

## ORDINANCE 23-XXX

**AN ORDINANCE AMENDING CHAPTER 158 “ZONING CODE”, ARTICLE VIII – “COMMERCIAL DISTRICTS”, ARTICLE IX – “INDUSTRIAL DISTRICTS”, ARTICLE XI – “SUPPLEMENTARY USE REGULATIONS” AND CHAPTER 153 “DEFINITIONS” OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

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

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

**WHEREAS**, this City initiated Code amendment, P22-307, proposes to amend Chapters 153 and 158 of the Code of Ordinance of the City of Port St. Lucie by amending sections 153.01 entitled “Definitions”, 158.124 entitled “General Commercial Zoning District (CG)”, 158.126 entitled “Service Commercial Zoning District (CS)”, 158.136 entitled “Industrial Zoning District (IN)”, and Article XI entitled “Supplementary Use Regulations”; 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 (P22-307) 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 Chapters 153 and 158 will foster and preserve the public health, safety and welfare; improve and

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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.

**Section 2.     Amendment.** Sections 153.01, 158.124, 158.126, 158.136, and Article XI entitled of the Code of Ordinances of the City of Port St. Lucie is amended as follows:

### CHAPTER 153. – DEFINITIONS

(A) For the purpose of the land development regulations, the following terms, phrases, words and their derivations shall have the meaning contained herein, except where the context clearly indicates or requires a different meaning. Supplemental terms and definitions are defined in specific chapters.

(B) Construction of Words and Phrases.

1. Terms not defined in this Chapter shall be construed in accordance their customary usage and meaning.
2. The following general rules of construction shall govern the interpretation of words and phrases.
  - a. The words "shall" or "will" are mandatory.
  - b. The word "may" is permissive.
  - c. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
  - d. The words "used" and "occupied" include the words "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," and "intended to be used or occupied."
  - e. The words "lot" includes "plot," "parcel" and "tract."
  - f. The word "structure" includes the word "building" as well as other things or facilities constructed or erected on the ground, underground or requiring construction or erection on the ground or underground.
  - g. The word "land" includes "water surface" and "land under water."

(C) Defined terms:

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**ABANDONED SIGN.** A sign is abandoned if a business advertised on that sign is no longer licensed, or is no longer doing business at that location.

**ABUT/ADJACENT.** Properties which are either contiguous or separated by a road or drainage right-of-way.

**ABUTTING PROPERTY.** Any property that is immediately adjacent to or contiguous with property that may be subject to any hearing required to be held under these regulations or that is located immediately across any road or public right-of-way from the property subject to any hearing under these regulations.

**ACCESS.** The means of ingress and egress to a lot from a dedicated public or private street right-of-way.

**ACCESSORY USE OR STRUCTURE.** A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same lot. On the same lot with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership.

**ADD-ON SIGN.** Any additional sign area added to a previously permitted and/or conforming sign.

**ADOPTED LEVEL OF SERVICE.** The Level of Service (LOS) adopted in the Comprehensive Plan as referenced in the Capital Improvements Element. The adopted Levels of Service are the regulatory standards to be used in evaluating development order requests for the purposes set forth in this Concurrency Management System.

**ADVERTISING.** Any form of printed message intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, or entertainment.

**A-FRAME SIGN.** A moveable sign not secured or attached to the ground. A sign constructed in such a manner as to form an "A" or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

**AISLE.** The traveled way by which cars enter and depart parking spaces.

**ALLEY.** A public or approved private way which affords only a secondary means of access to abutting properties and which is not intended for general traffic circulation.

**ALTER OR ALTERATION OF VEGETATION.** To cut, remove, defoliate, or otherwise destroy leaves, limbs, stems, roots, or other plant parts, dead or alive.

**ALTER OR ALTERATION OF STORMWATER SYSTEMS.** Work done on a storm water management system other than that necessary to maintain the system's original design and function.

**ALTERATION.** Any change in size, shape, location, occupancy, character, or use of a building or structure.

**AMATEUR RADIO SERVICE.** A federally licensed radio communication service for the purpose of self-training, intercommunication and technical investigations, carried out by amateurs

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that are duly authorized persons interested in radio technique solely with a personal aim, and without pecuniary interest particularly with respect to providing emergency communications. (As per Code of Federal Regulations, Title 47, Part 97).

**AMATEUR RADIO ANTENNA.** A conductive material, typically aluminum or copper, designed and formed in specific configurations, to send and receive electromagnetic waves by a station licensed to operate in the amateur radio services.

**AMATEUR RADIO ANTENNA SUPPORT STRUCTURE.** Any permanent structure, such as a mast or tower or any combination thereof, whether ground or roof mounted, freestanding or guyed, used exclusively for supporting an amateur radio antenna.

**AMATEUR RADIO ANTENNA AND SUPPORT STRUCTURE OVERALL HEIGHT.** The total height of the amateur radio antenna support structure and antenna shall be measured from the mean grade to the highest point of the antenna support structure and antenna. A roof-mounted antenna support structure shall be measured from the established grade adjoining the exterior walls of the structure upon which the antenna or support structure is affixed. A ground-mounted amateur radio antenna support structure shall be measured from the established grade adjoining such antenna or support structure.

**ANIMATED SIGN.** A sign with action or motion using electrical energy, electronic or manufactured sources of supply, or wind actuated elements, including rotating, revolving, or flashing sign against which it is placed, excluding the necessary supports or uprights on which such sign is placed.

**ANNUAL RESIDUAL CAPACITY TRIPS.** Within a designated "Critical Area of Concurrency (CAOC)" up to 100% of the remaining capacity of the potentially deficient road segment's remaining capacity.

**ANNUAL INVENTORY REPORT AND DATA BASE.** (See "YEARLY INFORMATION REPORT (YIR) and DATA BASE.")

**APPLICANT.** Any person or his duly authorized representative who submits plans through any city agency, department or division for the purpose of obtaining approval thereof.

**APPLICATION FOR DEVELOPMENT APPROVAL.** The application form and all accompanying documents submitted to the city requesting the approval of a Development Order.

**AQUATIC AREA.** Aquatic areas include tidal water and wetlands and nontidal sloughs, streams, lakes, and wetlands. The upper limit of aquatic areas is the mean high tide line in tidal areas and the ordinary high water line in nontidal areas.

**AQUATIC PRESERVE.** An exceptional area of submerged lands and its associated waters set aside for being maintained essentially in its natural or existing conditions.

**ARCHAEOLOGICAL SITE.** A property or location which has yielded or may yield information on the city's history or prehistory. Archaeological sites are evidenced by the presence of artifacts and features below the ground surface indicating the past use of a location by people.

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**ARCHITECTURAL WALL.** A wall designed to complement adjacent development consisting of masonry block with stucco, fluted block, a finished designer block, poured concrete, or pre-cast concrete with a treatment on top such as a cornice, tile band, or similar accent. A pre-cast concrete wall shall be comparable in visual quality to a block wall.

**ARTERIAL ROAD.** A roadway providing service which is identified as an arterial, major or minor, in the city's Comprehensive Plan.

**ASSISTED LIVING FACILITY (ALF).** Assisted living facility is defined as specified in Chapter 429, Part I, F.S., as may be amended from time to time, and means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. An ALF may include one or more of the following facility types: independent living, assisted living, and skilled nursing care. An ALF providing one or more of such services may also be known as a continuing care facility.

**AUTOMATED TELLER MACHINE (ATM) (stand-alone)** shall mean an automated device that performs banking or financial functions including at remote locations from the controlling financial institution.

**AUTOMATED TELLER MACHINE SIGNS.** Automated teller machine (ATM) signs are all signs located on or architecturally associated with the exterior face of the machine and/or covering.

**AWNINGS.** Any fixed or moveable roof-like structure, cantilevered, or otherwise entirely supported from a building.

**BACKLOGGED ROADWAY FACILITIES.** Those roadways operating below the adopted level of service standard which do not have prohibitive financial or environmental constraints, but are not scheduled for major capacity improvement in the Florida Department of Transportation's Five-Year Work Program, St. Lucie County's Five-Year Schedule of Capital Improvements, or the City of Port St. Lucie's Seven-Year Schedule of Capital Improvements.

**BANNER.** Any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only such material for foundation.

**BARBER OR BEAUTY SHOP.** An establishment primarily engaged in cutting, trimming, tinting and styling hair.

**BARS, LOUNGES, AND NIGHT CLUBS.** An area primarily devoted to the serving of alcoholic beverages and in which the service of food and/or entertainment is only incidental to the consumption of such beverages.

**BECKER ROAD OVERLAY DISTRICT DESIGN STANDARDS.** Site design and architectural design standards for new development and redevelopment within the Becker Road

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Corridor contained in the "Becker Road Overlay District Design Standards Manual" as set forth in section 158.228(B) of the Code.

**BECKER ROAD CORRIDOR.** The property described in the "Becker Road Overlay District Design Standards Manual" as set forth in section 158.228(B) of the Code.

**BENCH SIGN.** A sign located on any part of the surface of a bench or seat.

**BILLBOARD.** Any off-premises sign or framework thereof installed as authorized by the provisions of Section 155.08.

**BINGO HALL.** An establishment primarily for the conduct of bingo games pursuant to Chapter 849.0931, F.S. The conduct of bingo games as an accessory or ancillary use to a church or other house of worship, civic, cultural, club or lodge facility shall not be considered a bingo hall provided said games are limited thereat to two days per week.

**BLOCK.** A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by street or other physical barriers and having an assigned number, letter or other name through which it may be identified.

**BMPs.** Best management practices.

**BREW PUB.** A limited-production brewery establishment that produces and serves no more than 10,000 kegs of beer per year on the premises and may include a taproom for sale of beer for on premises consumption or in sealed containers for later consumption off the premises, and may include a restaurant. A brewpub may also, in conjunction with the sale of beer for consumption on the premises, sell wine for consumption on the premises.

**BUFFER.** An area which is established in order to protect or insulate one land use from another.

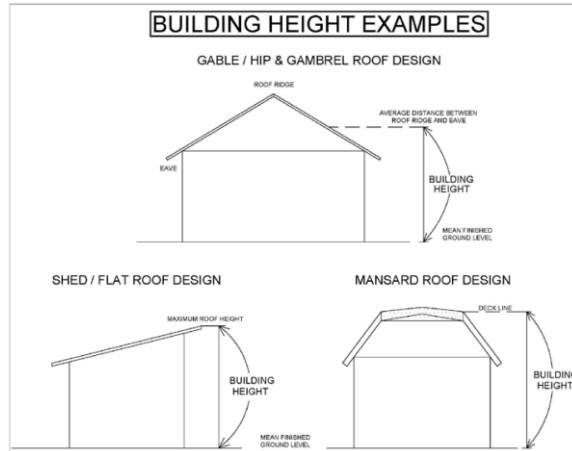
**BUILDING.** Any structure, temporary or permanent, which has a roof impervious to weather, a fixed base on a fixed connection to the ground and is used or built for the shelter or enclosure of persons, animals or property.

**BUILDING COVERAGE.** The combined and total percentage of area of a lot covered or occupied by buildings or roof portions of structures.

**BUILDING FACADE.** That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation, including window area.

**BUILDING HEIGHT.** The vertical distance measured from the mean finished ground level adjoining the front of a building to the level of the highest point of the roof or top surface on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. The average slope shall be greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run.

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**BUILDING IDENTIFICATION SIGN.** A sign located on a building with a main entry that depicts only the name of the building.

**BUILDING LINE.** The rear or inner edge of any required front, side or rear yard or the rear or inner edge of any required setback line. Except as specifically provided by this ordinance, no building or structure may be extended to occupy any portion of a lot streetward from the building line.

**BUILDING LINE, ACTUAL.** A line parallel to the street rights of way formed by the face of the building.

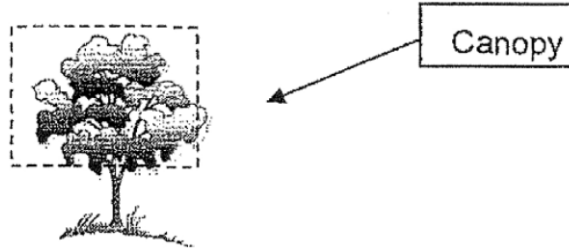
**BUSINESS FRONTAGE.** The lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. In the event that a building fronts on two (2) or more streets, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

**CALIPER.** A nursery standard measurement of a tree's trunk diameter as measured at a predetermined point of measurement. Trunk caliper for trees up to four inches shall be measured six inches above the soil line. Trees greater than four inches in caliper shall be measured 12 inches above the soil line. Caliper measurements shall be used when measuring nursery trees.

**CANOPY, BUILDING.** A roof like cover, including an awning, that projects from the wall of a building over a door, entrance, or window; or a free-standing or projecting over above an outdoor service area, such as at a gasoline station or ATM kiosk, serving the purpose of protecting pedestrians from rain and sun, covered with fabric, metal or other material.

**CANOPY, TREE.** The area consisting of a tree's branches in all directions from its trunk, the outer edge of which is the dripline.

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**CANOPY SIGN.** A wall sign that is located on the roof, fascia, soffit, or ceiling of a building canopy, and that is otherwise permitted by ordinances.

**CAPACITY.** Maximum and quantifiable ability for a public facility to provide service to its users. The quantity is calculated relative to a Level of Service (LOS) infrastructure standard compared to the measurable use of the public facility.

**CAPACITY. ANNUAL RESIDUAL.** (See "ANNUAL RESIDUAL CAPACITY")

**CAPITAL FACILITIES.** The planning of, engineering for, acquisition of land for, or the construction of drainage and water management facilities, recreation buildings and park equipment, potable water facilities, sanitary sewer facilities, solid waste facilities, and any project eligible for inclusion as a transportation facility, or facilities, of the Capital Improvement Element (CIE) or Transportation Element of the Port St. Lucie Comprehensive Plan, the CIE of St. Lucie County, or the Five-Year Florida Department of Transportation Plan.

**CAPITAL IMPROVEMENT.** Physical assets constructed or purchased to provide, improve, or replace a public facility, and which are large scale and high in cost. The cost of the capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of the Concurrency Management System, physical assets which have been identified as existing or projected needs in the Comprehensive Plan shall be considered capital improvements.

**CARPORY.** A roof-like structure open on multiple sides whose purpose is to provide shelter for one or more motor vehicles.

**CAR WASH, FULL SERVICE.** A structure containing facilities for washing vehicles using a chain conveyor or other method of moving cars along, and automatic application of cleaner, brushes, rinse water, heat for drying, and wax.

**CAR WASH, SELF SERVICE.** A structure containing facilities for washing vehicles using a semi-automatic application of cleaner, rinse water, and wax.

**CAT CAFÉ.** A restaurant, excluding drive-through restaurant, which also houses adoptable cats for clientele to interact with, and which incorporates cat adoption services in addition to the restaurant services for the purpose of helping adoptable cats find homes.

**CERTIFICATE OF OCCUPANCY (CO).** The official certification that a premises conforms to the provisions of this Code and may be used or occupied.

**CERTIFICATE OF CONCURRENCY (COC).** The official certification that adequate public facilities are or will be available concurrent with the impact of the proposed development on each



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public facility (i.e., traffic circulation, parks and recreation, sanitary sewer, potable water, solid waste, and stormwater management facilities and services). Issuance of a final local development order, either final residential subdivision plat approval, or final site plan approval shall be considered a certificate of concurrency.

**CHANGE OF OCCUPANCY.** The discontinuance of an existing use and the substitution therefore of a use of a different kind or class; not including a change of tenants or proprietors unless accompanied by a change in the type of use.

**CHANGEABLE COPY SIGN.** A sign which has message characters that are not permanently attached to the sign, but which are attached to permit numerous changes of the message.

**CHANNEL LETTERS.** A sign comprising of individual letters that are independently mounted to a wall or other surface and may be internally illuminated with a cover face. The air space between the letters is not part of the sign structure but rather of the building façade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements.

**CHURCH OR OTHER PLACE OF WORSHIP.** A building or group of buildings devoted to the holding of religious services and related religious instruction.

**CITY BUILDING OFFICIAL.** Means the Port St. Lucie Building Official or duly authorized representative (See also "delegation of authority").

**CITY ENGINEER.** Means the Port St. Lucie City Engineer or duly authorized representative (See also "delegation of authority").

**CIVIC OR CULTURAL FACILITY.** A facility operated entirely on a public or nonprofit basis for the purpose of providing education, information, training, and/or entertainment of a civic or cultural nature.

**CLEAR.** Removal or destruction of any vegetation protected by the provisions of the Land Development Regulations.

**CLEAR TRUNK HEIGHT (CT).** The height of a tree measured from the ground to the bottom of the canopy.

**CLUB OR LODGE (PRIVATE).** A noncommercial and nonprofit establishment restricted to and providing service activities to an organization or group of individuals maintaining membership therein and collectively contributing to the maintenance and upkeep of that establishment through membership fees and periodic dues.

**CLUSTER OR CLUSTERING.** A cluster or clustering shall refer to a concentration of a particular type of building within 1,200 feet of the same particular type of building within a particular commercial, industrial and/or residential area.

**COASTAL HIGH HAZARD AREA.** The area subject to, but not limited to, Category I hurricane evacuation.

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**CODE COMPLIANCE DIVISION.** The city agency duly authorized to enforce the laws and ordinances of the city.

**COLLECTOR ROAD.** A roadway providing service which is identified as a collector, major or minor, in the city's Comprehensive Plan.

**COMMERCIAL AREA.** Any area zoned commercial or office, including commercial or office areas designated in an approved PUD development plan.

**COMMERCIAL/INDUSTRIAL/RESIDENTIAL COMPLEX.** A land area under unity of title which is designed to accommodate:

1. An office park;
2. A retail shopping center;
3. An industrial center; or,
4. A multiple family residential project of greater than ten units.

**COMMERCIAL LAUNDRY FACILITY AND LINEN SUPPLY.** A facility primarily engaged in laundering of items, including uniforms, gowns, and coats of the type used by doctors, nurses, barbers, beauticians, and waitresses; and table linens, bed linens, towels and toweling, and similar items for commercial establishments.

**COMMON AREA AND FACILITIES.** A parcel of land, together with improvements thereon, the use, enjoyment and maintenance thereof are shared by the owners of a development.

**COMMUNITY RESIDENTIAL HOME.** Is defined as specified in Section 419.001, F.S., as may be amended from time to time. (See Section 158.224, Zoning Code).

**COMPREHENSIVE PLAN.** The Future Land Use Plan and elements thereof as adopted by the City of Port St. Lucie in accordance with the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act.

**CONCEPT PLAN.** A preliminary presentation and attendant documentation of a proposed development of sufficient accuracy to be used for the purpose of discussion and classification. It describes the basic parameters of a major development proposal, rather than giving full engineering details.

**CONGESTION MANAGEMENT SYSTEM STRATEGIES.** Alternative strategies to alleviate congestion and enhance mobility as related to criteria for adequate public facilities.

**CONSTRAINED ROADWAY FACILITIES.** Those roadways that exhibit a level of service lower than the adopted level of service standard which are not able to attain the adopted standard because prohibitive costs and physical or environmental limitations prevent the construction of at least two additional through lanes.

**CONSTRUCTION.** Construction includes the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has been substantially begun preparatory for new

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construction, such excavation, demolition, or removal shall be deemed to be actual construction. Fill and the installation of drainage facilities shall be considered a part of construction.

**CONSTRUCTION AND DEMOLITION DEBRIS.** This debris is "clean debris" which is virtually inert, not water soluble, not a pollution threat and not hazardous in nature and includes steel, glass, brick, concrete, roofing material, pipe, wall board, lumber, clearing debris and other such materials as defined and pursuant to a permit issued by the Florida Department of Environmental Protection.

**CONSTRUCTION PLANS/DETAIL PLANS.** Those detailed engineered drawings, specifications and calculations prepared in accordance with city and other applicable regulations, codes and standards, submitted for approval of a site and/or development plan or preliminary plat or final subdivision plat, which set forth the specific improvements to be made in conjunction with development as they affect the existing site, its boundary conditions, topography, drainage, access, and associated road and other right-of-way and easements.

**CONSTRUCTION SIGN.** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, identifying those engaged in construction on any building site. This includes the builder, contractor, developer, architect, engineer, financing entity, or other persons or artisans involved in said construction.

**CONVENIENCE GOODS.** Foodstuffs, drugs, cosmetics, and incidental household and/or personal articles which are normally purchased and expended on a day-by-day or week-by-week basis.

**CONVENIENCE STORE.** An establishment limited to the sale of convenience goods.

**CONVERSION AREA.** Areas designated in the "City of Port St. Lucie Land Use Conversion Manual" which establishes land assembly requirements for the conversion of single-family residential lots.

**COUNTRY CLUB.** A club for social life and recreation for members and their personal guests.

**CREDIT CARD SIGN.** A sign signifying that goods or services may be purchased on credit by means of an established credit line (Visa, Master Card, American Express, etc.).

**CRITICAL AREA OF CONCURRENCY (CAOC).** Based upon accepted transportation planning practices, an area of influence or significant impact established around any deficient or potentially deficient road segment, where development may be expected to place an unreasonable number of new trips on the deficient or potentially deficient road segment.

**CUL-DE-SAC.** A street with only a single means of ingress and egress and having a turnaround loop at the end, or a "T" type turnaround area.

**DAY CARE CENTER.** An establishment where five or more persons, other than the members of the family occupying the premises, are cared for during daytime hours only, and expressly excluding overnight care. The term includes a day nursery, kindergarten, adult day care service, day care agency, nursery school, or play school.

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**DECK LINE.** In case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended façade or parapet, the uppermost height of said façade or parapet.

**DEDICATION.** An act transferring ownership of property or interest thereto.

**DEGRADED ESTUARINE BEACH.** An estuarine beach is degraded when its natural flexible functions are inhibited by pestilent exotic species or shoreline hardening structures.

**DEFICIENT ROAD SEGMENT.** Any city, county or state road segment on the city's major road network system that is operating below the adopted level of service standard, or is located in a Critical Area of Concurrency (CAOC) and specifically allowed to operate at up to five percent above the service volumes listed in Table 1 or 5 for the adopted Level of Service (LOS), or situations where a proposed development's additional impact on such roads could exceed the facility's adopted Level of Service (LOS) standard.

**DELEGATION OF AUTHORITY.** Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or some other city officer or employee to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

**DENSITY.** The number of residential dwelling units permitted per gross acre of land as determined by the City of Port St. Lucie Comprehensive Plan and Code of Ordinances.

**DESIGN REVIEW BOARD.** An individual or group of individuals created by the overall project developer charged with the responsibility of implementing development and design criteria established by the overall project developer to promote unified design concepts.

**DETENTION.** The collection and storage of surface water for subsequent gradual discharge.

**DETENTION AREA.** An area designed to temporarily store and provide controlled release of stormwater runoff.

**DEVELOPER.** Any person including a governmental agency, undertaking any development.

**DEVELOPMENT.** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; or the division of land into two or more parcels.

**DEVELOPMENT AGREEMENT.** (See "ENFORCEABLE DEVELOPMENT AGREEMENT")

**DEVELOPMENT ORDER.** Any action granting, denying, or granting with conditions, an application for a development approval or permit, including approval of preliminary or final site plan, preliminary or final subdivision plat, building permit, temporary use permit, temporary construction and development permit, sign permit, well permit, spot survey, electrical permit, plumbing permit, occupational license, boat dock permit, HVAC permit, septic tank permit, right-of-way permit, blasting permit, excavation permit, construction approval for infrastructure

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(including water, sewer, grading and paving), development of regional impact (DRI), zoning ordinance amendment, comprehensive plan amendment, flood variance, tree removal permits, rezoning, special exception, PUD amendment, certification, condition use, variance, or any other official action of Port St. Lucie having the effect of permitting development as defined in 380.04, F.S.

**DEVELOPMENT PERMIT.** Any building permit, zoning permit, preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, rezoning, certification, special exception, variance, environmental permit or any other official action of the City of Port St. Lucie or any other state or local government commission, board, agency, department, division or official having the effect of permitting development of land located with the geographic area subject to the provisions of the Port St. Lucie Land Development Code. Development shall include all activities set forth in Section 380.04, F.S.

**DEVELOPMENT SIGN.** A temporary sign advertising the sale or rental of structures under construction upon land which is under development.

**DIAMETER BREAST HEIGHT (DBH).** The diameter of a tree trunk measured at 4.5 feet above grade. In the case of multi-stemmed trees, the DBH shall be measured at 4.5 feet above grade on each stem and added together to count as one tree.

**DIPOLE ANTENNA.** A wire antenna that is split at its center for connection to a feed line. Its length usually is equivalent to one-half of the wavelength of the frequency for which it has been designed. A typical height for this type of antenna is approximately 35 feet.

**DIRECTIONAL SIGN.** Any sign permanently or temporarily installed on public property by or with approval of the city or any authorized governmental agency. Such directional signs shall be designated to guide or direct vehicles and/or pedestrians to any public building or transportation facility.

**DIRECTORY SIGN.** A sign which lists only the names of individuals or businesses within a building, or contiguous buildings on one (1) premises.

**DOMESTIC ANIMAL.** Dogs, cats, or other animals which are required to obtain a rabies vaccination and are kept primarily for pleasure rather than utility, and that primarily and customarily live within the confines of an owner's home as further defined in Section 92.01 and restricted in number per Section 158.229 Domestic Animal Restrictions.

**DOUBLE-FACED SIGN.** A sign with two faces which are parallel to each other, and back to back. A double-faced sign shall be considered one (1) sign.

**DRAINAGE.** The removal of surface water or groundwater from land by drains, grading or other means.

**DRIPLINE.** An imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.

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**DRI. Development of Regional Impact.** Any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

**DRIVE-THROUGH SERVICE.** A structure in which a customer is permitted or encouraged to, either by design or physical facilities or by service or packaging, to enter into the service area when seated in a motor vehicle.

**DWELLING, SINGLE-FAMILY.** A building containing only one dwelling unit and occupied or intended to be occupied exclusively by one family. The term shall include modular housing and residential design manufactured housing but shall not be construed as including a mobile home, travel trailer, housing mounted on a self-propelled or drawn vehicle, tent, or other form of temporary or portable housing.

**DWELLING, SINGLE-FAMILY (ZERO LOT LINE OR CLUSTER).** A single-family dwelling designed and located as part of an approved planned complex where all dwellings are placed at or near a lot line or are otherwise arranged in clustered groups so as to create compensating open space for the use and enjoyment of residents.

**DWELLING, MULTIPLE-FAMILY.** A building containing two or more dwelling units.

**DWELLING, TOWNHOUSE.** A narrow, single-family dwelling unit which normally occupies the entire width of its lot, having its open yard space to the front and rear, and which is attached on one or both sides to a similar unit or units, all of which are located on individually platted lots as part of a subdivided group development.

**DWELLING UNIT.** A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping facilities and one kitchen.

**EASEMENT.** An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose.

**ENCLOSED ASSEMBLY AREA.** Any enclosed area, building or structure where people assemble for a common purpose, such as social, civic, cultural, recreational and/or religious purposes, whether owned and/or maintained by a for-profit or not-for-profit entity, and includes, but is not limited to, public assembly buildings such as auditoriums, theaters, halls, private clubs and fraternal lodges, assembly halls, exhibition halls, convention centers, and places of worship, or other areas, buildings or structures that are used for religious purposes or assembly by persons. Day care centers will be considered an enclosed assembly area.

**ENFORCEABLE DEVELOPMENT AGREEMENT.** Any agreement entered into by a local government with any person having a legal or equitable interest in real property located within its jurisdiction as provided for by Sections 163.3220 — 163.3243, F.S.

**ENVIRONMENTAL CONSTRAINTS.** Features, natural resources or land characteristics that are sensitive to improvements and may require conservation measures or the application of

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creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**EROSION.** The detachment and movement of soil or rock fragments, or the weaving away of the land surface by water, wind, ice and gravity.

**ESSENTIAL SERVICES.** Public utility facilities either underground or overhead and related to the transmission or distribution systems of water, sanitary or storm sewerage (including treatment plants), telephone cable, gas, electricity, television cable, and public safety, including poles, wires, mains, hydrants, drains, sewer lift stations, pipes, conduits, police or fire call boxes, warning sirens, traffic signals, and other similar equipment necessary for the furnishing of adequate service.

**ESTUARINE BEACH.** The zone of unconsolidated material that extends landward from the mean low water line of an estuary to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Estuarine beaches are sometimes partially vegetated by native saltmarsh vegetation.

**ESTUARY.** A semi-enclosed, naturally existing coastal body of water in which saltwater is naturally diluted by freshwater and which has an open connection with oceanic waters. Estuaries include bays, embayments, lagoons, sounds, and tidal streams.

**EVERGREEN.** Non-deciduous foliage that remains green or living throughout the year.

**FACADE SIGN.** (See "WALL SIGN").

**FACILITY-BASED DAY TREATMENT PROGRAM.** A facility for youth who are placed on probation in a non-residential commitment program and youths participating in post commitment probation services consisting of group counseling, and academic programs.

**FAMILY.** One or more persons related by blood, adoption, or marriage or no more than two unrelated persons occupying the whole of a dwelling unit as a single housekeeping unit.

**FAMILY DAY CARE HOME.** An occupied residence in which child care is regularly provided for children from at least two unrelated families and which received a payment fee or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be licensed or registered as required by the State of Florida. A family day care home shall be allowed to provide care for one of the following groups of children which shall include household children under 13 years of age:

1. A maximum of four children from birth to 12 months of age.
2. A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
3. A maximum of six preschool children if all are older than 12 months of age.

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4. A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

FDEP. Florida Department of Environmental Protection.

FEATHER FLAG. A vertical flag affixed to a single pole.

FENCE. A freestanding structure, designed and intended to serve as a barrier or as a means of enclosing a structure, yard, or other area, or to serve as a boundary feature separating two or more properties.

FINAL APPROVAL. The official action of the City Council taken on a preliminary approved subdivision, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion or approval conditioned upon the posting of such guarantee.

FINAL DEVELOPMENT ORDER. A "final local development order" or a "final Development of Regional Impact (DRI) development order."

FINAL DRI DEVELOPMENT ORDER. A development order, as amended from time to time, adopted by the City Council and approved by the State pursuant to Section 380.06, F.S., notice of which is recorded pursuant to Section 380.06(15) (f), F.S.

FINAL LOCAL DEVELOPMENT ORDER. Any valid, unexpired approval by the city of a final subdivision plan (including construction plans and plat), final site plan (including construction plans) or building permit.

FINAL PLAT. The final map of all or a portion of a subdivision which is presented for approval, showing all building lots, easements, rights-of-way and other information necessary for providing the detailed description of the subdivision of a parcel of land.

FINAL SITE PLAN. (See "PLAN, FINAL SITE").

FINAL SUBDIVISION PLAN. (See "PLAN, FINAL SUBDIVISION").

FINE ARTS STUDIO. A studio for teaching or displaying any form of fine arts or performing arts. Fine arts will include both visual and performing art forms, such as painting, sculpture, installation, dance, and theatre.

FLAG. A piece of fabric with a color or pattern that represents some country, state, county, city, party, organization, or business activity.

FLASHING SIGN. Any sign with a light or lights which flash, blink, operating on and off intermittently, change in intensity, or otherwise create the illusion of flashing or movement.

FLAT SIGN. (See "WALL SIGN").

FLORIDA-FRIENDLY LANDSCAPING OR XERISCAPE. A landscaping method that uses environmentally sustainable practices, maximizes the conservation of water, utilizes native and suitable non-native trees, shrubs and groundcovers that require minimal maintenance when planted and an efficient watering system.



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**FLUCCS.** Florida Land Use, Cover, and Forms Classified system, published by the Florida Department of Transportation, as amended from time to time.

**FOOD PROCESSING FACILITY.** A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed or sold at retail on the premises.

**FOSTER CARE HOME.** A facility certified by the State of Florida, whether operated for profit or not, providing housing and collective care and sustenance for no more than five adults or children on a 24-hour basis who are unrelated by blood, adoption, or marriage.

**FREESTANDING EMERGENCY DEPARTMENT.** A freestanding emergency department (FSED) is a facility that receives individuals for emergency care and is structurally separate and distinct from a hospital. Physicians and other medical staff are primarily engaged in providing medical and emergency care services on an outpatient basis. These establishments accept patients by ambulance in the same manner as a hospital emergency room and, typically, have specialized facilities and specialized equipment including a heliport.

**FREE STANDING SIGN.** A sign, including ground signs, pole signs and monument signs, which is supported by one (1) or more columns, uprights or braces anchored into the ground independent of support from any building.

**FRONTAGE, BUILDING.** The face of a building most nearly parallel with the public right-of-way line.

**FUEL PUMP VALANCE SIGN.** Any permanent sign attached to the top of a fuel pump.

**GAS SERVICE FACILITY.** Any structure used for the retail dispensing or sale of vehicular fuels.

**GEOGRIDS or GEOTEXTILES.** Flat, interlocking shore protection structures which follow the natural slope of the shore.

**GOLF COURSE.** A golf facility capable of being classified as a regulation, executive, or par 3 course, comprised of one or more increments of nine holes, and occupying a minimum of 20 acres per nine-hole increment.

**GOLF COURSE, MINIATURE.** A putt-putt or pitch'n putt golf recreation facility or any like facility not meeting the requirements of a golf course as herein defined.

**GOLF DRIVING RANGE.** A tract of land or water improved with tees for practicing golf.

**GROSS ACREAGE.** Total land area of a parcel including streets, roads, drainage, undevelopable areas, and water bodies.

**GROSS FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

**GROUND AREA.** That portion of a lot covered by buildings.

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**GROUND COVER.** Low growing plants planted in such a manner as to form a continuous cover over the ground.

**GROUND SIGN.** A sign suspended or supported by one or more uprights or braces anchored in the ground.

**GROUND-MOUNTED AMATEUR RADIO ANTENNA SUPPORT STRUCTURE:** An amateur radio antenna support structure that is not affixed to any building or accessory structure.

**GUEST HOUSE.** A dwelling unit in a building separate from and in addition to the main residential building on a lot, intended for intermittent or temporary occupancy by a nonpaying guest. However, those quarters shall not be rented or otherwise used as a separate dwelling.

**HABITAT CORRIDORS.** A naturally-vegetated transportation route for plants and animals that connects larger natural areas.

**HOME OCCUPATION.** An occupation for gain or support conducted entirely within a dwelling unit, as herein defined, by the occupant residing therein, which occupation is clearly subordinate and incidental to the use of the dwelling as a place of residence, and which complies with all provisions of Section 158.217(F).

**HOSPITAL.** A building or group of buildings having facilities for overnight care of one or more human patients, providing services to in-patients and medical care to the sick and injured, and which may include as related facilities laboratories, out-patient services, training facilities, central service facilities, and staff facilities. However, any said related facility or service shall be clearly incidental and subordinate to the principal hospital use and operation.

**HOTEL or MOTEL.** A building or group of buildings, with or without kitchenettes, in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residence rather than transience.

**ILLUMINATED SIGN.** A sign in which a source of light is used in order to make the message readable and shall include internally and externally lighted signs.

**IMPACT.** Significant and quantifiable effect of use of a public facility. The quantity of use calculated or measured relative to user volume in the facility, compared to calculated capacities of the public facility.

**IMPERVIOUS SURFACE.** All surface area of a lot or parcel, including portions occupied by buildings or structures, where surface drainage waters are unable to freely percolate downward through the natural soils.

**IMPROVEMENT.** Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate, such as street pavement, curb and gutter, sidewalk, alley pavement, walkway pavement, water main, sanitary sewer, storm sewer or drain, street name, sign, landscaping, permanent reference monument (PRM), permanent control point (PCP) or any other improvement required by the Site Plan Review Committee.

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**INOPERABLE EQUIPMENT.** Equipment which is in a state of disrepair or not in working condition.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be legally driven upon the public streets for any reason including but not limited to being unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**INSTALL.** To erect, replace, hang, paint, display, apply, or otherwise put in place in any manner whatsoever.

**INSTRUCTIONAL SIGN.** A sign conveying instructions with respect to the premises on which it is maintained, such as, but not limited to, "exit", "entrance", "parking", "carry out", or similar instruction.

**INTENSITY.** The square footage of nonresidential floor area permitted per gross acre of land as determined by the Port St. Lucie Comprehensive Plan and Code of Ordinances.

**JUNKYARD, SALVAGE YARD, or RECYCLING CENTER.** A place, structure, or lot where junk, waste, discarded, salvaged or similar materials such as automobiles, appliances, old metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment, wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials.

**KENNEL.** An establishment where six or more domesticated animals more than six months, old are housed, bred, or trained.

**KITCHENETTE.** A small kitchen or a small recessed section of a room principally used or designed for cooking or preparation of food (i.e., a stove, refrigerator, microwave, etc.) and typically smaller in size than a kitchen found in a single-family residence.

**LAND DEVELOPMENT CODE OR LAND DEVELOPMENT REGULATIONS.** The ordinances enacted by City of Port St. Lucie pursuant to Section 163.3161 et. seq., F.S., for the regulation of the development of land within the incorporated area of the city.

**LAND SURVEYOR.** A professional land surveyor and mapper registered under Chapter 472, F.S. who is in good standing with the Florida State Board of Professional Regulation.

**LAND USE.** The development activity or use that has occurred on the land or the development that is proposed by a developer of land that will generate demands for services offered by public facilities.

**LAND CLEARING PLAN.** A graphic diagram or aerial showing the areas of land disturbance, areas to be cleared and sediment and erosion control measures.

**LANDSCAPE ISLAND.** A curbed area located at the end of a parking bay and designated for landscaping.

**LANDSCAPE STRIP.** A strip of land designated for landscaping.

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Additions to text are indicated by underline; deletions by ~~strikeout~~.

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**LANDSCAPE BUFFER STRIP.** A strip of land designated to provide a visual buffer between abutting properties that consists of landscaping and an architectural wall.

**LANDSCAPING.** Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, or palms; and nonliving durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences, but excluding paving.

**LEVEL OF SERVICE (LOS).** An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based on and related to the operational characteristics of the facility. LOS indicates the capacity per unit of demand of each public facility.

**LICENSING ENTITY OR LICENSING ENTITIES.** The Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, the Agency for Health Care Administration, or any other state agency with state authorization to license a community residential home to serve residents.

**LISTED SPECIES.** Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal plant or wildlife agency, or the Florida Natural Areas Inventory (FNAI), includes species ranked as S1, S2, or S3). These species are targeted for protection for a number of reasons, e.g. they are in imminent danger of extinction, are rapidly declining in number or habitat, or have an inherent vulnerability to habitat modification, environmental alteration, or human disturbance which puts them at risk of extinction.

**LISTED SPECIES, LIKELY TO OCCUR.** Species listed in "Appendix B," Conservation Element, Port St. Lucie Comprehensive Plan.

**LIVING AREA.** The enclosed area of a dwelling unit which may be heated or air-conditioned, and excluding garages, carports, porches, and breezeways. A living area shall be measured from the exterior faces of the exterior walls excluding any exterior attachment.

**LONG-WIRE ANTENNA.** A wire antenna consisting of a single conductor of a random length, which typically is conducted to a transceiver at one end. It most often is parallel to the ground at a typical height of approximately 35 ft.

**LOT.** A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT AREA.** The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

**LOT DEPTH.** The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**LOT FRONTAGE.** The lineal distance of a lot measured along abutting public or private rights-of-way.

**LOT OF RECORD.** Land designated as a separate and distinct parcel on a legally recorded subdivision plat.

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**LOT, NONCONFORMING.** A land parcel, however constituted, which does not meet all minimum zoning requirements.

**LOT WIDTH.** The distance between side lot lines measured on the front building line.

**LOW-THC CANNABIS.** Any plant(s) or part of a plant(s) of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization as specified in Section 381.986(1), F.S., as may be amended from time to time.

**MAINTENANCE GUARANTEE.** Any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time.

**MAJOR ROAD NETWORK SYSTEM.** All city, county and state arterial and collector roads within the total incorporated area depicted in the Traffic Circulation Element of the Comprehensive Plan.

**MAJOR SUBDIVISION.** The division of a lot, tract or parcel of land, whether improved or unimproved, into three (3) or more lots, tracts, parcels or other divisions of land for the purpose, whether immediately or future, of transfer of ownership, development or lease. (Also see SUBDIVISION.)

**MANGROVES.** Any specimen of the species *Avicenna germinans* (black mangrove), *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), and *Conocarpus erectus* (buttonwood mangrove).

**MANUFACTURED HOUSE.** A single-family dwelling which is factory constructed in its entirety in units or components, and then placed or assembled on a building site, and which has been determined to be constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act. Manufactured houses are further described as being of either residential design or standard design.

1. Residential design manufactured housing has the following characteristics:
  - a. Minimum width of main body. Minimum width of the main body of the residential design manufactured housing as located on the site shall not be less than 20 feet, as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the house.
  - b. Minimum roof pitch, minimum roof overhang and roofing materials. Minimum pitch of the main roof shall be not less than one foot to rise for each four feet of horizontal run and the minimum roof overhang shall be one foot. In cases where site built housing generally has been constructed in adjacent or nearby locations with roof pitches less than 1:4 and/or roof overhang of less than one foot, then the residential design manufactured house may have less roof pitch and

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overhang, similar to the site built houses. In general, any roofing material other than built up composition roof, may be used which is generally used for site built houses in adjacent or nearby locations.

- c. Exterior finish and light reflection. Any material may be used for exterior finish which is generally acceptable for site built housing which has been constructed in adjacent or nearby locations, provided, however, that reflection for such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.
  - d. Approved foundations required in residential districts. Where approval of homes or model plans does not include approval of type of foundation, no residential design manufactured house shall be placed or occupied for residential use on a site in a residential district until such foundation plans have been submitted and approved by the Building Official as to the appearance and durability of the proposed foundation and whether it is acceptably similar or compatible in appearance to foundations of residences built on adjacent or nearby sites.
  - e. Site orientation. Residential design manufactured houses shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed in adjacent or nearby locations.
2. Standard design manufactured houses are manufactured houses certified as meeting the HUD Code, but not meeting the residential design standards contained herein.

**MARINA.** An establishment with a waterfront location providing for the refueling and/or in-water storage of watercraft used for recreational and noncommercial purposes, and including minor repair services for such craft not involving removal of watercraft from the water or removal of inboard or outboard engine from the watercraft.

**MASS GRADING PLAN.** A plan showing the areas to be cleared, stockpile areas, locations of lakes, locations of roads, and anticipated haul routes. These plans are associated with clearing land, road grading, and excavation of lakes within approved DRIs or PUDs prior to review or approvals of site development plans.

**MASTER PLAN.** A comprehensive long-range plan intended to guide the growth and development of a community or region. Includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

**MASTER SIGN PROGRAM.** A comprehensive sign program for projects which promote unified design concepts harmonious with the overall project and adjacent properties.

**MEAN HIGH WATER LINE.** Water line which is the average height of the high waters over a 10-year period. For shorter periods of observation, mean high water means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result

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to the equivalent known variations and to reduce the result to the equivalent of mean 19-year value.

**MEDICAL CANNABIS.** All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in Section 499.0295, F.S. as specified in Section 381.986(1), F.S., as may be amended from time to time.

**MEDICAL MARIJUANA.** Medical Cannabis and/or Low-THC Cannabis lawfully prescribed to a qualifying patient pursuant to Florida law and the Department of Health's regulations.

**MEDICAL MARIJUANA CULTIVATION FACILITY.** Any area designated to be used for the cultivation of low-THC cannabis and/or medical cannabis.

**MEDICAL MARIJUANA DISPENSING FACILITY OR DISPENSING FACILITY.** A facility where Low-THC and/or Medical Cannabis is dispensed at retail.

**MEDICAL MARIJUANA DISPENSING ORGANIZATION OR DISPENSING ORGANIZATION.** An organization approved by the Florida Department of Health to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis to qualified patients and legal representatives pursuant to this section as specified in Section 381.986(1), F.S., as may be amended from time to time.

**MEDICAL MARIJUANA PROCESSING FACILITY.** Any area to be used for the processing of low-THC cannabis and/or medical cannabis.

**MEDICAL MARIJUANA TREATMENT CENTER(MMTC).** An entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Florida Department of Health.

**MEDICAL USE.** The acquisition, possession, use, delivery, transfer, or administration of the prescribed amount of low-THC cannabis or medical cannabis not in conflict with Department of Health's applicable rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver's designated qualifying patient for the treatment of a debilitating medical condition as specified in Article X, Section 29 of the Florida Constitution as may be amended from time to time.

**MENU BOARD.** A wall or permanently mounted sign displaying the bill of fare for a drive-through restaurant.

**MENU OR SANDWICH SIGNS.** A-frame sign on sidewalks in front of the business it applies to. A portable sign displaying the type and price of services in connection with the business.

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**MICROBREWERY.** A facility where beer and malt beverages are made on the premises and may include a taproom for sale of beer for on premises consumption or in sealed containers for later consumption off the premises. A microbrewery may also, in conjunction with the sale of beer for consumption on the premises, sell wine for consumption on the premises.

**MINING or EXCAVATION.** The removal of mineral resources or any earth material in excess of one hundred (100) cubic yards from its natural position upon a lot to another site, other than incidental excavation directly related to foundation preparation for an approved building, structure, or surface drainage.

**MINOR SUBDIVISION.** The division of a lot, tract or parcel of land, whether improved or unimproved, into two (2) tracts, parcels or other divisions of land for the purpose, whether immediately or future, of transfer of ownership, development or lease. (Also see "SUBDIVISION").

### MOBILE HOME.

1. A detached unit with all the following characteristics:
  - a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
  - b. Designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed or other trailer;
  - c. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities, and the like; and
  - d. Built prior to the enactment of the Manufactured Home Construction and Safety Standards Act.
2. A recreational vehicle is not to be considered as a mobile home.

**MOBILE HOME PARK.** A lot or parcel developed in accordance with Chapter 158 and maintained under single ownership, where designated sites are offered for rent or lease for the placement and/or occupancy of mobile homes as dwelling units.

**MODULAR HOUSE.** A single-family dwelling which is factory-constructed in its entirety, in units or components, and then placed or assembled on a building site, and which has been approved by the Department of Community Affairs of the State of Florida, or its successor agency.

**MONUMENT SIGN.** A freestanding sign where the base of the sign structure is flush with and anchored into the ground independent of support from any building. The width of the top of the sign structure can be no more than 120 percent of the width of the base.

**MOTOR HOTEL, MOTOR LODGE.** (See "HOTEL OR MOTEL").



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**MULCH.** Nonliving, small, aggregate material such as gravel, rock, pebbles, bark, or pine needles spread over exposed soil.

**MULTIPLE-FACED SIGN.** A sign with more than two (2) faces.

**MULTI-FAMILY RESIDENTIAL/ INSTITUTIONAL AREAS.** Any area zoned multi-family residential or institutional, including areas designated for multifamily/ institutional uses in an approved PUD development plan.

**MULTI-STORY STRUCTURE.** A building or structure or portion thereof with two (2) or more stories measured from the surface of any floor and the surface of the floor directly above it not including basements or underground parking garages.

**MUSIC RECORDING STUDIOS.** A facility for sound recording and mixing.

**NATIVE HABITAT.** The natural abode of a plant or animal that contains the arrangement of food, water, cover and space required to meet the biological needs of a given species which occur indigenously on the land, in the soil, or in the water.

**NATIVE SHORELINE WETLAND VEGETATION.** Indigenous shoreline vegetation typically adapted for life in saturated soil conditions and characterized by wetland species listed in Chapter 17-3, F.A.C., as amended from time to time.

**NATIVE UPLAND HABITAT.** Indigenous vegetation typically adapted for life in non-wetland areas.

**NATIVE WETLAND VEGETATION.** An area that is inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

**NEIGHBORHOOD SIGNAGE.** Signs designating separate and distinct neighborhoods which may be part of a larger subdivision or have distinct characteristics which are unlike those in adjoining areas.

**NOI.** Notice of Intent. Form sent to FDEP notifying FDEP that clearing or construction activities will occur on the project. The NOI is an application to work under the Generic Permit for Stormwater Discharge from Large and Small Construction Activity.

**NONCONFORMING SIGN.** Any sign which does not comply with the regulations of this Sign Code, or subsequent amendments.

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**NONCONFORMING STRUCTURE, USE OF LAND, USE OF LAND AND STRUCTURE, AND THE LIKE.** See Section 158.275 through 158.286.

**NONRESIDENTIAL SUBDIVISION.** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

**NPDES.** National Pollutant Discharge Elimination System. This is a federal permitting program to regulate stormwater discharges.

**NURSING OR CONVALESCENT HOME.** An extended or intermediate care facility which provides continuous personal care or nursing for three or more persons not related by blood or marriage to the operator who by reason of illness, physical or mental infirmity, or advanced age are unable to care for themselves.

**OCCUPANCY.** The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**OFF-PREMISES SIGN.** A sign identifying, advertising or directing the public to a business, merchandise, service institution, residential area, entertainment, or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at a location other than on the property on which the sign is located.

**OFFICE, BUSINESS.** An office for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureaus, finance companies, abstract and title agencies or insurance companies, stockbrokers, and the like (but not including banking institutions). It is characteristic of a **BUSINESS OFFICE** that retail or wholesale good are not shown to or delivered from the premises to a customer.

**OFFICE, PROFESSIONAL.** An office for the use of persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, veterinarians (but not including boarding of animals on the premises), psychiatrists, psychologists, and the like.

**OFF-STREET PARKING.** A site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas.

**ON-PREMISES SIGN.** Any structure, device, display board, screen, surface or wall, characters, letters, or illustrations placed thereto, thereon, or there under by any method or means whatsoever where the matter displayed is used for advertising on the premises, a product or service, actually or actively offered for sale or rent thereon or therein.

**OPEN LOT STORAGE AREA.** An area outside the confines of an enclosed building which is enclosed by an opaque fence or wall and where inoperative vehicles, scrap metal, scrap lumber, building materials, machinery, machinery parts, or other similar items are customarily sold or stored.

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**OPEN/OUTSIDE STORAGE.** Non-transitory containment, holding, leaving, or placement of goods or material for longer than 24 hours outside of a fully-enclosed building. It does not include the interim accumulation of a limited amount during processing, maintenance or repair.

**OPEN SPACE.** Land devoid of any structure or buildings except for minor pavilions, landscape structures or terraces and designed and maintained for recreation or leisure-time enjoyment, buffer areas, drainage or conservation.

**OTHER VEHICULAR USE AREAS.** All land upon which vehicles traverse the property as a function of the primary uses.

**OVERALL PROJECT DEVELOPER.** The individual, company or corporation who obtained preliminary approval of a multi-phased project under a single unity of title or an individual, company or corporation who purchased a multi-phased project in its entirety.

**OVERLAY ZONING DESIGN STANDARDS.** Site design and architectural standards for new development and redevelopment in designated areas contained in the "City of Port St. Lucie Citywide Design Standards Manual" as set forth in section 158.288(A) of the Code.

**PAIN MANAGEMENT CLINIC.** Is defined as specified in Section 458.3265(1)(a), F.S., as may be amended from time to time, and includes a privately owned pain-management clinic, facility, or office, which advertises in any medium for any type of pain management services, or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications; a physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain for more than ninety (90) days after surgery.

The definition shall not include any of the following:

1. A clinic licensed as a facility pursuant to Chapter 395, F.S.;
2. The majority of the physicians who provide services in the clinic primarily provide surgical services;
3. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;
4. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;
5. The clinic does not prescribe or dispense controlled substances for the treatment of pain; or
6. The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. § 510(c)(3).

**PAINTED SIGN.** Any sign painted on any surface, including the roof of any building.

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Additions to text are indicated by underline; deletions by ~~strikeout~~.

## **ORDINANCE 23-XXX**

**PARAPET.** That portion of the facade which extends above the roof.

**PARCEL OF LAND.** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

**PARKING BAY.** A single alignment of 12 or fewer parking spaces that is terminated at each end with a landscape island.

**PARKING LOT.** An off-street, ground level area, usually surfaced and improved, used or intended to be used for the parking of motor vehicles.

**PERFORMANCE GUARANTEE.** Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

**PERMANENT REFERENCE MONUMENT.** A monument according to Section 177.031, F.S.

**PERMANENT SIGN.** Any sign permanently affixed to a structure or the ground which cannot be removed without special handling.

**PERSON.** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a point or common interest, or any other entity, and its designated agents, successors or assigns.

**PERSONAL SERVICE USE.** A use intended primarily to provide direct and personal service to its customers, including such uses as barber shops, beauty shops, tailors, shoe repair shops, laundry pick-up stations, watch repair shops, and the like.

**PERVIOUS SURFACE.** A surface that permits absorption of storm water.

**PESTILENT EXOTIC VEGETATION/SPECIES.** Non-native vegetation that is considered a nuisance, invasive, or a pest. Exotic vegetation includes, but is not limited to, Brazilian pepper (*Schinus terebinthifolios*), Australian Pine (*Casuarina equisetifolia*), and Melaleuca (*Melaleuca quinquenervia*).

**PHARMACY.** Means the same as the definition in Section 465.003(11)(a), F.S., as may be amended from time to time, and includes community pharmacy, internet pharmacy, and special pharmacy, but does not include institutional pharmacy or nuclear pharmacy, as each of those terms are used in that section.

**PLAN, FINAL SUBDIVISION.** Includes the plat to be recorded; final engineering and construction drawings, specifications and calculations; certification of improvements, as-built drawings, or performance guarantee; and other required certifications, bonds, agreements, approvals, and materials for a development phase or the entirety of a parcel of land, meeting the requirements of the Code of Ordinances.

**PLAN, PRELIMINARY SUBDIVISION.** Includes the site plan and preliminary plat; tree location map or aerial photographic overlay; preliminary engineering drawings, specifications and

## **ORDINANCE 23-XXX**

calculations; and other necessary materials for a development phase or the entirety, meeting the requirements of the Code of Ordinances.

**PLAN, SITE AND/OR DEVELOPMENT.** Includes the site plan, statements of use and unified control, preliminary and/or final engineering drawings, specifications and calculations; and other required certifications, as-built drawings, performance guarantees, bonds, agreements, approvals and materials for a development phase or the entirety meeting the requirements of the land development regulations.

**PLANNED RESIDENTIAL COMMUNITY.** A City-approved, planned unit development that is under unified control, is planned and developed as a whole, has a minimum gross lot area of 8 acres, and has amenities that are designed to serve residents with developmental disabilities as defined in Florida Statutes Section 393.063 but that shall also provide housing options to other individuals.

**PLANNING AND ZONING DEPARTMENT.** The city agency duly authorized to review applications and plans for compliance with the land development regulations.

**PLANTING AREA.** Any area designated for landscape planting having a minimum area of ten square feet and having a minimum dimension of 3 feet; except that wherever a tree shall be planted, a minimum area of 25 square feet, with a minimum dimension of at least five feet.

**PLAT.** A map or delineated representation of the subdivision of lands, being complete, exact representation of the subdivision and other information in compliance with the requirement of all applicable statutes and of local ordinances, and may include the terms "replat," "amended plat" or "revised plat."

**PLATTED LOT OF RECORD.** A lot which is part of a subdivision which has been recorded in the office of the Clerk of the Circuit Court of St. Lucie County prior to the effective date of these regulations.

**POLE SIGN.** A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

**POTENTIALLY DEFICIENT ROAD SEGMENT.** A city, county or state road segment on the Major Road Network System that is presently operating at [80-90%] of its adopted Level of Service (LOS)S standard.

**PORTABLE SIGN.** Any sign that is designed to be transported, including but not limited to signs: with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; menu and sandwich signs, searchlight stands; and tethered inflatable signs.

**PREMISES.** A distinct unit, site, parcel of land, or property, with or without buildings, but including the buildings, which is the subject of a development action.

**PRE-APPLICATION CONFERENCE.** An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

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**PRELIMINARY APPROVAL.** The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Site Plan Review Committee and the applicant.

**PRELIMINARY SUBDIVISION PLAT.** A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

**PRINCIPLE.** A broad and basic rule but not measurable. Accompanied by the words "shall" or "will."

**PRINCIPAL USE.** The primary use of any lot or land parcel, with other use or uses thereon being clearly of a secondary or accessory nature.

**PROJECTING BLADE SIGN.** Any blade sign hung or projecting perpendicular to promote a pedestrian environment.

**PROJECTING SIGN.** A sign projecting at an angle from the outside wall or walls of any building which is supported by only one (1) rigid support, irrespective of the number of guy wires used in connection therewith.

**PROTECTED TREE.** Any tree having a DBH of 12 inches or greater or any native palm with a minimum clear trunk of ten (10) feet or greater. The term "protected tree" shall also apply to any replacement tree and any tree that is represented in a landscape plan, street tree planting plan or other planning document for the purposes of securing an approved building permit, clearing permit, or certificate of occupancy. This excludes the following:

1. Non-native fruit trees cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to: mangos, avocados, or species of citrus.
2. Non-native invasive or undesirable plants listed under Section 154.03(L).
3. All non-native trees in the palm family.

**PSLUSD.** Port St. Lucie Utility Systems Department.

**PUBLIC FACILITIES.** Major capital improvements including but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, parks and recreational facilities and services.

**PUBLIC FACILITY OR USE.** Any building or open area publicly owned and operated for the purpose of providing public services.

**PUBLIC SIGN.** A sign placed under the authority of duly authorized government officials, including traffic signs, legal notices, public safety signs, or signs placed by such authorized official for the public health, safety, welfare, or convenience.

**PUBLIC UTILITY FACILITY.** A facility which provides initial generation or major treatment, storage, or distribution with respect to a public utility such as water supply, sewer, gas, telephone, and electricity, but not including wireless communication antennas and towers.

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**PUD - PLANNED UNIT DEVELOPMENT.** A land area under unified control which is planned and programmed in a single development operation or in a series of prescheduled phases according to an officially approved final development plan.

**RATE.** Volume per unit of time

**RECOVERY RESIDENCE.** An alcohol and drug-free residential dwelling, for individuals deemed disabled/handicapped by the Fair Housing Act and/or the Americans With Disabilities Act as a result of alcohol and/or drug addictions, that is in compliance with the standards set forth by the National Association of Recovery Residences and the Florida Association of Recovery Residences as much as is practicable.

**RECLAMATION PLAN.** A plan which describes how reclamation, including the restructuring, reshaping, and vegetation of disturbed lands to a form in which the lands may be beneficially used and includes the process of restoration, will take place.

**RECREATIONAL FACILITY.** A place designed and equipped for the conduct of sports, leisure time, fitness and recreational activities, including sports instruction schools.

**RECREATIONAL VEHICLE PARK.** A lot or parcel designed and developed in accordance with the requirements of this chapter and maintained under single ownership, where designated sites are offered for rent, lease or sale for the temporary placement of recreational vehicles to be utilized for sleeping or eating in conjunction with recreation and/or vacation purposes. RV parks are restricted to temporary occupancy of any individual unit of no more than six months.

**RECREATION VEHICLES.** Any vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or propelled by another vehicle including: camper, travel trailer, truck camper, and motor homes.

**REPLACEMENT TREE.** Shall mean any tree planted or preserved as a condition of approval of a tree removal permit.

**RESIDENT.** A resident of a community residential home is any of the following: a frail elder as defined by Florida Statutes Section 429.65, a person who is handicapped as defined in Florida Statutes Section 760.22(7)(a), a person who has a developmental disability as defined by Florida Statutes Section 393.063, a nondangerous person who has a mental illness as defined in Florida Statutes Section 394.455, or a child who is found to be dependent as defined in Florida Statutes Section 39.01 or 984.03, or a child in need of services as defined by Florida Statutes Section 984.03 or 985.03.

**RESIDENTIAL COMPLEX.** (See "COMMERCIAL/INDUSTRIAL/RESIDENTIAL COMPLEX").

**RESTAURANT.** An establishment where food and beverage are prepared and served for pay primarily for consumption on the premises.

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**RESTAURANT, DRIVE-THROUGH.** An establishment whose is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure.

**RESUBDIVISION.** A change in a map of an approved or recorded subdivision if such change affects any street layout on such map or area reserved thereon for public use, or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. (Also see "SUBDIVISION").

**RETAIL BUSINESS.** An establishment where goods are displayed and offered for purchase directly by the intended consumer or user of those goods.

**REVOLVING SIGN.** ("See ANIMATED SIGN").

**RIGHT-OF-WAY.** A strip of land dedicated, deeded, occupied or intended to be occupied by a street, walkway, boulevard, road, avenue, alley or other means of ingress or egress, railroad, electric transmission line, gas pipeline, water main, sanitary main, storm water main, swale, drainage canal, ditch or other drainage facility or structure, shade trees or for another special use.

**RIP RAP.** A loose assemblage of unconsolidated boulders, rocks, or clean concrete rubble arranged along the natural slope of the shoreline, often over a porous filter cloth, intended to stabilize the shoreline and reduce erosion. Concrete rubble shall be free to exposed reinforcing rods or similar protrusions, tar, asphalt, and paint.

**ROOF-MOUNTED AMATEUR RADIO ANTENNA SUPPORT STRUCTURE.** An amateur radio antenna support structure that is affixed to any building or accessory structure.

**ROOF LINE.** The highest continuous horizontal line of a roof on a sloping roof, the roof line is the principal ridge line or the highest line common to one (1) or more principal slopes of the roof. On a flat roof, the roof line is the highest continuous line of the roof or parapet, whichever is higher.

**ROOF SIGN.** Any sign, installed, constructed or maintained above the deck line or eave of any building.

**ROOT PROTECTION ZONE.** The pervious area beneath a tree centered on the trunk. For preserved trees, this means the area beneath the drip line of the tree. Root protection zones that include existing impervious area(s) not adversely affecting the viability of the tree, may be acceptable.

**ROTATING SIGN.** (See "ANIMATED SIGN").

**RUNOFF.** A term generally used to describe stormwater that is unable to soak into the ground and which flows over land.

**RUNOFF COEFFICIENT.** Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which runoff can be calculated.

**SANDWICH SIGN.** (See "A-FRAME SIGN").



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**SEDIMENTATION OR SILTATION.** The process by which mineral or organic matter is removed from its site or origin, transported and subsequently deposited by air, water or mechanical activities.

**SELF-SERVICE STORAGE FACILITY.** An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for dead storage of their household goods and/or personal property.

**SEMI-PUBLIC FACILITY OR USE.** Any building or open area privately owned and operated for the purpose of providing public services, but not including wireless communication antennas and towers.

**SERVICE AND REPAIR FACILITY.** An establishment whose primary function is to provide service and/or repairs upon personal, household, or small commercial equipment, but excluding automotive or vehicle repair.

**SERVICE STATION.** An establishment utilized principally for the business of fueling and lubricating motor vehicles and for performances of incidental service to motor vehicles such as hand washing, cleaning, polishing, tire changing and repair, battery recharging and replacement, minor repairs and tune-ups, and including the sale of tires, batteries, incidental parts, and accessories. Service permissible in a service station shall not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, operation of a commercial parking lot or a commercial garage as an accessory use, or other characteristics to an extent greater than normally found in such stations; any establishment performing those services shall be deemed to be an auto repair shop or garage.

**SERVICE VOLUME (ROADS).** (See "CAPACITY (ROADS)").

**SETBACK LINE, BUILDING.** An imaginary line running parallel to a front, side, or rear property line and establishing the rear edge of a yard or open area in which no building, structure, or use may be placed or established, unless otherwise permitted herein. For irregular shaped lots, the Zoning Administrator may interpret from where the setback line is to be measured.

**SFWMD.** South Florida Water Management District.

**SHORELINE.** The immediate interface of land and water; the mean high tide line in non-vegetated areas, and the landward extent of wetland species of vegetation as listed in Chapter 17-4, FAC. where such "Marine Species" constitute the dominant plant community.

**SHORE PROTECTION STRUCTURES.** Shore hardening structures, such as seawalls, bulkheads, revetments, groins, and aggregates of materials other than natural sediments, used to prevent erosion and protect other structures from waves and other hydrodynamic forces.

**SHRUBS.** Any low, self-supporting, multi-stemmed evergreen.

**SIGHT DISTANCE TRIANGLE.** An area adjacent to an intersection or driveway that must be clear of visual obstructions, such as landscaping, to allow drivers to see intersecting traffic. See Section 158.204 of the Zoning Code for visibility at intersections in Zoning Districts.

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Additions to text are indicated by underline; deletions by ~~strikeout~~.

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**SIGN.** Any writing (including letter, word, or numerical), pictorial presentation (including illustration or decoration), emblem (including device, symbol, or logo), flag (including banner or pennant), or any other figure of similar character, that; (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; (2) is used to announce, direct attention to, or advertise; and (3) is visible from outside a building. A sign includes writing, representation, or other figures of similar character, within a building not attached to a window and can be viewed through a glassed wall of a building.

**SIGN HEIGHT.** The vertical distance to the highest point of a sign. Freestanding signs shall be measured from the crown of the nearest abutting street.

**SINGLE-FAMILY RESIDENTIAL AREA.** Any portion of the city divided into lots intended to contain a single dwelling unit designed for occupancy by one family.

**SITE PLAN REVIEW COMMITTEE.** A committee established by Chapter 158 of the city's Code of Ordinances. The Committee reviews, comments and makes recommendations with respect to development applications.

**SNIPE SIGN.** Any off premises sign of any size, made of any material, including but not limited to paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

**SOLAR ENERGY SYSTEM.** Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in the heating or cooling of a structure or building, the heating or pumping of water, or the generation of electricity. A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of the roof of a building or structure and serving as a window or wall. A solar energy system may be mounted on the building or on the ground and is not the principal use of the property.

**SOLAR GENERATION STATION.** An energy generation facility comprised of one or more freestanding, ground mounted devices that capture solar energy and convert it to electrical energy for use in locations other than where it is generated. Solar generation stations typically utilize photovoltaic solar cells, but can also be combinations of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar plant, solar generation plant, solar farm, solar power plant, or solar thermal power plant.

**SPECIAL EXCEPTION USE.** Any use so designated within Section 158.260, which use shall be subject to review and approval in accordance with the requirements of this chapter for the particular lot or parcel involved

**SPECIMEN TREE.** A tree which is of high value because of its type, size, age or other relevant criteria.

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**SPONSORING AGENCY.** An agency or unit of government, a profit or not for profit agency, or any other person or organization which intends to establish or operate a community residential home.

**SPREAD.** Means the crown diameter measured by taking the average of the widest branch spread and the branch spread perpendicular to it.

**STORMWATER.** The flow of water which results from, and that occurs immediately following, a rainfall.

**STORMWATER MANAGEMENT SYSTEM.** The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through, and/or from a site.

**STREET.** A public or approved private thoroughfare which affords the principal means of access to abutting property. Street includes a lane, way, place, drive, boulevard, road, avenue, alley or other means of ingress or egress, regardless of the descriptive term used.

**STREET, APPROVED PRIVATE.** A private thoroughfare which affords the principal means of access to abutting property and which has been specifically approved for said access by official action of the City Council, but the maintenance and upkeep of which remains the responsibility of the owner or owners of record.

**STREET, ARTERIAL.** Any street or thoroughfare so designated by official action of the City Council or designated as such within the Comprehensive Plan. Arterial streets and highways are intended to serve moderate to large traffic volumes traveling relatively long distances. Requirements for speed and level of service are usually quite high. Access to arterials should be well-controlled and, in general, limited to collector streets or highways.

**STREET, COLLECTOR.** Any street or thoroughfare so designated by official action of the City Council or designated as such within the Comprehensive Plan. Collectors are intended to serve as the connecting link for local streets and highways and to provide intra-neighborhood transportation. The traffic characteristics generally consist of relatively short trip lengths and moderate speeds and volumes. Access to collectors should be restricted to local streets and highways and major traffic generators.

**STREET, LOCAL.** Any street not designated as a collector or arterial street. The primary function of a local street or highway is to serve the adjacent property by providing the initial access to the highway network. These facilities are characterized by short trip lengths, low speeds and small traffic volumes. The design of the network should be directed towards eliminating through traffic from these facilities.

**STRUCTURAL ALTERATION.** Any change, alteration, or addition to a building or structure which involves bearing walls or supporting members.

**STRUCTURE.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

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**SUBDIVISION.** The division of a lot, tract or parcel of land, whether improved or unimproved, into two (2) or more lots, tracts, parcels or other divisions of land for the purpose, whether immediately or future, of transfer of ownership, development or lease, or, if the establishment of a new street is involved, any division of such lot, tract or parcel. The term includes a resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**SUBSTANTIAL CONSTRUCTION WORK.** The commencement and continuous prosecution of construction of required improvements toward completion.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

**SURFACE WATER.** Water above the surface of the ground whether or not flowing through definite channels.

**SWINGING SIGN.** Any sign that swings freely from or on supports regardless of the guy wires used in connection therewith.

**SWPPP.** Stormwater Pollution Prevention Plan. Plan showing the BMPs to reduce storm water runoff from cleared areas or construction sites. Can also be referred to as an Erosion Control Plan.

**TELECOMMUNICATION SWITCHING FACILITIES.** Telecommunication switching facilities will have the following characteristics: Consist of less than four hundred twenty-five (425) square feet of total floor space; not be occupied; have only two (2) parking spaces; and be used for telecommunication switching equipment only.

**TEMPORARY INSTALLATIONS.** Those installations of amateur radio antennas and amateur radio support structures that remain in place for a period less than ninety (90) consecutive days and whose manufacturer's specifications do not recommend or require concrete footings

**TEMPORARY SIGN.** Any sign that is not a permanent sign and is intended to be used for less than 12 months.

**TEMPORARY USE.** A use, other than an accessory use, that does not involve the construction or alteration of any permanent structure and that is established for a fixed period of time with the intent to discontinue such use upon the expiration of the established time period.

**TIME AND TEMPERATURE SIGN.** A display containing illuminated numerals flashing alternately to show the time and/or temperature.

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**TOWNHOUSE.** A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

**TREE.** Any self-supporting, woody plant having at least one well-defined stem that will gain a minimum height of 20 feet when mature.

**TREE PROTECTION BARRIER.** A suitable structure as installed as close as possible to the perimeter of the tree protection area prior to construction, land clearing, or demolition.

**TRAILER SIGN.** Any sign installed on a frame or structure with wheels other than a motor vehicle. Also see "Portable Sign".

**UNDER CANOPY SIGN.** Any sign hung under a canopy perpendicular to the building to promote a pedestrian environment.

**UPLAND.** All land areas not defined as wetlands per Section 157.08.

**USACE.** United States Army Corps of Engineers.

**USE.** The purpose for which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by this chapter.

**USE OF LAND OR WATER.** Includes use of land, water surface, and land under water to the extent covered by zoning districts, and over which the city has jurisdiction.

**UTILITIES.** Any publicly or privately operated utility, such as but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, telephone and television cable systems.

**VSHAPED SIGN.** Any sign which has two (2) faces which are not parallel.

**VARIABLE MESSAGE BOARD.** Portable electronic devices which may be used for providing information to motorists about construction schedules, alternate routes, expected delays, detours, and any other public message for the health, safety or welfare of the traveling public and residents. Use limited to government agencies.

**VARIANCE.** A relaxation of the terms of this zoning code where a variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the petitioner or applicant, a literal enforcement of the requirements of this chapter would result in unnecessary and undue hardship on the land.

**VEHICLE SIGN.** A sign affixed to or painted on a transportation vehicle or trailer for the purpose of identification or advertisement. Vehicle signs shall not include political signs, bumper stickers, or signs required by law, ordinance, or regulations.

**VERTICAL ANTENNA.** A vertically polarized conductor of radio waves that is perpendicular to the ground and that has an omni-directional pattern.

**VETERINARY HOSPITAL OR CLINIC.** Any structure or premises used primarily and essentially for the medical and surgical care of ill, disabled, or injured animals.

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**VINES.** Any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets or tendrils, or which may simply sprawl over the ground.

**WALL SIGN (FACADE SIGN).** Any sign fastened to, painted on, or incorporated into the structure or architecture of the outside facade of a building. Such signs, located on the exterior of a building are considered wall signs and are calculated as part of the total façade signage permitted.

**WATER REFUSE PLAN.** A plan which describes how water used in the mining process will be conserved through a reuse program.

**WETLANDS.** Hydrologically sensitive areas which are identified as being inundated or saturated by surface or ground water with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**WHOLESALE TRADE.** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for such individuals or companies.

**WILDLIFE CORRIDORS.** Areas of open space, preferably well vegetated, which connect conservation areas and allow wildlife traffic between different vegetative communities.

**WINDOW SIGN.** Any sign which is attached or painted, either permanently or temporarily, on the interior or exterior of a window, glass door, glass wall, or which is placed within 12 inches of the window, glass door, or glass wall.

**WIRELESS COMMUNICATION ANTENNAS.** An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission.

### WIRELESS COMMUNICATION TOWERS.

1. A structure or ground-mounted tower which:
  - a. Is greater than 35 feet in height, as measured from the base of the structure as provided in Section 158.213(M)(2);
  - b. Does not exceed 300 feet in height (including antenna); and
  - c. Is principally intended to support communication (transmission or receiving) equipment for radio, TV, microwave, cellular, and similar communication purposes.
2. The term COMMUNICATION TOWER shall not include amateur radio operators' equipment licensed by the Federal Communications Commission (FCC). Communication towers are generally described as either monopole (free-standing), guyed (anchored with guy wires), or self-supporting (square, triangular, or pyramidal in plan view and constructed of steel lattice, tubular steel, reinforced concrete, or wood.).

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**YAGI ANTENNA.** Often referred to as a beam antenna, the yagi is directional and typically results in a gain in signal strength. It is very similar in appearance to a traditional outdoor television antenna in that its elements or radiators are parallel to the ground.

### **YARD.**

1. A required open space which is unobstructed from the ground upward except as otherwise allowed in this chapter, and except for fences, poles, posts, permitted signs, children's play equipment, other customary yard accessories, driveways, ornaments, statuary, and furniture which will not violate height limitations and requirements limiting obstruction of visibility.
2. The depth of any yard shall be measured at right angles to the appropriate lot line so that the yard established is a strip the minimum depth required by district regulations.

**YARD, FRONT.** A yard extending between side lot lines across the front of a lot adjoining a street; except that on lots fronting on more than one street, the front yard will be determined by the Zoning Administrator based on the location of any abutting arterial or collector streets, the prevailing patterns and the lot depth requirements of the zone.

**YARD, REAR.** A yard extending across the rear of the lot between side yards. The rear yard shall be at the opposite end of the lot from the front yard, unless otherwise specified by the Zoning Administrator.

**YARD, SIDE.** A yard extending from the interior (rear) line of the front yard to the rear lot line along any side lot line.

**YARD, SPECIAL.** A yard so placed or oriented that neither the term side yard nor the term rear yard clearly applies. In those cases, the Zoning Administrator shall require a yard with minimum dimensions as generally required for a side yard or rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

**YEARLY INFORMATION REPORT (YIR) AND DATA BASE.** An annual report prepared by the Director of Planning and Zoning which determines the existing condition of public facilities, determines and summarizes the available capacity of the public facilities based on their Level of Service (LOS), and forecasts the capacity of existing and planned public facilities identified in the Five-Year Capital Improvement Schedule.

**ZONING ADMINISTRATOR.** (See Section 158.350 of the Zoning Code).

**ZONING DISTRICT.** Any of the designated districts established within Section 158.020, for which delineation may be shown on the zoning map and for which specific regulations and requirements are included herein.

**ZONING REGULATIONS.** City of Port St. Lucie Code, as may be amended, which controls and regulates zoning for the incorporated portion of the city.

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Additions to text are indicated by underline; deletions by ~~strikeout~~.

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ZONING MAP. The official map described within Section 158.022(A), upon which the delineation of the several zoning districts are shown for locations within the city.

### CHAPTER 158. – ZONING CODE

#### 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.
- (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.



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- (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.
- (13) Medical Marijuana Dispensing Facilities as set forth in Chapter 120.
- (14) Pharmacy.

**(15) Cat cafés in accordance with Section 158.235.**

(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.
- (6) Bars, lounges, and night clubs.
- (7) Schools (public, private or parochial) or technical or vocational schools.
- (8) Automobile, truck, boat and/or farm equipment sales. No storage or display of vehicles shall be permitted outside an enclosed building unless an area for such use is designated on the approved site plan and does not reduce the required number of parking spaces for the building.
- (9) Automobile fuel sales.
- (10) Repair and maintenance of vehicles. No storage of vehicles shall be permitted outside of an enclosed building unless an area designated for such use is on the approved site plan and does not reduce the required number of parking spaces for the building.
- (11) Retail convenience stores with or without fuel service station.
- (12) Hospitals, free standing emergency department, nursing, or convalescent homes.
- (13) Any use set forth in Subsection B: "Permitted Principal Uses and Structures" that include drive-through service.
- (14) Pain management clinic as set forth in Section 158.231.

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- (D) Accessory Uses. As set forth in 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 and drive-through restaurants: 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 future land use category 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 required when it abuts a residential future land use category, 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. 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.

## ORDINANCE 23-XXX

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.
  - 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.

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- n. Repair and maintenance of vehicles and equipment. No storage of vehicles shall be permitted outside of an enclosed building unless an area designated for such use is on the approved site plan and does not reduce the required number of parking spaces for the building. (Doors, including garage doors, may be open during operating hours.
  - o. Medical Marijuana Dispensing Organizations.
- (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.
  - (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).

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(10) Solar generation station subject to the requirements of 158.230.

(11) Secondary metals recycler in accordance with Chapter 117.

(12) Cat cafes in accordance with Section 158.235.

- (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.
  - (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 future land use category 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 future land use, ten (10) feet from any other land use.
  - (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.

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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.

### ARTICLE XI. – SUPPLEMENTARY USE REGULATIONS

#### Sec. 158.235. – Cat Cafes.

(A) In General. To protect the welfare and well-being of the surrounding properties and the resident cats, the use will be subject to the following supplementary use regulations.

(B) Supplementary Use Regulations.

1. 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.
2. Limited to cats (felines) only.
3. Maximum capacity of twenty (20) cats at any one time.
4. The parking requirement shall be one space for each two hundred (200) square feet of gross floor area as set forth in Section 158.221(A)(C)(15) of the Zoning Code.
5. The facility must meet all applicable state and/or local health inspection standards.
6. The cats shall always be kept separate from food preparation areas.
7. The two locations (cat roaming rooms and dining rooms) must be completely separated by a floor-to ceiling wall or walls.
8. Refuse from the animal shelter is not permitted to pass through the food preparation areas.
9. The boarding of cats shall take place entirely indoors.
10. The proponent must provide written evidence of partnership with a 501 (c)(3) animal rescue organization including but not limited to the Humane Society or the SPCA that will be providing the adoptable cats to the Cat Café as part of the application materials. In addition, all cats housed at the cat café must be current on all required vaccinations, spayed/neutered, receive monthly flea treatment and be micro-chipped prior to arrival.
11. Cats shall enter and exit the cafe in a carrier.
12. A sign indicating a 24-hour emergency phone number and contact person shall be kept current and posted on the site in a place clearly visible from the exterior.

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

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

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

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

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_ day of \_\_\_\_\_, 2023.

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