

ORDINANCE 23-53

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES TITLE XV, CHAPTER 158, ENTITLED “ZONING CODE” SETTING THE MINIMUM NUMBER ACCESS POINTS FOR RESIDENTIAL DEVELOPMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council directed staff to bring forward minimum vehicular access standards for residential developments during the City Council 2023 Winter Workshop; and

WHEREAS, the Public Works Department presented recommendations via a special presentation during the June 26, 2023 Regular City Council meeting; and

WHEREAS, the City Council directed the Public Works Department to work with all necessary City departments and the St. Lucie County Fire District to prepare code revisions for formal adoption.

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. Amending Section 158.172 of the Code of Ordinances. Section 158.172 of the Code of Ordinances is hereby amended to read as follows:

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

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

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

(1) The minimum number of residential development access points shall be determined per the National Fire Protection Association 1141 Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and

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Suburban Areas, 2017 Edition (NFPA 1141); or as determined by a traffic study or the Fire Marshall, whichever is more stringent.

- a) The secondary access point shall be located on a different public roadway than the primary access and on different sides of the development where feasible. When the public roadway is not yet constructed to the secondary access point, installation of the secondary access point shall include construction of the public roadway up to the secondary access point at a minimum; and which shall be constructed in conformance with the City's Engineering Standards for Land Development.
 - b) When an access point is provided as an emergency use only, per the NFPA 1141, the access point must utilize a stabilized, pervious surface approved by the City Engineer and Fire Marshall.
- (C) **Relation to Utilities, Public Facilities, and Services.** PUD districts shall be required to obtain developers agreements regarding provision of utilities, to meet the requirements of the Comprehensive Plan regarding levels of service (LOS) for public facilities and to meet the requirements of Chapter 160, Concurrency Management System.
- (D) **Physical Character of the Site.** The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, from probability of flooding, erosion, or other dangers, annoyances, or inconveniences. Condition of soil, ground water level, drainage, and topography shall be appropriate to both kind and pattern of use intended.
- (E) **Consistency with the City Comprehensive Plan.** To be eligible for consideration, a PUD rezoning proposal must be found to be consistent with all applicable elements of the City's adopted Comprehensive Plan with respect to both its proposed internal design and its relationship to adjacent areas and the City as a whole.

Section 3. Amending Section 158.187 of the Code of Ordinances. Section 158.187 of the Code of Ordinances is hereby amended to read as follows:

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

- (A) **Area Requirement.** The City shall allow the establishment of a MPUD zoning district for land within the New Community Development (NCD) Future Land Use designation and under a specific NCD sub-district to be consistent with those minimum size requirements established for each sub-district; except the establishment of a MPUD for the Residential sub-district shall require a minimum area of fifty (50) acres. Boundaries of the area shall be identified and established.
- (B) **Relation to Major Transportation Facilities.** MPUD districts shall be so located with respect to arterial or major streets, highways, collector streets, or other transportation facilities as to provide suitable access to those districts.

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(1) The minimum number of residential development access points shall be determined per the National Fire Protection Association 1141 Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas, 2017 Edition (NFPA 1141); or as determined by a traffic study or the Fire Marshall, whichever is more stringent.

- a) The secondary access point shall be located on a different public roadway than the primary access and on different sides of the development where feasible. When the public roadway is not yet constructed to the secondary access point, installation of the secondary access point shall include construction of the public roadway up to the secondary access point at a minimum; and which shall be constructed in conformance with the City's Engineering Standards for Land Development.
- b) When an access point is provided as an emergency use only, per the NFPA 1141, the access point must utilize a stabilized, pervious surface approved by the City Engineer and Fire Marshall.

- (C) **Relation to Utilities, Public Facilities, and Services.** MPUD districts shall be required to obtain developers agreements regarding provision of utilities, public facilities and services as applicable.
- (D) **Development of Regional Impact (DRI).** The proposed MPUD district shall be located within an approved DRI and be consistent with all applicable conditions of the approved DRI development order.
- (E) **Consistency with the City Comprehensive Plan.** To be eligible for consideration, a MPUD rezoning proposal must be found to be consistent with all applicable elements of the City's adopted Comprehensive Plan with respect to both its proposed internal design and its relationship to adjacent areas and the City as a whole.

Section 4. Amending Section 158.222 of the Code of Ordinances. Section 158.222 of the Code of Ordinances is hereby amended to read as follows:

(A) **General Requirements.**

(1) All new development or redevelopment will be provided with the appropriate access and traffic facilities to serve the transportation needs of the development in a safe and efficient manner while simultaneously preserving the flow of traffic on the surrounding public road system. The minimum number of residential development access points shall be determined per the National Fire Protection Association 1141 Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas, 2017 Edition (NFPA 1141); or as determined by a traffic study or the Fire Marshall, whichever is more stringent.

- a) The secondary access point shall be located on a different public roadway than the primary access and on different sides of the development where feasible. When the public roadway is not yet constructed to the secondary access point, installation of the secondary access point shall include construction of the public roadway up to the secondary access point at a minimum; and which shall be constructed in conformance with the City's Engineering Standards for Land Development.

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- b) When an access point is provided as an emergency use only, per the NFPA 1141, the access point must utilize a stabilized, pervious surface approved by the City Engineer and Fire Marshall.
- (2) It is intended that access be restricted on arterial and collector streets in order to limit traffic conflicts and to preserve the capacity of these roads.
- (3) All new development shall be required to dedicate to the public, or a private maintenance entity, the necessary rights-of-way for all new streets and roads within the development. Additional rights-of-way shall be dedicated on existing roads to bring that road to the necessary right-of-way indicated in the functional classification system contained in the transportation element of the Comprehensive Plan. All new development shall be required to construct or contribute towards off-site road improvements necessary to serve the development, unless otherwise addressed by the City Council. Necessary road improvements may include road construction, road widening, left and right turn lanes, traffic signals, regulatory signs and pavement markings. A traffic study may be required by the Zoning Administrator in order to properly identify the traffic impacts of the new development and measures needed to mitigate the impact of the new development.
- (4) Every building, structure, or use hereafter erected, moved, or established shall be on a lot adjacent to a public street by means of an approved private street, and all buildings, structures, and uses shall be so located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking and loading. No building, structure, or use shall be erected on, moved onto, or established upon a lot which does not abut on at least one (1) public street or approved private street for a distance of at least twenty (20) feet.
- (5) No lot which is residentially zoned shall be used for driveway, walkway, or access purposes to any lot which is zoned nonresidential or used for any purpose not permitted within the applicable residential zoning district except for ingress and egress to and from an existing use which does not abut a street.
- (6) All new development shall be required to provide a traffic analysis appropriate to the magnitude of the new development including impacts to affected roadway facilities and construct or contribute towards off-site road improvements necessary to serve the development, unless otherwise addressed by the City Council. Necessary road improvements may include, but are not limited to, road construction, road widening, left and right turn lanes, traffic signals, regulatory signs and pavement markings.
- (7) Internal circulation systems, interconnected parking lots, and/or frontage roads shall be utilized wherever possible.
- (8) Temporary driveway permits may be issued as an interim measure until interconnected parking lots or frontage roads can be feasibly developed.
- (B) **Design Requirements.** General design standards for the drive width, allowable number of driveways, and driveway spacing are provided below. Traffic generators with volumes of one thousand (1,000) plus trips per day, shall have driveways designed as a street intersection. Refer to the City's Engineering Standards for Land Development for additional information on requirements for pavement design, driveway profile, driveway radius, throat lengths, medians, median openings, and turn lanes.

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

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

District and Driveway Type	Driveway Width	
	Minimum (feet)	Maximum (feet)
Residential		
Single-family, detached	10	32
Single-family, detached (circular, main portion to garage)	10	32
Single-family, detached (circular, secondary portion)	10	20
Multi-family	20	24
Multi-family (one way)	12	16
Commercial		
One way	12	16
Two way	24	36
Industrial		
One way	12	24
Two way	24	40

(3) **Number of Driveways.** Driveways shall be limited to the minimum necessary to provide access to the land uses. The following standards for the number of driveways are a guideline for the City to utilize in the review of specific development projects. Standards in excess of the guideline are preferable and may be required for driveways located within the functional area of an intersection or areas where access restrictions are necessary to reduce conflicts, preserve the safety of the traveling public, or to preserve the function of the adjacent roadway. These guidelines may not always apply to conversion areas. Approval from the owner of the roadway is required for driveway connections to roads that are not owned by the City. Access restrictions shall be more severe for projects located on arterial or collector roads, especially for areas of strip commercial development.

Allowable Number of Driveways			
District	Number of Driveways, Type, and Frequency		
	Arterial Road	Collector Road	Local Road
Residential			
Single-family (Lots < 18,500 square feet)	1 two-way per lot or 1 circular per lot	1 two-way per lot or 1 circular per lot	4 2 two-way per lot or 1 circular per lot
Single-family (Lots > 18,500 square feet)	2 two-way per lot or 1 circular per lot	2 two-way per lot or 1 circular per lot	2 two-way per lot or 1 circular per lot

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Multi-family <u>(minimum access standards must follow section 158.222(A)(1))</u>	1 two-way or 2 one-way per each 500 feet of road frontage	1 two-way or 2 one-way per each 350 feet of road frontage	1 two-way per each 100 feet of road frontage
Commercial	1 two-way or 2 one-way per each 500 feet of road frontage	1 two-way or 2 one-way per each 350 feet of road frontage	1 two-way or 2 one-way per each 100 feet of road frontage
Industrial	1 two-way or 2 one-way per each 500 feet of road frontage	1 two-way or 2 one-way per each 250 feet of road frontage	1 two-way or 2 one-way per each 100 feet of road frontage

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

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

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

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

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- (C) **Exceptions.** The Site Plan Review Committee may exempt utilities, cellular towers, billboards, and other similar uses from the aforementioned requirements for access standards provided sufficient access to the facility is provided and the facility is not accessible for the benefit of the general public.
- (D) **Drive-Throughs.** No drive-through windows located between the right-of-way of a primary collector/arterial roadway and a building are permitted. If there is no viable location, the entire drive-through lane must be completely screened from adjacent view using a continuous planting of vegetation at a height of six (6) feet at time of planting. Vegetation shall be maintained at a height of at least six (6) feet.
- (E) **Sidewalks and Bikepaths. Minimum design and construction standards**
- (1) New development located along existing streets. New development located along an existing street right-of-way that is 60 feet in width or greater shall provide a sidewalk that is at least 5 feet in width, typically along the property line and within the street right-of-way. However, in such case where the Engineering Department determines that a sidewalk located within a right-of-way is not appropriate or will be in conflict with other public works, the Engineering Department may require that the sidewalk be located on the subject property to be developed, typically along the property line. Location and design shall be subject to review by the Site Plan Review Committee. In areas where the City plans to install and finance the construction of a sidewalk, the developer shall not be required to install the sidewalk. However, the developer shall be required to pay the current bid price for the installation of the proposed sidewalk for the length of the subject property unless previous agreement or ordinance indicates otherwise. In areas where a design plan for sidewalks and/or bikepaths has been adopted or established, the design plan shall take precedence as to the location, size, and other features of the sidewalk and/or bikepath. Sidewalks shall not encroach into landscape strips.
- (2) Existing development located along existing streets. Existing development located along an existing street right-of-way that is 60 feet in width or greater seeking major revisions of a site plan pursuant to Section 158.237(D) of the Zoning Code, shall provide a sidewalk that is at least 5 feet in width, typically along the property line and within the street right-of-way. However, in such case where the Engineering Department determines that a sidewalk located within a right-of-way is not appropriate or will be in conflict with other public works, the Engineering Department may require that the sidewalk be located on the subject property to be developed, typically along the property line. Location and design shall be subject to review by the Site Plan Review Committee. In areas where the City plans to install and finance the construction of a sidewalk, the developer shall be required to pay the current bid price for the installation of the proposed sidewalk for the length of the subject property unless previous agreement or ordinance indicates otherwise. In areas where a design plan for sidewalks and/or bikepaths has been adopted or established, the design plan shall take precedence as to the location, size, and other features of the sidewalk and/or bikepath. Sidewalks shall not encroach into landscape strips. Existing development seeking minor revisions of a site plan pursuant to Section 158.237(C) shall not be subject to the sidewalk requirement.

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- (F) **Public and Private Streets or Driveways.** A sidewalk that is at least 5 feet in width shall be located along the side or sides of the following proposed street rights-of-way or main access routes:
- (1) A public or private street right-of-way located adjacent to a non-residential use. A sidewalk shall be located along the side of the street located adjacent to the non-residential use.
 - (2) A public or private street right-of-way or driveway that serves as a main access route to a residential development having 400 units or more. Sidewalks shall be located on both sides.
 - (3) All collector or arterial roads. Sidewalks shall be located on both sides.
- (G) Whenever possible, a sidewalk shall be located along the edge of the street right-of-way, leaving a green space located between the street pavement and the sidewalk. See Subdivision Regulations, Chapter 156, for additional requirements concerning sidewalks for subdivisions. Where there is conflict, the more stringent code requirement shall take precedence.
- (H) All sidewalks shall comply with the Americans with Disabilities Act, the Florida Accessibility Code for Construction and the Engineering Department's Standards Book.
- (I) In order to avoid installing a sidewalk that will lead nowhere nor have a functional purpose, where developed properties located along both sides of the subject property do not have sidewalks and it is unlikely that in the near future that sidewalks will be installed, the installation of a sidewalk shall not be required.

Section 5. Conflict. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 6. 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 7. 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 8. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

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PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
Richard Berrios, Interim City Attorney