol beverages for on premises consumption in accordance with Chapter 110;
- (3) Publicly owned or operated building or use;
- (4) Single-family dwelling;
- (5) Camping area (public or non-profit); and
- (6) Stable and horse-riding academy.

(C) **Special Exception Uses.** The following uses may be permitted only following review and specific approval thereof by the City Council:

- (1) Airport or landing field;
- (2) Cemetery, including mausoleum, following site approval by the St. Lucie County Health Department;
- (3) Golf course (not including miniature golf course);
- (4) Mining or excavation;
- (5) Retail plant nursery and related sales;

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- (6) Public utility facility, including water pumping plant, reservoir, electrical transmission lines and substations;
- (7) Retail sales of agricultural products;
- (8) On site incineration by a forced draft air curtain incinerator; in accordance with Florida Statutes; minimum area required, ten (10) acres;
- (9) Golf driving range;
- (10) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of six (6) feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten (10) acres;
- (11) Wireless communication antennas and towers, as set forth in section 158.213;
- (12) Billboards, on sites with OSC and OSR land use as set forth in Chapter 155;
- (13) Solar generation station subject to the requirements of section 158.230; and
- (14) Secondary metals recycler in accordance with Chapter 117.

(D) **Accessory Uses.** As set forth within section 158.217

(E) **Minimum Parcel Requirements.**

- (1) Single-family dwelling -Ten (10) acres and a minimum width of three hundred thirty (330) feet.
- (2) All other permitted or special exception uses -Twenty thousand (20,000) square feet and a lot width of one hundred (100) feet.

(F) **Maximum Building Coverage.**

- (1) Single-family dwelling—Ten (10) percent.
- (2) All other permitted or special exception uses—Thirty (30) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet, provided that airport control towers, broadcasting towers, and transmission stations shall be exempt from this requirement.

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(H) **Minimum Living Area.** One thousand two hundred (1,200) square feet of living area, and one thousand four hundred (1,400) square feet of ground area.

(I) **Yard Requirements and Landscaping.**

(1) **Single-Family Dwellings.**

- a. **Front Yard.** Each lot shall have a front yard with a building setback line of fifty (50) feet.
- b. **Side Yards.** Each lot shall have two (2) side yards, each of which shall have a building setback line of thirty (30) feet.
- c. **Rear Yard.** Each lot shall have a rear yard with a building setback line of fifty (50) feet.
- d. **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(2) **All Other Permitted or Special Exception Uses.**

- a. **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.
- b. **Side Yard.** Each lot shall maintain two (2) side yards with a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be maintained adjacent to any residential zoning district or to a public street right-of-way.
- c. **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet.
- d. **Buffering.** A six-foot high completely opaque masonry wall or wooden fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. All mechanical equipment shall be screened from property zoned residential. Said screening shall be designed as both a visual barrier and a noise barrier. Buffering shall be provided in accordance with Chapter 154.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221

(K) **Site Plan Review.** All special exception uses and all permitted uses so designated shall be subject to the provisions of sections 158.235 through 158.245

§ 158.061—158.070. Reserved.

ARTICLE V. RESIDENTIAL DISTRICTS

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§ 158.071. Estate Residential Zoning District (RE)

(A) **Purpose.** The purpose of the estate residential zoning district (RE) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of low-density residential development of an estate character; to designate those uses and services deemed appropriate and proper for location and development within the zoning district; and to establish development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Park or playground, or other public recreation or cultural facility (site plan review).
- (2) Single-family dwelling.
- (3) Community residential home six (6) or fewer residents, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home as set forth in section 158.224.
- (4) Family day care home.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Guest house on a lot exceeding one (1) acre in area.
- (2) Private dock without principal structure, provided the dock does not have water or electrical service until such time as the principal structure is constructed, and provided the dock is not used to secure any vessel being utilized as a residence.

(D) **Accessory Uses.** As set forth within section 158.217

(E) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet.

(F) **Maximum Building Coverage.** Thirty (30) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet.

(H) **Minimum Living Area.** Minimum size house of one thousand seven hundred (1,700) square feet of living area and two thousand two hundred (2,200) square feet of ground area for a one-story house or one thousand seven hundred (1,700) square feet of living area and one thousand five hundred (1,500) square feet of ground area for a two-story house.

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(I) **Yard Requirements and Landscaping.**

- (1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (2) **Side Yards.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet, unless otherwise provided by this chapter. See section 158.203.
- (3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(J) **Off-Street Parking and Service Requirements.** As set forth in § 158.221.

(K) **Site Plan Review.** All special exception uses and all permitted uses so designated shall be subject to the provisions of sections 158.235 through 158.245.

Sec. 158.072. Single-Family Residential Zoning District (RS-1)

(A) **Purpose.** The purpose of the single-family residential zoning district (RS-1) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of low-density residential living of an urban character; to designate those uses and services deemed appropriate and proper for location and development within that zoning district; and to establish development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Park or playground, or other public recreation or cultural facility (subject to site plan review).
- (2) Single-family dwelling.
- (3) Community residential home six (6) or fewer residents, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home as set forth in section 158.224.
- (4) Family day care home.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Reserved.

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(D) **Accessory Uses.** As set forth within section 158.217.

(E) **Minimum Lot Requirements.**

(1) Single-family dwelling: Fifteen thousand (15,000) square feet and a minimum width of seventy-five (75) feet.

(2) All other permitted or special exception uses: Twenty thousand (20,000) square feet and a width of one hundred (100) feet.

(F) **Maximum Building Height.** Thirty-five (35) feet.

(G) **Minimum Living Area.** Minimum size house of one thousand seven hundred (1,700) square feet of living area and two thousand two hundred (2,200) square feet of ground area for a one-story house or one thousand seven hundred (1,700) square feet of living area and one thousand five hundred (1,500) square feet of ground area for a two-story house.

(H) **Yard Requirements and Landscaping:**

(1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.

(2) **Side Yards.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet, unless otherwise provided by this chapter. See section 158.203.

(3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.

(4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(I) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(J) **Site Plan Review.** All special exception uses and all permitted uses so designated shall be subject to the provisions of sections 158.235 through 158.245

Sec. 158.073. Single-Family Residential Zoning District (RS-2).

(A) **Purpose.** The purpose of the single-family residential zoning district (RS-2) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of low-density residential living of an urban character; to designate those uses and services deemed appropriate and proper for location and development within that zoning district; and to establish development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

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(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Park or playground, or other public recreation or cultural facility (subject to site plan review).
- (2) Single-family dwelling.
- (3) Community residential home six (6) or fewer residents, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home as set forth in section 158.224.
- (4) Family day care home.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Commercial parking lot, for a period of two (2) years, provided:
 - a. The property is located in a conversion area as defined in the "City of Port St. Lucie Land Use Conversion Manual," and is associated with an adjacent commercially developed property owned by the same person;
 - b. The parking lot is for the private use of the owners and/or occupants of the adjacent commercially developed property;
 - c. The parking lot is improved pursuant to subsection 158.221(B)(12) (this will allow shellrock, limerock and coquina in lieu of pavement since the parking lot will not be used by the general public pursuant to item (2)(B));
 - d. Commercial vehicles are not permitted to park pursuant to section 72.03 (as amended);
 - e. No overnight parking is allowed;
 - f. Parking is allowed only for licensed motor vehicles; and
 - g. The parking lot is not used for temporary or permanent storage of motor vehicles.

(D) **Accessory Uses.** As set forth within section 158.217.

(E) **Minimum Lot Requirements.**

- (1) Single-family dwelling: Ten thousand (10,000) square feet and a minimum width of sixty (60) feet.

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- (2) All other permitted or special exception uses: Twenty thousand (20,000) square feet and a width of one hundred (100) feet.

(F) **Maximum Building Height.** Thirty-five (35) feet.

(G) **Minimum Living Area.** Minimum size house of one thousand two hundred (1,200) square feet of living area and one thousand four hundred (1,400) square feet of ground area for a one-story house or one thousand four hundred (1,400) square feet of living area and one thousand three hundred (1,300) square feet of ground area for a two-story house.

(H) **Yard Requirements and Landscaping:**

- (1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (2) **Side Yards.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet, unless otherwise provided by this chapter. See section 158.203.
- (3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(I) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(J) **Site Plan Review.** All special exception uses and all permitted uses so designated shall be subject to the provisions of sections 158.235 through 158.245.

§ 158.074, 158.075. Reserved.

§ 158.076. Single-Family Residential Zoning District (RS-3).

(A) **Purpose.** The purpose of the single-family residential zoning district (RS-3) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of low-density residential living of an urban character; to designate those uses and services deemed appropriate and proper for location and development within that zoning district; and to establish development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Park or playground, or other public recreation or cultural facility (subject to site plan review).

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- (2) Single-family dwelling.
- (3) Community residential home six (6) or fewer residents, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home as set forth in section 158.224.
- (4) Family day care home.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) *Reserved.*

(D) **Accessory Uses.** As set forth within section 158.217.

(E) **Minimum Lot Requirements.**

- (1) Single-family dwelling: Seven thousand five hundred (7,500) square feet and a minimum width of sixty (60) feet.
- (2) All other permitted or special exception uses: Twenty thousand (20,000) square feet and a width of one hundred (100) feet.

(F) **Maximum Building Height.** Thirty-five (35) feet.

(G) **Minimum Living Area.** Minimum size house of one thousand two hundred (1,200) square feet of living area and one thousand four hundred (1,400) square feet of ground area for a one-story house or one thousand four hundred (1,400) square feet of living area and one thousand three hundred (1,300) square feet of ground area for a two-story house.

(H) **Yard Requirements and Landscaping:**

- (1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (2) **Side Yards.** Each lot shall have two (2) side yards, each of which shall have a building setback line of seven and one-half (7½) feet, unless otherwise provided by this chapter. See section 158.203.
- (3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(I) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(J) **Site Plan Review.** All special exception uses and all permitted uses so designated shall be subject to the provisions of sections 158.235 through 158.245.

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Sec. 158.077. Multiple-Family Residential Zoning District (RM-5).

(A) **Purpose.** The purpose of the multiple-family residential zoning district (RM-5) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of low-density multiple family residential areas properly served by adequate community facilities and commercial service areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Multiple-family dwellings.
- (2) Park or playground, or other public recreation.
- (3) Single-family dwelling.
- (4) Townhouse dwelling, as part of a planned complex.
- (5) Community residential home six (6) or fewer residents, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home as set forth in section 158.224.
- (6) Family day care home.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Golf course (not including miniature golf course).
- (2) Publicly-owned or operated building or use.

(D) **Accessory Uses.** As set forth in section 158.217

(E) **Minimum Lot Requirements/Maximum Residential Density.**

- (1) Multiple-family dwelling twenty thousand (20,000) square feet and width of one hundred (100) feet, with a maximum gross project density of five (5) dwelling units per acre.
- (2) Single-family dwelling seven thousand five hundred (7,500) square feet and width of sixty (60) feet, with a maximum gross project density of five (5) dwelling units per acre.

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- (3) Single-family dwelling (cluster) four thousand (4,000) square feet per dwelling unit and width of forty (40) feet, with a maximum gross project density of five (5) dwelling units per acre.
- (4) Townhouse dwelling as set forth in section 158.218, with a maximum gross project density of five (5) dwelling units per acre.
- (5) All other permitted and special exception uses twenty thousand (20,000) square feet and width of one hundred (100) feet.
- (6) Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the "City of Port St. Lucie Land Use Conversion Manual."

(F) **Maximum Building Coverage.** Thirty-five (35) percent, provided that the maximum impervious surface does not exceed fifty (50) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet, except for the ROI (residential, office and institutional) conversion area as identified in the "City of Port St. Lucie Land Use Conversion Manual," lying between Airoso Boulevard and U.S. #1 where the maximum building height shall be one (1) story.

(H) **Minimum Living Area.**

- (1) Multiple-family dwelling: One (1) bedroom, seven hundred (700) square feet; two (2) bedrooms, eight hundred (800) square feet; three (3) or more bedrooms, nine hundred (900) square feet; efficiency or studio apartment, six hundred (600) square feet.
- (2) Single-family dwelling: Minimum size house of one thousand two hundred (1,200) square feet of living area and one thousand four hundred (1,400) square feet of ground area.
- (3) Townhouse dwelling: Eight hundred (800) square feet.

(I) **Yard Requirements and Landscaping.**

- (1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (2) **Side Yards.** Unless otherwise provided by this chapter, each lot shall have two (2) side yards, each having a building setback line as follows:
 - a. Single-family: Ten (10) feet.
 - b. All other uses: Fifteen (15) feet.
- (3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.

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- (4) **Distance Between Buildings; Mass of Buildings.** Where two (2) or more buildings are situated upon a lot, any two (2) buildings shall be separated by a minimum distance equal to three-fourths ($\frac{3}{4}$) of the sum of the combined heights of said buildings, provided that in no case shall said distance be less than twenty (20) feet. No building shall have an effective length of mass exceeding three hundred (300) feet, measured as a straight line distance between any two (2) corners or outside edges of said building.
- (5) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review Requirements.** Except for conventional single-family dwellings, all permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Sec. 158.078. Multiple-Family Residential Zoning District (RM-8).

(A) **Purpose.** The purpose of the multiple-family residential zoning district (RM-8) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of low-density multiple family residential areas properly served by adequate community facilities and commercial service areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development in a medium-density residential environment.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Multiple-family dwellings.
- (2) Park or playground, or other public recreation or cultural facility.
- (3) Single-family dwelling.
- (4) Townhouse dwelling, as part of a planned complex.
- (5) Single-family dwelling (cluster), as part of a planned complex.
- (6) Community residential home six (6) or fewer residents, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home as set forth in section 158.224.
- (7) Family day care home.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

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(1) Golf course (not including miniature golf course).

(2) Publicly-owned or operated building or use.

(D) **Accessory Uses.** As set forth in section 158.217.

(E) **Minimum Lot Requirements/Maximum Residential Density.**

(1) Multiple-family dwelling twenty thousand (20,000) square feet and width of one hundred (100) feet, with a maximum gross project density of eight (8) dwelling units per acre.

(2) Single-family dwelling seven thousand five hundred (7,500) square feet and width of sixty (60) feet, with a maximum gross project density of five (5) dwelling units per acre.

(3) Single-family dwelling (cluster) four thousand (4,000) square feet per dwelling unit and width of forty (40) feet, with a maximum gross project density of eight (8) dwelling units per acre.

(4) Townhouse dwelling as set forth in section 158.218, with a maximum gross project density of eight (8) dwelling units per acre.

(5) All other permitted and special exception uses twenty thousand (20,000) square feet and width of one hundred (100) feet.

(6) Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the "City of Port St. Lucie Land Use Conversion Manual."

(F) **Maximum Building Coverage.** Thirty-five (35) percent, provided that the maximum impervious surface does not exceed fifty (50) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet, except for the ROI (residential, office and institutional) conversion area as identified in the "City of Port St. Lucie Land Use Conversion Manual," lying between Airoso Boulevard and U.S. #1 where the maximum building height shall be one (1) story.

(H) **Minimum Living Area.**

(1) Multiple-family dwelling: One (1) bedroom, seven hundred (700) square feet; two (2) bedrooms, eight hundred (800) square feet; three (3) or more bedrooms, nine hundred (900) square feet; efficiency or studio apartment, six hundred (600) square feet.

(2) Single-family dwelling: Minimum size house of one thousand two hundred (1,200) square feet of living area, and one thousand four hundred (1,400) square feet of ground area.

(3) Townhouse dwelling: Eight hundred (800) square feet.

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(I) **Yard Requirements and Landscaping.**

- (1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (2) **Side Yards.** Unless otherwise provided by this chapter, each lot shall have two (2) side yards, each having a building setback line as follows:
 - a. Single-family: Ten (10) feet.
 - b. All other uses: Fifteen (15) feet.
- (3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (4) **Distance Between Buildings; Mass of Buildings.** Where two (2) or more buildings are situated upon a lot, any two (2) buildings shall be separated by a minimum distance equal to three-fourths ($\frac{3}{4}$) of the sum of the combined heights of said buildings, provided that in no case shall said distance be less than twenty (20) feet. No building shall have an effective length of mass exceeding three hundred (300) feet, measured as a straight line distance between any two (2) corners or outside edges of said building.
- (5) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review Requirements.** Except for conventional single-family dwellings, all permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Sec. 158.079. Multiple-Family Residential Zoning District (RM-11).

(A) **Purpose.** The purpose of the multiple-family residential zoning district (RM-11) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of low-density multiple family residential areas properly served by adequate community facilities and commercial service areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development in a medium-density residential environment.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Multiple-family dwellings.
- (2) Park or playground, or other public recreation.

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- (3) Single-family dwelling.
- (4) Townhouse dwelling, as part of a planned complex.
- (5) Community residential home six (6) or fewer residents, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home as set forth in section 158.224.
- (6) Family day care home.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Golf course (not including miniature golf course).
- (2) Publicly-owned or operated building or use.
- (3) Single-family dwelling (cluster), as part of a planned complex.

(D) **Accessory Uses.** As set forth in section 158.217.

(E) **Minimum Lot Requirements/Maximum Residential Density.**

- (1) Multiple-family dwelling twenty thousand (20,000) square feet and width of one hundred fifty (150) feet, with a maximum gross project density of eleven (11) dwelling units per acre.
- (2) Single-family dwelling seven thousand five hundred (7,500) square feet and width of sixty (60) feet, with a maximum gross project density of five (5) dwelling units per acre.
- (3) Single-family dwelling (cluster) four thousand (4,000) square feet per dwelling unit and width of forty (40) feet, with a maximum gross project density of eleven (11) dwelling units per acre.
- (4) Townhouse dwelling as set forth in section 158.218, with a maximum gross project density of eleven (11) dwelling units per acre.
- (5) All other permitted and special exception uses twenty thousand (20,000) square feet and width of one hundred (100) feet.
- (6) Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the "City of Port St. Lucie Land Use Conversion Manual."

(F) **Maximum Building Coverage.** Thirty-five (35) percent, provided that the maximum impervious surface does not exceed fifty (50) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet, except for the ROI (residential, office and institutional) conversion area as identified in the "City of Port St.

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Lucie Land Use Conversion Manual," lying between Airoso Boulevard and U.S. #1 where the maximum building height shall be one (1) story.

(H) **Minimum Living Area.**

- (1) Multiple-family dwelling: One (1) bedroom, seven hundred (700) square feet; two (2) bedrooms, eight hundred (800) square feet; three (3) or more bedrooms, nine hundred (900) square feet; efficiency or studio apartment, six hundred (600) square feet.
- (2) Single-family dwelling: Minimum size house of one thousand two hundred (1,200) square feet of living area and one thousand four hundred (1,400) square feet of ground area.
- (3) Townhouse dwelling: Eight hundred (800) square feet.

(I) **Yard Requirements and Landscaping.**

- (1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (2) **Side Yards.** Unless otherwise provided by this chapter, each lot shall have two (2) side yards, each having a building setback line as follows:
 - a. Single-family: Ten (10) feet.
 - b. All other uses: Fifteen (15) feet.
- (3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
- (4) **Distance Between Buildings; Mass of Buildings.** Where two (2) or more buildings are situated upon a lot, any two (2) buildings shall be separated by a minimum distance equal to three-fourths ($\frac{3}{4}$) of the sum of the combined heights of said buildings, provided that in no case shall said distance be less than twenty (20) feet. No building shall have an effective length of mass exceeding three hundred (300) feet, measured as a straight line distance between any two (2) corners or outside edges of said building.
- (5) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review Requirements.** Except for conventional single-family dwellings, all permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Sec. 158.080. Multiple-Family Residential Zoning District (RM-15).

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(A) **Purpose.** The purpose of the multiple-family residential zoning district (RM-15) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of high-density multiple family residential areas properly served by adequate community facilities and commercial service areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development in a high-density residential environment.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Multiple-family dwellings.
- (2) Park or playground, or other public recreation.
- (3) Single-family dwelling.
- (4) Townhouse dwelling, as part of a planned complex.
- (5) Community residential home six (6) or fewer residents, provided that such homes shall not be located within a radius of one thousand (1,000) feet of another community residential home as set forth in section 158.224.
- (6) Family day care home.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Golf course (not including miniature golf course).
- (2) Publicly-owned or operated building or use.
- (3) Single-family dwelling (cluster), as part of a planned complex.

(D) **Accessory Uses.** As set forth in section 158.217.

(E) **Minimum Lot Requirements/Maximum Residential Density.**

- (1) Multiple-family dwelling thirty thousand (30,000) square feet and width of one hundred fifty (150) feet, with a maximum gross project density of fifteen (15) dwelling units per acre.
- (2) Single-family dwelling seven thousand five hundred (7,500) square feet and width of sixty (60) feet, with a maximum gross project density of five (5) dwelling units per acre.
- (3) Single-family dwelling (cluster) three thousand five hundred (3,500) square feet and width of forty (40) feet, with a maximum gross project density of fifteen (15) dwelling units per acre.

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(4) Townhouse dwelling as set forth in section 158.218, with a maximum gross project density of fifteen (15) dwelling units per acre.

(5) All other permitted and special exception uses twenty thousand (20,000) square feet and width of one hundred (100) feet.

(F) **Maximum Building Coverage.** Thirty-five (35) percent, provided that the maximum impervious surface does not exceed fifty (50) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet.

(H) **Minimum Living Area.**

(1) Multiple-family dwelling:

- a. One (1) bedroom, seven hundred (700) square feet.
- b. Two (2) bedrooms, eight hundred (800) square feet.
- c. Three (3) or more bedrooms, nine hundred (900) square feet.
- d. Efficiency or studio apartment, six hundred (600) square feet.

(2) Single-family dwelling: Minimum size house of one thousand two hundred (1,200) square feet of living area, and one thousand four hundred (1,400) square feet of ground area.

(3) Townhouse dwelling: Eight hundred (800) square feet.

(I) **Setback Requirements and Landscaping.**

(1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.

(2) **Side Yards.** Unless otherwise provided by this chapter, each lot shall have two (2) side yards, each having a building setback line as follows:

- a. Single-family: Ten (10) feet.
- b. All other uses: fifteen (15) feet.

(3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.

(4) **Distance Between Buildings; Mass of Buildings.** Where two (2) or more buildings are situated upon a lot, any two (2) buildings shall be separated by a minimum distance equal to three-fourths ($\frac{3}{4}$) of the sum of the combined heights of said buildings, provided that in no case shall said distance be less than twenty (20) feet. No building shall have an effective length of mass exceeding three hundred (300) feet, measured as a straight line distance between any two (2) corners or outside edges of said building.

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(5) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review.** Except for conventional single-family dwellings, all permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Sec. 158.081. Mobile Home Residential Zoning District (RMH).

(A) **Purpose.** The purpose of the mobile home residential zoning district (RMH) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of mobile home park residential areas of an urban character and properly served by adequate community facilities and commercial service areas; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development in a mobile home park residential environment.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Mobile home park subject to the provisions of section 158.220.
- (2) Park or playground, or other public recreation.
- (3) Detached, single-family dwelling conversions as provided for in subsection (L).

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Golf course (not including miniature golf course).

(D) **Accessory Uses.** As set forth in section 158.217.

(E) **Minimum Lot Requirements.**

- (1) Mobile home park: Ten (10) acres, and a minimum frontage of one hundred seventy-five (175) feet upon a public street or highway, with a maximum gross project density of five (5) dwelling units per acre.
- (2) All other permitted uses: Twenty thousand (20,000) square feet and width of one hundred (100) feet.

(F) **Maximum Building Coverage.** Thirty-five (35) percent, provided that the maximum impervious surface area does not exceed fifty (50) percent.

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- (G) **Maximum Building Height.** Twenty-five (25) feet.
- (H) **Minimum Living Area.** Mobile home dwelling: Six hundred fifty (650) square feet.
- (I) **Setback Requirements and Landscaping.**
- (1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet unless otherwise provided by this chapter.
 - (2) **Side Yards.** Each lot shall have two (2) side yards, each of which shall have a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
 - (3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet, unless otherwise provided by this chapter.
 - (4) **Distance between Buildings.** A minimum distance of fifteen (15) feet shall be maintained between buildings or mobile homes.
 - (5) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154.
- (J) **Off-Street Parking and Service Requirement.** As set forth in section 158.221.
- (K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.
- (L) **Replacement of Existing Mobile Home Units within any Existing Mobile Home Park with Detached Single-Family Dwelling Units or Replacement Mobile/Manufactured Homes.** Any mobile home park, existing as of January 1, 1990, shall be allowed to replace existing mobile homes or to convert an existing mobile home to a detached single-family dwelling unit provided that the new replacement home meets the following setback and separation standards.
- (1) **Front Yard.** Each replacement structure shall have a front yard with a minimum building setback line of twenty (20) feet, as measured from the edge of pavement.
 - (2) **Front Yard (Cul-De-Sac Lots).** Each cul-de-sac structure shall have a front yard with a minimum building setback line of ten (10) feet, as measured from the edge of pavement.
 - (3) **Comer Side Yards.** Each structure that is located on a street corner shall provide a minimum building side setback of fifteen (15) feet, as measured from the edge of pavement.
 - (4) **Side Separations.** Each structure shall provide for a minimum separation distance of twelve (12) feet between structures.

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- ~~(5)~~ **Rear Yard.** Each structure shall have a minimum rear yard separation between other structures of twenty (20) feet.
- ~~(6)~~ **Perimeter Setback.** Each structure bordering the perimeter lot lines of the existing Mobile Home Park shall provide for a minimum twelve (12) foot rear yard setback to any perimeter lot line.
- ~~(7)~~ **Maximum Building Coverage.** Maximum Building Coverage is set by application of the individual lot setback and separation standards as described in this paragraph.
- ~~(8)~~ **Site Landscaping.** Prior to the issuance of any Certificates of Occupancy for any replacement structure, the applicant for the replacement structure shall provide a minimum of two (2) trees for the new replacement structure from the list of approved trees found in Appendix C, Chapter 154 of the City of Port St. Lucie Code of Ordinances.

Secs. 158.082—158.099. Reserved.

Sec. 158.100. Open Space Recreational Zoning District (OSR).

(A) **Purpose.** The purpose of the open space recreational zoning district (OSR) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of public open space and recreational activities, and other public and semi-public facilities necessary to provide services to the citizens of Port St. Lucie and to promote the public welfare; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish development standards and provisions as are appropriate to ensure proper development and a high degree of land use compatibility.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Park or playground, or other recreation or cultural facility-(public) with or without an alcoholic beverage license for sale of alcoholic beverages to members and guests in accordance with Chapter 110.
- (2) Golf course (public and private) with or without an alcoholic beverage license for sale of alcoholic beverages to members and guests in accordance with Chapter 110.
- (3) Port St. Lucie Botanical Gardens including the sales of alcoholic beverages for on premises consumption in accordance with Chapter 110.
- (4) Public drainage facilities.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Marina (public or private).

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(2) Wireless communication antennas and towers, as set forth in section 158.213.

(3) Billboards, on sites with OSC or OSR land use and as set forth in Chapter 155).

(D) **Accessory Uses.** As set forth within section 158.217. Accessory uses within this district shall be construed to include incidental retail uses such as cafeterias, gift or variety shops, soda bars, and similar use activities conducted solely for the convenience of patrons or visitors.

(E) **Minimum Lot Requirements.** Site of adequate size and proportions to accommodate the intended use, but not less than twenty thousand (20,000) square feet and having a minimum width of one hundred (100) feet.

(F) **Maximum Building Coverage.** Thirty-five (35) percent, provided that the combined area coverage of all impervious surfaces shall not exceed fifty (50) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet.

(H) **Minimum Living Area.** Not applicable.

(I) **Setback Requirements and Landscaping.** All yard requirements shall be established for each specific use as part of the site plan review process, provided that the minimum building setback line shall be twenty-five (25) feet abutting property zoned residential. Landscaping and buffering requirements are subject to Chapter 154.

(J) **Off-Street Parking and Service Requirements.** As set forth in subsection 158.221

(K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245

Sec. 158.101. Open Space Conservation Zoning District (OSC).

(A) **Purpose.** The purpose of the open space conservation zoning district (OSC) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the conservation of open space and the natural environment, while allowing the limited use of said areas for recreational and open space activities.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

(1) Open space devoted to the conservation and maintenance of natural waterways, vegetation, and wild life.

(2) Hiking and/or bicycle trails.

(3) Nature study areas and boardwalks.

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- (4) Picnic areas.
- (5) Boat ramps or docks.
- (6) Experimental stations (public or private).
- (7) Observation towers or platforms.
- (8) Pavilions for outdoor exhibits and special nature study instruction.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council. Building coverage and maximum building height shall be limited to that specifically approved under special exception review.

- (1) Camping area (public or non-profit).
- (2) Drainage areas serving adjacent development.
- (3) Wireless communication antennas and towers, as set forth in Section 158.213.

(D) **Accessory Uses.** As set forth in Section 158.217.

(E) **Minimum Lot Requirements.** No minimum requirements.

(F) **Maximum Building Coverage.** Building coverage shall be established for each specific use as part of the site plan review process.

(G) **Maximum Building Height.** Maximum building height shall be established for each specific use as part of the site plan review

(H) **Setback Requirements and Buffering.** All yard requirements shall be established for each specific use as part of the site plan review process. When applicable, buffering shall be provided in accordance with the landscaping requirements of Chapter 154.

(I) **Off-Street Parking and Service Requirements.** As set forth in Section 158.221.

(J) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Secs. 158.102—158.109. Reserved.

ARTICLE VII. INSTITUTIONAL DISTRICTS

Sec. 158.110. Institutional Zoning District (I).

(A) **Purpose.** The purpose of the institutional zoning district (I) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the

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development and maintenance of uses of an institutional nature to serve the residents of the City; to designate those uses and services deemed appropriate and proper for location and development within that development within said zoning district; and to establish development standards and provisions as are appropriate to ensure proper development and functioning of uses within that zoning district.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Cemetery, including mausoleum.
- (2) Enclosed assembly area, with or without an alcoholic beverage license for sales of alcoholic beverages to members and guests in accordance with chapter 110.
- (3) Park or playground, or other public recreation.
- (4) School (public, private or parochial), kindergarten (including VPK) and grades 1 through 12.
- (5) Assisted living facility as set forth in Section 158.224.
- (6) Nursing or convalescent home.
- (7) Publicly-owned or operated building or use.
- (8) Group care home, as set forth in section 158.224.
- (9) Funeral homes, with or without a crematory.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) College, or technical, or vocational school, including dormitories.
- (2) Hospital and free standing emergency department.
- (3) Public utility facility, including water pumping plant, reservoir, electrical substation, sewage treatment plant, and wireless communication antennas and towers, as set forth in section 158.213.

(D) **Accessory Uses.** As set forth in section 158.217. A caretaker's office or residence shall be considered to be an accessory use within this district.

(E) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet, provided that properties located within conversion areas as defined by this chapter shall meet the requirements contained within the "City of Port St. Lucie Land Use Conversion Manual." More than one (1) permitted or special exception use may be located upon the lot as part of a totally designated development to be maintained under single ownership.

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(F) **Maximum Building Coverage.** Thirty (30%) percent; provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet, except for the ROI (residential, office and institutional) conversion area as identified in the "City of Port St. Lucie Land Use Conversion Manual," lying between Airoso Boulevard and U.S. #1 where the maximum building height shall be one (1) story.

(H) **Minimum Living Area.** Caretaker's residence: Six hundred (600) square feet.

(I) **Yard Requirements and Landscaping.**

(1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.

(2) **Side Yard.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet.

(3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet.

(6) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Secs. 158.111—158.119. Reserved.

ARTICLE VIII. COMMERCIAL DISTRICTS

Sec. 158.120. Neighborhood Convenience Commercial (CN).

(A) **Purpose.** The purpose of the neighborhood convenience commercial zoning district (CN) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the immediate neighborhood area; to encourage the grouping and interrelationship of established uses so as to permit a high level of pedestrian movement within the district; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish development standards and provisions as are appropriate to ensure proper development and function of uses within the district.

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(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted, provided that maximum gross floor area of any one (1) use shall be five thousand (5,000) square feet. Outdoor sales and drive-through services of any type are prohibited.

- (1) Any retail, business, or personal service use (including repair of personal articles only) conducted wholly within an enclosed building, including the retail sales of beer and wine for off and incidental on premises consumption in accordance with Chapter 110.
- (2) Dry cleaning or laundry pick-up station for work to be sent elsewhere.
- (3) Restaurant (not including drive-through facilities) with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (4) Office for administrative, business, or professional use.
- (5) Enclosed assembly area 3,000 square feet or less, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (6) One dwelling unit contained within the development which is incidental to and designed as an integral part of the principal structure.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Enclosed assembly area over 3,000 square feet, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (2) Publicly-owned or operated building or use.
- (3) Public utility facility, including water pumping plant, reservoir, and electrical substation.
- (4) Service station (as separate use or in conjunction with a permitted use).
- (5) Retail plant nursery with outside sales and storage of living plant material.
- (6) Retail convenience stores with or without fuel service station and without drive-through service.
- (7) Bars, lounges, and night clubs in accordance with Chapter 110.

(D) **Accessory Uses.** As set forth in section 158.217

(E) **Minimum and Maximum Lot Requirement.** A minimum of twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet. The maximum lot

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size shall not exceed four (4) acres. More than one (1) permitted or special exception use may be located upon the lot as part of a totally-designed development to be maintained under single ownership. Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the City of Port St. Lucie Land Use Conversion Manual.

(F) **Maximum Building Coverage.** Forty (40%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.

(G) **Maximum Building Height.** Twenty-five (25) feet.

(H) **Minimum Building Size and Minimum Living Area.** Commercial and office buildings shall have a minimum total gross floor area of one thousand two hundred (1,200) square feet. For automobile service stations: nine hundred (900) square feet. Apartment-type living quarters: Six hundred (600) square feet.

(I) **Setback Requirements and Landscaping.**

(1) **Front Setback.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.

(2) **Side Setback.** Each lot shall maintain two (2) side yards with a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be maintained adjacent to any residential zoning district or to a public street right-of-way.

(3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet.

(4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier. Additional buffering may also be required if called for in the appropriate neighborhood plan.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Sec. 158.121. Reserved.

Sec. 158.122. Professional Zoning District (P)

(A) **Purpose.** The purpose of the professional zoning district (P) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of professional office facilities; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are

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appropriate to ensure proper development and functioning of uses within the district. This district includes those uses formerly designated professional commercial.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Office for administrative, business, or professional use, barber or beauty shop, but not including the sale or storage of merchandise except where clearly incidental to and an accessory component of the rendering of professional services.
- (2) Studio for professional work of any form of fine arts or performing arts, but not including the sale or storage of merchandise except where clearly incidental to, and an accessory component of, the rendering of professional services.
- (3) Enclosed assembly area 3,000 square feet or less, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (4) One dwelling unit contained within the development which is incidental to and designed as an integral part of the principal structure.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Any building exceeding thirty-five (35) feet in height.
- (2) Model home centers.
- (3) Enclosed assembly area over 3,000 square feet, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (4) Any use set forth in subsection (B): "Permitted Principal Uses and Structures" that include drive-through service.

(D) **Accessory Uses.** As set forth within section 158.217

(E) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet. More than one (1) permitted or special exception use may be located upon the lot as part of a totally-designed development to be maintained under single ownership. Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the City of Port St. Lucie Land Use Conversion Manual.

(F) **Maximum Building Coverage.** Forty (40) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80) percent.

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(G) **Maximum Building Height.** Thirty-five (35) feet, except for the ROI (Residential, office and institutional) conversion area as identified in the City of Port St. Lucie Land Use Conversion Manual, lying between Airoso Boulevard and U.S. #1 where the maximum building height shall be one (1) story. (See subsection 158.174(E) for height variations allowed through PUD zoning.)

(H) **Minimum Building Size and Minimum Living Area.** Commercial and office buildings shall have a minimum total gross floor area of one thousand two hundred (1,200) square feet. Apartment-type unit six hundred (600) square feet.

(I) **Setback Requirements and Landscaping.**

(1) **Front Yard.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.

(2) **Side Yards.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be required when the yard adjoins a residential use or a public right-of-way.

(3) **Rear Yard.** Each lot shall have a rear yard with a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be required when the yard adjoins a residential use or a public right-of-way.

(4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245

Sec. 158.123. Reserved.

Sec. 158.124. General Commercial Zoning District (CG).

(A) **Purpose.** The purpose of the general commercial zoning district (CG) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of general commercial facilities. Said areas to be primarily along established highways where a mixed pattern of commercial usage is substantially established; to designate those uses and services deemed appropriate and proper for location and development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district. This district incorporates most of those uses formerly designated shopping center commercial (CSC) and resort commercial (CR).

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted.

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- (1) Any retail, business, or personal service use (including repair of personal articles, furniture, and household appliances) conducted wholly within an enclosed building, where repair, processing, or fabrication of products is clearly incidental to and restricted to on-premises sales.
- (2) Horticultural nursery, garden supply sales, or produce stand.
- (3) Office for administrative, business, or professional use.
- (4) Public facility or use.
- (5) Restaurants with or without an alcoholic beverage license for on premises consumption of alcoholic beverages in accordance with Chapter 110.
- (6) Retail sales of alcoholic beverages for incidental on and off premises consumption in accordance with Chapter 110.
- (7) Park or playground or other public recreation.
- (8) Motel, hotel, or motor lodge.
- (9) Enclosed assembly area 3,000 square feet or less, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (10) Brewpub, provided no more than 10,000 kegs (5,000 barrels) of beer are made per year, in accordance with Chapter 110.
- (11) One dwelling unit contained within the development which is incidental to and designed as an integral part of the principal structure.
- (12) Kennel, enclosed

(C) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Enclosed assembly area over 3,000 square feet, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (2) Public utility facility, including water pumping plant, reservoir, and electrical substation, and sewage treatment plant.
- (3) Semi-public facility or use.
- (4) Car wash (full or self-service).
- (5) Kennel, enclosed with outdoor runs.

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- (6) Bars, lounges, and night clubs.
- (7) Schools (public, private or parochial), or technical or vocational schools.
- (8) Automobile, boat, farm equipment or truck sales and repairs with repairs conducted entirely within an enclosed building.
- (9) Automobile fuel sales, services or repairs, including oil lubrication businesses.
- (10) Retail convenience stores with or without fuel service station.
- (11) Hospitals, free standing emergency department, nursing, or convalescent homes.
- (12) Any use set forth in Subsection B: "Permitted Principal Uses and Structures" that include drive-through service.
- (13) Pain management clinic as set forth in Section 158.231.

(D) **Accessory Uses.** As set forth within section 158.217

(E) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet. More than one (1) permitted or special exception use may be located upon the lot as part of a totally-designed development. Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the City of Port St. Lucie Land Use Conversion Manual.

(F) **Maximum Building Coverage.** Forty (40%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet. (See subsection 158.174(E) for height variations allowed through PUD zoning.)

(H) **Minimum Building Size and Minimum Living Area.** Commercial and office buildings shall have a minimum total gross floor area of one thousand two hundred (1,200) square feet. For automobile service stations: nine hundred (900) square feet.

(I) **Setback Requirements and Landscaping.**

- (1) **Front Setback.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.
- (2) **Side Setback.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be required when the yard adjoins a residential use or a public right-of-way.
- (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of ten (10) feet. A building rear setback line of twenty (20) feet shall be

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required when it abuts a residential use, public right-of-way or drainage way.

- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier. Additional buffering may also be required if called for in the appropriate neighborhood plan.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of section 158.235 through 158.245.

Sec. 158.125. Highway Commercial Zoning District (CH).

(A) **Purpose.** The purpose of the highway commercial zoning district (CH) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of business activities designated primarily to serve transients and the motoring public; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Automobile service station or truck stop, including minor repair facilities but excluding repairs involving engine or transmission or welding.
- (2) Motel, hotel, or motor lodge.
- (3) Restaurant, cafe, or sandwich shop, including drive-through facilities.
- (4) Shop for sale at retail of gifts, jewelry, art, sundries and notions, camera and photographic supplies, and similar uses catering to tourism.
- (5) Retail sales of alcoholic beverages for incidental on and off premises consumption in accordance with Chapter 110.
- (6) Retail convenience stores with or without fuel service station.
- (7) Enclosed assembly area 3,000 square feet or less, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.

(C) **Special Exception Uses.** The following uses may be permitted only following the review and special approval thereof by the City Council.

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- (1) Automobile, boat, farm equipment, or truck sales and repair.
- (2) Travel trailer park or camp grounds.
- (3) Enclosed assembly area over 3,000 square feet, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (4) Bars, lounges, and night clubs.

(D) **Accessory Uses.** As set forth within section 158.217.

(E) **Minimum Building Size and Minimum Lot Requirements.** Commercial and office buildings shall have a minimum total gross floor area of one thousand two hundred (1,200) square feet. For automobile service stations: Nine hundred (900) square feet. Minimum lot size: Twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet.

(F) **Maximum Building Coverage.** Thirty (30%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.

(G) **Maximum Building Height.** Fifty (50) feet.

(H) **Setback Requirements and Landscaping.**

- (1) **Front Setback.** Each lot shall have a front yard with a building setback line of fifty (50) feet.
- (2) **Side Setback.** Each lot shall have two (2) side yards, each having a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be required when the yard adjoins a residential use or a public right-of-way.
- (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet.
- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier.

(I) **Off-Street Parking and Service Requirements.** As set forth in section 158.221

(J) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Sec. 158.126. Service Commercial Zoning District (CS).

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(A) **Purpose.** The purpose of the service commercial zoning district (CS) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of commercial service facilities to fulfill the general City-wide need for said facilities; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted provided that all businesses, services, manufacturing, or processing of materials are confined within a fully enclosed building with no exterior emission of odors, fumes, dust smoke, vibration, waste liquids, or other substances:

- (1) Any use permitted use in the (CG) general commercial district; unless specifically listed in the following subsection D, special exception uses.
- (2) Automotive, boat or truck repair.
- (3) Building material sales.
- (4) Cabinet shop.
- (5) Contractor's shop.
- (6) Commercial laundry facility and linen supply and dry-cleaning establishment.
- (7) Sign company.
- (8) Public facility or semi-public facility or use.
- (9) Trade shop (roofing, plumbing, electrical, and the like).
- (10) Wholesale establishment.
- (11) Food processing facility.
- (12) Manufacturing and assembly and associated warehousing, storing, processing, and packaging of goods and materials.
- (13) Television and broadcasting station.
- (14) Analytical laboratory.
- (15) Enclosed assembly area 3,000 square feet or less, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (16) One dwelling unit contained within the development which is incidental to and designed as an integral part of the principal structure.

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(17) Kennel, enclosed

(C) **Principal uses.** The following principal uses which need not be fully enclosed in a building or structure are permitted, provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of eight (8) feet with no material placed so as to be visible beyond the height of the fence or wall:

- (1) Public or semi-public facility use.
- (2) Public utility facility, including water pumping plant, reservoir, electrical substation, and sewage treatment plant.
- (3) Automotive, boat or truck sales.
- (4) Lumber yard.
- (5) Material or vehicle storage yard.
- (6) Contractor's storage yard.
- (7) Mobile home sales or storage.
- (8) Open storage, provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of eight (8) feet with no material placed so as to be visible beyond the height of the fence or wall.
- (9) Warehousing provided that all open storage areas shall be screened from view from public rights-of-way and residentially zoned property and be completely enclosed by an opaque fence or a wall having a minimum height of eight (8) feet with no material placed so as to be visible beyond the height of said fence or wall, except for sales lots of new or used automobiles, trucks or new machinery or equipment.
- (10) Equipment rental business.
- (11) Self-service storage facilities in accordance with Section 158.227.

(D) **Special Exception Uses.** The following uses may be permitted only following the review and specific approval thereof by the City Council:

- (1) Kennel (enclosed), with outdoor runs.
- (2) Enclosed assembly area over 3,000 square feet, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (3) Wireless communication antennas and towers, as set forth in section 158.213.
- (4) Commercial driving school.

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- (5) Recreational vehicle park.
- (6) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight (8) feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten (10) acres.
- (7) Indoor shooting facility.
- (8) Any use set forth in Subsection B: "Permitted Principal Uses and Structures" that include drive-through service.
- (9) Bars, lounges and night clubs.
- (10) Car wash (full or self-service).
- (11) Schools (public, private or parochial) or technical or vocational schools.
- (12) Automobile fuel services.
- (13) Retail convenience stores with or without fuel service station.
- (14) Secondary metals recycler in accordance with Chapter 117.

(E) **Accessory Uses.** As set forth within section 158.217

(F) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet. More than one (1) permitted or special exception use may be permitted upon the lot as part of a totally-designed development to be maintained under single ownership. Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the City of Port St. Lucie Land Use Conversion Manual.

(G) **Maximum Building Coverage.** Forty (40%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.

(H) **Maximum Building Height.** Thirty-five (35) feet.

(I) **Minimum Building Size and Minimum Living Area.** Commercial and office buildings shall have a minimum total gross floor area of one thousand two hundred (1,200) square feet. For automobile service stations: nine hundred (900) square feet. Apartment-type unit: Six hundred (600) square feet.

(J) **Setback Requirements and Landscaping.**

- (1) **Front Setback.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.
- (2) **Side Setback.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet. A building setback line of

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twenty-five (25) feet shall be required when it adjoins a residential use or a public right-of-way.

- (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of twenty (20) feet. A building rear setback line of twenty-five (25) feet shall be required when it abuts a residential use or public right-of-way.
- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier.

(K) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(L) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Secs. 158.127—158.134. Reserved.

ARTICLE IX. INDUSTRIAL DISTRICTS

Sec. 158.135. Warehouse Industrial Zoning District (WI).

(A) **Purpose.** The purpose of the warehouse industrial zoning district (WI) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of warehousing, wholesale trade and limited industrial activities of light intensity; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

(B) Permitted Principal Uses and Structures.

- (1) The following principal uses and structures are permitted provided that all businesses, services, manufacturing or processing of materials are confined within a fully-enclosed building with no exterior emission of odors, fumes, dust, smoke, vibration, waste liquids, or other substances that would adversely affect surrounding businesses and properties.
 - a. Cabinet making, carpentry shop or other trade shop.
 - b. Food processing facility.
 - c. Cold storage warehouse and pre-cooling plant.
 - d. Manufacturing, assembly, warehousing, storing, processing and packaging of goods and materials.

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- e. Public or semi-public facility or use.
 - f. Warehousing, provided that no more than thirty (30) percent of each building be devoted to office or retail space associated with the warehouse use and not as a separate unrelated business.
 - g. Television and broadcasting station.
 - h. Repair and maintenance of vehicles and equipment.
 - i. Commercial laundry facility and linen supply.
 - j. Analytical laboratory.
 - k. Wholesale trade, provided that no more than fifty (50) percent of the total floor area is devoted to the display of goods and materials or office space, including the wholesale trade of alcoholic beverages.
 - l. Furniture sales.
 - m. Enclosed assembly area 3,000 square feet or less, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
 - n. Retail and business services primarily intended to serve the industrial facilities.
 - o. One dwelling unit contained within the development which is incidental to and designed as an integral part of the principal structure.
 - p. Commercial driving school.
 - q. Fine arts studio.
 - r. Music recording studios.
 - s. Microbrewery.
- (2) The following principal uses which need not be fully enclosed in a building or structure are permitted.
- a. Public utility facility, including water pumping plant, reservoir, and electrical substation.
 - b. Equipment rental business provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight (8) feet with no material placed so as to be visible beyond the height of said fence or wall.

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- c. Warehousing, open storage, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight (8) feet with no material placed so as to be visible beyond the height of said fence or wall.
- d. Building material sales and/or lumber yard.
- e. Self-service storage facility in accordance with 158.227.

(C) **Special Exception Uses.** The following uses may be permitted following the review and specific approval thereof of the City Council:

- (1) Recreational vehicle park.
- (2) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of six (6) feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten (10) acres.
- (3) Indoor shooting facility.
- (4) Wireless communication antennas and towers, as set forth in section 158.213.
- (5) Enclosed assembly area over 3,000 square feet, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
- (6) Secondary metals recycler in accordance with Chapter 117.

(D) **Accessory Uses.** As set forth within section 158.217

(E) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet. More than one (1) permitted or special exception use may be located upon the lot as part of a totally-designed development. Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the City of Port St. Lucie Land Use Conversion Manual.

(F) **Maximum Building Coverage.** Fifty (50%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet, except for transmission and broadcast towers.

(H) **Minimum Living Area.** Mobile home or apartment: Six hundred (600) square feet.

(I) **Setback Requirements and Landscaping.**

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- (1) **Front Setback.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.
- (2) **Side Setback.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be maintained adjacent to any residential zoning district or use or to a public street right-of-way.
- (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of ten (10) feet, provided that no setback is required from a railroad right-of-way. A building setback line of twenty-five (25) feet shall be maintained adjacent to any residential zoning district or use or to a public street right-of-way.
- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier.

All open storage areas shall be screened from view from public rights-of-way and residentially zoned property. Said screening shall be an opaque fence or wall at least eight (8) feet tall, with no material placed so as to exceed the height of said fence or wall.

(J) **Off-Street Parking and Service Requirements.** As set forth in section 155.221.

(K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 through 158.245.

Sec. 158.136. Industrial Zoning District (IN).

(A) **Purpose.** The purpose of the industrial zoning district (IN) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of industrial activities; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district. This district incorporates most of those uses formerly designated heavy industrial (HI), flexible industrial (FI), and light industrial (LI).

(B) Permitted Principal Uses and Structures.

- (1) The following principal uses and structures are permitted provided that all businesses, services, manufacturing or processing of materials are confined within a fully-enclosed building with no exterior emission of odors, fumes, dust, smoke, vibration, waste liquids, or other substances:
 - a. Manufacturing, assembly, warehousing, storing, processing and packaging of goods and materials.

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- b. Research and development facility.
- c. Public or semi-public facility or use.
- d. Television broadcasting station and telephone call centers.
- e. Analytical laboratory.
- f. Warehouse.
- g. Wholesale trade and distribution.
- h. Office space as needed in conjunction with a use listed above.
- i. Retail and business services primarily intended to serve the industrial facilities.
- j. Adult entertainment. The applicant must demonstrate consistency with the provisions and conditions of all other pertinent City Code of Ordinances which regulate this use.
- k. Facility-based youth day treatment program.
- l. Commercial laundry facilities and linen supply.
- m. Microbrewery.

(2) The following principal uses which need not be fully enclosed in a building or structure are permitted;

- a. Public utility facility, including water pumping plant, reservoir, and electrical substation.
- b. Warehousing, open storage, provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of eight (8) feet with no material placed so as to exceed the height of said fence or wall.
- c. Equipment rental business provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of eight (8) feet with no material placed so as to exceed the height of said fence or wall.
- d. Self-service storage facilities in accordance with Section 158.227.

(C) **Special Exception Uses.** The following uses may be permitted following the review and specific approval by the City Council and serve to implement heavy industrial land uses as contemplated in the Comprehensive Plan:

- (1) Mobile home or apartment for use by custodian or night watchman.

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- (2) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight (8) feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten (10) acres.
- (3) Wireless communication antennas and towers, as set forth in section 158.213.
- (4) Recreational vehicle park.
- (5) Airport or landing field.
- (6) Commercial driving school.
- (7) Kennel (enclosed), with outdoor runs.
- (8) Other heavy industrial development not listed above but that are considered to have high intensity use with potential impact on surrounding land uses and to be located within heavy industrial land use districts.
- (9) Billboards as allowed under 155.08(N).
- (10) Solar generation station subject to the requirements of section 158.230.
- (11) Secondary metals recycler in accordance with Chapter 117.

(D) **Accessory Uses.** As set forth within section 158.217

(E) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred sixty (160) feet. More than one (1) permitted or special exception use may be located upon the lot as part of a totally-designed development to be maintained under single ownership. Properties located within conversion areas as defined by this chapter shall meet the requirements within the City of Port St. Lucie Land Use Conversion Manual.

(F) **Maximum Building Coverage.** Fifty (50%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.

(G) **Maximum Building Height.** Thirty-five (35) feet, except for transmission and broadcast towers.

(H) **Minimum Living Area.** Mobile home or apartment: Six hundred (600) square feet.

(I) **Setback Requirements and Landscaping.**

- (1) **Front Setback.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.

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- (2) **Side Setback.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be maintained adjacent to any residential zoning district or to a public right-of-way.
- (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet from any residential land use, ten (10) feet from any other land use, provided that no setback is required from a railroad right-of-way.
- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier.

All open storage areas shall be screened from view from public rights-of-way and residentially zoned property. Said screening shall be an opaque fence or wall at least eight (8) feet tall, with no material placed so as to be visible beyond the height of said fence or wall.

(J) **Off-Street Parking and Service Requirements.** As set forth in Section 158.221.

(K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 and 158.245.

Sec. 158.137. Utility Zoning District (U).

(A) **Purpose.** The purpose of the utility zoning district (U) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the accommodation of major public and private utilities, including but not limited to public and private stormwater systems, water and wastewater plants, electrical substations and transmission facilities, and stormwater rights-of-way, telephone switching stations and similar, compatible facilities with extensive land needs.

(B) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Utilities facilities.
- (2) Stormwater systems, including canals, lakes, retention areas, control structures.
- (3) Water and wastewater plants.
- (4) Electrical substations and transmission facilities.
- (5) Telephone, cable television, and similar communication facilities.
- (6) Publicly owned or operated building or use.

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(C) **Special Exception Uses.** The following uses may be permitted following the review and specifically approval thereof by the City Council:

- (1) Billboards as allowed under 155.08(N).
- (2) Power generating facilities.
- (3) Wireless communication antennas and towers.
- (4) Solar generation station subject to the requirements of section 158.230.

(D) **Accessory Uses.** As set forth within 158.217.

- (1) Crop raising; poultry, livestock or cattle production: dairy farming; goats; fruit growing: flower and shrub growing: plant nursery (wholesale only); bee keeping; fish hatchery; forestry; and including accessory uses or structures on lots or parcels that are a minimum of one hundred (100) compact acres.

(E) **Minimum Lot Requirements.** Ten thousand (10,000) square feet and a minimum width of eighty (80) feet. More than one (1) permitted or special exception use may be located upon the lot. Billboards, transmission towers, pumping and relay facilities may be located on lots smaller than ten thousand (10,000) sq. feet.

(F) **Maximum Building Coverage.** Thirty (30%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.

(G) **Maximum Building Height.** Fifty (50) feet, except for transmission and broadcast towers.

(H) **Minimum Living Area.** For use by a manager or security guard only, mobile home or apartment: Six hundred (600) square feet.

(I) **Setback Requirements and Landscaping.**

- (1) **Front, Side, and Rear Setbacks.** Each lot shall have front, side and rear building setback of ten (10) feet provided that no setback is required from a railroad or limited access highway right-of-way.
- (2) Setbacks shall not apply to stormwater facilities including lakes, canal, and control structures which may have a zero (0) setback.
- (3) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier. All open storage areas shall be screened from view from public rights-of-way and residentially zoned property. Said screening shall be an opaque fence or wall at least eight (8) feet tall, with no material placed so as to be visible beyond the height of said fence or wall.

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(J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.

(K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of sections 158.235 and 158.245.

Secs. 158.138—158.154. Reserved.

ARTICLE IX.5. LIMITED MIXED USE ZONING DISTRICT

Sec. 158.155. Limited Mixed Use Zoning District (LMD).

(A) **Purpose.** It is the intent and purpose of the Limited Mixed Use Zoning District (LMD) to allow, upon specific application, the conversion of single-family residential lots of record to multi-family, institutional, professional/business office or limited retail uses in a planned manner consistent with the Comprehensive Plan. This district sets specific requirements for land assembly, off-street parking, drainage setbacks, access and buffering to insure a planned development which provides for the efficient and economical use of land, appropriate or harmonious variety in physical development, a high compatibility with adjacent existing and future development and which provides for safe and efficient access to major transportation facilities.

(B) **Limited Mixed Use District Defined.** For the purpose of this chapter, a limited mixed use district (LMD) is defined as land planned under unified control and developed in a coordinated manner in one or more development phases according to an approved conceptual plan, and with programs for full maintenance and operations for facilities and improvements such as parking and driveways, drainage, buffers and landscaping.

(C) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:

- (1) Any permitted use listed in the professional zoning district (P).
- (2) Any permitted use listed in institutional zoning district (I).
- (3) Any permitted use listed in the multiple-family residential zoning district (RM-11).
- (4) Retail or personal service uses conducted wholly within an enclosed building, including the retail sales of beer and wine for off and incidental on premises consumption in accordance with Chapter 110, but not including convenience/gas sales. These uses shall not exceed fifty percent (50%) of the building's gross floor area and no one use shall exceed 5,000 square feet. The conceptual plan required under section 158.155(M)(1)(c) shall specify those areas of the building to be used for retail uses.
- (5) Restaurants 5,000 square feet or less (not including drive-through facilities) with or without an alcoholic beverage license for on premises consumption

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of alcoholic beverages in accordance with Chapter 110. The conceptual plan required under section 158.155(M)(1)(c) shall specify those areas of the building to be used for restaurants.

(D) **Special Exception Use.**

- (1) Any special exception use listed in the professional zoning district (P).
- (2) Any special exception use listed in institutional zoning district (I).
- (3) Any special exception use listed in the multiple-family residential zoning district (RM-11).
- (4) Retail plant nursery.
- (5) Retail or personal service uses, exceeding fifty percent (50%) of the building's gross floor area, conducted wholly within an enclosed building, including the retail sales of beer and wine for off and incidental on premises consumption in accordance with Chapter 110, but not including convenience/gas sales. The conceptual plan required under section 158.155(M)(1)(c) shall specify those areas of the building to be used for retail uses.
- (6) Any use exceeding five thousand (5,000) square feet.

(E) **Accessory Uses.** As set forth in section 158.217

(F) **Minimum Lot Requirements/Maximum Residential Density.**

- (1) As set forth in the Comprehensive Plan, and pursuant to conceptual plan approval. In no case shall the minimum lot be less than twenty thousand (20,000) square feet.
- (2) The maximum gross project density shall be eleven (11) units per acre.
- (3) Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the "City of Port St. Lucie Land Use Conversion Manual".

(G) **Maximum Building Coverage.** Forty percent (40%), provided that the maximum impervious surface area does not exceed eighty percent (80%).

(H) **Maximum Building Height.** Thirty-five (35) feet except for the ROI (Residential, Office, Institutional) conversion area as defined in the "City of Port St. Lucie Land Use Conversion Manual," lying between Airoso and US #1, where the maximum building height shall be one (1) story.

(I) **Minimum Building Size and Minimum Living Area.**

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- (1) Commercial and office buildings shall have a minimum total gross floor area of one thousand two hundred (1,200) square feet.
- (2) Multiple-family dwelling: One (1) bedroom, seven hundred (700) square feet; efficiency or studio apartment, six hundred (600) square feet.
- (3) Single-family dwelling: Minimum size house of one thousand four hundred (1,400) square feet.
- (4) Townhouse dwelling: Eight hundred (800) square feet.

(J) **Setback Requirements and Landscaping.**

- (1) **Front Setback.** Each lot shall have a front yard with building setback line of twenty-five (25) feet.
- (2) **Side Setback.** Each lot shall have two side yards, each having a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be required when the yard adjoins a public road right-of-way.
- (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of ten feet. A setback line of twenty-five (25) feet is required when the yard adjoins a residential land use or a public road right-of-way. A fifty-foot rear yard building setback line shall be required for two-story buildings adjacent to single family residential lots.
- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier. The Site Plan Review Committee, Planning and Zoning Board and/or the City Council may require additional buffering or specify plant material.

(K) **Off-Street Parking and Service Requirements.** As set forth in section 158.221

(L) **Special Standards for District Establishment and Internal Design.** In reaching recommendations and decisions as to rezoning land to LMD, the Planning and Zoning Board shall apply the performance standards for the appropriate conversion area contained in the "City of Port St. Lucie Land Use Conversion Manual."

In order to insure the proposed uses are compatible with surrounding development, the City Council shall have the authority to place conditions or restrict activities based on the following:

- (1) Requirements as set forth in section 158.260.
- (2) Access, requiring execution of agreements for joint access and/or cross access easements with adjacent property owners;

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- (3) Hours of operation;
- (4) Compatible uses, excluding certain incompatible uses; and
- (5) Site development details, including but not limited to the following; building elevations and locations, lighting, dumpster locations, etc.

(M) Procedures for Rezoning Land to Limited Mixed Use Zoning District (LMD).

- (1) Application materials to be submitted:
 - a. A statement presenting firm evidence of unified control of the entire area within the proposed LMD.
 - b. An agreement to proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the rezoning and/or the conceptual plan of the land to LMD.
 - c. Conceptual plan drawn to scale containing: the title of the project and the names of the professional project planner and the developer; scale, date, north arrow and general location map; boundaries of the property involved, all existing streets, buildings, water courses, easements, section lines and other existing important physical features in and adjoining the project; locations of the different uses proposed, including off-street parking and off-street loading locations, lighting, dumpster locations; conceptual plan showing access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic; tabulations of total gross acreage in the development and the percentages thereof proposed to be devoted to the several dwelling types, other proposed uses, streets and other reservations; tabulations demonstrating the project densities and the proposed number and types of dwelling units; tabulations demonstrating the intensity in square feet of non-residential uses by type. This conceptual plan shall become a part of the application and shall form the basis for the approval of the rezoning.
 - d. Preliminary building elevations drawn to scale depicting the overall design concept including a description of style and materials to be used.
 - e. Landscape plan pursuant to Chapter 154.
- (2) Review by Site Plan Review Committee, Planning and Zoning Board and City Council. The Planning and Zoning Board and the City Council shall proceed in general as for other applications for rezoning and site plan approval.

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(N) **Final Plan Required.** A final plan shall be submitted within two (2) years of conceptual plan approval. Final plans shall proceed as for an application for site plan approval subject to the provisions of sections 158.235 through 158.245. For phased applications, final plans shall be submitted within one year of the date of commencement of that phase. The City Council may grant one-year extensions of final plan deadlines upon due cause being shown.

(O) **Compliance with Conditions.** As set forth in section 158.262.

(P) **Changes to Conceptual Plan.** Any change to the conceptual plan and/or changes to proposed uses, is subject to the newspaper notice and public hearing requirements as set forth for rezonings in this chapter and shall be submitted to the Site Plan Review Committee and the Planning and Zoning Board for review and recommendation, and the recommendations of the committee and board shall be entered into the official record of the application and shall be considered by the City Council prior to the taking of official action upon application.

Secs. 158.156—158.169. Reserved.

ARTICLE X. PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT

Sec. 158.170. Purpose.

(A) It is the intent and purpose of this district to provide, upon specific application and through the processes of unified planning and coordinated development, for the creation of new neighborhood or community areas offering a physical, social, and economic environment of high quality. Specific objectives of the district include the establishment of an orderly pattern of land uses geared to accommodate both near-term and long-term community needs; the efficient and economical use of land; and appropriate and harmonious variety in physical development; creative design; a high level of living and working amenities, including plentiful open space and recreation opportunities; efficient and effective systems of public facilities and services; a high degree of compatibility with adjacent and nearby existing and future development; appropriate conservation and preservation of natural features and resources; and the staging of development so as to best serve the general welfare of the City.

(B) Regulations for planned unit developments are intended to accomplish the purposes of zoning, subdivision regulation, and other applicable City regulations to the same degree as in instances where City regulations are intended to control development on a lot-by-lot basis rather than on a unified development approach. However, it is essential that the regulations and requirements applying to planned unit developments be sufficiently flexible in structure so as to encourage creative and imaginative design in planning and development. Where there are conflicts between the requirements of the general provisions of this chapter or other applicable codes of the City and the requirements established by official action upon a specific planned unit development, the latter requirements shall govern.

Sec. 158.171. Definition.

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For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning:

Planned Unit Development (PUD). Land planned under unified control and developed in a coordinated manner in one (1) or more development phases for uses and structures well suited to the development itself and the surrounding area of which it is a part, according to an approved conceptual plan of development, and with programs for full maintenance and operation of any facilities and services, not to be dedicated to, and accepted by, a public agency for public ownership, operation and maintenance. PUD's may be for commercial, office, industrial, institutional or residential development or for a mixture of various land uses.

Sec. 158.172. Standards for District Establishment.

In reaching recommendations and decisions as to rezoning land to PUD classification, the Planning and Zoning Board and the City Council shall apply the following standards in addition to the standards and procedures of sections 158.315 through 158.322 applicable to the rezoning of land generally:

(A) **Area Requirement.** In general, the area of a proposed planned unit development district will have to be of substantial size to permit its design and development as a cohesive unit fulfilling the stated purpose and objectives of these regulations and to establish the district as a meaningful segment of the larger community. Each proposed district shall therefor be evaluated as to its adequacy in size with respect to both the nature and character of its internal design and to its specific location within the City. The minimum size of a PUD district to be considered for establishment shall be two (2) acres.

(B) **Relation to Major Transportation Facilities.** PUD districts shall be so located with respect to arterial or major streets, highways, collector streets, or other transportation facilities as to provide suitable access to those districts without creating or generating traffic along minor streets in residential areas or districts outside the PUD districts.

(C) **Relation to Utilities, Public Facilities, and Services.** PUD districts shall be required to obtain developers agreements regarding provision of utilities, to meet the requirements of the Comprehensive Plan regarding levels of service (LOS) for public facilities and to meet the requirements of Chapter 160, Concurrency Management System.

(D) **Physical Character of the Site.** The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, from probability of flooding, erosion, or other dangers, annoyances, or inconveniences. Condition of soil, ground water level, drainage, and topography shall be appropriate to both kind and pattern of use intended.

(E) **Consistency with the City Comprehensive Plan.** To be eligible for consideration, a PUD rezoning proposal must be found to be consistent with all applicable elements of the City's adopted Comprehensive Plan with respect to both its proposed internal design and its relationship to adjacent areas and the City as a whole.

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Sec. 158.173. Permitted Uses.

In order to permit maximum flexibility in the design of a proposed planned unit development, no specific permitted uses are established. Uses permitted within a PUD district shall be only those residential, cultural, recreational, business, commercial, industrial, and related uses as are deemed by the City Council to be fully compatible with each other, with the context of the proposed development as a whole, and with the zoning and land use patterns of surrounding areas. The type, general location, and extent of all proposed uses shall be clearly designated as part of the conceptual development plan, and approval of those uses or types of uses as part of a rezoning amendment shall constitute the permitted land use requirements of a particular PUD district to the same extent and degree as were those permitted uses specifically included within these regulations. Any proposed change of approved land usage, other than necessary minor refinements in size, configuration, or location as may be required in the preparation of the detailed development plans, shall require a new hearing and approval action in accordance with the administrative review and approval procedures herein established. Accessory uses normally associated with the uses permitted as part of the approval action upon a specific PUD proposal shall be permitted at those locations and in an intensity as normally provided for that development within other zoning districts of the city, unless accessory uses are expressly prohibited within the approval action or are otherwise regulated by that action.

Sec. 158.174. Internal PUD Design; Standards.

(A) **Residential Density.** The number and type of residential dwelling units to be permitted within a PUD district or within specific portions of a PUD district shall be as determined by the City Council and stipulated within the approval action. Maximum gross residential density of a PUD district shall be determined by the densities set forth in the City's Comprehensive Plan.

(B) **Access.** Every dwelling unit or other use permitted within a PUD district shall have access to a public or private street (of the type required for the PUD under subsection 158.172(B)) either directly or via an approved private road, pedestrian way, court, or other area dedicated to public or private use, or common element guaranteeing access.

(C) **Internal Lots and Frontage.**

- (1) No minimum lot sizes or minimum yards are established for a PUD district under these regulations. However, the applicable minimum lot size and yard size requirements of conventional zoning districts shall be utilized wherever proposed PUD development is essentially equivalent to that development permitted under conventional zoning district classifications. In addition, wherever land within a PUD district has frontage upon preexisting public roads, the front yard requirement of the conventional zoning district most applicable to the use or uses proposed for that land shall apply; and wherever yards within a PUD district abut a conventional zoning district, those yards shall comply with the yard requirements of the conventional zoning district. Where appropriate, the City Council may stipulate minimum lot sizes and minimum yard requirements as part of the approval action.

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- (2) Land area which would normally be required for residential lots, but which is not so used under the permitted lot size reduction provisions of this section of the chapter, shall be devoted instead to common open space for the enjoyment and use by residents of the development and shall be preserved into perpetuity as open space.

(D) **Minimum Living Area.** The minimum living area requirements shall be as stipulated within the approval action.

(E) **Maximum Building Height.** The maximum height of all residential structures not within a PUD, shall be thirty-five (35) feet. Within a PUD, greater than five (5) acres, the maximum height permitted is seventy-five (75) feet. Any structure greater than thirty-five (35) feet in height shall be required to maintain a setback from the property line of such PUD of one hundred (100) percent of the building height, except for PUDs located within the Port St. Lucie Community Redevelopment Area. The maximum height for commercial, office, and institutional uses within a PUD located in the Port St. Lucie Community Redevelopment Area may be one hundred twenty (120) feet or ten (10) stories, whichever is less. All such height requests are contingent upon the approval of a master plan and elevation drawings, which illustrate that the proposed height is compatible with the surrounding land uses. The applicant is required to provide adequate information to support the compatibility of the proposed taller structures with the surrounding land uses.

(F) **Provision for Vehicular and Pedestrian Circulation.**

- (1) The street and roadway pattern within a PUD shall be designed so as to take advantage of existing natural features and shall provide for a logical and orderly movement of vehicular traffic throughout the development. Provisions shall be made for the reservation or dedication of all rights-of-way needed for the improvement of existing streets or the construction of new streets indicated within the City's adopted Comprehensive Plan. The internal street system shall be properly coordinated with all existing streets and roadways at the project's boundaries, and all streets shall be designed in accordance with City standards and requirements including section 156.098 which limits cul-de-sac lengths to a maximum of one thousand (1,000) feet.
- (2) Reductions of right-of-way widths below those normally required may be granted in specific cases where the City Council finds lesser widths are appropriate due to the unique design of the PUD.
- (3) Provision shall be made within a PUD for the separation of vehicular and pedestrian traffic, and a system of sidewalks or pedestrian ways shall be incorporated into the PUD design for the exclusive use of pedestrians.

(G) **Off-Street Parking and Off-Street Loading Requirements.** Off-street parking and off-street loading facilities shall be provided as set forth within section 158.221. Compact parking space standards may be used for up to thirty (30%) percent of the total required spaces. A compact parking space shall have a minimum of seven and one-half-foot width and length of fifteen (15) feet.

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(H) **Provision for Public Facilities and Services.** Provision shall be made within a PUD district for all public facilities and services deemed essential by the City Council for location and establishment within that district. Required sites for facilities and services shall be of such sizes, proportions, and location so as to effectively serve their intended purposes in a manner beneficial to future residents of the development and to the City as a whole. These sites shall be dedicated to the City or other applicable public body at no cost.

(I) **Underground Utilities.** Within a PUD, all utilities, including telephone, television cable, and electrical systems shall be installed underground. Appurtenances to these systems which require above-ground installation shall be effectively screened and, thereby, may be exempted from this requirement. Primary facilities providing services to the site of the PUD may be exempted.

(J) **Protection of Natural Features.** Provision shall be made within the design of a PUD for the protection and conservation of significant natural features within or adjacent to the site. Where any alteration of those features is required as part of the development proposed within the PUD district, the developer shall replace the altered features with natural features or areas acceptable to the City.

(K) **Landscaping and Buffering.** Landscaping and buffering requirements are subject to Chapter 154. An alternative landscape plan may be approved for a PUD provided that it fulfills the purpose and intent of Chapter 154. Wherever essential to ensure compatibility, land use areas within a PUD shall be suitably screened from each other and from adjacent development or roadways outside the PUD by appropriate buffering materials. Buffering shall be provided by use of natural vegetation, landscaping berms, or decorative wood or masonry walls.

(L) **Commercial and Industrial Development.** In general, commercial or industrial uses within a PUD district shall be only those deemed essential to serve the needs of the PUD residents and not the general needs of the surrounding area. However, where it is found by the City that the lands within a proposed PUD district are appropriately located and of proper size and configuration so as to serve an existing or future need or commercial or industrial development of the larger community, provision for the development may be included within that proposed PUD district. No commercial or industrial uses shall be approved as part of a PUD unless the location, site size, and proposed intensity of those uses are found to be consistent with the City's adopted Comprehensive Plan.

Sec. 158.175. Rezoning of Land to PUD; Procedure.

The procedure for rezoning of land to PUD classification is set forth within sections 158.315 through 158.322 and applying to the rezoning of land generally.

(A) Applications, Materials to be submitted. In addition to information required for application for rezoning generally under sections 158.315 through 158.322, the applicant shall submit the following materials or data:

- (1) A statement presenting firm evidence of the unified control of the entire area within the proposed PUD. The applicant shall State agreement to:

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proceed with the proposed development according to the provisions of these zoning regulations and any conditions as may be attached to the rezoning of the land to PUD; provide agreements, contracts, deed restrictions, and sureties acceptable to the City for completion of the development according to the plans approved at the time of rezoning to PUD, and for continuing operation and maintenance of those areas, functions, and facilities as are not to be provided, operated, or maintained at public expense; and bind all successors in title to any commitments made under this subsection (A)(1). All agreements and evidence of unified control shall be examined by the City Attorney and no rezoning of land to PUD classification shall be adopted without a certification of the City Attorney that agreements and evidence of unified control meet the requirements of these zoning regulations.

- (2) A statement as to the density of development sought for the PUD and the supporting evidence or documentation as the applicant may feel is pertinent to enable the Planning and Zoning Board and the City Council to determine whether or not the density of development requested is reasonable and proper.
- (3) A conceptual development plan at the appropriate scale containing:
 - a. PUD name, date, north arrow, and the legal description, boundary dimensions and area in acreage of the property;
 - b. Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information;
 - c. Total gross acreage and square feet or acres devoted to various uses by type and density;
 - d. A general location map showing relationship of the proposed PUD to surrounding development including surrounding future land use and zoning;
 - e. The location of existing and proposed streets, easements, drainage areas, common areas such as parks and open space, water courses, and other existing important physical features in or adjoining the property;
 - f. Delineation of all wetlands and upland habitat areas;
 - g. General character, size, and location of buildings, parking areas, landscape and buffer areas, minimum lot size and total number of lots, if applicable; and
 - h. Phase boundaries and schedule of project completion by phase, if applicable.

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- (4) Proposed zoning district regulations such as minimum rear side, and front yards, maximum building coverage, minimum building height (nonresidential only), permitted uses and accessory uses, minimum lot requirements, minimum internal rear, side or front yards, minimum living area, as may be relevant to the PUD proposed.
- (5) A statement showing proposed modifications of zoning or other applicable City regulations where it is intended by the applicant that the modification serves the public interest to an equivalent degree.
- (6) Where necessary due to the unique character of the land involved, the size or intensity of the proposed development, or the types of proposed uses, the applicant may wish to submit or may be required by the City to submit one (1) or more of the following: an ecological survey; a comprehensive drainage study; a school impact study, including a letter from the county school board in keeping with the provisions of F.S. § 235.193; a recreation impact study; a traffic impact study; or a marketability study.

(B) **Procedures.** On applications for rezoning of land to PUD classification, the Planning and Zoning Board and the City Council shall proceed in general as for other applications for rezoning of land and approval of a conceptual site plan. PUD's generally require several revisions to the conceptual development plan prior to a final recommendation. The applicant should consider this in scheduling for final approvals.

- (1) The site plan review committee shall review each PUD plan and vote to recommend approval, to recommend approval with conditions, or to recommend denial of the conceptual development plan. The recommendation shall be forwarded to the Planning and Zoning Board with the application.
- (2) In recommending rezoning of land to PUD classification, the Planning and Zoning Board may recommend and the City Council may attach suitable conditions, safeguards, and stipulations, including but not limited to the following:
 - a. Types or categories of land uses to be permitted within the district or specified portions thereof;
 - b. Residential density to be permitted within the district or specified portions thereof;
 - c. Minimum building lot sizes, required yards, building setbacks, floor area requirements, and maximum impervious surface area to be permitted within the district or specified portions thereof;
 - d. Intensity of nonresidential uses to be permitted within the district or specified portions thereof, including square footage and floor area, height of structures, and amounts of land to be utilized for parking and other open space activities;

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- e. Amounts, locations, and types of recreational areas, parks, open spaces, and facilities to be provided within the district or specified portions thereof, with dedication thereof to the public at no cost;
 - f. Provisions to be made for necessary public facilities or services required by the district or specified portions thereof, with dedication thereof to the City or other applicable public body at no cost;
 - g. Method of staging of various development phases within the district, including both the sequence and timing of those phases and the required dates for filing of final development plans.
- (3) In the application of those conditions and stipulations, applicable standards set forth within the conventional zoning districts of this Code shall be utilized wherever possible. Any conditions, safeguards, and stipulations made at the time of rezoning to PUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirement, condition, safeguard, or stipulation shall constitute a violation of these zoning regulations.
- (4) A statement as to the density of development sought for the PUD and the supporting evidence or documentation as the applicant may feel is pertinent to enable the Planning and Zoning Board and the City Council to determine whether or not the density of development requested is reasonable and proper.
- (5) A conceptual development plan which is processed under sections 158.235 through 158.245
- (6) Proposed zoning district regulations such as minimum rear side, and front yards, maximum building coverage, minimum building height (nonresidential only), permitted uses and accessory uses, minimum lot requirements, minimum internal rear, side or front yards, minimum living area, as may be relevant to the PUD proposed.
- (7) A statement showing proposed modifications of zoning or other applicable City regulations where it is intended by the applicant that the modification serves the public interest to an equivalent degree.
- (8) Where necessary due to the unique character of the land involved, the size or intensity of the proposed development, or the types of proposed uses, the applicant may wish to submit or may be required by the City to submit one (1) or more of the following: an ecological survey; a comprehensive drainage study; a school impact study, including a letter from the county school board in keeping with the provisions of F.S. 235.193; a recreation impact study; a traffic impact study; or a marketability study.

(C) **Procedures.** On applications for rezoning of land to PUD classification, the Planning and Zoning Board and the City Council shall proceed in general as for other applications for rezoning of land and approval of a conceptual site plan. PUD's generally

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require several revisions to the conceptual development plan prior to a final recommendation. The applicant should consider this in scheduling for final approvals.

- (1) The site plan review committee shall review each PUD plan and vote to recommend approval, to recommend approval with conditions, or to recommend denial of the conceptual development plan. The recommendation shall be forwarded to the Planning and Zoning Board with the application.
- (2) In recommending rezoning of land to PUD classification, the Planning and Zoning Board may recommend and the City Council may attach suitable conditions, safeguards, and stipulations, including but not limited to the following:
 - (3) Types or categories of land uses to be permitted within the district or specified portions thereof;
 - (4) Residential density to be permitted within the district or specified portions thereof;
 - (5) Minimum building lot sizes, required yards, building setbacks, floor area requirements, and maximum impervious surface area to be permitted within the district or specified portions thereof;
 - (6) Intensity of nonresidential uses to be permitted within the district or specified portions thereof, including square footage and floor area, height of structures, and amounts of land to be utilized for parking and other open space activities;
 - (7) Amounts, locations, and types of recreational areas, parks, open spaces, and facilities to be provided within the district or specified portions thereof, with dedication thereof to the public at no cost;
 - (8) Provisions to be made for necessary public facilities or services required by the district or specified portions thereof, with dedication thereof to the City or other applicable public body at no cost;
 - (9) Method of staging of various development phases within the district, including both the sequence and timing of those phases and the required dates for filing of final development plans.
- (10) In the application of those conditions and stipulations, applicable standards set forth within the conventional zoning districts of this Code shall be utilized wherever possible. Any conditions, safeguards, and stipulations made at the time of rezoning to PUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirement, condition, safeguard, or stipulation shall constitute a violation of these zoning regulations.

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Sec. 158.176. Establishment of PUD District to be by Ordinance.

Each establishment of a PUD district shall be by the means of an ordinance duly adopted by the City Council in conformity with all procedures of law pertaining to rezoning of land within the City. Any said ordinance shall incorporate the conceptual plan and all stipulations and conditions embodied within the approval action.

Sec. 158.177. Changes in Conceptual Plans.

(A) Minor changes in conceptual plans approved as a part of the rezoning to PUD may be permitted. The City Council upon application by the developer or his successors in interest, without the filing of a new application for PUD rezoning, provided that any change does not result in any of the following:

- (1) An overall increase in number of dwelling units of over one (1%) percent.
- (2) A reduction of the area set aside for community open space or a relocation thereof of more than five (5%) percent.
- (3) An overall increase in proposed floor area of over five (5%) percent.
- (4) An overall increase by more than five (5%) percent of the total impervious surface area.
- (5) An increase in the number of floors of building or an increase in height.
- (6) A modification in original design concept, such as an addition of land use category, change in traffic pattern or access and egress, or an increase of traffic generation exceeding that previously submitted by more than ten (10%) percent.
- (7) Any increase or decrease of more than ten (10%) percent of the total land area occupying a particular land use.

(B) To apply for a minor change in conceptual plans, the developer or his successors in interest shall submit the following information to the office of the Zoning Administrator.

- (1) An up-to-date statement presenting evidence of unified control of the entire area within the PUD and a renewed agreement to all provisions set forth in subsection 158.175(A)(1).
- (2) A written statement clearly setting forth all proposed changes in the conceptual plan, setting forth in comparable fashion all applicable plan data and for both the currently approved conceptual plan and the conceptual plan as proposed for change.
- (3) Revised copy of the conceptual development plan containing all proposed changes.

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- (4) A revised copy of all other documents or reports submitted as part of the original application and affected by the proposed changes.
- (5) Revised copies of any additional covenants, agreements, or stipulations made a part of the original approval action and affected by the proposed changes.

(C) Any application for minor changes in conceptual plans is subject to the newspaper notice and public hearing requirements as set forth for rezonings in this chapter and shall be submitted to the site plan review committee and Planning and Zoning Board for review and recommendation, and the recommendations of the committee and board shall be entered into the official record of the application and shall be considered by the City Council prior to the taking of official action upon application. Any proposed change in conceptual plans which does not qualify as a minor change as set forth above shall be considered a major change and shall require a rezoning application meeting all applicable requirements of this chapter for PUD rezoning.

Sec. 158.178. Time Limit for Proceeding with Final Development Plan.

(A) If the final development plan as set out in section 158.179 has not been filed for approval within two (2) calendar years of the date of rezoning of land to PUD, or within one (1) calendar year following a stipulated date for filing in case of a phased PUD development, then the PUD classification shall remain on the land, but plan approval shall be required by the City Council with procedure as for a new application for rezoning (including payment of fees). Extensions of time limits may be granted by the City Council upon due cause being shown.

(B) The request for an extension must be in writing to the Zoning Administrator prior to the expiration date. Failure to apply for an extension prior to the expiration date shall cause the PUD plan to expire without notice on the expiration date. If the request is timely filed, the PUD plan shall remain valid until the request for an extension is acted upon by the City Council; provided, however, that after the initial plan or extension expiration date, no final development plan shall be approved until the request for an extension of plan approval is acted upon by the City Council.

(C) All applications for extensions to development timetables must include specific reason(s) why the authorized timetable deadline cannot be met. The request for an extension shall be reviewed by staff to ensure that the proposed extension is in compliance with the current Comprehensive Plan, Land Development Regulations, and other city requirements. Each extension shall be limited to a maximum period of two (2) years and shall not exceed 4 years in total.

Sec. 158.179. Final Development Plan.

Plans for development of land rezoned in PUD shall be processed in accordance with procedures established in the City's subdivision regulations or site plan review requirements. The same information and data shall be furnished at each stage of plan approval as is required for subdivision or site plan submission. The final development plan required and submitted shall be in substantial compliance with the conceptual development plan submitted as part of the application for rezoning to PUD. In addition to

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the provisions of the subdivision regulations or site plan review requirements found to be applicable, the following information shall be provided (where applicable, typical or standardized data may be provided for divisions (A) through (D) below):

(A) Building locations and architectural definitions of all structures proposed which are a part of the project shall be depicted upon the tentative plan or plat and the supplementary materials.

(B) Master landscape plan depicting existing and proposed vegetation and locations thereof on the site.

(C) Walls and planting screens, locations, heights, and materials.

(1) Tabulations analyzing the number of total gross acres in the project and the percentages thereof proposed to be utilized by the several building types, other nonresidential uses, off-street parking and off-street loading, streets, recreation areas, parks, schools, and other reservations. Tabulations of total number of dwelling units in the project by types and the overall project density in dwelling units.

(2) Prior to approval of a final development plan, the developer shall file, as specified at the time of rezoning, a legally constituted maintenance association agreement for improving, perpetually operating, and maintaining the common facilities to be held in private ownership, including streets, drives, parking areas, and open space and recreation facilities; or he shall file all documents as are necessary to show how the common areas are to be improved, operated, and maintained. These documents shall be subject to the approval of the City Attorney.

Sec. 158.180. Variances.

Application for and consideration of any variances from the terms of an established PUD district shall be in accordance with procedures set forth within sections 158.295 through 158.302.

Sec. 158.181. Building Permits, Certificates of Occupancy.

No building permit or certificate of occupancy or zoning compliance shall be issued in or for development in a PUD district except in conformity with all provisions of the rezoning to PUD classification and plans submitted under section 158.237.

Sec. 158.182. Status of Existing PUD District.

Existing PUD districts for which concept development plans have been approved shall be eligible to proceed under the terms of the approval action of the concept development plans, but those PUD districts shall be fully subject to the provisions of section 158.178, establishing a time limit for proceeding with the final development plan. Existing PUD districts for which no concept development plans have been approved shall be required to meet all requirements for concept development plan submittal and approval within one (1) calendar year from the effective date of passage of these revised PUD

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regulations. In the event application for concept plan approval is not made within that period, the City Council may take steps to rezone the affected property to a conventional zoning district classification deemed appropriate. One (1) six-month extension of this provision may be granted by the City Council upon due cause shown.

Sec. 158.183. Fees.

Fees for the filing of PUD applications and final development plans shall be established by the City Council.

Secs. 158.184. Reserved

ARTICLE X.5. MASTER PLANNED UNIT DEVELOPMENT (MPUD) ZONING DISTRICT

Sec. 158.185. Purpose.

(A) It is the intent and purpose of this district to provide, upon specific application and through the processes of unified planning and coordinated development, for the creation of large-scale, sustainable new communities with mixed uses. The specific objectives of the district are to incorporate a mixture of land uses, consistent with the densities and intensities authorized by the new community development (NCD) future land use designation; provide a greater variety of uses closer to home and work; reduce reliance on the automobile and build a sense of place and community; provide wildlife corridors and upland habitat preservation; provide a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries; provide adequate public facilities; replace piecemeal planning which reacts to development on a project-by-project basis with a long-range vision to create an integrated new community.

(B) Regulations for master planned unit developments (MPUD) are intended to accomplish the purposes of zoning, planning and design principles and standards that shall govern development within the MPUD. Where there are conflicts between the requirements of the general provisions of this chapter or other applicable codes of the City and the requirements established by the MPUD regulation book, the MPUD regulation book shall prevail.

Sec. 158.186. Definition.

For the purpose of this article the following definition shall apply unless the context clearly indicates or requires a different meaning.

MASTER PLANNED UNIT DEVELOPMENT (MPUD). Land that is part or all of an NCD future land use district, or any sub-district and is included in or approved as part of a development of regional impact. The area is under unified control and developed in a coordinated manner in one (1) or more development phases according to an approved MPUD Conceptual master plan and regulation book.

Sec. 158.187. Standards for District Establishment.

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In reaching recommendations and decisions as to rezoning land to MPUD classification, the Planning and Zoning Board and the City Council shall apply the following standards in addition to the standards and procedures of sections 158.315 through 158.322 applicable to the rezoning of land generally:

(A) **Area Requirement.** The minimum size of a MPUD district to be considered for establishment shall be one hundred (100) acres. Boundaries of the area shall be identified and established.

(B) **Relation to Major Transportation Facilities.** MPUD districts shall be so located with respect to arterial or major streets, highways, collector streets, or other transportation facilities as to provide suitable access to those districts.

(C) **Relation to Utilities, Public Facilities, and Services.** MPUD districts shall be required to obtain developers agreements regarding provision of utilities, public facilities and services as applicable.

(D) **Development of Regional Impact (DRI).** The proposed MPUD district shall be located within an approved DRI and be consistent with all applicable conditions of the approved DRI development order.

(E) **Consistency with the City Comprehensive Plan.** To be eligible for consideration, a MPUD rezoning proposal must be found to be consistent with all applicable elements of the City's adopted Comprehensive Plan with respect to both its proposed internal design and its relationship to adjacent areas and the City as a whole.

Sec. 158.188. Permitted Uses.

Uses permitted within a MPUD District shall be those deemed by the City Council to be fully compatible with the land use sub-categories (residential, neighborhood/village commercial, town center, resort, mixed use or employment centers) consistent with Policies 1.2.2.1 through 1.2.2.8 of the City's Comprehensive Plan and as shown on the conceptual master plan adopted as part of the future land use element for each NCD district. The type, general location, and extent of all proposed uses shall be clearly designated as part of the MPUD Conceptual Master Plan and the permitted uses shall be listed in the MPUD regulation book. Approval of those uses or types of uses as part of a rezoning amendment shall constitute the permitted land use requirements of a particular MPUD district to the same extent and degree as were those permitted uses specifically included within these regulations. Accessory uses normally associated with the uses permitted as part of the approval action upon a specific MPUD proposal shall be permitted at those locations and in an intensity as normally provided for that development within other zoning districts of the city, unless accessory uses are expressly prohibited within the approval action or are otherwise regulated by that action.

Sec. 158.189. MPUD Conceptual Master Plan and Regulation Book Requirements.

(A) **Land Uses.** Identification of Residential, Neighborhood/Village Commercial, Town Center, Resort, Mixed Use or Employment Centers consistent with Policies 1.2.2.1 through 1.2.2.8 of the City's Comprehensive Plan. Identify the gross and net useable land area.

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(B) **Density.** A computation of residential density and non-residential intensity.

(C) **Access.** Every dwelling unit or other use permitted within a MPUD district shall have access to a public or private street either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use, or common element guaranteeing access.

(D) **Zoning Regulations.** Zoning regulations shall be established for each land use including, but not limited to:

- (1) Minimum lot size and frontage;
- (2) Minimum rear, side and front yard setbacks;
- (3) Maximum building coverage;
- (4) Building height;
- (5) Minimum living area;
- (6) Density; and
- (7) Permitted uses and accessory uses.

(E) **Provision for Vehicular and Pedestrian Circulation.**

(1) The street and roadway pattern within a MPUD shall be designated to promote a pedestrian and bicycle friendly environment with an emphasis on connection to surrounding areas. For each facility to be included in the MPUD, design criteria shall be included addressing:

- (11) Right-of-way width.
- (12) On-street parking (if applicable).
- (13) Design cross sections.
- (14) Streetscape design.

(2) A network of pedestrian trails and bicycle paths, with shortcuts and alternatives to travel along high-volume streets shall be provided within or in proximity to each residential area.

(F) **Transit Oriented Design Features.** The following shall be considered to encourage the establishment and use of transit:

- (1) Mix of land uses vertically as well as horizontally;
- (2) Inclusion of civic uses:

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- (3) Locate higher density housing within or near neighborhood/village commercial areas, town centers and mixed use areas;
- (4) Design of street networks with multiple connections and relatively direct routes; and
- (5) Encourage shared use of parking areas and innovative parking design.

(G) **Off-Street Parking and Off-Street Loading Requirements.** Off-street parking and off-street loading facilities shall be provided as set forth within section 158.221. Compact parking space standards may be used for up to thirty (30) percent of the total required spaces. A compact parking space shall have a minimum of seven and one-half-foot width and length of fifteen (15) feet. Shared or joint use of parking facilities between and among uses is permitted in town center and mixed use areas when:

- (1) There is a relationship among the land uses utilizing shared parking that will attract drivers to two (2) or more uses in a single strip; and
- (2) There is adequate linkage between the parking and each of the uses sharing the parking; and
- (3) The applicant has submitted a properly drawn legal instrument executed by the parties concerned showing agreement to such use and specifying the duration of the agreement; and
- (4) A shared parking analysis is submitted.

(H) **Provision for Public Facilities and Services.** Provision shall be made within a MPUD District for all public facilities and services deemed essential by the City Council for location and establishment within that district. Required sites as provided for in either annexation/developer agreements or a DRI development order for facilities and services shall be of such sizes, proportions, and location so as to effectively serve their intended purposes in a manner beneficial to future residents of the development and to the city as a whole. These sites shall be dedicated to the city or other applicable public body as provided for in either annexation/developer agreements or a DRI development order.

(I) **Underground Utilities.** Within a MPUD, all utilities, including telephone, television cable, and electrical systems shall be installed underground wherever possible (i.e. excluding transmission and distribution power lines). Appurtenances to these systems which require above-ground installation shall be effectively screened and, thereby, may be exempted from this requirement. Primary facilities providing services to the site of the MPUD may be exempted.

(J) **Open Space and Recreation Areas.** Open space and recreational areas shall be provided consistent with Policy 1.1.4.7 of the city's comprehensive plan.

(K) **Wetlands and Uplands.** Identification of extent and location of wetland and native upland habitat preservation areas.

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(L) **Stormwater.** Identification of the preliminary areas suitable to address stormwater management requirements. Stormwater retention areas should be consistent with South Florida Water Management District requirements, however retention area shapes and dimensions are conceptual and may be modified to accommodate final site plans.

(M) **Landscaping and Buffering.** Landscaping and buffering requirements are subject to Chapter 154. An alternative landscape plan may be approved for a MPUD provided that it fulfills the purpose and intent of Chapter 154. Wherever essential to ensure compatibility, land use areas within a MPUD shall be suitably screened from each other and from adjacent development or roadways outside the MPUD by appropriate buffering materials. Buffering shall be provided by use of natural vegetation, landscaping berms, or decorative wood or masonry walls.

(N) **DRI Requirements.** The applicant may be required to include one or more of the following to demonstrate compliance with the approved DRI development order conditions: an ecological survey, drainage study, recreation impact study or traffic study.

Sec. 158.190. Rezoning of Land to MPUD; Procedure.

The procedure for rezoning of land is set forth within sections 158.315 through 158.322.

(A) **Applications, Materials to Be Submitted.** In addition to information required for application for rezoning generally under sections 158.315 through 158.322, the applicant shall submit the following materials or data:

- (1) A statement presenting firm evidence of the unified control of the entire area within the proposed MPUD. The applicant shall state agreement to: proceed with the proposed development according to the provisions of these zoning regulations and any conditions as may be attached to the rezoning of the land to MPUD. All agreements and evidence of unified control shall be examined by the City Attorney and no rezoning of land to MPUD classification shall be adopted without a certification of the City Attorney that agreements and evidence of unified control meet the requirements of these zoning regulations.
- (2) A conceptual master plan and regulation book as specified in section 158.188. These are processed under sections 158.235 through 158.245

(B) **Procedures.** On applications for rezoning of land to MPUD classification, the Planning and Zoning Board and the City Council shall proceed in general as for other applications for rezoning of land and approval of a conceptual master plan:

- (1) The Site Plan Review Committee shall review each MPUD plan and vote to recommend approval, to recommend approval with conditions, or to recommend denial of the conceptual master plan. The recommendation shall be forwarded to the Planning and Zoning Board with the application.

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- (2) In recommending rezoning of land to MPUD classification, the Planning and Zoning Board may recommend and the City Council may attach suitable conditions, safeguards, and stipulations, including but not limited to the following:
- a. Types or categories of land uses to be permitted within the district or specified portions thereof;
 - b. Residential density to be permitted within the district or specified portions thereof;
 - c. Minimum building lot sizes, required yards, building setbacks, building square footage requirements, and maximum impervious surface area to be permitted within the district or specified portions thereof;
 - d. Intensity of nonresidential uses to be permitted within the district or specified portions thereof, including square footage and height of structures, and amounts of land to be utilized for parking and other open space activities;
 - e. Amounts, locations, and types of recreational areas, parks, open spaces and facilities to be provided within the district or specified portions thereof, with dedication thereof to the public at no cost as applicable;
 - f. Provisions to be made for necessary public facilities or services required by the district or specified portions thereof, with dedication thereof to the City or other applicable entity; and
 - g. Method of staging of various development phases within the district, including both the sequence and timing of those phases and the required dates for filing of final development plans.
- (3) In the application of those conditions and stipulations, applicable standards set forth within the conventional zoning districts of this code shall be utilized wherever possible. Any conditions, safeguards, and stipulations made at the time of rezoning to MPUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirement, condition, safeguard, or stipulation shall constitute a violation of these zoning regulations.

Sec. 158.191. Establishment of MPUD District to Be by Ordinance.

Each establishment of a MPUD district shall be by the means of an ordinance duly adopted by the City Council in conformity with all procedures of law pertaining to rezoning of land within the city. Any said ordinance shall incorporate the conceptual master plan and regulation book and all stipulations and conditions embodied within the approval action.

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Sec. 158.192. Changes in conceptual plans

(A) Changes in conceptual plans approved as a part of the rezoning to MPUD may be permitted. Changes to an approved MPUD which would be considered Major are as follows:

- (1) A change which would include a land use not previously permitted under MPUD;
- (2) A change which would alter a land use type adjacent to a property boundary except where it is (1) a reduction in density, or (2) a reduction in the intensity of approved residential development unless the reduction locates the residential use adjacent to an incompatible use;
- (3) A change which would require an amendment to the City Council's conditions of approval;
- (4) A change which would increase the land use intensity within any development phase without a corresponding decrease in some other portion of the overall MPUD; and
- (5) An amendment to the phasing which would propose a land use in advance of the development it is designed to support.

(B) Major changes in conceptual plans shall require a rezoning application meeting all applicable requirements of this chapter for MPUD rezoning and are subject to the newspaper notice and public hearing requirements as set forth for rezonings in this chapter. For changes to conceptual plans to include a land use not previously permitted or to change a land use type adjacent to a property boundary, notices shall be sent to owners of real property within the area subject to the change and within 750 feet of the boundary of the area subject to the proposed change.

(C) In addition, the Planning and Zoning Director may consider minor changes which do not trigger the standards listed above or where the developer proposes to reduce the number of units or floor area in one phase of the project and make a corresponding increase in the number of units or square footage in another portion of the project, if other conditions of approval are not adversely affected, nor any other changes are proposed which would be considered a substantial change to the MPUD.

(D) The Planning and Zoning Director may refer Minor changes to an approved MPUD to the Site Plan Review Committee. Any denial of a proposed change by the Director or the Site Plan Review Committee may be appealed to the City Council. All major changes shall follow the procedure for rezoning to MPUD as specified in subsection 158.190(B).

(E) To apply for a change in conceptual master plans, the developer or his successors in interest shall submit the following information to the Planning and Zoning Director.

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- (1) An up-to-date statement presenting evidence of unified control of the entire area within the MPUD and a renewed agreement to all provisions set forth in subsection 158.190(A)(1).
- (2) A written statement clearly setting forth all proposed changes in the conceptual master plan and regulation book, setting forth in comparable fashion all applicable plan data and for both the currently approved conceptual master plan and regulation book.
- (3) Revised copy of the conceptual master plan containing all proposed changes.
- (4) A revised copy of all other documents or reports submitted as part of the original application and affected by the proposed changes.
- (5) Revised copies of any additional covenants, agreements, or stipulations made a part of the original approval action and affected by the proposed changes.

Sec. 158.193. Variances.

Application for and consideration of any variances from the terms of an established MPUD district shall be in accordance with procedures set forth within sections 158.295 through 158.302.

Sec. 158.194. Building Permits, Certificates of Occupancy.

No building permit or certificate of occupancy or zoning compliance shall be issued in or for development in a MPUD district except in conformity with all provisions of the rezoning to MPUD classification and plans submitted under section 158.237.

Sec. 158.195. Status of Existing MPUD District

Existing MPUD districts for which conceptual master plans have been approved shall be eligible to proceed under the terms of the approval action of the plans.

Sec. 158.196. Fees.

Fees for the filing of MPUD applications and final development plans shall be established by the City Council.

Secs. 158.197—158.199. Reserved.

ARTICLE XI. SUPPLEMENTARY USE REGULATIONS

Sec. 158.200. Reserved.

Sec. 158.201. Base Building Line Requirements.

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In order to provide for necessary street improvements and extensions to streets, certain base building lines may be established from time to time by the City Council. Where any base building line has been so established, all required setbacks shall be measured from that line, and in no case shall any part of a building, structure, parking area, or other site improvement of a permanent nature be constructed or extended streetward beyond the line.

Sec. 158.202. Setback Required from Natural Body of Water.

No buildings or structures within any single-family residential zoning district shall be erected closer than fifty (50) feet to the mean high water line of any natural and public body of water; no building or structure within a zoning district other than a single-family district shall be erected closer than seventy-five (75) feet to the mean high water line; except that the restriction shall not apply in the case of a boat dock, board walks, marina, or marina-associated structures. The lots listed below (non-inclusive) shall meet the requirements of this section:

Unit 16	Block 224	Lots 23—26
BGYC Braemar Estates	Tract E	Lots 10—16
BGYC Ballantrae Estates I	Tract J-1	Lots 15—29
BGYC Ballantrae Estates II	Tract J-2	Lots 14—36
River Vista Subdivision	Block 6	Lots 7—18
River Vista Subdivision	Block 7	Lots 4—6; 8
The Point Subdivision		Lots 1—4
Kitching Cove Estates		Lots 1—8
Vikings Landing		Lots 9—12; 36
Vikings Lookout		Lots 7—47
Portage Cove		Lots 2—4
Section 3	Block 397	Lots 1—9
Section 3	Block 431	Lots 1—36
Section 3	Block 441	Lots 31—32
Section 3	Block 457	Lots 1—8
Section 10	Block 483	Lots 1—6
Section 10	Block 543	Lots 1—29
Section 26	Block 463	Lots 53—64
Section 26	Block 472	Lots 79—96
Floresta Pines II	Block 3233	Lots 7—13
Floresta Pines II	Block 3224	Lot 5
Floresta Pines II	Block 3225	Lots 4—15

Sec. 158.203. Setback Requirement for Corner Lot in Single-Family Residential District.

(A) Any corner lot having a width of less than ninety (90) feet at its front property line shall have a side setback requirement of fifteen (15) feet adjacent to the side street.

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(B) Any corner lot having a width between ninety (90) feet and one hundred (100) feet at its front property line shall have a side setback requirement of twenty (20) feet adjacent to the side street.

(C) Any corner lot having a width exceeding one hundred (100) feet at its front property line shall have a side setback requirement of twenty-five (25) feet adjacent to the side street.

(D) In applying these requirements, the front property line shall be that most consistent with frontages established by platting or development patterns containing the subject property.

Sec. 158.204. Visibility at Intersections in Zoning Districts.

No fence, wall, hedge, or shrub planting which obstructs sight lines and elevations between two (2) and six (6) feet above the crown of the road shall be placed or permitted to remain on any corner lot in any zoning district within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten (10) feet from the edge of a driveway or alley. No tree shall be permitted to remain within the above described limits of intersections unless the foliage line is maintained at or above six (6) feet above the roadway intersection elevation to prevent obstruction of sight lines.

Sec. 158.205. Reserved.

Sec. 158.206. Special Design Requirements for Single-Family Residences.

At the time the certificate of occupancy is issued, each single-family residence shall have either a garage or a carport containing a minimum of two hundred (200) square feet and an enclosed storage area with a minimum of eighty (80) square feet which shall be accessible from the outside, garage, or carport.

Sec. 158.207. Reserved.

Sec. 158.208. Moving of Buildings or Structures.

(A) No building or structure shall be moved from one (1) location to another nor shall be raised, jacked up, or prepared to be moved until a special permit for the same shall have been issued by the Building Official, and all approvals and releases from all required agencies concerned have been executed and approved.

(B) Any special moving permit shall be conditioned upon the posting of a bond in an amount to be determined by the Building Official.

(C) Once a special moving permit has been issued the building or structure shall be moved within fourteen (14) days of issuance of the special permit and all necessary improvements required in order for said building or structure to comply with the requirements of the building code shall be completed within ninety (90) days from the date of issuance of the moving permit unless said timeframes are extended by the Building

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Official upon the showing of delay caused by matters beyond the control of the owner or the house mover.

(D) A special moving permit is separate from the building permit required to construct the foundation where the building or structure is to be placed.

(E) No special moving permit shall be issued that would result in a non-conforming use under the City's zoning code, including, but not limited to, compliance with minimum house sizes.

(F) Moved buildings or structures shall comply with all applicable landscape codes.

(G) Should the move or completion of necessary improvements not occur in the timeframe allotted, the bond posted as a condition of the special moving permit shall be forfeited to the City.

Sec. 158.209. Public Services and Facilities.

Essential services as herein defined shall be permitted in any zoning district. Streets and roads shall be permitted in all zoning districts consistent with all City, County, State, or Federal rules and regulations. Public services and facilities involving buildings, distribution substations, generating plants, or treatment plants shall be permitted within zoning districts only when specifically listed as permitted or special exception uses.

Sec. 158.210. Reserved.

Sec. 158.211. Storage or Accumulation of Materials, Refuse, and Waste Materials Prohibited.

Except as may be expressly permitted within this chapter, no materials, refuse, and waste materials (including inoperable equipment and vehicles) shall be stored or accumulated outside of a fully-enclosed building within any zoning district. This requirement shall not apply to patio furniture, grills, and other household items specifically designed for outdoor use in residential areas or materials stored in an approved open/outside storage area within Industrial or Service Commercial zoning districts. This requirement also shall not apply to materials related to new construction, provided that all required permits have been obtained for that construction, and that all surplus materials and waste products shall be removed from the premises promptly upon completion of that construction. Inoperable vehicles may be parked in parking lots at vehicle repair businesses in the Service Commercial and Warehouse Industrial zoning districts for no longer than two weeks, provided the businesses have a current work order for the vehicle(s).

Sec. 158.212. Reserved.

Sec. 158.213. Wireless Communication Antennas and Towers.

Wireless communication antennas and towers shall comply with all applicable structural and safety standards of the Federal Communications Commission (FCC),

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Edison Electrical Institute (EEI) and/or Electronic Industries Association (EIA), and Federal Aviation Authority (FAA). Commercial wireless communication antennas and towers are considered structures and shall be installed in accordance with all applicable provisions of the building code, plus all conditions of this section.

(A) **Monopole Towers.** Monopole towers are single upright poles, engineered to be self-supporting and do not require lateral cross supports or guys.

(B) **Guyed Towers and Antennas.** Guyed towers and antennas shall be set back from all property lines a minimum distance of the break points as verified by a certified engineer on the site plan or a distance equal to one-half its height to allow for proper guying and maintenance. All tower supports and peripheral anchors shall be located entirely within the boundary of the property.

(C) **Self-Supporting Towers and Antennas.** Self-supporting towers and antennas shall meet the setback requirements of the applicable zoning district.

(D) **Special Exception Use.** Wireless communication antennas and towers shall be considered a special exception use in the following zoning districts and shall meet all requirements of sections 158.255 through 158.262.

- (1) GU (General Use).
- (2) OSR (Open Space Recreational).
- (3) OSC (Open Space Conservation).
- (4) I (Institutional).
- (5) CS (Service Commercial).
- (6) WI (Warehouse Industrial).
- (7) IN (Industrial).
- (8) U (Utility).
- (9) Neighborhood Village/Commercial, Town Center, Resort, Employment Center, Mixed Use and designated park or school sites within Residential land use sub-categories in MPUDs (Master Planned Unit Development) in NCD (New Community Development District) future land use areas.

(E) **Wind Load.** Certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans is required. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of a Category 3 hurricane intensity.

(F) **Height Limits.**

- (1) Wireless communication towers:

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- a. Located in CS, WI, IN, GU, and U zoning districts; Mixed Use, and Employment Center Sub-Districts in MPUDs in NCD future land use areas: up to three hundred (300) feet.
- b. Located in OSR, OSC, and I zoning districts, and Town Center Sub-District in MPUDs in NCD future land use areas, and greater than five (5) acres: up to two hundred (200) feet.
- c. Located in OSR, and OSC zoning districts; and Neighborhood Village/Commercial Areas, and Resort, Sub-Districts in MPUDs in NCD future land use areas, and less than five acres: up to one hundred (100) feet.
- d. Not permitted in residential land use areas.

(2) A waiver to these height limits can be requested as a part of the special exception review. The applicant must provide documentation as to why the height limits are inappropriate to the proposed site.

(G) **Co-Location.** To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. As part of special exception applications, applicants shall be required to verify that they have attempted to co-locate any proposed antenna on an existing tower within the proposed service area prior to approval of new towers. Applicants shall also provide evidence that they have mailed a "notice of intent" letter to all known telecommunication providers within the city to determine if any providers can co-locate on the proposed tower.

(H) **Fencing.** A chain-link fence, with or without barbed wire, or solid wood or masonry wall at least six (6) feet in height, shall be constructed and maintained around the perimeter of the tower and associated structures and equipment. Access shall be through a locked gate.

(I) **Landscaping.** Landscaping for sites either in or adjacent to residential land use areas shall be as follows: a row of trees a minimum of eight (8) feet tall set twenty (20) feet apart shall be planted around the outside perimeter of the fence, plus a hedge a minimum of three (3) feet in height and spaced three (3) feet apart shall be planted on the outside of the fence and tree row. Plantings shall be from the approved list in the landscaping code. Landscaping for sites in commercial and industrial areas shall follow the city's landscaping code for those land uses.

(J) **Signs.** No advertising signage of any type is permitted on a wireless communication antenna, tower, or equipment storage area. Safety and cautionary signs shall be attached to the fence or structure for those facilities using more than 220 voltage. The following signage shall be in large bold letters: "HIGH VOLTAGE - DANGER".

(K) **Lighting.** For the placement and use of any lights on such towers or antennas, the applicant shall submit a lighting plan which includes methods for shielding adjacent properties from glare.

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(L) **Site Plan Review.** All proposals for towers are required to follow the site plan review regulations set forth under sections 158.235 through 158.245. Site plan reviews are to be processed as a part of the special exception application.

(M) **Obsolete and Unused Towers.**

- (1) Any obsolete or unused tower shall be removed after twelve (12) months of non-use. A removal bond or irrevocable letter of credit equal to the following shall be required prior to obtaining final site development permits:
 - a. Towers up to (150) feet in height: Fifteen thousand dollars (\$15,000.00).
 - b. Towers one hundred fifty-one (151) to two hundred (200) feet in height: twenty thousand dollars (\$20,000.00).
 - c. Towers two hundred one (201) to three hundred (300) feet in height: twenty-five thousand dollars (\$25,000.00).
 - d. Towers three hundred (300) feet and above: Thirty thousand dollars (\$30,000.00).
- (2) Tower height shall be measured from the base of the structure.

(N) **Separation.**

- (1) Separation distance guidelines between towers shall be as follows:
 - a. Towers less than one hundred (100) feet in height shall locate a minimum of one thousand (1,000) feet apart;
 - b. Towers greater than one hundred (100) feet in height shall locate a minimum of one thousand five hundred (1,500.00) feet apart;
 - c. Guyed and self-supporting towers shall locate at least two thousand (2,000) feet away from other guyed or self-supporting towers.
- (2) Applicants shall provide documentation of the distance of the nearest tower to the proposed site as part of the application.
- (3) No separation is required for towers located in CS (Service Commercial), WI (Warehouse Industrial), LI (Light Industrial), and HI (Heavy Industrial) zoning districts.
- (4) A waiver to separation distance requirements may be considered as a part of the application, provided that the applicant can sufficiently justify why such separation is not appropriate.

(O) **Interference (Bleed Over).**

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- (1) As a condition of approval, any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception.
- (2) Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.

(P) **Lease Agreements.** For city-owned property, a lease agreement shall be included as a part of the special exception application.

Sec. 158.214. Yard Encroachments.

Every part of a required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted by this chapter:

(A) Sills or belt courses may project not over twelve (12) inches into a required yard.

(B) Cornices, eaves, gutters, movable awnings or outside utilities may project not over three (3) feet into a required yard.

(C) Chimneys, fireplaces, or pilasters may project not over two (2) feet into a required yard.

(D) Hoods, canopies, or marquees may project not over three (3) feet into a required yard, but shall not extend closer than one (1) foot to any lot line.

(E) Parking may be located in the required building setback line, subject to all applicable landscaping and buffering requirements of Chapter 154.

(F) Flag poles may be located no closer than ten (10) feet to the property lines.

Sec. 158.215. Exclusions from Height Limits.

(A) Permitted Exclusions from Height Limits. Utility penthouses, scenery lofts, towers, cupolas, steeples, domes, flag poles, airplane beacons, broadcasting towers, antennas, chimneys, stacks, tanks, roof mounted solar energy systems, non-roof installed solar energy devices integrated into the architecture of the building, and roof structures used only for ornamental or mechanical purposes may exceed the permissible height limit in any district by not more than twenty-five (25) percent. (Refer to building height definition). Parapet walls may extend not more than five (5) feet above the allowable height of a building. In addition, essential services shall be exempted from the height limit provisions of this chapter. Wireless communication antennas and towers may exceed the height limit, as set forth in section 158.213, only to the extent as approved in a special exception application.

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(B) Exclusion from Height Limits for church steeples. An applicant may request a special exception to the exclusions from height limits for church steeples or other ornamental worship structures, provided the request is in accordance with the criteria cited below:

- (1) Minimum church building size of one thousand two hundred (1,200) square feet of gross floor area;
- (2) Maximum overall height of the building and ornamental worship structure shall not exceed sixty (60) feet from the ground level;
- (3) That part of the structure exceeding the permissible height limit shall not be used for human occupancy or storage; and
- (4) The applicant shall submit a conceptual site development plan for the property along with detailed elevation plans upon application for special exception.

(C) Exclusion from height limits for roads, bridges, and their accessory structures. Roads, bridges, and their accessory structures shall be exempt from height limits.

Sec. 158.216. Fences and Walls.

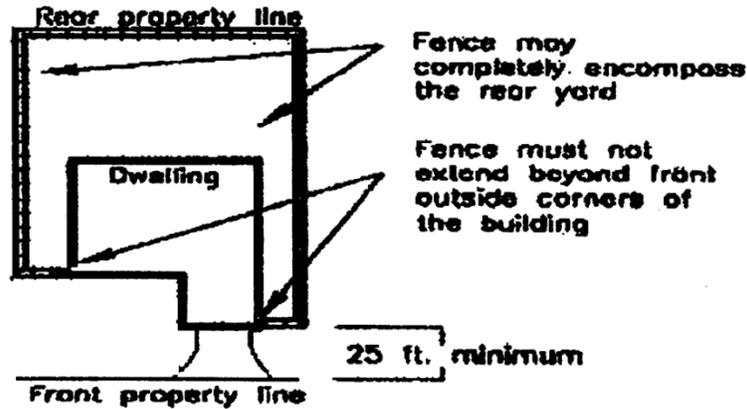
(A) **Construction.** All fences on property zoned residential shall consist of the following materials: Chain link, wood, masonry, or stone, aluminum, vinyl coated steel or polyester powder steel, ornamental and imitation wood fences. Chicken wire or barbed wire fences in residential districts are not permitted. Vinyl coated welded wire may be used as an interface to a wooden fence. Interface is defined as a material placed upon an existing fence, inside its common boundaries for the purpose of providing additional security. Masonry or stone walls shall be prohibited in utility and drainage easements on single-family residential zoned property, unless a specific waiver has been approved by the zoning administrator and City Engineer. All metal or wood fences located in utility or drainage easements shall be constructed to be easily removable.

(B) **Height.** No residential fence shall be of a height greater than six (6) feet from the ground level. This height limitation is not intended to apply to enclosures surrounding or part of recreational or sporting facilities. Fences permitted for or enclosures surrounding recreational or sporting facilities will be evaluated by the zoning administrator on an individual basis.

(C) **Distance from the Front Yard Property Line.** All fences on property zoned single-family residential shall be located at least twenty-five (25) feet from the front yard property line or even with the outside front corners of the building, whichever distance from the front yard property line is greater.

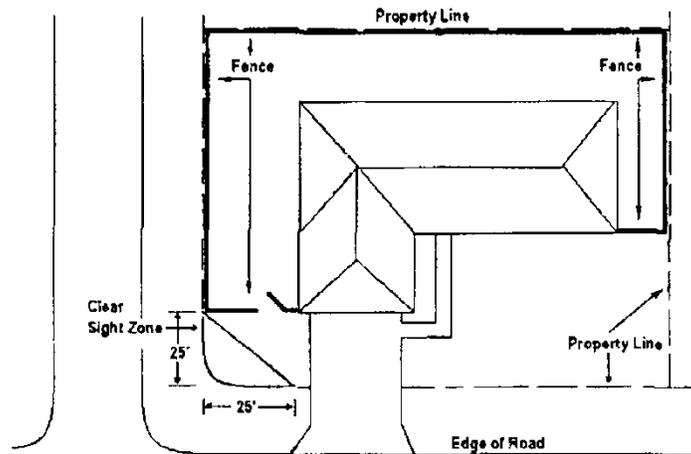
(D) **Distance from the Rear Yard Property Line when Abutting a Public Right-of-Way.** All fences on property zoned single-family residential shall be located at least twenty-five (25) feet from the rear yard property line, when the rear yard property line abuts a public right-of-way. The Zoning Administrator may waive this requirement if special circumstances exist.

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Front Property Line

(E) **Distance from the Side Yard Property Line for Corner Lots.** On corner lots zoned single family residential, fences may be erected inside and adjacent to the side yard property line abutting a street right-of-way if the fence will not encroach into the sight triangle. The sight triangle shall be the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of street lines, or in case of a rounded property corner from the intersection of street property lines extended.



Corner Lots

(F) **Fences to be Inside Property Line, Maintenance Responsibility.** All fences shall be erected inside the property line as set out on the plat adopted by the City. The maintenance of the property on both sides of the fence shall be the responsibility of the property owner.

(G) **Enclosures for Swimming Pools.**

- (1) Where any pool is constructed on a lot located in the city, there shall be a fence or a suitable enclosure as set forth in the Standard Swimming Pool Code around the pool area. The pool area shall be considered to include the concrete patio.

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- (2) If the enclosure around the pool area shall be a fence, the fence shall be a minimum of four (4) feet in height and a maximum of six (6) feet in height.
- (3) The requirements of this section shall not apply to those residential lots wherein a residential fence otherwise complying with all of section 158.006 and being at least of a height of five (5) feet from the ground level has been constructed.

(H) **Fences used as Landscape Material.** On property zoned residential, segments of fencing may be utilized as landscaped treatment in that area extending from the front building line to the front property line provided that no property is enclosed. Fence material shall not exceed four (4) feet in height. A two-foot break is required for each twenty feet in length. The fence material shall be limited to wood, masonry, stone, vinyl or metal picket.

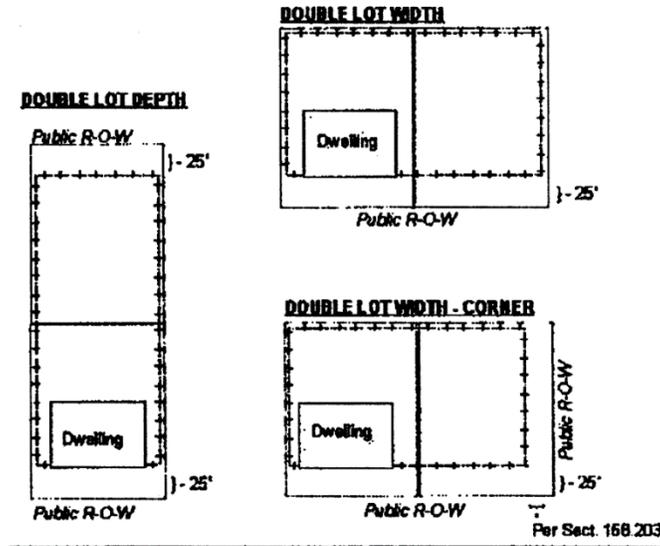
(I) **Nonresidential Fences.** Fences adjacent to residential property shall conform to the requirements of subsections (B) through (F) above, and Chapter 154, as well as other applicable codes and regulations of the City.

(J) Fences on vacant residential lots. Fences shall only be permitted on a vacant residential lot/s when the following criteria have been met:

- (1) The vacant lot/s shall be adjacent to a lot that has an existing primary use.
- (2) Both the vacant lot/s and the adjacent lot with a primary use shall be in common ownership.
- (3) All lots must be located in the same zoning district and in the same future land use designation.
- (4) The proposed fence shall meet the side, front, and/or rear setback requirements when abutting a public right-of-way as defined in subsections (C), (D) and (E)

In the event that the abutting street to the subject property has a predominant fence setback that is greater than the requirements of this chapter, all proposed fences on that street shall be located to conform to that setback.

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Double Lots

(K) The permit applicant shall sign an affidavit from the Building Department accepting responsibility for compliance with the City's regulations as stated in Section 158.216 for all fence installations.

Sec. 158.217. Accessory Uses and Structures.

(A) **General Provisions.** Accessory structures and uses are permitted in any zoning district in connection with any principal lawfully existing permitted use within that district, provided that all accessory structures or uses are in full compliance with all setback, height, building coverage, and other requirements of the zoning district, and all other requirements of this section. In no case shall accessory uses, either separately or in combination, exceed more than twenty (20%) percent of the total floor area of the principal building or ground area of any lot, whichever is more restrictive unless as otherwise noted for specific uses under section C as follows. Accessory uses are not considered a part of building coverage standards. Detached garages and storage buildings are also subject to size and standards as listed in subsection (C)(2)h. and (C)(2)i. Any proposed accessory use that exceeds the size limitations must be approved through application of a variance unless as stipulated within a Planned Unit Development zoning ordinance. Accessory structures on sites other than single-family lots must be shown on an approved site plan. Accessory nonresidential structures under 300 square feet in size are exempt from the Citywide Design Standards.

(B) **Private Boathouse and Docks.** Private boathouses and docks are permitted on canal or waterway lots, but not to protrude more than five (5) feet into the canal or waterway. Private hoist facilities may extend into the canal or waterway by no more than ten (10) feet beyond the dock if the canal or waterway is sixty (60) feet or more in width. However, if the canal or waterway is one hundred (100) feet or more in width, a dock with or without private hoist facilities may protrude to a distance which is the minimum needed to provide a water depth of minus four (4) feet (mean high water) for the dock with the maximum length not to exceed one hundred (100) feet beyond the mean high water line or not more than forty (40) feet or twenty (20%) percent of the canal or waterway,

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whichever is the more restrictive, into the canal or waterway. The canal width shall be measured from mean high water line to mean high water line. No permit shall be issued for the construction of a structure into a canal or waterway until it has been approved by any State or Federal regulatory agency having jurisdiction. In no event, shall more than six hundred (600) square feet of a boathouse be placed in a required rear yard, and no persons shall be permitted to use a boat or a boathouse as a residence.

(C) Accessory Uses in Single-Family Residential Districts.

- (1) Accessory uses or structures shall not be located in that area extending from the front building line to the front property line, unless otherwise specifically provided. Accessory uses or structures shall be located a minimum of ten (10) feet from the rear property line. The minimum setback from side property lines shall be those set forth in the applicable zoning district.

Temporary structures and fences are allowed as an accessory use on the same lot or on a contiguous lot in the same ownership. Any contiguous lot under the same ownership with a permanent structure requiring a building permit, other than a fence, is required to join the lots through a unity of title.

- (2) The following accessory uses are allowed in the RE, RS-1 through RS-3 single-family residential zoning districts. All other accessory uses are prohibited, with the exception of the provisions for amateur radio antennas and amateur radio support structures outlined in Section (C) (3) below.
 - a. Customary yard structures such as clothes lines, communication antennas (excluding commercial transmission towers), children's playground equipment, and other similar equipment.
 - b. Swimming pools and related decks, patios, detached roofed patios, and screen enclosures. Maximum size = based on allowable setbacks.
 - c. Tennis courts with fence enclosures and similar installations including basketball, volleyball, badminton, and shuffleboard courts. A basketball backboard and goal may be located in that area extending from the front building line and on driveways or in swale areas as long as they are portable and a minimum of two (2) feet off the edge of the pavement and not on a collector or arterial road. The City reserves the right to move them for maintenance purposes.
 - d. Skateboard ramps.
 - e. Garden structures, including gazebos, pergolas, and well houses may be located in that area extending from the front building line.
 - f. Hot tubs, saunas, free standing cabanas and bath houses, and other similar recreational structures.

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- g. Fences or screening walls; shall meet the requirements of section 158.216
- h. Unattached accessory building for storage, home workshops, children's playhouses. Maximum size = 500 square feet. These uses shall conform in appearance and design of the principal structure (house) if over 300 square feet in size.
- i. Garages. Maximum size = 900 square feet for detached or attached garages and limited in height so that it is not higher than the principal building's roof line or 22 feet in height, whichever is more restrictive for lots less than 18,500 square feet. Lots 18,500 square feet or greater shall be allowed a maximum of 1,600 square feet of total garage area (detached or attached) and limited in height so that it is not higher than the principal building's roof line or 22 feet in height, whichever is more restrictive.

A detached garage over 300 square feet shall conform in appearance and design to the principal structure (house). The garage door must be designed to be an integral part of the building's architecture with trim, detailing and fenestrations. All residential garage doors for garages shall consist of articulated panels and all garages shall incorporate at least two of the following features: decorative banding or moldings, multiple panel door designs or other architectural detailing with larger decorative brackets, windows/openings on garage doors, arches, decorative shutters, dormers, horizontal or vertical articulation, decorative vent covers on gable just above garage and/or sconce lighting.

- j. Solar energy systems, windmills, and other energy devices based on renewable resources. Solar ground and pole mounted energy systems may be located no closer than six (6) feet to any side lot line and ten feet to any rear lot line.
- k. Outdoor fireplaces and barbecue pits.
- l. Doghouse with a size not to exceed four (4) feet in height by four (4) feet in depth by six (6) feet wide.
- m. Noncommercial greenhouses.
- n. Concrete, stone, and wood driveways, patios, decks, and walks may be located in that area extending from the front building line, provided those structures do not extend any closer than six (6) feet to any side lot line or ten (10) feet to any rear lot line.
- o. Dish antennas provided they meet the above and following requirements:
 - 1. Only one (1) dish antenna per residence shall be permitted; and

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2. Dish antennas shall not exceed twelve (12) feet in diameter, nor shall the dish in any position exceed a height of fifteen (15) feet.

(3) Amateur radio service

a. Intent and purpose

This section is intended (1) to provide reasonable accommodation for amateur radio antennas and amateur radio antenna support structures in residential zoning districts within the City of Port St. Lucie and (2) to constitute minimum practicable regulation to accomplish the City's legitimate purposes consistent with state and federal laws including Federal Communication Commission regulations pertaining to amateur radio services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include but are not limited to preserving residential areas as livable neighborhoods and preserving public health, safety, and welfare.

b. General Requirements:

1.

a. Amateur radio antennas and amateur radio antenna support structures having an overall height of forty-three and one-half (43%) feet or less are permitted in all zoning districts for amateur radio operators who hold a current amateur radio license issued by the Federal Communications Commission. An amateur radio operator who installs an amateur radio antenna or amateur radio antenna support structure shall, upon request by an employee of the City's building department or code compliance division, show his/her current FCC-issued amateur radio license to that employee.

b. Amateur radio antennas and amateur radio antenna support structures having an overall height of forty-three and one-half (43%) feet, but less than seventy (70) feet are permitted in all zoning districts for amateur radio operators who hold a current amateur radio license issued by the Federal Communications Commission subject to the permitting requirements of the Florida Building Code and payment of applicable permit fees. An amateur radio operator who installs an amateur radio antenna or amateur radio antenna support structure shall, upon request by an employee of the City's building department or code compliance division, show his/her current FCC-issued amateur radio license to that employee.

2. In residential zoning districts, amateur radio antenna support structures shall not be used for co-location of commercial antennas. In non-residential districts, co-location of commercial antennas must comply with Zoning Ordinance requirements

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applicable to wireless communication towers. Otherwise lawful amateur radio antennas may be installed on commercial antenna structures by agreement with the owner of such commercial antenna structures.

- c. Maximum height of amateur radio antennas and antenna support structures. An amateur radio antenna and its support structure located in residential zoning districts may not exceed a combined height of seventy (70) feet above ground level.
- d. Other Provisions.
 1. Ground-mounted amateur radio antennas and amateur radio antenna support structures shall be so located and installed as to be safe and to create minimum impact to the surrounding properties. Antennas and their antenna support structures shall not be located within the side and rear property setback areas or within 25 feet from the front property line. Guy wires may be permitted in the side and rear setback areas provided no part of the anchors and/or their foundations shall encroach within one (1) foot of any side or rear lot line.
 2. Climbable ground-mounted antenna support structures shall have appropriate anti-climb devices or wire mesh fabric attached up to a height of five (5) feet or more.
 3. All retractable and non-retractable ground-mounted amateur radio antenna support structures shall be structurally sound and so designed and installed as to meet the manufacturer's specifications on assembly, construction and erection, in order to conform to section 102.2 of the Florida Building Code.
 4. Amateur radio antennas and amateur radio support structures shall be erected within six months of the issuance of their installation permit. In the event of the failure on the part of the applicant to complete the installation within six months, a renewal of the permit shall be required.
 5. The building department shall maintain a separate database of relevant information as to all approvals of installation permits issued under this provision.
 6. Section (C) of this ordinance, which concerns the amateur radio service and amateur radio antennas and amateur radio antenna support structures in residential zoning districts, shall not apply to temporary installations, as defined above.
 7. Amateur radio antennas and amateur radio antenna structures existing on the effective date of this ordinance shall be grandfathered and not subject hereto, provided, however any

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modifications thereto shall be subject to the provisions of this Section.

(D) Storage of a Commercial Vehicle or Equipment in a Residential District.

Storage of a commercial vehicle or equipment in a residential district is prohibited; unless any vehicle or equipment is placed within a fully enclosed building or structure in accordance with the provisions of Section 72.03.

(E) Major Recreation Equipment.

Major recreation equipment is hereby defined as including boats and boat trailers, recreational vehicles, motorized dwellings, houseboats and the like. No major recreation equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residentially zoned lot, or in any other location not approved for that use. Major recreation equipment may be parked or stored within a residential area only in accordance with the provisions of subsection 73.04(B).

(F) Home Occupation.

A home occupation as defined herein shall be permitted within an area zoned residential, subject to the following provisions:

- (1) The holder of the home occupation may have employees engaged in the business provided that not more than one (1) of said employees, except those who reside in the home, report to or work at the site of the home occupation.
- (2) The home occupation shall use no more than two hundred (200) square feet of total floor area.
- (3) The use of the dwelling for the home occupation shall be clearly incidental and secondary to its use for dwelling purposes. The occupation shall not change the character of the dwelling or reveal from the exterior that the dwelling is being utilized for use other than dwelling purposes. There shall be no display of stock for sale or trade located upon the premises, and no article shall be sold or offered for sale except such as may be produced on the premises or is utilized in conjunction with the home occupation. The manufacturing of a product for resale shall not be produced with mechanical or electrical equipment which is not normally found in a dwelling and considered as purely a domestic implement.
- (4) Any use of a dwelling contrary to these provisions or which creates or may create objectionable noises, fumes, odors, dust, electrical interference, or greater than normal residential traffic shall be expressly prohibited.
- (5) Any individual who promotes or solicits a home occupation by displaying, advertising, or using in any fashion his home address or telephone; who provides or conducts a home occupation as defined herein; or who proffers home occupation services as defined herein shall be required to obtain a business tax receipt therefor. The offering of articles for sale in isolated situations shall not be considered as a home occupation or require permit and tax receipt.

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- (6) Application for a home business tax receipt shall be made to the City, setting forth the address of the subject premises, the type of home occupation desired, and the area of the dwelling to be utilized for same. The City may inspect the subject premises to verify full compliance of the proposed home occupation usage with the provisions of the ordinance. Upon approval of the application, the City shall issue a tax receipt for the home occupation.
- (7) Real estate brokers licensed pursuant to Chapter 475, Florida Statutes, may conduct their business as a home occupation and place their broker's license at their place of residence. In addition to a single employee, a real estate broker is permitted to have two (2) real estate sales associates licensed pursuant to Chapter 475, Florida Statutes. The associates may place their license with a real estate broker conducting business as a home occupation provided the real estate broker home occupation shall be conducted in accordance with and conform to all of the above conditions and restrictions as otherwise established for home occupations.

(G) **Mobile Sales.** Mobile vending businesses shall submit plans to be reviewed along with the occupational license application, renewable annually, and shall:

- (1) Be located in general commercial (CG), or planned unit development (PUD) zoning districts.
- (2) Be associated with an existing business and obtain written permission of the property owner.
- (3) Be located on a sidewalk in front of the business which has granted permission, provided adequate passage is maintained.
- (4) Be the only mobile sales (outdoor vendor) on the lot.
- (5) Be self-contained and portable so as to be removed from the site each night and not exceed two hundred (200) square feet in size.
- (6) Limit signage to ten (10) square feet. Freestanding signs, banners, pennants, balloons or flags shall be prohibited.
- (7) Be limited to the sale of prepared food and flowers. Other retail sales shall be prohibited.

(H) Stand-Alone ATMs are a permitted use in P, CN, CG, CS, LMD, and PUD zoning districts. A stand-alone ATM shall be allowed in compliance with the following standards:

- (1) Two stand-alone ATM are allowed per site plan.
- (2) Walk up ATMs shall not be located adjacent to a required drive aisle.

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- (3) For walk up ATMs, two parking spaces (one handicap space and one standard parking space) shall be provided and be located adjacent to the ATM. When parking is also provided for other uses on the site, the ATM parking space shall be signed as short-term ATM parking.
- (4) For drive-through ATMs, stacking lanes shall accommodate stacking for at least two (2) vehicles.
- (5) Drive-through lanes or aisles shall be situated so as to not block any other drive aisle or parking.
- (6) Impacts to adjacent residential property from sound, lighting and idling vehicles and visibility of the ATM shall be mitigated by the developer with landscaping and/or other methods subject to the approval of the Zoning Administrator or Site Plan Review Committee.
- (7) ATMs are exempt from the Citywide Design Standards.

Sec. 158.218. Townhouse Development Requirements.

(A) The minimum gross lot area shall be twenty thousand (20,000) square feet and the minimum gross lot width shall be one hundred (100) feet.

(B) Each townhouse dwelling shall have a minimum lot area of one thousand eight hundred (1,800) square feet of usable land and a minimum width of twenty (20) feet.

(C) Each townhouse dwelling shall have a front yard with a minimum depth of ten (10) feet and a rear yard with a minimum depth of ten (10) feet. Screened enclosures shall be set back a minimum of three (3) feet from the rear property line.

(D) No less than three (3) townhouse dwellings and no more than eight (8) townhouse dwellings shall be contiguous. No more than two (2) contiguous townhouse dwellings shall be built in a row with a common front building line, and the minimum difference in building line setback to provide variation shall be five (5) feet. No contiguous group of dwellings shall exceed two hundred forty (240) feet in length.

(E) No portion of a townhouse or accessory structure in or related to one (1) group of contiguous townhouses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group, or shall be closer than thirty (30) feet to a property line adjoining the side yard of an adjacent lot not included within the townhouse development. A side yard having a minimum depth of twenty (20) feet shall be provided between the side of any townhouse dwelling and a private or public street or right-of-way.

(F) Townhouse developments shall have a common open area suitably developed for recreation purposes equal to five hundred (500) square feet of open area per dwelling unit. Satisfactory provision for the development and perpetual maintenance of that open area shall be submitted to and approved by the Planning and Zoning Board.

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(G) Before the building official shall be authorized to issue a building permit for construction, a subdivision plat complying with all requirements of this chapter and all appropriate requirements of the subdivision regulations of the City shall have been approved by the City Council and recorded within the records of the county. A site plan or a PUD concept plan, showing all proposed development, shall be included with the application for subdivision plat approval.

(H) Unless otherwise specifically provided in the above divisions, all provisions and development standards of this chapter for the applicable zoning district shall apply to townhouse development.

Sec. 158.219. Garage Sales And Estate Sales

(A) Garage Sales. Garage sales are permitted in accordance with the following criteria.

- (1) No person shall conduct a garage sale in the City without first completing and filing an application with the code compliance division and receiving a permit to conduct said sale.
- (2) No more than three (3) garage sale licenses shall be issued to any one residence within any calendar year, unless said residence has been sold or newly rented within that time.
- (3) No permit shall be issue for more than three (3) consecutive days and said permit shall be prominently displayed upon the on-premises garage sale sign. See Section 155.03(I) for garage sale signage requirements.

(B) Estate Sales. Estate sales are permitted in accordance with the following criteria:

- (1) No person or business shall conduct an estate sale in the City without first completing and filing an application with the code compliance division.
- (2) Code compliance division will issue a permit to conduct said sale. No permit shall be issued for more than three (3) consecutive days.
- (3) The fee for an estate sale permit shall be one hundred dollars (\$100.00). The fee shall include registration, free listing on the City website, TV channel and the City's e-newsletter.
- (4) No external merchandise may be brought to the registered residential property before or during the estate sale.

Sec. 158.220. Mobile Home Parks; Special Requirements.

(C) **Application Requirements.** Any person or organization proposing the development and operation of a mobile home park shall be required to submit a site plan of the proposed development for review and consideration in accordance with the

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provisions of sections 158.235 through 158.245. The site plan shall be submitted in such number of copies as may be required and shall contain the following information:

- (1) The legal description and boundary data of the entire area for which approval is sought;
 - (2) A scaled designed drawing of the entire park as proposed, showing the location, size, and configuration of all proposed mobile home sites, including the size and configuration of all concrete slabs, vehicular parking spaces, utility connection, and other improvements as may be proposed for individual sites; the driveway or road system showing access to all mobile home site and activity areas within the proposed park; the type and location of all proposed community facilities or services proposed; the location and proposed development of all recreation and open space areas proposed; the location, type and extent of all proposed buffering and landscaping; the location and type of all other buildings, or structures proposed, such as owner's residence, office, and storage buildings; the location and nature of facilities for the collection and removal of garbage and trash from the park; and the location and nature of any special facilities or improvements which may be required, such as drainage retention areas, water treatment and distribution facilities, and sewage disposal facilities;
 - (3) The name, address, and telephone number of the owner or his agent, who may be contacted concerning information relative to the proposed application and operation of the mobile home park.
- (D) Minimum Site Requirements.**
- (1) Each mobile home park shall be located upon a lot having an area of not less than ten (10) acres and a minimum frontage of one hundred seventy-five (175) feet upon a public street or highway.
 - (2) Each mobile home site shall have a minimum area of five thousand (5,000) square feet and a minimum width of fifty (50) feet.
 - (3) There shall be two (2) parking spaces per mobile home unit.
 - (4) Each mobile home site shall have proper connection for water, sewerage, and electrical service.
 - (5) A minimum of ten (10%) percent of the gross land area of the park shall be developed for recreation purposes. No mobile home site, required buffer strip, or utility easement shall be counted as recreation area in meeting this requirement. Recreation areas and facilities shall be properly maintained and operated by the park management.
 - (6) Where appropriate, a utility easement shall be provided along the rear of each mobile home site. The easement shall not be less than ten (10) feet in width. No permanent structures other than pedestrian ways, benches, recreation facilities, picnic areas, and lighting systems shall be located in

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that utility easement, and permitted structures shall be located so as not to impede maintenance of underground utility facilities. All utilities shall be located within these easements, if provided, or in easements adjacent to roadway pavements or in buffer areas.

- (7) Each mobile home park shall be provided with central facilities for washing and drying of clothes, unless otherwise provided.
- (8) A central storage area shall be provided for the storage of major recreation equipment, such as travel trailers, camping equipment, and the like. Any equipment shall be permitted only in that designated area of the mobile home park. No piece of major recreation equipment parked in the storage area shall be used for human habitation. The storage area shall be adequately buffered with a six-foot high opaque fence and/or plant material so as to screen its view from all adjacent streets and from the mobile home sites within the park.
- (9) A landscape buffer not less than twenty-five (25) feet in depth shall be provided along public streets or highways and along all boundaries of a mobile home park. The landscape buffer shall meet all applicable provisions of Chapter 154.

(E) **Sanitation Requirements.** Each mobile home site shall be provided with at least one (1) garbage container of not less than 20-gallon capacity, so located as to be obstructed from view from the roadways within and without the park.

(F) **Park Design.** Designers of mobile home parks shall utilize contemporary design practices and shall avoid monotonous and obsolete rectilinear or herringbone design for layout of mobile home sites.

(G) **Procedure for Development and Operation.** Upon receiving approval of the site plan, the applicant or owner may proceed with development of the mobile home park subject to all permit requirements of the City and other governmental units having jurisdiction. After all required improvements have been completed for a park or an approved construction unit of a park, the building official shall conduct a final inspection and confirm in writing to the zoning administrator that the improvements have been completed. The zoning administrator shall then approve the mobile home park for occupancy and issue an appropriate occupancy permit to the owner or operator.

(H) **Installation and Occupancy of Mobile Homes.** No mobile home shall be installed or occupied within a mobile home park until and unless there has been full compliance with the provisions of all applicable ordinances and regulations of the City.

Sec. 158.221. Off-Street Parking and Lighting; Handicapped Parking Spaces.

(A) General Requirements.

- (1) Each building use, or structure instituted or erected after the effective date of this ordinance shall be provided with off-street parking and service facilities in accordance with the provisions set forth herein.

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- (2) Where a building or use existed at the effective date of the ordinance from which this chapter is derived, said building may be modernized, altered, or repaired without providing additional off-street parking or service facilities, provided there is no increase in floor area or capacity and there is no change in occupancy.
- (3) Where a building or use which existed at the effective date of the ordinance from which this chapter is derived is enlarged in floor area, volume, capacity, space occupied and/or is changed in use or occupancy, off-street parking and service facilities shall be provided for the total floor area, volume, capacity, space or occupancy so created.
- (4) Where a building or use which existed at the effective date of the ordinance from which this chapter is derived is changed in use or occupancy, additional off-street parking as may be required by this ordinance for the use or occupancy shall be provided.
- (5) It shall be unlawful for an owner or operator of any building, structure, or use affected by this chapter to discontinue, change or reduce the required parking and service facilities, other than through a corresponding discontinuance or reduction in size of building, structure, or use, without establishing alternative vehicular parking or service facilities.

(B) **Design and Use Requirements.** Wherever, in any zoning district, off-street facilities are provided for the parking of any and all types of vehicles, these off-street facilities and land shall conform to the following design and use requirements:

- (1) Facilities used intermittently, of a noncommercial nature, such as churches, cultural facilities, recreation facilities, clubs and lodges, or civic centers, shall not be required to pave all parking spaces. These uses may reduce the amount of paved parking spaces by as much as seventy-five (75%) percent, subject to site plan approval by City Council. Spaces not paved shall be provided with a stabilized base and sodded with grass. Sodded areas shall be maintained by the applicant according to the landscaping requirements of Chapter 154.
- (2) Unpaved parking areas may be requested for large commercial development. These must be over twenty thousand (20,000) square feet in size. Spaces not paved shall be provided with a stabilized base and sodded with grass. The unpaved portion of the parking shall be considered impervious area. Sodded areas shall be maintained by the applicant according to the landscaping requirements of Chapter 154. The following guidelines shall apply for commercial buildings:

Size	Reduction
20,000 sq. ft. to 29,999 sq. ft.	Up to 10%
30,000 sq. ft. to 49,999 sq. ft.	Up to 15%
50,000 sq. ft. or greater	Up to 20%

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Approval shall be based on a demonstration that adequate parking, traffic circulation, and access is provided for within the proposed development.

- (3) All off-street facilities shall be designed so as to have adequate access to a public street or alley and, in the case of parking facilities, adequate access to interior maneuvering areas. Except for parking serving single-family residences, parking facilities shall be arranged so that no vehicle shall be required to back from those facilities directly onto public streets.
- (4) Where off-street parking is required, such parking areas shall be used for vehicular parking only with no sales, dead storage, repair work, dismantling, or servicing of any kind.
- (5) Where off-street parking is required, parking shall be provided on the same lot or premises with the business or office which is being served, unless otherwise specifically approved by the City Council.
- (6) Single-family residential dwelling units on designated arterial or collector streets which are determined to be a potential hazard by the engineering department shall be required to construct either a circular drive, or provide a ten-foot by 20-foot paved turn-around area adjacent to the drive. On corner lots, access shall be limited to local streets.
- (7) Where artificial outdoor lighting is provided, it shall be designed and arranged so that no source of the lighting will be a visible nuisance to adjoining property used or zoned for a residential purpose. In addition, the lighting shall be designed and arranged so as to shield public streets and highways and all adjacent properties from direct glare or hazardous interference of any kind. The maximum allowable mounting height of all outdoor lighting fixtures shall not exceed 25 feet above grade or pavement. For commercial properties that abut property used or zoned for a residential purpose to the rear, or side, the following shall apply:
 - a. For properties with a depth in excess of two hundred (200) feet:
 1. The maximum allowable mounting height of all outdoor light fixtures within fifty (50) feet from the front property line is twenty-five (25) feet, provided that such fixtures shall be shielded from public streets and highways to prevent direct glare or hazardous interference of any kind.
 2. The maximum allowable mounting height of all outdoor light fixtures between fifty (50) feet from the front property line and seventy-five (75) feet from the rear property line is twenty (20) feet provided that such fixtures shall be shielded from all adjacent properties to prevent direct glare or hazardous interference of any kind.
 3. The maximum allowable mounting height of all outdoor light fixtures within seventy-five (75) feet from the rear property line

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is six (6) feet, or not to extend above the height of the buffer wall.

- b. For properties with a depth less than two hundred (200) feet:
 - 1. The maximum allowable mounting height of all outdoor light fixtures within twenty-five (25) feet from the front property line is twenty-five (25) feet, provided that such fixtures shall be shielded from public streets and highways to prevent direct glare or hazardous interference of any kind.
 - 2. The maximum allowable mounting height of all outdoor light fixtures between twenty-five (25) feet from the front property line and twenty-five (25) feet from the rear property line is twenty (20) feet provided that such fixtures shall be shielded from all adjacent properties to prevent direct glare or hazardous interference of any kind.
 - 3. The maximum allowable mounting height of all outdoor light fixtures within twenty-five (25) feet from the rear property line is six (6) feet, or not to extend above the height of the buffer wall.
- c. All outdoor lighting installations shall use concealed source fixtures. These shall be cut-off type fixtures in which the lenses do not project below the opaque section of the fixture. All lighting fixtures shall be mounted with a zero (0) degree tilt. Ground mounted flood and spot light fixtures that are used to illuminate the building facade are exempt from this requirement. Fixture styles shall be consistent throughout the site.
- d. Ground mounted flood and spot lights, if used, shall be placed on standards pointing toward the building or wall and positioned so as to prevent light from glaring onto residential areas, rather than the buildings or walls and directed outward which creates dark shadows adjacent to the buildings.
- e. Building mounted outdoor lighting fixtures, other than those required by ordinances and regulations of the city, are prohibited on the rear or sides of buildings adjacent to residential zoning. All other building mounted outdoor lighting fixtures required by ordinances and regulations of the City shall be shielded to prevent light from glaring on residential areas.
- f. All outdoor lighting fixtures in place prior to the effective date of this ordinance shall be permitted to continue operation. However, any outdoor lighting fixture that replaces an existing fixture, or any existing fixture that is moved, must meet the standards of this chapter. Existing fixtures that direct light toward streets, and are determined to be a traffic hazard, or existing fixtures that direct light toward adjoining property used or zoned for a residential purpose

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shall be either shielded or redirected within ninety (90) days of notification.

- g. Parks and recreational uses are exempt from the above requirements.
- (8) When units or measurements determining the number of off-street parking spaces result in the requirement of a fractional space, any fractional space equal to or greater than one-half (½) shall require a full off-street parking space.
- (9) In the case where two (2) or more uses occupy or are proposed to occupy a land parcel, the total requirements for off-street parking shall be the same as the requirements of the individual uses computed separately.
- (10) Irrespective of any other requirements of section 158.221, each and every separate and individual store, office, or other business shall be provided with at least one (1) off-street parking space.
- (11) All required off-street parking areas shall be provided in compliance with the Landscape Code.
- (12) Combined aisle and stall width:
 - a. Parking areas with eighteen foot long parking stalls with one or two-way drive aisles shall be constructed with the following minimum dimensions:

<u>Eighteen Feet Long Parking Stall with One-Way Drive Aisle</u>						
	<u>Parking Stall Angle</u>					
Pavement Width	0° (Parallel)	30°	45°	60°	75°	90°
Minimum aisle (feet)	14	18	18	22	22	26
Drive aisle and stalls on one side (feet)	23.5	32	34	40	41	44
Drive aisle and stalls on both sides (feet)	33	42	48	56	59	62

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Eighteen Feet Long Parking Stall with Two-Way Drive Aisle						
	Parking Stall Angle					
Pavement Width	0° (Parallel)	30°	45°	60°	75°	90°
Minimum aisle (feet)	20	26	26	26	26	26
Drive aisle and stalls on one side (feet)	29.5	39	42	44	44	44
Drive aisle and stalls on both sides (feet)	39	52	58	62	63	62

b. When an aisle serves parking stalls at angles not indicated in the previous tables, the width required for the next largest angle may be used or provide calculations for other aisle and parking widths.

(13) Each standard parking stall shall have a minimum width of nine and one-half (9.50) feet and a minimum length of eighteen (18) feet. A minimum stall of sixteen (16) feet is acceptable provided that the stall is adjacent to a curb that abuts a landscape area or sidewalk which has a minimum width of six (6) feet, a two (2) foot clear overhang area, and the two foot overhang area is not included as part of the required landscape area.

(14) All off-street parking spaces shall be maintained in good condition.

(15) Paving block may be utilized in single-family residential districts and through the site plan review process in other zoning districts.

(16) Shellrock, limerock and coquina may be utilized in lieu of pavement for storage areas with vehicular uses which exclude the general public upon approval of the site plan review committee.

(17) Special requirements for resort housing, such as hotels and other similar uses:

a. Where the principal use, resort housing, has accessory commercial uses (such as restaurant, bar, retail sales, and recreational facilities) which are not limited to the exclusive use of the owners, tenants, and guests, off-street parking shall be calculated on the principal use and off-street parking for the accessory commercial uses shall be calculated on one-half (½) the number required by the principal use.

(C) Amount of Off-Street Parking Required. Off-street parking shall be provided and maintained on the basis of the following minimum requirements:

(1) Animal hospital or veterinarian clinic: One (1) space for each two hundred (200) square feet of gross floor area.

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- (2) Assisted living facility:
 - a. One-half ($\frac{1}{2}$) space per dwelling unit, plus one space per each employee per shift.
 - b. One parking space per independent living unit
- (3) Brewpub: One space for each two hundred (200) square feet of floor area devoted to restaurant, pub, and kitchen. Brewpubs free standing and outparcels: One (1) space per seventy-five (75) square feet of floor area devoted to restaurant, pub, and kitchen.
- (4) Community colleges, colleges and universities: Fifteen (15) spaces for each classroom.
- (5) Convenience store: One (1) space for each two hundred (200) square feet of gross floor area.
- (6) Day care center, facility-based day treatment program: One (1) space per each three hundred (300) square feet of gross floor area.
- (7) Dwelling, multiple family: (Duplexes, townhouses, garden style flats, apartments or condominiums).
 - c. Dwelling with one-car garage: Two (2) exterior parking spaces. Dwelling with two-car (or more) garage: One (1) exterior parking space. Dwelling with no garage: Two (2) spaces per dwelling unit with two (2) or more bedrooms. One and one-half ($\frac{1}{2}$) spaces per dwelling unit for one (1) bedroom or efficiency apartments.
 - d. Guest parking: At least one (1) guest parking space shall be provided for every five (5) units.
 - e. On-street parking: On-street parking shall be counted toward the required number of parking spaces provided that the distance between driveways is at least twenty-five (25) feet and provided the that appropriate right-of-way width for on-street parking is provided. On-street parking must be approved by the engineering department.
- (8) Dwelling, single-family:
 - a. Dwelling with one-car garage: Two (2) exterior parking spaces. Dwelling with two-car (or more) garage: One (1) exterior parking space. Dwelling with no garage: Two (2) spaces.
 - b. Guest parking: For lots less than fifty (50) feet in width, at least one (1) guest parking space shall be provided for every five (5) units.
 - c. On-street parking: On-street parking shall be counted toward the required number of spaces provided that the distance between

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driveways is at least twenty-five (25) feet and provided that the appropriate right-of-way width for on-street parking is provided. On-street parking must be approved by the engineering department.

- (9) Enclosed assembly area not including day care center and recreational facility: One (1) space for each forty (40) square feet of assembly area or one (1) space for each two hundred (200) square feet of gross floor area, whichever requirement is greater. See §158.221(C)(16) for parking requirements for recreational facility.
- (10) Hospital and nursing home: Two and one-half ($\frac{1}{2}$) spaces for each patient bed, excluding bassinets.
- (11) Hotel or motel: One (1) space for each guest room or rental unit, plus one (1) space for each ten (10) guest rooms or rental units.
- (12) Manufacturing and industrial activities: One (1) space for each five hundred (500) square feet of gross floor area.
- (13) Microbrewery: One space for each five hundred (500) square feet of gross floor area for manufacturing and assembly.
- (14) Office (administrative, business, medical, or professional. retail shops, personal service establishments, household repair or equipment shops): One (1) space for each two hundred (200) square feet of gross floor area for buildings under thirty thousand (30,000) square feet. One space for each two hundred fifty (250) square feet of gross floor area for buildings thirty thousand (30,000) square feet and greater.
- (15) Restaurants, cocktail lounges, and bars: One (1) space for each two hundred (200) square feet of gross floor area. Restaurants free standing and outparcels: One (1) space per seventy-five (75) square feet of gross floor area.
- (16) Restaurants, drive-through:
One (1) space for each two hundred (200) square feet of gross floor area, with a minimum of twenty (20) spaces. Restaurants with drive-through free standing and outparcels one (1) space per seventy-five (75) square feet of gross floor area.
- (17) Recreational Facility: One (1) space per two hundred (200) square feet of gross floor area.
- (18) School, elementary and junior high: Two (2) spaces for each classroom.
- (19) School, senior high: Eight (8) spaces for each classroom or office room.
- (20) Self-storage facility: Refer to § 158.227

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- (21) Service establishments, repair facilities and wholesale trade: One (1) space per three hundred (300) square feet of gross floor area.
- (22) Shopping center: One (1) space for each two hundred (200) square feet of gross floor area for buildings under thirty thousand (30,000) square feet. One space for each two hundred fifty (250) square feet of gross floor area for buildings thirty thousand (30,000) square feet and greater.
- (23) Technical or vocational schools, or indoor group-oriented training facilities (massage, real estate, bartending, hair styling, and similar): One (1) space for each two hundred (200) square feet of gross floor area for uses less than thirty thousand (30,000) square feet. Fifteen (15) spaces for each classroom for uses thirty thousand (30,000) square feet or greater.
- (24) Vehicle service and repair: Three (3) spaces per service area.
- (25) Warehousing: One space for each five hundred (500) square feet of gross floor area up to ten thousand (10,000) square feet, and one additional space for each additional two thousand (2,000) square feet. This applies individually to each business in a warehousing complex.
- (26) Uses not specifically mentioned: The requirements for off-street parking for any uses not specifically mentioned shall be the same as provided in Section 158.221(C) for the use most similar in nature. Where there is any question regarding the number of off-street parking spaces to be provided, the number shall be determined and fixed by the Site Plan Review Committee.

(D) **Combined/Shared Off-Street Parking.** Owners of two (2) or more adjoining uses, structures, or parcels of land may utilize jointly the same parking area, when approved by the zoning administrator, upon finding that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the planning and zoning department in the form of a shared parking agreement, deed, lease, contract or similar document, securing full access to such parking areas for all parties jointly using them.

(E) **Requirements for Nonconforming Uses.** In the case of a building occupied by a use which is not permitted as a principal use in the zoning district in which the building is located, where major repairs, substantial alterations, or extensions of the use are to be made, no alteration of use shall be permitted unless the off-street parking requirements of section 158.221 are fully provided.

(F) **Special Provision.** The Planning and Zoning Board may, but need not, permit any development to have fewer parking spaces than required, if it finds that:

- (1) The developer has demonstrated, by clear and convincing evidence, that the required number of parking spaces will not be reasonably necessary for the proposed use in the foreseeable future;
- (2) The proposed development includes sufficient open space reserved for all the required parking spaces to be later provided, if deemed necessary by

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the Planning and Zoning Board, in conformance with all requirements and limitations of this Code; and

- (3) The site plan approval is conditioned upon the property owner providing all required parking spaces within one hundred twenty (120) days after they are deemed to be necessary by the Planning and Zoning Board.

(G) Off-Street Loading and Service Facilities. Off-street loading and service facilities shall be provided in accordance with the following standards and specifications:

- (1) On the same lot with every structure or use erected or created, there shall be provided and maintained adequate space for loading and unloading of materials, goods or things, garbage or trash, and for delivery and shipping so that vehicles for the service may use this space without encroaching on or interfering with the public use of sidewalks, streets, and alleys by pedestrians and vehicles.
- (2) Where the use of a structure or land or any part thereof is changed to a use requiring off-street loading space, the full amount of off-street loading space shall be supplied and maintained to comply with section 158.215.
- (3) An off-street loading space shall be an area at the grade level at least twelve (12) feet wide, twenty-five (25) feet long, and having twelve (12) feet of vertical clearance. Each off-street loading space shall be accessible from a public street or alley without crossing or entering any other required off-street loading space, and shall be arranged for convenient and safe ingress and egress by motor truck or trailer combinations. No off-street loading space shall be designated or utilized as off-street parking space. Each off-street loading space shall be accessible from the interior of any building it is intended to serve.
- (4) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:
 - a. For each retail store, restaurant, laundry, dry cleaning establishment, service establishment or repair facility, warehousing or industrial use or similar use which has an aggregate gross floor area of:
 1. Over five thousand (5,000) square feet but not over twenty-five thousand (25,000) square feet, one (1) space.
 2. Over twenty-five thousand (25,000) square feet but not over sixty thousand (60,000) square feet, two (2) spaces.
 3. Over sixty thousand (60,000) square feet but not over one hundred twenty thousand (120,000) square feet, three (3) spaces.

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- 4. Over one hundred twenty thousand (120,000) square feet but not over two hundred thousand (200,000) square feet, four (4) spaces.
 - 5. Over two hundred thousand (200,000) square feet but not over two hundred ninety thousand (290,000) square feet or major fraction thereof, one (1) space for every fifty thousand (50,000) square feet.
- b. For each auditorium, exhibition hall, museum, hotel or motel, office building, or similar use, which has an aggregate gross floor area of over ten thousand (10,000) square feet but not over forty thousand (40,000) square feet, one (1) space; plus one (1) space for each additional sixty thousand (60,000) square feet over forty thousand (40,000) square feet or major fraction thereof.
 - c. Where there is any question as to the off-street loading requirements, a similar use shall be used for comparison, which shall be determined and fixed by the site plan review committee.
- (5) Off-street loading facilities supplied to meet the needs of one (1) use shall not be considered as meeting the off-street loading needs of any other use.
- (6) Owners of two (2) or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the zoning administrator, upon finding that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the planning and zoning department in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all parties jointly using them.
- (H) Requirements for Handicapped Parking.**

- (1) Pursuant to Section 553.5041, Florida Statutes, the minimum required number of parking spaces for disabled persons shall be as follows:

Handicapped Parking Requirements

Total parking in Lot	Required number of accessible spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

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301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

2. Design requirements for such parking spaces shall be as set forth in F. S. Section 553.5041. The spaces shall also be posted with a permanent above-grade sign bearing the international symbol of accessibility and the caption "PARKING BY DISABLED PERMIT ONLY." Beneath this sign shall be another sign with the caption "\$250 FINE."

(I) **STACKING REQUIREMENTS.** The locations and lengths of vehicular stacking areas for facilities including, but not limited to, schools, day care, car washes, and drive-up windows, shall be provided in accordance with standards that promote the general safety and welfare of the public.

- (1) The stacking areas shall have direct access to the service window, station, or pick-up/drop-off location.
- (2) The stacking area shall not include space for any other circulation driveway, parking space, or maneuvering area.
- (3) An escape route from the stacking area for drive-ups is required.
- (4) An escape route for schools and day care facilities is highly recommended.
- (5) The stacking area shall be located and of sufficient length so that it will not block traffic circulation within the development during peak queuing periods.
- (6) An analysis showing the estimated normal peak queue lengths shall be provided with the site plan. The analysis shall be signed and sealed by a professional engineer registered in Florida.
- (7) Adequate stacking storage to accommodate normal peak queues shall be provided on-site and shall not overflow onto adjacent streets.
- (8) Due to the great variability of the site conditions and the facility, the stacking location and length shall be reviewed and accepted by the Site Plan Review Committee.

Sec. 158.222. Access Standards, Sidewalks, and Bikepaths.

(A) General Requirements.

- (1) All new development or redevelopment will be provided with the appropriate access and traffic facilities to serve the transportation needs of

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the development in a safe and efficient manner while simultaneously preserving the flow of traffic on the surrounding public road system.

- (2) It is intended that access be restricted on arterial and collector streets in order to limit traffic conflicts and to preserve the capacity of these roads.
- (3) All new development shall be required to dedicate to the public, or a private maintenance entity, the necessary rights-of-way for all new streets and roads within the development. Additional rights-of-way shall be dedicated on existing roads to bring that road to the necessary right-of-way indicated in the functional classification system contained in the transportation element of the Comprehensive Plan. All new development shall be required to construct or contribute towards off-site road improvements necessary to serve the development, unless otherwise addressed by the City Council. Necessary road improvements may include road construction, road widening, left and right turn lanes, traffic signals, regulatory signs and pavement markings. A traffic study may be required by the Zoning Administrator in order to properly identify the traffic impacts of the new development and measures needed to mitigate the impact of the new development.
- (4) Every building, structure, or use hereafter erected, moved, or established shall be on a lot adjacent to a public street by means of an approved private street, and all buildings, structures, and uses shall be so located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking and loading. No building, structure, or use shall be erected on, moved onto, or established upon a lot which does not abut on at least one (1) public street or approved private street for a distance of at least twenty (20) feet.
- (5) No lot which is residentially zoned shall be used for driveway, walkway, or access purposes to any lot which is zoned nonresidential or used for any purpose not permitted within the applicable residential zoning district except for ingress and egress to and from an existing use which does not abut a street.
- (6) All new development shall be required to provide a traffic analysis appropriate to the magnitude of the new development including impacts to affected roadway facilities and construct or contribute towards off-site road improvements necessary to serve the development, unless otherwise addressed by the City Council. Necessary road improvements may include, but are not limited to, road construction, road widening, left and right turn lanes, traffic signals, regulatory signs and pavement markings.
- (7) Internal circulation systems, interconnected parking lots, and/or frontage roads shall be utilized wherever possible.
- (8) Temporary driveway permits may be issued as an interim measure until interconnected parking lots or frontage roads can be feasibly developed.

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(B) **Design Requirements.** General design standards for the drive width, allowable number of driveways, and driveway spacing are provided below. Traffic generators with volumes of one thousand (1,000) plus trips per day, shall have driveways designed as a street intersection. Refer to the City’s Engineering Standards for Land Development for additional information on requirements for pavement design, driveway profile, driveway radius, throat lengths, medians, median openings, and turn lanes.

(1) **Driveway Surface.** All driveways shall be paved with concrete, asphalt, or comparable hard surfacing and shall be in accordance with the City’s Engineering Standards for Land Development.

(2) **Driveway Width.** The minimum and maximum driveway widths shall be as follows:

Driveway Width		
District and Driveway Type	Minimum (feet)	Maximum (feet)
Residential		
Single-family, detached	10	24
Single-family, detached (circular, main portion to garage)	10	24
Single-family, detached (circular, secondary portion)	10	16
Multi-family	20	24
Multi-family (one way)	12	16
Commercial		
One way	12	16
Two way	24	36
Industrial		
One way	12	24
Two way	24	40

(3) **Number of Driveways.** Driveways shall be limited to the minimum necessary to provide access to the land uses. The following standards for the number of driveways are a guideline for the City to utilize in the review of specific development projects. Standards in excess of the guideline are preferable and may be required for driveways located within the functional area of an intersection or areas where access restrictions are necessary to reduce conflicts, preserve the safety of the traveling public, or to preserve the function of the adjacent roadway. These guidelines may not always

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apply to conversion areas. Approval from the owner of the roadway is required for driveway connections to roads that are not owned by the City. Access restrictions shall be more severe for projects located on arterial or collector roads, especially for areas of strip commercial development.

Allowable Number of Driveways			
District	Number of Driveways, Type, and Frequency		
	Arterial Road	Collector Road	Local Road
Residential			
Single-family	1 two-way per lot or 1 circular per lot	1 two-way per lot or 1 circular per lot	1 two-way per lot or 1 circular per lot
Multi-family	1 two-way or 2 one-way per each 500 feet of road frontage	1 two-way or 2 one-way per each 350 feet of road frontage	1 two-way per each 100 feet of road frontage
Commercial	1 two-way or 2 one-way per each 500 feet of road frontage	1 two-way or 2 one-way per each 350 feet of road frontage	1 two-way or 2 one-way per each 100 feet of road frontage
Industrial	1 two-way or 2 one-way per each 500 feet of road frontage	1 two-way or 2 one-way per each 250 feet of road frontage	1 two-way or 2 one-way per each 100 feet of road frontage

- (4) **Driveway Spacing from Intersections.** Driveway spacing from intersections shall be measured from the right-of-way line of the intersecting street to the midpoint of the driveway. Spacing between driveways shall be measured from the midpoint of each driveway. Standards in excess of these requirements are preferable and may be required for driveways located within the functional area of an intersection or areas where access restrictions are necessary to reduce conflicts, preserve the safety of the traveling public, or to preserve the function of the adjacent roadway. The spacing requirements are shown in the following table:

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Driveway Spacing from Intersections			
District	Driveway Location		
	Arterial Road	Collector Road	Local Road
Residential			
Single-family	50'	50'	25'
Multi-family	250'	250'	50'
Commercial	250'	250'	50'
Industrial	250'	200'	50'

(5) **Driveway Spacing Between Driveways.** The spacing requirements are shown in the following table where the spacing between driveways shall be measured from the midpoint of each driveway.

Driveway Spacing Between Driveways			
District	Driveway Location		
	Arterial Road	Collector Road	Local Road
Residential			
Single-family	20'	20'	20'
Multi-family	150'	100'	50'
Commercial	250'	200'	50'
Industrial	n/a	150'	50'

(C) **Exceptions:** The Site Plan Review Committee may exempt utilities, cellular towers, billboards, and other similar uses from the aforementioned requirements for access standards provided sufficient access to the facility is provided and the facility is not accessible for the benefit of the general public.

(D) **Drive-Throughs.** No drive-through windows located between the right-of-way of a primary collector/arterial roadway and a building are permitted. If there is no viable location, the entire drive-through lane must be completely screened from adjacent view using a continuous planting of vegetation at a height of six (6) feet at time of planting. Vegetation shall be maintained at a height of at least six (6) feet.

(E) **Sidewalks and Bikepaths. Minimum design and construction standards**

(1) New development located along existing streets. New development located along an existing street right-of-way that is 60 feet in width or greater shall provide a sidewalk that is at least 5 feet in width, typically

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along the property line and within the street right-of-way. However, in such case where the Engineering Department determines that a sidewalk located within a right-of-way is not appropriate or will be in conflict with other public works, the Engineering Department may require that the sidewalk be located on the subject property to be developed, typically along the property line. Location and design shall be subject to review by the Site Plan Review Committee. In areas where the City plans to install and finance the construction of a sidewalk, the developer shall not be required to install the sidewalk. However, the developer shall be required to pay the current bid price for the installation of the proposed sidewalk for the length of the subject property unless previous agreement or ordinance indicates otherwise. In areas where a design plan for sidewalks and/or bikepaths has been adopted or established, the design plan shall take precedence as to the location, size, and other features of the sidewalk and/or bikepath. Sidewalks shall not encroach into landscape strips.

- (2) Existing development located along existing streets. Existing development located along an existing street right-of-way that is 60 feet in width or greater seeking major revisions of a site plan pursuant to Section 158.237(D) of the Zoning Code, shall provide a sidewalk that is at least 5 feet in width, typically along the property line and within the street right-of-way. However, in such case where the Engineering Department determines that a sidewalk located within a right-of-way is not appropriate or will be in conflict with other public works, the Engineering Department may require that the sidewalk be located on the subject property to be developed, typically along the property line. Location and design shall be subject to review by the Site Plan Review Committee. In areas where the City plans to install and finance the construction of a sidewalk, the developer shall be required to pay the current bid price for the installation of the proposed sidewalk for the length of the subject property unless previous agreement or ordinance indicates otherwise. In areas where a design plan for sidewalks and/or bikepaths has been adopted or established, the design plan shall take precedence as to the location, size, and other features of the sidewalk and/or bikepath. Sidewalks shall not encroach into landscape strips. Existing development seeking minor revisions of a site plan pursuant to Section 158.237(C) shall not be subject to the sidewalk requirement.

(F) Public and Private Streets or Driveways. A sidewalk that is at least 5 feet in width shall be located along the side or sides of the following proposed street rights-of-way or main access routes:

- (1) A public or private street right-of-way located adjacent to a non-residential use. A sidewalk shall be located along the side of the street located adjacent to the non-residential use.
- (2) A public or private street right-of-way or driveway that serves as a main access route to a residential development having 400 units or more. Sidewalks shall be located on both sides.

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(3) All collector or arterial roads. Sidewalks shall be located on both sides.

(G) Whenever possible, a sidewalk shall be located along the edge of the street right-of-way, leaving a green space located between the street pavement and the sidewalk. See Subdivision Regulations, Chapter 156, for additional requirements concerning sidewalks for subdivisions. Where there is conflict, the more stringent code requirement shall take precedence.

(H) All sidewalks shall comply with the Americans with Disabilities Act, the Florida Accessibility Code for Construction and the Engineering Department's Standards Book.

(I) In order to avoid installing a sidewalk that will lead nowhere nor have a functional purpose, where developed properties located along both sides of the subject property do not have sidewalks and it is unlikely that in the near future that sidewalks will be installed, the installation of a sidewalk shall not be required.

Sec. 158.223. Telecommunication Switching Facilities.

(A) Telecommunication Switching Facilities as a permitted use. Telecommunication switching facilities are allowed in all zoning districts as a permitted use, except for the open space recreation (OSR) district.

(B) Requirements.

- (1) All building setbacks shall be a minimum of five (5) feet from all property lines except where adjacent to public road rights-of-way. Setbacks shall be a minimum of ten (10) feet from the rights-of-way.
- (2) Architecture will be consistent with the surrounding area.
- (3) The maximum building height as measured from the finished grade shall be fifteen (15) feet on all telecommunication switching facility buildings.

(C) **Landscaping.** In addition to the landscaping provisions of Chapter 154 the following will be required:

- (1) A minimum five-foot landscape buffer shall be provided on all property lines consistent with Chapter 154. In no case will fewer than eight (8) trees be planted on the property.
- (2) Hedging and other landscaping shall be required as determined by the site plan review committee.

Sec. 158.224. Community Residential Homes and Group Care Homes.

(A) Pursuant to Chapter 419, Florida Statutes, community residential home means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents

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who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents and provided that, prior to licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six or fewer residents. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity.

When a site for a community residential home has been selected by a sponsoring agency in an area zoned for multifamily, the agency shall notify the City Manager in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the licensing entity indicating the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The sponsoring agency shall also provide to the local government the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located. The local government shall review the notification of the sponsoring agency in accordance with the zoning ordinance of the jurisdiction. A community residential home housing 7 to 14 residents, may be allowed as a special exception use in the RM-5, RM-8, RM-11, and RM-15 multi-family zoning districts subject to the following standards:

- (1) The home shall not be located within a radius of 1,200 feet of another existing large community residential home, or within 500 feet of existing areas of single-family zoning.
- (2) Such a home shall only be occupied by persons meeting the definition for a resident in F.S. 419.001.
- (3) The establishment must conform to existing regulations for the zoning district and design standards applicable to multifamily uses. The home shall be located to assure the safe care and supervision of all clients.

(B) **Assisted Living Facility.** An assisted living facility (ALF) shall comply with the requirements of Chapter 429, pt. I., Florida Statutes.

(C) **Group Care Homes.** All group care homes shall be licensed by or registered with the State. Group care homes must be separated by a minimum distance of one thousand (1,000) feet as measured from the closest property line of each facility or dwelling unit.

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Sec. 158.225. Outdoor Sales and Special Events.

An event which would require a permit under this section is any temporary outdoor special event or outdoor sales, which is not one of the permitted uses of a property and not included as a customary primary or ancillary use. Any use of the property already included in the business tax receipt as a use for a property will not require a separate temporary event permit. Except where noted, outdoor special events and temporary outdoor sales events under this section require a special event permit. Permits are not required for church festivities when held on church property, or for events held at City parks or recreation facilities, for the display of merchandise at the entry to retail establishments as set forth in §158.225 (A)(2)(b), or for community days annual events as set forth in §158.225 (A)(2)(g).

(A) The applicant applying to the Code Compliance Division of the Building Department for such outdoor or temporary event permit in the City shall be the owner or its agent of the land upon which the event is intended to be held. Applications must be complete and submitted with the following documentation, to be processed:

- (1) The area utilized shall be cleaned daily and following any special event shall in all respects be restored to its former condition within twenty-four (24) hours after the close of the event. A refundable security deposit in the amount of five hundred dollars (\$500.00) plus one hundred dollars (\$100.00) for each day of the event payable in advance, shall be required as security to guarantee that the premises will be cleaned of all rubbish and debris after use by the applicant. Covered dumpsters and trash containers must be provided on the event site and emptied daily.
- (2) A written statement from the St. Lucie County Fire District that the tents or temporary structures under which the event is to be held are of fireproof material and will not constitute a fire or egress hazard.
- (3) Police services will review the application to determine if off-duty officers are required for traffic/crowd control or for security at the event site. If off-duty police officers are required/requested, payment for their services must be made at least fifteen (15) days prior to the first day of the event.
- (4) The owner shall provide a list of all ~~event~~ employees, which shall include names, and dates of birth.
- (5) A copy of the inspection report from the Department of Agriculture for mechanical rides, prior to opening.
- (6) If food is being prepared and/or sold on the site, or if any sanitary facilities and/or sewage disposal is involved, the applicant must contact St. Lucie County Health Department to determine if an inspection is required. The food safety inspection report must be submitted prior to opening.
- (7) The City reserves the right to request indemnification and insurance be provided to protect the City for any event using public property.

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- (8) A concept plan showing the location of the special event, all structures to be utilized in the event including tents, booths, exhibits, width of aisles, means of ingress and egress, concession areas, waste removal facilities, sanitary facilities, and utilities such as electrical and telephone facilities.
- (B) An application shall be denied if:
- (1) The applicant has made any misrepresentations in the application.
 - (2) The applicant fails to provide any of the items or information required.
 - (3) The special event will substantially interfere with any other special event for which a permit has already been granted or with the provision of public safety or other city services needed to support of such other previously scheduled events.
 - (4) The special event will have an un-mitigatable adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted.
- (C) Outdoor Special Events.
- (1) Outdoor events under this section, include but are not limited to circuses, carnivals, tent revivals, outdoor exhibitions, road festivals, and organized competitive events, which shall be permitted on developed property zoned open space recreation, institutional, general commercial and planned unit development/master planned unit development. The event shall not be permitted to exceed seven (7) consecutive days and no more than four (4) such events per year shall be permitted on the same property. The limitation of four (4) events per year may be waived by affirmative vote of the City Council.
 - (2) The fees for outdoor events are as follows: A one hundred dollar (\$100.00) non-refundable application fee; two hundred dollars (\$200.00) for the first day, one hundred fifty dollars (\$150.00) for each succeeding day, and twenty dollars (\$20.00) per day, per concession stand, booth, or individuals carrying items on their person for the purposes of sale. The fee(s) shall be paid in full before any equipment is brought upon the location where the outdoor event will take place.
 - (3) All events containing an animal show shall make application with, and receive approval from, the City's animal control division before a permit will be issued.
 - (4) All events requiring public street closures shall make application for a street closure permit per Chapter 99 of the City of Port St. Lucie Code of Ordinances with the City's Police Department prior to issuance of a permit.

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- (5) The area utilized shall be cleaned daily and following any special event shall in all respects be restored to its former condition within twenty-four (24) hours after the close of the event.
- (D) Temporary outdoor sales.
- (1) Recreational vehicles and boat sales. The sales of recreational vehicles and boats shall be permitted on developed property zoned general commercial, open space recreation, and planned unit development/master planned unit development. The sale shall not be permitted to exceed seven (7) days. If the event is located in a parking lot, the sale shall not use more than fifteen (15) percent of the total required parking spaces of the project. Only one (1) applicant may apply per site at any time. A temporary sales permit shall be required for each event with a cost of one hundred dollars (\$100.00) for the first day, fifty dollars (\$50.00) each additional day. A letter from the property owner or its agent stating its consent shall be provided at the time of application. Temporary tent and parking lot sales of automobiles are prohibited except on property licensed and zoned for the use.
 - (2) A permit is not required for the display of merchandise at the entry to retail establishments. Merchandise displays may be located at the entry of each business. Displays shall be limited to one half ($\frac{1}{2}$) the business' store frontage. Stores with more than one (1) entry shall be limited to the same total by any combination. In no case shall a display extend into the parking lot or fire lane.
 - (3) Temporary tent and parking lot sales. The outdoor sales of merchandise other than automobiles, RV's, motorized vehicles and boats shall be permitted on developed property zoned institutional, open space recreation, general commercial, and planned unit development/master planned unit development. The temporary outdoor sales event shall be limited to two (2) one-week sales events per calendar year, either by a locally licensed business or sponsored by a locally licensed business on the same property. The limitation to two (2) one-week sales events per calendar year shall apply unless otherwise specified in this chapter. If the event is located in a parking lot, the sale shall not use more than fifteen (15) percent of the total required parking spaces, as defined by its site plan. A temporary sales permit shall be required for each event with a fee of two hundred dollars (\$200.00). Only one (1) applicant may apply per site at any given time.
 - (4) Crafter/vendor annual permit. The outdoor sales of merchandise shall be permitted on developed property zoned open space recreation, institutional, general commercial, and planned unit development/master planned unit development. The number of outdoor sales events, pursuant to this subsection, shall be limited to twelve (12) two-day sales events per calendar year. If the event is located in a parking lot, the sale shall not use more than fifteen (15) percent of the total required parking spaces. A fee of five hundred dollars (\$500.00) is required for a crafter/vendor annual permit. Only one (1) applicant may apply per site at any scheduled event.

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A schedule of event dates and a letter from the property owner stating its consent shall be provided at the time of application. One (1) on-site sign per event is included with the permit fee.

- (5) Christmas tree sales. The sale of Christmas trees shall be permitted on property zoned institutional, general commercial, and planned unit development/master planned unit development for a maximum of forty-five (45) days. A temporary sales permit shall be required with a fee of twenty dollars (\$20.00) per day, up to a maximum fee of two hundred dollars (\$200.00).
- (6) Farmer's market annual permit. Outdoor farmer's markets shall be permitted on developed property zoned institutional, general commercial, and planned unit development/master planned unit development. The number of outdoor sales events, pursuant to this subsection, shall be limited to twenty-four (24) two-day sales events per calendar year. If the event is located in a parking lot, the sale shall not use more than fifteen (15) percent of the total required parking spaces. A fee of five hundred dollars (\$500.00) is required for a farmer's market annual permit. Only one (1) applicant may apply per site at any scheduled event. A schedule of event dates and a letter from the property owner stating its consent shall be provided at the time of application. One (1) on-site sign per event is included with the permit fee.
- (7) An annual event, Community Days, held on Veteran's Day weekend allowing that local businesses, holding a current business tax receipt, in a commercially zoned location, may engage in a three-day special event. One professionally made banner may be placed on the building as regulated by section 155.07(F). Said event shall not count as part of the aforementioned limit of two one-week sales events per calendar year. There are no permit fees for the event or banner. All event activity shall be in compliance with Chapter 155 and this chapter.

(E) Any violation of any city ordinance shall result in the permit being revoked immediately and the violator being banned from holding an event in the city for a period of not less than twenty-four (24) months.

(F) Fee Exemption.

- (1) Legally recognized 501(C)(3) non-profit and charitable organizations sponsored by a local business having a current business tax receipt are exempt from the fees. The non-profit or charitable organization must; however, provide proof of non-profit/charitable status and shall obtain a permit under the above mentioned regulations.
- (2) Requests for exemption from fees must be made in writing to the City Manager's office to be placed on a City Council agenda.

Sec. 158.226. Temporary Sales Offices, and Temporary Buildings and Construction Offices, in Connection with Land Development in New Developments.

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(A) Temporary sales offices may be placed in new residential developments or subdivisions upon submittal of a site plan and approval in accordance with the provisions of sections 158.235 through 158.245, subject to the following conditions:

- (1) The proposed sales office shall be identified on the site plan/plat approved by the site plan. The temporary office shall be located on the site of the specific, proposed development;
- (2) The structure must comply with the current approved edition of the Florida Building Code, meet the requirements of the zoning district and the parking area must be landscaped in accordance with the landscape regulations;
- (3) The office may not be utilized to conduct sales of any product or service other than lots and/or dwellings, including interior finishes, within the specific development; and
- (4) A temporary sales office permit will be required. A permit will be issued for one (1) year with annual renewals until all the units are constructed. The area used as the temporary sales office shall be converted back to its intended use within six (6) months of the termination of the temporary permit.

(B) Temporary construction offices, in connection with land development or construction projects, may be erected or placed within any zoning district for occupancy other than as dwelling or lodging units.

- (1) Any temporary construction office shall require a permit from the building department. This permit is to specify location, type of construction, maintenance requirements, and time period of utilization of any temporary building or structure.
- (2) No permit shall be for a period of more than six (6) months, subject to renewal upon approval of the building department. Failure to obtain a permit, or violation of any conditions specified therein, shall be a violation of this chapter.

Sec. 158.227. Self-Service Storage Facilities.

(A) **In General.** The only commercial activities permitted on the site of self-service storage facility shall be rental of storage bays and pickup and deposit of goods and/or property in dead storage. Storage bays shall not be used to: manufacture, fabricate or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.

(B) **Security Quarters Permitted.** Residential quarters for security purposes may be established on the site, subject to the requirements of all applicable zoning districts.

(C) **Bays Have No Legal Address.** Individual storage bays or private postal boxes within a self-service storage facility shall not be considered a premises for the

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purpose of assigning a legal address in order to obtain an occupational license or other governmental permit or license to do business.

(D) **Outside Storage.**

- (1) Except as provided in this subsection (D) all property stored on site shall be entirely within enclosed buildings.
- (2) Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided that the following conditions are met:
 - a. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the approved site plan;
 - b. The open storage area shall not exceed twenty-five (25%) percent of the buildable area of the site;
 - c. The open storage area shall be entirely screened from view from adjacent residential areas and street rights-of-way by a solid building wall, an eight foot high opaque fence, or a masonry wall with a minimum height of eight (8) feet;
 - d. Vehicles shall not be stored within the area set aside for minimum building setbacks; and
 - e. No vehicle maintenance, washing or repair shall be permitted on site. Pleasure boats stored on the site shall be placed and maintained upon wheeled trailers. No dry stacking of boats shall be permitted on site.

(E) **Maximum and Minimum Lot Size and Building Coverage.** Please see all applicable zoning districts.

(F) **Separation Between Storage Buildings.** If separate buildings are constructed, there shall be a minimum ten (10) foot separation between individual buildings within the facility.

(G) **Maximum Bay Size.** The maximum size of a storage bay shall be five hundred (500) square feet.

(H) **Maximum Building Height.** For maximum height, please reference the applicable zoning district. In addition, a parapet wall shall be constructed to screen roof-mounted air conditioning and other equipment, if any.

(I) **Supplemental Parking Requirements.** A minimum number of parking spaces shall be provided upon the site as follows:

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(1) **Employee and Customer Parking.**

Two (2) parking spaces for the residential quarters, and one (1) parking space for each two hundred (200) square feet of gross floor area used as an office in the rental of storage bays.

- a. One (1) additional customer parking space for every one hundred (100), or fraction thereof, storage bays.

2. **Interior Parking.** Interior parking shall be provided in the form of aisles adjacent to the storage bays. These aisles may be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisles shall be as follows:

- a. If aisles permit two-way traffic, thirty (30) feet; and
- b. If aisles permit only one-way traffic, twenty-one (21) feet.

(J) **Supplemental Landscape Requirements; Perimeter Landscape Buffers.**

A self-service storage facility may dispense with the wall which is required to be erected within the required perimeter where all of the following conditions are met:

- (1) The exterior facades of storage buildings present an unbroken, wall like appearance when seen from adjacent lots and rights-of-way; this shall not prevent the installation of fire access doors, if mandated by law;
- (2) The exterior facades of separate storage buildings area joined by walls to give the appearance of structural continuity;
- (3) The resulting area between the outer face of the buildings and the property line or right-of-way is maintained and appropriately planted as a landscape buffer;
- (4) There are no aisles or other vehicle entry ways located in the area between the building and adjacent lot boundary or the right-of-way; and
- (5) Either landscaping is installed in the perimeter landscape buffer or the area is maintained for vegetation preservation, provided the minimum requirements of Chapter 154 are met.

(K) **Miscellaneous Requirements.**

- (1) **Outdoor Lighting.** All outdoor lighting shall be shielded away from adjacent property. Lights shall be low-intensity and the minimum necessary to discourage vandalism and theft. If a facility abuts a residential zone, outdoor lighting fixtures shall meet the requirements of subsection 158.221(B)(7).
- (2) **No Loudspeakers.** Exterior loudspeakers or paging equipment shall not be permitted on the site.

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- (3) **Orientation of Storage Bay Doors.** Storage bay doors shall not face any abutting property which is residentially zoned, nor shall they be visible from any adjacent residential property or any street right-of-way.
- (4) **No Barbed Wire Visible from Streets.** Barbed or similar wire may be used for security purposes, but it shall not be visible from any adjacent residential property or any street right-of-way.
- (5) **Uniform Exterior Architectural Treatment.** The exterior facades of all structures shall receive uniform architectural treatment, including stucco and painting of surfaces. All structures adjacent to properties designated with a residential land use shall have a pitched roof or other treatment comparable to the adjacent residential development.

Sec. 158.228. Overlay Zoning Design Standards for Port St. Lucie.

New development and redevelopment in designated areas shall be subject to the site plan design and architectural requirements contained in the "City of Port St. Lucie Citywide Design Standards" manual. Said manual is available at the planning and zoning department.

Sec. 158.229. Domestic Animal Restrictions.

The number of domestic animals (pets) shall be restricted to five (5) within residential zoning districts. Vietnamese potbellied pigs are restricted to one. Keeping of domestic animals shall be consistent with the provisions of Chapter 92 (Animals), Chapter 94 (Noise), and Chapter 95 (Nuisances, Littering) of the City's Code of Ordinances.

Sec. 158.230. Solar Energy.

The following provisions are intended to facilitate the commercial generation and distribution of solar power and the use of on-site solar energy systems to meet the energy demands of buildings and support facilities in the City. All solar equipment and devices shall comply with Florida Statutes and shall be certified by the Florida Solar Energy Commission.

(A) **Solar Generation Station.** In addition to other applicable sections of this Code, a solar generation station shall be subject to the following provisions:

- (1) Solar generation stations shall require submittal of a site plan application concurrent with a special exception use application. The development shall be subject to the following supplemental criteria:
 - a. Physical access to a solar generation station shall be restricted by fencing or walls. Razor wire is prohibited. All fencing and wall details shall be shown on the required site plan.
 - b. The devices that capture energy and convert it to electricity shall not be placed in wetlands, environmentally sensitive resources or habitats, imperiled and critically imperiled habitats as defined by the

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Florida Natural Areas Inventory, and buffers. The development shall comply with the requirements of Chapter 157: Natural Resource Protection of the City Code.

- c. All devices that capture and convert energy to electricity shall be located at least fifty (50) feet from any lot line under separate ownership, unless otherwise approved by the City Council.
- d. All solar generation station sites must comply with the landscaping requirements of Chapter 154: Landscaping and Land Clearing of the City Code.
- e. On-site power lines shall be placed underground to the maximum extent possible.

(B) **Solar Energy System.** In addition to other applicable sections of this Code, a solar energy system shall be subject to the following provisions:

- (1) All solar panels and devices are considered structures and subject to the requirements for such, together with all other applicable building codes and ordinances, unless otherwise provided for in this Code. Solar panels installed on roofs are exempt from the building height requirements. Solar panels installed on rooftops shall be located two (2) feet from the roof edge.
- (2) Ground or pole mounted systems shall be limited to a height of ten (10) feet above the finished floor elevation of the principle structure.
- (3) Solar energy systems shall not be located in front or side corner yards of any parcel unless the following are met: 1) the conditions of the side and back yards prohibit the installation of a system, and 2) adequate buffering along the adjacent roadway is provided and 3) the location is approved by the Director of Planning and Zoning.
- (4) Solar ground and pole mounted systems may be located no closer than six (6) feet to any side lot line and ten feet to any rear lot line.
- (5) Solar collectors may be co-located on communication towers, and parking lot and street light poles, in which case the height and setback requirements for said tower/pole shall apply.
- (6) All new exterior electrical lines and utility wires connecting a ground or pole mounted solar system to the building it serves shall be buried underground.
- (7) The City Council may allow for modification of these accessory use provisions when the solar energy system will serve buildings within a planned unit development project. The modification shall be identified in the PUD Document adopted by the ordinance granting approval to the planned unit development.

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- (8) Waiver. In the event any of the provisions in section 158.230 have the effect of prohibiting the installation of a solar energy system, the applicant shall have the right to apply for a waiver from these provisions to the Director of Planning and Zoning. The Director may grant a waiver upon determining that a strict application of the Code would result in prohibiting the installation of a solar energy system.
- (9) Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system. The approval of any solar energy system granted by the City of Port St. Lucie shall not create any future liability or infer any vested rights to the owner and/or property owner of the solar energy system on the part of the City for any future claims against said issuance of approval of the solar energy system that result from reliance on this section or any administrative decision lawfully made thereunder.

Sec. 158.231. Pain Management Standards.

(A) **Measure of Distance.** The distance from a proposed or existing pain management clinic to another pain management clinic, pharmacy, real property comprising a residence, child care facility, public or private elementary, middle or secondary school, park, community center or public recreation facility, church or religious facility shall be a minimum of five hundred (500) feet, and shall be measured by drawing a straight line between the closest property line of the proposed or existing pain management clinic and the property line of the restricted use. In the case of a multi-use building located upon a single tract of land, the distance shall be measured by drawing a straight line between the outermost exterior wall of the unit within the multi-use building intended for use as a pain management clinic and the outermost wall of the unit of the restricted use.

(B) **Variance from Distance Requirements.** Upon proper petition, variances from the distance requirements of this Code may be granted by the Planning and Zoning Board, in accordance with the provisions of section 158.297 of this Code.

Sec. 158.232. Refuse Collection and Recycling Areas.

(A) **Location and Number.** Refuse and recycling dumpsters utilized at multi-family residential complexes, commercial, industrial, office, and institutional facilities shall be located in areas that minimize public view. Gates shall not face a street, whenever possible. All uses, excluding single-family residential uses that generate refuse shall provide one or more locations for enclosed and gated refuse and recycling dumpsters even if curbside pick-up is utilized, unless indicated otherwise. Multi-family development that is less than 5 units per acre shall be exempt from providing locations for refuse and recycling dumpsters provided that the waste service provider agrees to provide curbside pick-up service.

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(B) **Screening.** Refuse and recycling dumpsters shall be screened from view on all sides and shall be gated. The enclosure shall consist of a five-foot high masonry wall. Gate facing shall be constructed of a solid material with the option of using wood, metal or other "solid" material and shall have a sign attached indicating "recycle". Gate framework shall be constructed of metal. Gates may be left open only on scheduled pick up days and must be closed following pick-up.

(C) **Size.** Each dumpster enclosure shall measure at least 12-foot by 12-foot in area to accommodate refuse and recycling dumpsters. The Zoning Administrator or the Site Plan Review Committee may modify the size required for the recycling dumpster enclosure after reviewing and considering the size of the site and type of use. For those properties with a P (Professional) zoning designation, a 6 foot by 12 foot recycling dumpster is permitted.

(D) **Shared Enclosures.** For site plans involving less than 10,000 square feet of gross floor area for nonresidential developments or less than 50 dwelling units, dumpster enclosures may be located along or across adjoining property lines and serve two adjacent properties. The affected property owners must enter into a recorded agreement providing for perpetual joint use and maintenance of the enclosure.

Sec. 158.233. Reasonable accommodation procedures.

(A) This section implements the policy of the City of Port St. Lucie for processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities as provided by the federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et seq.) ("ADA"). For purposes of this section, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the City's land use or zoning laws, rules, policies, practices and/or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section.

(B) A request by an Applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the Planning and Zoning Department ("P&Z"). The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. The reasonable accommodation request form shall be substantially in the form set forth in subsection (J).

(C) Should the information provided by the disabled individual to the City include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled individual, such individual may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the disabled individual. The City shall thereafter endeavor to provide written notice to the disabled individual, and/or their representative, of any request received by the City for disclosure of the medical information or documentation, which the disabled individual has previously requested be

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treated as confidential by the City. The City will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the City shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled individual.

(D) The City Manager, or his/her designee, shall have the authority to consider and act on requests for reasonable accommodation, after notice and a hearing to receive any additional information from the applicant. When a reasonable accommodation request form has been completed and submitted to the P&Z Director, it will be referred to the City Manager, or designee, for review and consideration. The City Manager, or designee, shall issue a written determination within forty-five (45) days of the date of receipt of a completed application and may, in accordance with federal law:

- (1) Grant the accommodation request;
- (2) Grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or
- (3) Deny the request, in accordance with federal law.

Any such denial shall be in writing and shall state the grounds therefor. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e., the disabled individual or his/her representative) by certified mail, return receipt requested. If reasonably necessary to reach a determination on the request for reasonable accommodation, the City Manager, or designee, may, prior to the end of said forty-five (45) day period, request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the forty-five (45) day period to issue a written determination shall no longer be applicable, and the City Manager, or designee, shall issue a written determination within thirty (30) days after receipt of the additional information. If the requesting party fails to provide the requested additional information with said fifteen (15) day period, the City Manager, or designee, shall issue a written notice advising that the requesting party had failed to timely submit the additional information and therefore the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the City with regard to said reasonable accommodation request shall be required.

(E) In determining whether the reasonable accommodation request shall be granted or denied, the requesting party shall be required to establish that they are protected under the FHA and/or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this ordinance the disabled individual must show:

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- (1) A physical or mental impairment which substantially limits one or more major life activities;
- (2) A record of having such impairment; or
- (3) That they are regarded as having such impairment.

Next, the requesting party will have to demonstrate that the proposed accommodations being sought are reasonable and necessary to afford handicapped/disabled persons equal opportunity to use and enjoy housing. The foregoing (as interpreted by the Courts) shall be the basis for a decision upon a reasonable accommodation request made by the City Manager, or designee, or by the City Council in the event of an appeal.

(F) Within thirty (30) days after the City Manager's, or designee's, determination on a reasonable accommodation request is mailed to the requesting party, such applicant may appeal the decision. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to the City Council who shall, after public notice and a public hearing, render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed.

(G) There shall be no fee imposed by the City in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the City Council, and the City shall have no obligation to pay a requesting party's (or an appealing party's, as applicable) attorneys' fees or costs in connection with the request, or an appeal.

(H) While an application for reasonable accommodation, or appeal of a determination of same, is pending before the City, the City will not enforce the subject zoning ordinance, rules, policies, and procedures against the Applicant.

(I) The following general provisions shall be applicable:

- (1) The City shall display a notice on the City's webpage (and shall maintain copies available for review in P&Z, the Building/Permitting Division, and the City Clerk's Office), advising the public disabled individuals (and qualifying entities) may request reasonable accommodation as provided herein.
- (2) A disabled individual may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by a person designated by the disabled individual.
- (3) The City shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing, etc., to ensure the process is accessible.

(J) Reasonable Accommodation Request Form:

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- (1) Name of Applicant:
Telephone Number:
- (2) Address:
- (3) Address of housing or other location at which accommodation is requested:
- (4) Describe qualifying disability or handicap:
- (5) Describe the accommodation and the specific regulation(s) and/or procedure(s) from which accommodation is sought:
- (6) Reasons the reasonable accommodation may be necessary for the individual with disabilities to use and enjoy the housing or other service:
- (7) Name, address and telephone number of representative, if applicable:
- (8) Other information:
- (9) Signature of disabled individual or representative, if applicable, or qualifying entity:
_____ Date: _____

Secs. 158.234. Reserved.

ARTICLE XII. SITE PLAN REVIEW REQUIREMENTS, PROCEDURES

Sec. 158.235. Purpose.

It is the intent and purpose of the site plan review process to ensure the proper construction of on-site and off-site improvements consistent with the rules and regulations of the City and good design principles; to ensure that the proper and necessary on-site and off-site public improvements are available to serve the development, including potable water, wastewater treatment, roads and streets, recreation facilities, drainage, and the like; to ensure the health, safety, and welfare of the general public; and to ensure that all development is constructed in a manner as to protect and maintain a sound manmade and natural environment.

Sec. 158.236. Site Plan Review Committee Established; Procedures.

(A) A Site Plan Review Committee shall be established by the City Council to review all land use proposals requiring specific site plan approval by this chapter. The voting members of the committee shall consist of the Zoning Administrator or designee, or designated project planner (staff member or urban forester), the City Engineer or designee, the Building Official or designee, a member of the Planning and Zoning Board, and the Director of Utilities Systems Department or designee. Members of the committee may be represented by their chairperson. The Zoning Administrator shall be the chairperson. Nonvoting members shall consist of representatives of the police department, the St. Lucie County Fire District, and St. Lucie County School District.

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(B) The following general rules of procedure shall govern the Site Plan Review Committee:

- (1) The committee shall hold a regular meeting at least once in each calendar month, and at any other times as the chairperson may determine, provided that no regular meeting shall be required where the committee has no site plan proposals to review.
- (2) All official actions of the committee shall require an affirmative vote thereon by no less than three (3) members.
- (3) A record of all official actions taken by the committee, together with the applicable site plan documents, shall be maintained within the office of the Zoning Administrator.

Sec. 158.237. Site Plan Approval Process.

The site plan approval process consists of two (2) steps. The first step consists of site plan approval and the second step consists of approvals of detail plans. The site plan review committee meets to review all site plans and detail plans, and either makes recommendations to the Planning and Zoning Board or City Council or approves the detail plans pursuant to the procedures set forth below. For any project which is tabled by the committee or Planning and Zoning Board, which requires further changes or additional information, or requires a unity of title to rezone the site prior to development, the applicant shall complete these changes within a three month period or the application is considered inactive and abandoned. A new application and fee will then be required in order to reactivate the request.

(A) For site plans involving less than fifty (50) dwelling units, or less than ten thousand (10,000) square feet of gross floor area for nonresidential developments, the following procedure is set forth for site plan review.

- (1) Three (3) weeks prior to the next scheduled Site Plan Review Committee meeting, all materials required in section 158.238 shall be submitted to the Zoning Administrator.
- (2) The Zoning Administrator reviews the site plan with the Site Plan Review Committee.
- (3) The Site Plan Review Committee either recommends approval, approval with conditions or denial of the site plan, pursuant to subsection 158.236(B).
- (4) The City Council then reviews the comments and recommendations of the site plan review committee and may take the following actions:
 - a. Approve the site plan with or without conditions or design modifications;

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- b. Deny the site plan;
- c. Refer the site plan to the Planning and Zoning Board for further consideration as provided by subsections (B)(4) and (5) of this section; or
- d. Refer the site plan to the Site Plan Review Committee for additional consideration.

(5) The City Council may require the submittal of additional information prior to further consideration by the Planning and Zoning Board or by the Site Plan Review Committee. If no action is taken by the City Council as provided herein, the action of the Site Plan Review Committee shall be final.

(B) For all site plans involving fifty (50) or more dwelling units, or ten thousand (10,000) square feet or more gross floor area for nonresidential developments, the following procedures are set forth for site plan review:

- (1) Three (3) weeks prior to the next scheduled Site Plan Review Committee meeting, all materials in section 158.238 shall be submitted to the Zoning Administrator.
- (2) The Zoning Administrator reviews the site plan with the Site Plan Review Committee.
- (3) The Zoning Administrator transmits the recommendations and comments of members of the Site Plan Review Committee to the developer and to the Planning and Zoning Board.
- (4) The Planning and Zoning Board reviews the plan and committee comments at a scheduled public meeting and recommends approval, approval with conditions or disapproval of the plan.
 - a. If the recommendation is for approval, the site plan is submitted to the City Council with a recommendation for approval.
 - b. If the recommendation is for approval with conditions, the conditions must be met to the satisfaction of the Zoning Administrator who then submits the plan for approval of the City Council with all comments and conditions of the Planning and Zoning Board.
 - c. If the recommendation is for denial, the developer may submit a new site plan to the Zoning Administrator or may proceed to the City Council with a recommendation for denial.
- (5) The City Council then reviews the comments and recommendations of the Planning and Zoning Board at a scheduled public meeting, and either approves, approves with conditions, or disapproves the site plan.

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(C) Minor revisions of the site plans may be reviewed and considered for approval administratively by the Zoning Administrator. The Zoning Administrator may refer the request to the Site Plan Review Committee for approval or for a recommendation to City Council for final approval. Minor revisions of site plans are revisions that do not result in any of the following:

- (1) An increase of five (5) or more dwelling units.
- (2) A change in the mix of dwelling units of over five (5%) percent.
- (3) An increase in impervious surface area by more than five (5%) percent.
- (4) An increase in nonresidential gross floor area by more than five (5%) percent.
- (5) A decrease in the amount of land area devoted to recreational space or reduction in the amount and size of recreational facilities.
- (6) A significant change in architectural style.
- (7) An adverse environmental impact.
- (8) Any change which violates a condition of site plan approval required by City Council.
- (9) Changes which exceed the standards established in subsections (3) and (4) above, provided the proposed revision does not exceed five hundred (500) square feet.

Each site plan approved by the City Council may receive more than one administrative approval, provided the cumulative changes do not exceed the standards established in subsections (C)(1) through (9) above.

(D) Major revisions of site plans shall follow the procedures set forth in subsections (A) or (B) of this section whichever is applicable. Major revisions of site plans are revisions that result in any of the following:

- (1) An increase of five (5) or more dwelling units.
- (2) A change in the mix of dwelling units of over five (5%) percent.
- (3) An increase in impervious surface area by more than five (5%) percent
- (4) An increase in nonresidential floor area by more than five (5%) percent.
- (5) A decrease in the amount of land area devoted to recreational space or reduction in the amount and size of recreational facilities.
- (6) A significant change in architectural style.
- (7) An adverse environmental impact.

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- (8) Any change which violates a condition of site plan approval required by City Council.
- (9) Changes which exceed the standards in numbers (3) and (4) above, and which exceed five hundred (500) square feet.

(E) For site plans within a Master Planned Unit Development with a New Community Development future land use designation, the following procedure is set forth for site plan review.

- (1) Three (3) weeks prior to the next scheduled site plan review committee meeting, all materials required in section 158.238 shall be submitted to the Zoning Administrator.
- (2) The Zoning Administrator reviews the site plan with the site plan review committee.
- (3) The site plan review committee either recommends approvals, approval with conditions or denial of the site plan, pursuant to subsection 158.236(B).
- (4) The City Council then reviews the comments and recommendations of the site plan review committee and may take the following actions:
 - a. Approve the site plan with or without conditions or design modifications;
 - b. Deny the site plan;
 - c. Refer the site plan to the Planning and Zoning Board for further consideration as provided by subsections (B)(4) and (5) of this section; or
 - d. Refer the site plan to the site plan review committee for additional consideration.
- (5) The City Council may require the submittal of additional information prior to further consideration by the Planning and Zoning Board or by the site plan review committee. If no action is taken by the City Council as provided herein, the action of the site plan review committee shall be final.

(F) The following development shall be exempt from the site plan approval process specified in subsections 158.237(A), (B) and (E) of this chapter:

- (1) The construction of one single-family residential dwelling, including accessory structures, on a vacant, lawfully established lot.
- (2) Public works projects constructed within public rights-of-way.
- (3) Public stormwater management projects.

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- (4) Development of capital improvement projects, excluding public access buildings, listed in the adopted City of Port St. Lucie Capital Improvements Plan.

(G) The following development shall be exempt from the site plan revision process specified in subsections 158.237(C) and (D) of this chapter provided that all applicable setbacks are met and the changes are incorporated into a future major or minor revision of the site plan if applicable:

- (1) Development activity on existing, previously approved developments for the sole purpose of complying with Chapter 553, Part II, Accessibility by Handicapped Persons of the Florida Statutes.
- (2) Changes of use within a lawfully established building, provided there is adequate parking per section 158.221.
- (3) Construction associated with the installation of emergency electric power generators or solar facilities on previously approved developments.
- (4) The construction of uninhabitable accessory less than 300 square feet in size (i.e., dumpster enclosures, sheds, awnings, etc.) on previously approved developments.
- (5) The construction of fences that do not enclose vehicular parking, restrict vehicular access, enclose storage yards, or impact drainage on previously approved developments.

Sec. 158.238. Site Plan Submittals; Requirements.

An applicant seeking site plan approval shall submit the following items to the office of the Zoning Administrator at least twenty-one (21) calendar days prior to the next regularly scheduled meeting date of the site plan review committee. The format and number of copies shall be determined by the Zoning Administrator.

(A) General Project Data.

- (1) Statement describing in detail the character and intended use of the development.
- (2) Location map.
- (3) Statements of ownership and control of the proposed development with two (2) copies of the recorded deed.
- (4) Schedule of project completion, by phase.
- (5) Existing zoning or zoning applied for.

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(6) If the project will utilize the capacity of an existing water/sewer system, a letter from the relevant authority must be provided stating that capacity will be available for the project at project completion.

(7) Land use information:

- a. Gross acreage in the project.
- b. Square feet or acres devoted to the various uses.
- c. Total ground coverage of building and structures.
- d. Impervious surface coverage.
- e. Total number of dwelling units and number of dwelling units by bedroom size.
- f. Project density in dwelling units per acre.
- g. Total nonresidential floor area in square feet by type of use.

(8) Parking and loading information:

- a. Calculations of required parking and loading spaces, including handicapped parking spaces required.
- b. Number of parking spaces/loading areas to be provided.

(9) Private common areas: If common facilities, such as recreation areas or structures, private streets, common open space, and the like, are to be provided for the development, a statement as to how common facilities area to be provided and permanently maintained. These statements shall take the form of proposed deed restrictions, deed of trust, homeowners' associations, surety arrangements, or other legal instruments providing adequate guarantee to the City that the common facilities will not become a future liability for the City.

(10) Recreation facilities;

- a. Type, number and size of facilities.
- b. Acreage and type of recreation areas provided.

(11) If applicable, a Hazardous Materials Management Plan is to be provided.

(B) **Site Plan Drawings.** The following information is to be provided on site plan drawings;

(1) Project name.

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- (2) Project developer.
- (3) Project planner and his signature.
- (4) Date.
- (5) North arrow.
- (6) Scale.
- (7) Site dimensions.
- (8) Topographic survey with minimum 0.5 foot contours or spot elevations including the location of wet areas and general type and locations of existing vegetation. Variations from this requirement may be made by the Zoning Administrator if warranted.
- (9) Phase boundaries, if applicable.
- (10) Building identification.
- (11) Building dimensions.
- (12) Building statistics:
 - a. Number of dwelling units, if residential;
 - b. Square feet, if nonresidential.
- (13) Building height in feet and stories.
- (14) Finished floor elevations.
- (15) Building space:
 - a. Spacing between buildings;
 - b. Spacing between buildings and property lines;
 - c. Required base building setbacks from roads or streets.
- (16) Parking lots and loading areas:
 - a. Locations;
 - b. Dimensions.
- (17) Public and private access roads, easements, and rights-of-way where applicable, including those adjacent to the site:
 - a. Locations;

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- b. Dimensions;
- (18) Plans for recreation facilities, if any:
- a. Locations:
 - b. Dimensions;
 - c. Facility type.
- (19) Accessory structures and special use areas, if any:
- a. Locations;
 - b. Dimensions;
 - c. Types of special uses.
- (20) The location and type of all facilities for solid and liquid waste disposal and water supply. Each dumpster enclosure shall be designated on the site plan and measure at least 12-foot by 12-foot in area to accommodate a refuse and a recycling dumpster. See Section 158.232 for refuse collection and recycling requirements and modifications.
- (21) Conceptual drainage information which should include the direction of surface flow, a statement of drainage outfall, the approximate location of all drainage retention areas and major drainage improvements.
- (22) The location, type, and standards to be used in construction of any transportation improvements on public or dedicated rights-of-way such as left turn lanes, deceleration lanes, and traffic control devices.
- (23) Proposed lot lines, if applicable.
- (24) Surrounding land use and zoning.
- (25) Landscape:
- a. Location and details of all required landscaping.
 - b. Location and general characteristics of other landscaped areas.
 - c. Screens and buffers.
- (26) Architectural plans consistent with the "Citywide Design Standards" manual. Applicants shall submit building elevations and color renderings of exterior elevations that include facade articulation and roof design. Required architectural elements shall be listed and identified on exterior elevation drawings as well proposed colors from approved color chart.

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- (27) Fire protection plans including all hydrant locations within one thousand (1,000) feet.
- (28) Overlay zoning design drawings (applicable only to designated areas) consistent with overlay zoning design standards.
- (29) Location, area, and type of habitat proposed to be included in preserve areas.
- (30) Location, area, and type of habitat of all wetlands as determined by the SFWMD or ACOE.
- (31) Location of proposed or existing public water supply wells within one thousand (1,000) feet of the site and the location of any wellfield protection zones within two hundred (200) feet of the site.
- (32) Location, amount, type of materials which are regulated as hazardous materials.
- (33) Other information as may be deemed necessary by the Zoning Administrator.

(C) **Electronic copies of all documents shall to be provided.**

Sec. 158.239. Detail Plan Approval.

After site plan approval either by the site plan review committee or by City Council, detail plans shall be submitted for approval by the site plan review committee. At the applicant's option, the final detail plans may be submitted for review concurrent with the site plan.

(A) The following detail plan approvals are required prior to the commencement of any development:

- (1) Drainage construction plans, specifications, and calculations.
- (2) Paving and road construction plans and specifications.
- (3) Utility construction plans and water and sewer.
- (4) Clearing plans.
- (5) Grading and excavation plans.
- (6) Plans for all signs.
- (7) Final landscaping plan.

(B) Detail plans may be approved, approved with conditions or denied by the site plan review committee, pursuant to subsection 158.237(A).

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(C) Appeal of a decision of the site plan review committee shall be to the City Council in accordance with the provisions for appeal set forth within this chapter.

Sec. 158.240. Site Plan Review Fees.

No application for site plan review shall be accepted by the Zoning Administrator unless it is accompanied by a filing fee in the amount established by the City Council to cover the cost of site plan review and processing. The Zoning Administrator may, if in his/her opinion it is necessary, retain consultants to assist in the review of an application for site plan approval. The Zoning Administrator shall use this authority in order to implement requirements for impact review or assessment required in the Comprehensive Plan or in other City Codes or regulations. The Zoning Administrator may also utilize a consultant to resolve technical differences between the applicant and City staff. The cost of retaining the consultants shall be borne by the applicant and the fee shall be submitted to the Zoning Administrator prior to any further action by the City.

Sec. 158.241. Site Plan and Related Graphic Materials to be Prepared by Qualified Professional Persons or Firms.

All plans, maps, and other graphic materials relating to the project site and design elements shall be prepared by a registered surveyor, registered State engineer, architect, land planner, or landscape architect as may be appropriate to the particular item.

Sec. 158.242. Compliance With Approved Site Plan Before Permits are Issued.

No development permit for construction shall be issued until and unless the proposed construction is found to be in full compliance with an approved site plan. No certificate of occupancy shall be issued until and unless the Zoning Administrator and City Engineer have inspected the site for full compliance with the approved site plan and have determined in writing to the City building official that all requirements, conditions, and specifications contained in the approved plan have been met.

Sec. 158.243. Site Plan Review or Special Exception Uses to be Coordinated With Planning and Zoning Board.

Any site plan review of a special exception use requiring the approval of the City Council shall be coordinated with the Planning and Zoning Board, and the review shall comply fully with all conditions, stipulations, and safeguards imposed by the City Council within its approval action.

Sec. 158.244. Site Plan Approval Termination.

Site plan approval shall terminate three (3) years from approval by the City Council. Minor revisions to an approved site plan shall not extend the approval date. If a building permit is not issued before the termination date, a new site plan shall be submitted consistent with section 158.237.

Sec. 158.245. Site Plan Approval Extension.

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An applicant may request an extension to an approved site plan by filing the request in writing to the Zoning Administrator prior to the expiration date of the approved site plan. Failure to apply for an extension prior to the expiration date shall cause the site plan approval to expire without notice on the expiration date. If the request is timely filed, the plan shall remain valid until the request for an extension is acted upon by the City Council; provided, however, that after the initial plan or extension expiration date, no building permit shall be approved until the request for an extension of plan approval is acted upon by the City Council.

All applications for extensions to development timetables must include specific reason(s) why the authorized timetable deadline cannot be met. The request for an extension shall be reviewed by staff to ensure that the proposed extension is in compliance with the current comprehensive plan, Land Development Regulations, and other city requirements. Each extension shall be limited to a maximum period of two (2) years and shall not exceed 4 years in total.

Sec. 158.246. Post Disaster Redevelopment Site Plan Approvals.

In the event of a disaster, and to expedite redevelopment, the City Council may designate a particular area of the City for which site plan approvals may be reviewed and approved administratively by the site plan review committee without Planning and Zoning Board or City Council authorization. For such an event, the Zoning Administrator will prepare and present a map and recommendation which outlines a proposed boundary for approval by the City Council. At a public hearing, the City Council shall have authority to take one (1) of the following actions regarding the proposal:

(A) Accept or modify the proposed boundary and authorize such administrative site plan approvals for a specified period of time. The City Council may also establish such procedures only for a designated project size if determined this is in the best interest of the City.

(B) Reject the proposal and direct staff to study the area with the intent of forming a redevelopment plan and associated Comprehensive Plan land use changes to limit infrastructure and development within such designated high hazard area. In this case, the City Council should establish a development moratorium for a designated period of time within a particular area while development plans are designed.

(C) Authorize a combination of (A) and (B) as noted above.

(D) Reject the proposed boundary and require existing procedures to be followed.

Secs. 158.246—158.254. Reserved.

ARTICLE XIII. - SPECIAL EXCEPTIONS

Sec. 158.255. Intent.

Certain land uses, due to their unique functional characteristics and the potentiality for their incompatibility with adjoining land uses, require special consideration on an

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individual basis of their suitability for location and development within particular zoning districts. These uses have been designated as special exception uses within appropriate zoning district classifications set forth in sections 158.060 through 158.183. It is the intent of this chapter that these uses may be permitted within the zoning district classifications only after affirmative findings that they can be developed at particular locations in a compatible manner.

Sec. 158.256. Application for Special Exception.

(A) Application Limitations.

- (1) No application for special exception shall be accepted for filing if all or any portion of the land which is the subject of the application was part of a previous application meeting any of the following conditions:
 - a. An application denied by the City Council for the same special exception within the previous 12-month period;
 - b. An application allowed to be withdrawn by the City Council within the previous 12-month period and relating to the same special exception.
- (2) The time limits set forth above may be waived by the Planning and Zoning Board when the action is deemed necessary to prevent injustice or to facilitate the proper development of the City.

(B) **Application Requirements.** Application for a special exception use shall be filed with the Zoning Administrator and shall include all necessary information and drawings as may be required to clearly describe the nature and extent of the special exception sought. The applicant shall be required to pay a fee as may be established to defray processing costs relating to the review and hearing of the application. An application shall be accepted only for a special exception use which is permissible within the zoning district classification applying to the subject property. .

Sec. 158.257. Public Hearings Required.

The Planning and Zoning Board shall review the application to determine the suitability for development of the proposed use at the subject location and shall hold a public hearing upon the merits of the application. Following the hearing, the Planning and Zoning Board shall submit its recommendation upon the application to the City Council, and the recommendation shall be entered into official record of the application and shall be considered by the City Council prior to the taking of official action upon the application. Prior to its action upon the application, the City Council shall hold a public hearing thereon.

Sec. 158.258. Notice of Hearing

(A) The notice of hearings shall be published at least seven (7) days prior to the dates set for hearings by the Planning and Zoning Board and the City Council. The notice shall be published in a newspaper of general circulation within the City. The notice shall

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include the date, time, place, and location of hearing, and shall include a description of the proposed special exception and the subject property involved.

(B) In addition to required notices as heretofore set forth, other methods of notification may be utilized by the City at its option. These methods may include, but not be limited to, mail notification to owners of property within a maximum of 750 feet to property forming the subject of the public hearing, whose address is known by reference to the latest ad valorem tax record. The notice shall set a time and place for the public hearing. The notice shall be given at least ten (10) days prior to the date set for the public hearing and a copy of the notice shall be kept available for public inspection during regular business hours. Notice may be posted upon the property which is the subject of the public hearing. The Zoning Administrator is authorized to post any notice upon property that is the subject of the public hearing, and it shall be unlawful for any person to remove or tamper with that notice during the time period as may be established for the maintenance of the notice.

Sec. 158.259. Conduct of Hearings.

Any interested persons shall have the right to submit oral or written testimony at the hearings. All testimonies and exhibits submitted at the hearing, including the application, shall be incorporated into the application file and shall be considered a part of the record on the application. Evidence which is immaterial, irrelevant, or unduly repetitious may be excluded. The hearings may be continued from time to time to dates established by public announcement at the hearings and shall be the earliest practical date for resumption of the hearings.

Sec. 158.260. Requirements and Approval.

Special exceptions are uses that would only be allowed under certain conditions and are reviewed to be compatible with the existing neighborhood. It is expected that any such approval be implemented in a timely manner to ensure the use is established under the physical conditions of the area in place when approved. Therefore, Special Exception Uses shall expire after one (1) year on the date of approval unless the applicant has received final site plan approval, or if a site plan is not required, the appropriate permits to allow development of the use to continue as approved.

Approval of a special exception application shall be granted by the City Council only upon a finding that:

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

(B) Adequate off-street parking, loading areas, and adequate stacking may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

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(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

(E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

(G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

(I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity. The City may require certain uses such as car washes, gas stations, and other potential noise generating uses submit a noise impact analysis prepared by a qualified professional.

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes, changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood. To minimize exposure to excessive noise, the City may require noise control features, limit hours of operation, and other mitigation methods.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

Sec. 158.261. Action of City Council.

The decision of the City Council may be to approve, approve with additional conditions and safeguards, or deny any application for special exception use. This decision shall be rendered within sixty (60) calendar days following the public hearing by

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the Planning and Zoning Board and shall be determined by a majority vote of a constituted quorum of the City Council. All decisions of the City Council shall be made in open session and the resolution embodying the decision approving, approving with additional conditions and safeguards, or denying any application shall not be valid unless it is incorporated into the minutes of the meeting at which the action is taken. A record of all actions of the City Council on special exception uses shall be maintained within the office of the Zoning Administrator.

Sec. 158.262. Compliance with Conditions before Permits are Issued.

No development order for construction shall be issued until and unless any proposed construction is found to be in full compliance with the approval action of the City Council, including any additional conditions and safeguards incorporated therein. No certificate of occupancy shall be issued until the Zoning Administrator and City Engineer have inspected the site for compliance with the approval action of the City Council and have determined in writing to the City Building Official that all requirements, conditions, and specifications embodied within the approval action have been met.

Secs. 158.263—158.274. Reserved

ARTICLE XIV. NONCONFORMING USES

Sec. 158.275. Intent.

Within the districts established by this chapter or amendments hereto which may later be adopted, there may exist: Land parcels; structures; uses; or characteristics of uses which were lawful before this chapter was enacted or amended, but which would be prohibited, regulated, or restricted by this chapter as enacted or amended. It is the intent of this chapter to permit those nonconformities to continue until they are voluntarily removed or removed as required by this chapter, but not to promote or encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded, intensified, extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Sec. 158.276. Nonconforming Use Constituting a Nuisance.

Irrespective of other provisions of this chapter, a nonconforming use shall not be continued if, by reason of odors, noxious fumes, smoke, noise or otherwise, it becomes a nuisance to residents of adjoining lands.

Sec. 158.277. Construction Begun Prior to Establishment of Nonconformity by Law.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of enactment or amendment of this chapter and upon which actual construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and the fastening thereof in a permanent position and the fastening thereof in a permanent manner. Where excavation or demolition or removal of an existing

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building has been substantially begun preparatory to rebuilding, the excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently until the completion of the new construction involved.

Sec. 158.278. Nonconforming Adjoining Lots of Record Within Same Ownership.

(A) If two (2) or more lots of record, portions of lots of record, or any combination thereof, within the same ownership and having continuous frontage on the same street are of record as of the effective date of enactment or a relevant amendment of this chapter, and if all or part of those lots, portions of lots, or combinations thereof do not meet the applicable area or width requirements of this chapter, those lots, portions of lots, or combination thereof shall be subject to the following provisions:

- (1) Where those lots, portions of lots, or combination thereof are occupied by one (1) or more structures or uses, the Zoning Administrator shall determine and establish the effective allocation of the total land parcel to the structures or uses in a manner as to provide for the maximum degree of compliance with all applicable requirements of this chapter, and allocation shall thereafter constitute the land to be utilized for the existing individual structures or uses in the administration and enforcement of this chapter.
- (2) Where those lots, portions of lots, or combinations thereof are vacant, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of that parcel shall be used or transferred in ownership so as to diminish the degree of compliance with the applicable area or width requirements of this chapter; nor shall any division of any parcel be made which creates a land parcel having an area or width not meeting the applicable requirements of this chapter.

(B) In the administration and enforcement of the provisions of this section, burden of proof relating ownership as of the effective date of enactment or relevant amendment of this chapter shall lie with the owner of the affected property. Where a violation of the provisions of this section is found to exist, irrespective of the elapsed time period following the date of the violation, no development permit of any type shall be issued by the city for the entirety or any portion of the affected property while the violation continues to exist, and the remedies therefor shall lie solely among the affected property owners or their successors in title.

Sec. 158.279. Enlargement or Extension of Nonconforming Use or Characteristic of Use Prohibited.

A nonconforming use shall not be enlarged upon, extended, intensified, expanded, or moved so as to utilize any other portion of the lot or parcel it occupies; nor shall any nonconforming characteristic of use be changed so as to increase the degree of nonconformity with the applicable requirements of this chapter.

Sec. 158.280. Limitations on Alterations, Additions, or Repairs Where Nonconformity Exists.

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A building or structure constituted in a nonconforming manner or devoted to a nonconforming use shall not be altered in any manner. Repairs shall be only those reasonably required to maintain any building or structure in a usable condition or to conform with the applicable Codes of the City.

Sec. 158.281. Discontinuance or Change of Nonconforming Use.

Whenever a nonconforming use of land or a nonconforming use of a building or structure ceases for any reason (except where governmental action impedes access to the premises) for a period of six (6) months or more, these nonconforming uses shall not thereafter be reestablished and the subsequent use shall conform to the requirements of this chapter. However, if prior to the expiration of the six-month period, proper application is made to the City Council for change to another nonconforming use of the same character, or to a more restricted but nonconforming use, a change to another nonconforming use may be permitted, subject to the following provisions:

(A) The City Council shall find that the proposed use is equally or more appropriate to the district than the existing or discontinued nonconforming use and that any adverse effects upon neighboring properties and residents will not be greater than those created by the existing or discontinued nonconforming use.

(B) In approving any change, the City Council shall be authorized to impose appropriate conditions and safeguards in accordance with the intent and purpose of this chapter.

Sec. 158.282. Removal or Destruction of Structures Which Contain Nonconforming Use.

When any building or structure having nonconforming status or containing a nonconforming use is removed from the premises, is destroyed, or is otherwise destroyed to an extent equal to or exceeding fifty (50%) percent of the replacement cost the nonconforming status applying to that building, structure, or premises shall cease, and both the use of the premises and any building or structure erected or maintained thereon shall conform in all respects to the regulations and requirements of this chapter.

Sec. 158.283. Change in Ownership or Tenancy Does Not Affect Nonconforming Status.

There may be a change in ownership, tenancy, or management of land, buildings, or structures involving nonconformities, provided that all provisions and requirements of this subchapter shall apply fully without respect to any change of ownership, tenancy, or management.

Sec. 158.284. Casual, Temporary, or Illegal Use of Land or Structures.

The casual, temporary, or illegal use of land or buildings or structures shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of that use.

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Sec. 158.285. Existence of Nonconformity not to Constitute Grounds for Establishment of Additional Nonconformities.

The existence of a nonconforming land parcel, building, structure, use, or characteristic of use shall not constitute grounds for the obtaining of a variance to establish additional nonconformities, either within the same zoning district or within a zoning district applying elsewhere in the City.

Sec. 158.286. Nonconformity Other Than Use.

The foregoing provisions of this subchapter are intended to apply to nonconforming uses and lots and not intended to apply to nonconforming buildings and structures existing at the effective date of this chapter which do not meet the regulations of this chapter for building coverage, living area, yard requirements, or other similar dimensional requirements. Any additions, extensions, or alterations to such existing buildings or structures shall comply with applicable provisions of this chapter.

Secs. 158.287—158.294. Reserved.

ARTICLE XV. VARIANCES

Sec. 158.295. Planning and Zoning Board or Zoning Administrator (Director of Planning and Zoning) to hear Variances; Powers and Duties of Board and Zoning Administrator.

(A) The Planning and Zoning Board or Zoning Administrator shall hear and consider requests for variances from the provisions of this chapter.

- (1) The Zoning Administrator has the authority to hear and decide the following administrative variances:
 - (2) Variances of less than thirty-six (36) inches (three (3) feet) to height and front, rear and side yard setbacks for existing structures. Such an administrative variance does not permit reconstruction of a destroyed structure.
 - (3) Variances of less than thirty-six (36) inches (three (3) feet) to front, rear and side yard setbacks for existing accessory structures. Such an administrative variance does not permit reconstruction of a destroyed accessory structure.
 - a. Variances of six (6) inches or less to height restrictions and front, rear and side yard setbacks for existing main or accessory structures shall be approved at the discretion of the Zoning Administrator without formal application and shall not be subject to public notification requirements.
- (4) The Planning and Zoning Board is authorized to hear and decide all other variances; including any referred to it pursuant to subsection 158.298(D).

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(B) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- (2) That the special conditions and circumstances do not result from any action of the applicant.
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
- (4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

Sec. 158.296. Allowable Variances; Use Variances Prohibited.

(A) A variance is authorized only for height, area, and size of structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use.

(B) In its consideration of a request for variance, the Planning and Zoning Board or the Zoning Administrator shall not utilize the existence of nonconforming use of neighboring lands, structures, or buildings in the same or adjacent zoning districts as grounds for the granting of a request for variance, nor shall the Planning and Zoning Board or the Zoning Administrator utilize any permitted use of lands, structures, or buildings within the same or adjacent zoning districts as a basis for approval.

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(C) No variance or approval of use shall be granted so as to permit a use not specified as a permitted use or permissible as a special exception use within this chapter for the particular zoning district involved.

Sec. 158.297. Application for Variance.

(A) Application Limitations.

(8) No application for a variance shall be accepted for filing if all or any portion of the land which is the subject of the application was part of a previous application meeting any of the following conditions:

- a. An application denied by the Planning and Zoning Board or by the Zoning Administrator for the same variance within the previous 12-month period, where the applicable circumstances relating to the variance have not changed;
- b. An application allowed to be withdrawn by the Planning and Zoning Board or by the Zoning Administrator within the previous 12-month period and relating to the same variance, where the applicable circumstances relating to the variance have not changed.

(9) The time limits set forth above may be waived by the Planning and Zoning Board or by the Zoning Administrator when the action is necessary to prevent injustice or to facilitate the proper development of the city.

(B) **Application Requirements.** Application for all variances shall be filed with the Zoning Administrator upon a standard form as may be provided therefore and shall include all necessary information and drawings as may be required to clearly describe the nature and extent of the variance sought. The applicant shall be required to pay any fee as may be established to defray processing costs relative to the review and hearing of the application.

Sec. 158.298. Public Hearing.

(A) **Hearing Required.** Before making its decision on a request for variance, the Planning and Zoning Board shall hold a public hearing thereon.

(B) **Notification Requirements.** The following notification procedures shall be utilized with respect to appeals, and requests for variances:

- (1) Requests for variances filed in proper form shall be numbered serially, docketed, and placed upon the agenda of the Planning and Zoning Board. Having thus been established, the agenda of the Planning and Zoning Board shall be posted as soon as practical upon a public notice board normally utilized for such notice within the offices of the City.
- (2) Notice of public hearings shall be published at least seven (7) days prior to the hearings, in a newspaper of general circulation in the City. The notice

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shall include the dates, times, places, and locations of hearing, and shall contain a description of the relief or action sought and the subject property.

- (3) In addition to the required notices heretofore set forth, other methods of notification may be utilized by the Planning and Zoning Board at its option. These methods may include, but not be limited to, mail notification to owners of property within a maximum of 750 feet to property forming the subject of the public hearing, whose address is known by reference to the latest ad valorem tax record. The notice shall set a time and place for the public hearing. The notice shall be given at least ten (10) days prior to the date set for the public hearing and a copy of the notice shall be kept available for public inspection during regular business hours. Notice may be posted upon the property which is the subject of the public hearing. The Zoning Administrator is authorized to post any notice upon property, and it shall be unlawful for any person to remove or tamper with that notice during the time period as may be established for the maintenance of the notice.

(C) **Conduct of Hearings.** Any interested person shall have the right to submit oral or written testimony at the hearings. All testimony and exhibits submitted at the hearing, including the request for variance, shall be incorporated into the application file and shall be considered a part of the record on the application. Evidence which is immaterial, irrelevant, or unduly repetitious may be excluded. The hearings may be adjourned from time to time to dates established by public announcement at those hearings and shall be the earliest practical date for resumption of the hearings.

(D) **Notification.** Before making his/her decision on a request for an administrative variance, the Zoning Administrator shall notify adjacent property owners within 750 feet of the site in question. If a written objection is received from adjacent property owners within thirty (30) days of the notice, then the variance shall be heard and decided by the Planning and Zoning Board. In addition, the Zoning Administrator, at his/her discretion, may forward any variance request to the Planning and Zoning Board for final action.

Sec. 158.299. Requirement for Decision by Planning and Zoning Board.

A decision by the Planning and Zoning Board with respect to a request for a variance shall be rendered within sixty (60) days following the close of the public hearing thereon. A vote of approval by five (5) members of the established Planning and Zoning Board is required to grant a variance from this chapter. All decisions of the Planning and Zoning Board shall be made in open session and the action embodying the decision approving, denying, or dismissing any application shall not be valid unless it is incorporated into the minutes of the meeting at which the action is taken. A decision of the Zoning Administrator with respect to an administrative variance shall be rendered within thirty (30) days following expiration of the time period which adjacent property owners had to object. A record of all actions taken by the Planning and Zoning Board and by the Zoning Administrator shall be maintained within the office of the Zoning Administrator.

Sec. 158.300. Action Contrary to Administrative Decision Prohibited.

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It shall be unlawful for an appellant or petitioner to proceed with any action which has been disapproved or denied by the Planning and Zoning Board or by the Zoning Administrator and it shall be equally unlawful for an appellant or petitioner to proceed with any action contrary to that specifically approved by the Planning and Zoning Board or by the Zoning Administrator, including any conditions and safeguards which the Planning and Zoning Board or the Zoning Administrator may have imposed.

Sec. 158.301. Application for Reconsideration or Rehearing.

An application for the reconsideration or rehearing of a petition may be made in the same manner as provided for an original consideration or hearing. However, no appeal or petition requesting the same relief or approval for the same property shall be accepted by the Planning and Zoning Board or by the Zoning Administrator for reconsideration or rehearing for a period of twelve (12) months following the date of any action taken by the Planning and Zoning Board or by the Zoning Administrator in the matter if, from the record, it shall appear that there has been no substantial change in facts, evidence, or conditions.

Sec. 158.302. Appeal from Decision.

A decision of the Planning and Zoning Board or the Zoning Administrator to deny or approve a request for a variance may be appealed by an affected party with standing to the Board of Zoning Appeals within fifteen (15) days of the date of the Planning and Zoning Board's or the Zoning Administrator's decision; provided, that written notice of the appeal shall be filed with the City clerk within that period of time. Decisions by the Board of Zoning Appeals, or unappealed decisions by the Planning and Zoning Board or Zoning Administrator, shall be considered final.

Secs. 158.303—158.314. Reserved.

ARTICLE XVI. AMENDMENT AND REZONING PROCEDURES

Sec. 158.315. Intent.

This chapter, including the zoning map, may from time to time be amended by the City Council. Before enacting any amendment, the City Council shall give public notice and public hearings shall be held as set forth by this subchapter.

Sec. 158.316. Application for Amendment.

(A) **Form.** Application for amendment may be in the form of a proposal for amendment of the text of this chapter or a proposal for amendment of the zoning map. A proposed map change may be for a zoning district classification considered to be either more or less restrictive than the zoning district currently applied. Proposed map changes for single family lots located in designated areas along Port St. Lucie Boulevard, Gatlin Boulevard, Paar Drive, Bayshore Boulevard, Biltmore Street, Macedo Boulevard, Prima Vista Boulevard, St. James Drive, and Lennard Road are subject to the requirements contained in the "City of Port St. Lucie Land Use Conversion Manual" located in Appendix "B".

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(B) **Application Limitations.**

- (1) No application for amendment of the zoning map shall be accepted for filing if all or any portion of the land which is the subject of the application was part of a previous application meeting any of the following conditions:
 - a. An application denied by the City Council for the same rezoning within the previous 12-month period;
 - b. An application denied by the City Council for any other type of rezoning within the previous six-month period;
 - c. An application allowed to be withdrawn by the City Council within the previous six-month period.
- (2) The time limits set forth above may be waived by the City Council when action is deemed necessary to prevent injustice or to facilitate the proper development of the City.

(C) **Eligible Applicants.**

- (1) **Text Amendment.** Proposals for the amendment of the text of this chapter may be made by the City Council, the Planning and Zoning Board, other departments and agencies of the City, other governmental agencies having jurisdiction within the City, residents of the City, and other persons and organizations having a demonstrated concern or financial interest relative to development or improvement of the City.
- (2) **Map Amendment.** Proposals for the amendment of the zoning map may be made by the City Council, the Planning and Zoning Board, other departments and agencies of the City, and owners (including authorized agents and attorneys therefor) of real property within the City. Proposals made by owners of real property shall require petition by owners of no less than fifty-one (51%) percent of the land area involved in the proposed change.

(D) **Application Requirements.**

- (1) **Forms.** An application for amendment shall be made by use of standard forms as may be provided therefore by the Zoning Administrator, and shall conform to all requirements set forth therein or as otherwise necessary for proper review and consideration of the proposal. An application for amendment shall be signed by the applicant, shall state his name and address, and shall be verified under oath by the applicant.
- (2) **Text Amendment.** An application for a text amendment shall set forth the new text proposed to be added or the existing text proposed to be deleted, together with a statement substantiating the need and justification for the amendment relative to the development or improvement of the City.

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- (3) **Map Amendment.** An application for a map amendment shall include the following information:
- a. The street addresses of the land proposed to be reclassified or, if none, the location with respect to the nearby public roads in use.
 - b. A full and accurate legal description of the land proposed to be reclassified, utilizing the most appropriate of the following methods:
 1. Description by metes and bounds, utilizing bearings and distances.
 2. Description by reference to section, township, and range.
 3. Description by reference to lot, block, subdivision name, and plat book and page numbers, relative to a subdivision plat recorded in the land records of the County.
 - c. The current zoning district classifications and the classification proposed for the land.
 - d. The area of the land proposed to be reclassified, stated in square feet if less than one (1) acre, and in acres if one (1) acre or more.
 - e. The names and addresses of the owners of the land.
 - f. A statement substantiating the need and justification for the reclassification relative to the development or improvement of the City.
 - g. Any additional data or information deemed reasonably necessary by the City or by the applicant for proper review and consideration of the proposal.
- (4) **Filing Fee.** No application for amendment shall be accepted by the Zoning Administrator unless it is accompanied by a filing fee in the amount established by the City Council to cover the expenses of handling the amendment application, providing public notice, taking an official record at public hearings, and for other purposes. No fees shall be refunded except as expressly authorized by the City Council.

Sec. 158.317. Planning and Zoning Board to Hold Public Hearings and Submit Recommendation.

Each application for amendment of the text of this chapter or the zoning map shall be submitted to the Planning and Zoning Board. The Planning and Zoning Board shall hold a public hearing on each application for amendment of the zoning text or application for rezoning of real property. The Planning and Zoning Board shall submit its recommendation, the Planning and Zoning Board shall include a statement as to the consistency of the application proposal with the Comprehensive Plan, or any element or

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portion thereof. The recommendation of the Planning and Zoning Board shall be entered into the official record of the petition and shall be considered by the City Council prior to the taking of official action upon the application.

Sec. 158.318. Notice Requirements for Public Hearing.

(A) Notice of the hearing shall be published one (1) time in a newspaper of general circulation within the City at least ten (10) days prior to the date of the hearing. The notice shall include the date, time, and place of hearing, a description of the rezoning action sought, and any other information as may be desirable or required by law.

(B) In cases which involve the rezoning of private real property composing less than five (5%) percent of the total land area of the City, the Zoning Administrator shall notify each real property owner whose land the City plans to rezone and the owner of real property located within 750 feet of the proposed rezoning, whose address is known by reference to the latest ad valorem tax record. The notice shall state the substance of the proposed rezoning and shall set a time and place for the public hearing. The notice shall be given at least ten (10) days prior to the date set for the public hearing and a copy of the notice shall be kept available for public inspection during regular business hours.

(C) In addition to required notices of proposed amendments as heretofore set forth, other methods of notification may be utilized by the Planning and Zoning Board at its option. Notice may be posted upon the property which is the subject of the public hearing. The Zoning Administrator is authorized to post any notice upon property proposed for rezoning, and it shall be unlawful for any person to remove or tamper with that notice during the time period as may be established for the maintenance of the notice.

(D) Any interested person shall have the right to submit oral or written testimony at the hearings. All testimonies and exhibits submitted at the hearing, including the application, shall be incorporated into the application file and shall be considered a part of the record on the application. Evidence which is immaterial, irrelevant, or unduly repetitious may be excluded. The hearings may be adjourned from time to time to dates established by public announcement at those hearings and shall be the earliest practical date for resumption of the hearings.

Sec. 158.319. Public Hearing and Notice Requirements for City Council.

(A) **Application for Amendment of the Zoning Text.** The City Council shall hold one (1) or more public hearings upon an application for the amendment of the text of the chapter. Notice of the hearing shall be published in a newspaper of general circulation in the City at least seven (7) days prior to the initial hearing. The notice shall include a summary description of the proposed text amendment, but need not include the full text of the proposed amendment.

(B) **Application for Rezoning of Private Real Property.** The City Council shall hold one (1) or more public hearings upon an application for the rezoning of private real property. Notice of the hearing shall be published in a newspaper of general circulation in the City at least seven (7) days prior to the initial hearing. The notice shall include the date, time, and place of hearing, a description of the rezoning action sought, and any other information as may be desirable or required by law.

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- (1) In cases in which the proposed rezoning involves less than five (5%) percent of the total land area of the City, the City Council shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.
- (2) In cases in which the proposed ordinance deals with more than five (5%) percent of the total land area of the municipality, the City Council shall provide for public notice and hearings as follows:
 - a. The City Council shall hold two (2) advertised public hearings on the proposed ordinance. Both hearings shall be held after 5:00 p.m. on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
 - b. The required advertisements shall be not less than one-fourth-page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the municipality and of general interest and readership in the community, not one (1) of limited subject matter. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the City is published less than five (5) days a week. The advertisement shall be in the following form:

NOTICE OF ZONING CHANGE

The City Council of Port St. Lucie, Florida is considering a proposal to rezone the land within the area shown in the map in this advertisement.

A public hearing on the proposal will be held by the City Council (Planning and Zoning Board) on (date and time) at (meeting place).

- c. The notice shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the area.

(C) Additional Methods of Notification. In addition to required notices of proposed amendments as heretofore set forth, other methods of notification may be utilized by the City Council at its option. Those methods may include but not be limited to

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mail notification to owners of property adjacent to property proposed for rezoning and the posting of notice upon property proposed for rezoning. The Zoning Administrator is authorized to post any notice upon property proposed for rezoning, and it shall be unlawful for any person to remove or tamper with that notice during the time period as may be established for the maintenance of the notice.

Sec. 158.320. Conduct of Hearings.

Any interested persons shall have the right to submit oral or written testimony at the hearings. All testimonies and exhibits submitted at the hearing, including the application, shall be incorporated into the application file and shall be considered a part of the record on the application. Evidence which is immaterial, irrelevant, or unduly repetitious may be excluded. The hearings may be adjourned from time to time to dates established by public announcement at those hearings and shall be the earliest practical date for resumption of the hearings.

Sec. 158.321. Action by City Council.

Guidelines and procedures. In its deliberation and consideration of applications for amendment, the City Council shall utilize the following guidelines and procedures:

(A) All applications for amendment of the zoning text or the zoning map shall be decided on the basis of evidence of record.

(B) The City Council may dismiss any application if it finds that: the application does not conform to the procedural requirements of this subchapter; or the application is found to be in violation of the time limitations set forth in § 158.316(B); or the application is frivolous or filed for purposes of harassment.

(C) The City Council may allow an application to be withdrawn at any time; provided that any subsequent application involving all or part of the land forming a part of the withdrawn application shall be subject to the time limitation set forth in § 158.316(B).

(D) If an application is not dismissed or allowed to be withdrawn as herein provided, it shall either be approved or denied on the merits. In the case of denial, any subsequent application involving all or part of the land forming a part of said denied application shall be subject to the time limitations set forth in section 158.316(B).

(E) No application for a text amendment shall be approved affecting specific property or properties which contains conditions, limitations, or requirements not generally applicable to all other property regulated by the zoning district classification in question; and no application for a map amendment shall be approved for a specific property or properties which contains conditions, limitations, or requirements not generally applicable to all other property regulated by the zoning district classifications to which the particular property is proposed to be rezoned.

(F) No application for a map amendment shall be approved for a greater area than applied for, but an application may be approved for a smaller area if the rezoning of the smaller area is supported by the evidence of record and the smaller area is accurately delineated in the record.

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(G) In its consideration of an application for a text or map amendment, the City Council shall carefully review its relationship to the Comprehensive Plan, or element or portion thereof, which has been adopted. No application shall be approved which is found to be inconsistent with the adopted Comprehensive Plan, or element or portion thereof.

(H) The decision of the City Council approving, denying, or dismissing any application for text or map amendment shall be rendered within sixty (60) days after public hearing is held thereon. The decision of the City Council shall be determined by a majority vote of a constituted quorum.

(I) All decisions of the City Council shall be made in open session and the ordinance embodying the decision approving, denying, or dismissing any application shall not be valid unless it is incorporated into the minutes of the meeting at which the action is taken.

(J) Any ordinance embodying the decision of the City Council approving, denying, or dismissing any application shall be filed in the office of the Zoning Administrator and a copy shall be provided to the applicant upon request.

Sec. 158.322. Making of Necessary Changes to Zoning Text and Zoning Map.

Immediately following the enactment of an ordinance amending the zoning text or zoning map, a copy of the ordinance shall be filed in the office of the Zoning Administrator for use in the administration and enforcement of this chapter. The Zoning Administrator shall make appropriate changes to incorporate the ordinance into the text of this chapter or onto the official zoning map maintained in the office of the Zoning Administrator, and shall similarly incorporate the ordinance into all copies of this chapter or map utilized for zoning administration and distribution to the public.

Secs. 158.323—158.334. Reserved.

ARTICLE XVII. APPEALS

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 by the Planning and Zoning Board.

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- (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.

Sec. 158.336. Fees to Defray Cost of Review and Hearing.

The applicant shall be required to pay a fee as may be established to defray processing costs related to the review and hearing of the appeal.

Sec. 158.337. Public Hearings.

Hearing Required. Before making its decision on any appeal, the Board of Zoning Appeals shall hold a public hearing thereon.

(A) **Notification Requirements.** The following notification procedures shall be utilized with respect to appeals, requests for changes in nonconforming uses and requests for variances:

- (1) Appeals and requests for changes in nonconforming uses filed in proper form shall be numbered serially, docketed, and placed upon the calendar of the Board of Zoning Appeals. Having thus been established, the calendar of appeals, petitions and public hearings to be considered or conducted at each public meeting shall be posted as soon as practical upon a public notice board normally utilized for such notice within the offices of the City.
- (2) Notice of public hearings shall be published at least seven (7) days prior to those hearings, in a newspaper of general circulation in the City. The notice shall include the dates, times, places, and locations of hearing, and shall contain a description of the relief or action sought and the subject property involved.

(B) Conduct of Hearings.

- (1) The hearing on the appeal of the denial or approval of a variance application by the Planning and Zoning Board shall be, to the extent possible, upon the record of the Planning and Zoning Board and shall not be a hearing de novo. The Board of Zoning Appeals shall review the minutes of the hearing before the Planning and Zoning Board together with the application for variances and related supporting documents and any other tangible evidence considered by the Planning and Zoning Board in arriving at its decision. The Board of Zoning Appeals may also entertain any additional testimony or evidence that was not brought out at the Planning and Zoning Board hearing.
- (2) The hearing on appeal of the Zoning Administrator or requests for changes in nonconforming uses shall be on the evidence presented by the applicant and the Zoning Administrator.

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- (3) Any interested person shall have the right to submit oral or written testimony at the hearings. All testimony and exhibits submitted at the hearing, including the application of appeal or request for a change of nonconforming use shall become part of the record of the appeal. Evidence which is immaterial, irrelevant, or unduly repetitious may be excluded.
- (4) The hearings may be adjourned from time to time to dates established by public announcement at those hearings and shall be the earliest practical date for resumption of the hearings.

Sec. 158.338. Requirement for Decision by Board.

A decision by the Board of Zoning Appeals with respect to any matter upon its calendar shall be rendered within sixty (60) days following the close of the public hearing thereon. A majority vote of the established Board of Zoning Appeals is required to reverse any order, requirement, decision, or determination made by the Zoning Administrator, or to grant a variance upon appeal from the Planning and Zoning Board from this chapter. All decisions of the Board of Zoning Appeals shall be made in open session and the action embodying the decision approving, denying or dismissing any application shall not be valid unless it is incorporated into the minutes of the meeting at which the action is taken. A record of all actions taken by the Board of Zoning Appeals shall be maintained within the Office of the City Clerk.

Sec. 158.339. Authority to Reverse, Affirm or Modify Decision of Zoning Administrator.

The Board of Zoning Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end from the Zoning Administrator. In exercising its powers, the Board of Zoning Appeals shall direct the Zoning Administrator to carry out its decision.

Sec. 158.340. Action Contrary to Administrative Decision Prohibited.

It shall be unlawful for an appellant or petitioner to proceed with any action which has been disapproved or denied by the Board of Zoning Appeals and it shall be equally unlawful for an appellant or petitioner to proceed with any action contrary to that specifically approved by the Board of Zoning Appeals, including any conditions and safeguards which the Board of Zoning Appeals may have imposed.

Sec. 158.341. Application for Reconsideration or Rehearing.

An application for the reconsideration or rehearing of an appeal or petition may be made in the same manner as provided for an original consideration or hearing. However, no appeal or petition requesting the same relief or approval for the same property shall be accepted by the Board of Zoning Appeals for reconsideration or rehearing for a period of twelve (12) months following the date of any action taken by the Board of Zoning Appeals in the matter is, from the record, it shall appear that there has been no substantial change in facts, evidence, or conditions.

Secs. 158.342—158.349. Reserved.

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ARTICLE XVIII. ADMINISTRATION, ENFORCEMENT

Sec. 158.350. Zoning Administrator.

(A) The City Manager shall appoint a Zoning Administrator whose duties shall be as set forth in this chapter. The Zoning Administrator is authorized to act through aides and assistants. In the performance of his duties, the Zoning Administrator may request the assistance of any appropriate official or agency of the City.

(B) The Zoning Administrator shall investigate promptly complaints of violations, reporting his findings and actions to complainants and shall use his best endeavors to prevent violations or to detect and secure the correction of violations. If he finds that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other lawful action authorized by this chapter necessary to ensure compliance with the provisions of this chapter.

(C) The Zoning Administrator shall maintain written records of all official actions of his office with relation to administration, and of all complaints and actions taken with regard thereto, and of all violations discovered by whatever means, with remedial action taken and disposition of all cases; and the same shall be a public record.

Sec. 158.351. Zoning Review of Building Permits, Licenses, and Land Use Permits.

The Zoning Administrator shall review all applications for building permits, occupational licenses, and land use permits to ensure their conformity with the provisions of this chapter. No building permit shall be issued for the erection, alteration, or use of any land or water which is not in conformity with the provisions of this chapter. No license or permit shall be issued by the building official or by any department agency, or official of the City for the use of any premises or the operation of any business, enterprise, occupation, trade, profession, or activity which would constitute a violation of the provisions of this chapter.

Sec. 158.352. Certificate of Occupancy Required.

(A) No building or structure, or part thereof, or premises, thereafter erected or altered or changed in occupancy, or land upon which a new or different use is established, shall be occupied or used until a certificate of occupancy shall have been issued therefor, the certificate to include a certification by the Zoning Administrator that the proposed use of the structure or land conforms with the requirements of this chapter.

(B) Nothing in this chapter shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that the temporary certificate shall not be effective for a period in excess of six (6) months, and that the portion of the building or structure is in conformity with the provisions of this chapter.

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(C) A record of all certificates issued pursuant to the provisions of this section shall be kept on file in the office of the building department and copies of the certificates shall be furnished upon request to any person having a proprietary or tenancy interest in the appropriate property involved.

Sec. 158.353. Record of Nonconforming Uses.

The Zoning Administrator shall prepare and maintain a record of all nonconforming uses existing as of the effective date of adoption or amendment of this chapter, and the record shall constitute the official public record to be used in administering and enforcing the provisions of sections 158.275 through 158.286.

Sec. 158.354. Appeals of Administrative Decisions.

(A) **Right of Appeal.** Where it is alleged there is error in any order, requirement, decision, determination, or action of the Zoning Administrator in the administration and enforcement of the restrictions made under authority hereof, any person thus aggrieved may appeal to the Board of Zoning Appeals. No appeal shall lie from any act by the Zoning Administrator pursuant to an order or resolution of the Board of Zoning Appeals specifically directing him to perform that act.

(B) **Filing Requirements for an Appeal.** An appeal may be taken within thirty (30) days, but not thereafter, after notification in writing of the subject act or decision by the Zoning Administrator, by filing with the Zoning Administrator and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. An appeal shall be filed upon that form as may be provided therefor, and the appellant shall be required to pay any fee as may be established to defray processing costs relating to the review and hearing of the appeal. Upon the filing of an appeal, the Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken.

(C) **Stay of Proceedings.** An appeal shall stay all proceedings concerning the matter appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the notice of appeal shall have been filed with him that, by reason of fact stated in the certificate, a stay, in his opinion, would cause imminent peril to life or property. In that case, proceedings shall not be stayed otherwise by a restraining order which may be granted by the Board of Zoning Appeals or by the circuit court of the County, on notice to the Zoning Administrator, and on due cause shown.

Sec. 158.998. Remedy.

Nothing herein contained shall prevent the City from taking any other lawful action, including but not limited to resort to equitable action, as is necessary to prevent or remedy any violation.

Sec. 158.999. Penalty.

(A) Any persons who violates this chapter or fails to comply with any of the requirements shall, upon conviction thereof, be punished as set forth in section 10.99. Each day such violation continues shall be considered a separate offense.

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(B) The owner or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participated in, assists in, or maintains any violation of this chapter or requirements as described above in subsection (A) shall each be guilty of a separate offense and, upon conviction thereof, shall be punished as herein provided.