

ORDINANCE 21-XX

AN ORDINANCE AMENDING CHAPTER 158 – ZONING CODE, ARTICLE XV – VARIANCES, SECTION 158.297 – “APPLICATIONS FOR VARIANCE” 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 97-50 (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, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted Comprehensive Plan; and

WHEREAS, this City initiated code amendment, P21-287, proposes to amend Chapter 158 of the Code of Ordinances of the City of Port St. Lucie by amending Section 158.297 entitled “Applications for Variance”; and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174, Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Code of Ordinances (P21-287) 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 Chapter 158 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:

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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.

Section 2. Amendment. Section 158.297 of the Code of Ordinances of the City of Port St. Lucie is amended as follows:

Sec. 158.297. Application for Variance.

(A) Application Limitations.

(1) 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.

c. An application denied by the Board of Zoning Appeals, 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, if a condition was imposed to comply by a scheduled date that is greater than 12-months. No application shall be accepted until the compliance period has concluded.

(2) 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.

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

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unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

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 _____, 2022.

CITY COUNCIL
CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney