

ORDINANCE 20-

AN ORDINANCE AMENDING TITLE XV “LAND USAGE”, CHAPTER 158, “ZONING CODE”, ARTICLE XII – SITE PLAN REVIEW REQUIREMENTS, PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, this City initiated code amendment, P19-137, proposes to amend section 158.237 to modify the site plan approval process of the Zoning Code; and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174, Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Code of Ordinances (P19-137) and submitted its recommendations thereon to the City Council; and

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

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

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

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Section 2. Article XII. – Site Plan Review Requirements, Procedures (Zoning Code), of the Code of Ordinances of the City of Port St. Lucie is amended as follows:

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 ~~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 or designee 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.

(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 as set forth in section 158.239. Pursuant to the procedures set forth below, ~~t~~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 site and detail plans pursuant to the procedures set forth below. For any project which is tabled by the Site Plan Review Ceommittee ~~or Planning and Zoning Board,~~ which requires further changes or additional information, or requires a unity of title

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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,~~ approves, approves with conditions or denies 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.~~
- (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 applicant developer and ~~to the Planning and Zoning Board.~~

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- (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.~~
- (45) The City Council then reviews the comments and recommendations of the ~~Planning and Zoning Board~~ Site Plan Review Committee at a scheduled public meeting, and either approves, approves with conditions, or disapproves the site plan.
- (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 the Site Plan Review Committee or 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~~ site plan ~~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.

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- (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.
 - (8) Any change which violates a condition of site plan approval required by the Site Plan Review Committee or 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; or~~
 - ~~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~~

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~~committee. If no action is taken by the City Council as provided herein, the action of the site plan review committee shall be final.~~

~~(EF)~~ The following development shall be exempt from the site plan approval process specified in subsections 158.237(A), and (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.
- (4) Development of capital improvement projects, excluding public access buildings, listed in the adopted City of Port St. Lucie Capital Improvements Plan.

~~(EG)~~ 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.

Section 3. All remaining provisions of article XII shall remain in full force and effect.

Section 4. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 5. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

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Section 6. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 7. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2020.

CITY COUNCIL
CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney