

## ORDINANCE 22-

**AN ORDINANCE AMENDING ORDINANCE NO. 21-118 TO CORRECT A SCRIVENER’S ERROR IN TITLE XV “LAND USAGE”, ARTICLE XV “LAND USAGE” CHAPTER 158 “ZONING CODE”, SECTION 158.155 “LIMITED MIXED USE ZONING DISTRICT (LMD) 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**, on December 6, 2021, the City Council previously passed and adopted Ordinance No. 21-118, a City initiated code amendment (P21-073), amending section 158.155 to provide consistency with the Comprehensive Plan, thereby, deleting the permitted and special exception uses listed in the Institutional (I) Zoning District from the Limited Mixed Use Zoning District (LMD) and revising the use classification “institutional” to read “enclosed assembly areas” under Section 158.155(A); and

**WHEREAS**, the City has learned that a scrivener’s error has been made in the language of code section 158.155(D) in Ordinance No. 21-118; and

**WHEREAS**, the City wishes to correct the scrivener’s error contained in Ordinance No. 21-118 by adding the omitted sections 158.122(D)(4) and 158.122(D)(5), which were inadvertently deleted. Correction of said scrivener’s error will not alter the purpose and intent of Ordinance No. 21-118 adopted by the City Council.

**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

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having held a public hearing thereon, has considered this proposed amendment to the Code of Ordinances (P21-073) 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 section 158.155 will foster and preserve the public health, safety and welfare; improve and protect the environment and value and character of the community; and implement the adopted comprehensive plan.

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

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

**Section 2. Amendment. Section 158.155 of the Code of Ordinances of the City of Port St. Lucie is amended as follows:**

### CHAPTER 158. – ZONING CODE

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

- (A) **Purpose.** It is the intent and purpose of the Limited Mixed Use Zoning District (LMD) to allow, upon specific application, the conversion of single-family residential lots of record to multi-family, enclosed assembly areas, professional/business office or limited retail uses in a planned manner consistent with the Comprehensive Plan. This district sets specific requirements for land assembly, off-street parking, drainage setbacks, access and buffering to insure a planned development which provides for the efficient and economical use of land, appropriate or harmonious variety in physical development, a high compatibility with adjacent existing and future development and which provides for safe and efficient access to major transportation facilities.
- (B) **Limited Mixed Use District Defined.** For the purpose of this chapter, a limited mixed use district (LMD) is defined as land planned under unified control and developed in a coordinated manner in one or more development phases according to an approved conceptual plan, and with programs for full maintenance and operations for facilities and improvements such as parking and driveways, drainage, buffers and landscaping.
- (C) **Permitted Principal Uses and Structures.** The following principal uses and structures are permitted:
- (1) Any permitted use listed in the professional zoning district (P).

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

### (D) Special Exception Use.

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

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

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

- (1) As set forth in the Comprehensive Plan, and pursuant to conceptual plan approval. In no case shall the minimum lot be less than twenty thousand (20,000) square feet.

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- (2) The maximum gross project density shall be eleven (11) units per acre.
  - (3) Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the "City of Port St. Lucie Land Use Conversion Manual".
- (G) **Maximum Building Coverage.** Forty percent (40%), provided that the maximum impervious surface area does not exceed eighty percent (80%).
- (H) **Maximum Building Height.** Thirty-five (35) feet except for the ROI (Residential, Office, Institutional) conversion area as defined in the "City of Port St. Lucie Land Use Conversion Manual," lying on Port St. Lucie Boulevard, between Airoso Boulevard and US #1, where the maximum building height shall be one (1) story.
- (I) **Minimum Building Size and Minimum Living Area.**
- (1) Commercial and office buildings shall have a minimum total gross floor area of one thousand two hundred (1,200) square feet.
  - (2) Multiple-family dwelling: One (1) bedroom, seven hundred (700) square feet; efficiency or studio apartment, six hundred (600) square feet.
  - (3) Single-family dwelling: Minimum size house of one thousand four hundred (1,400) square feet.
  - (4) Townhouse dwelling: Eight hundred (800) square feet.
- (J) **Setback Requirements and Landscaping.**
- (1) **Front Setback.** Each lot shall have a front yard with building setback line of twenty-five (25) feet.
  - (2) **Side Setback.** Each lot shall have two side yards, each having a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be required when the yard adjoins a public road right-of-way.
  - (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of ten feet. A setback line of twenty-five (25) feet is required when the yard adjoins a residential land use or a public road right-of-way. A fifty-foot rear yard building setback line shall be required for two-story buildings adjacent to single family residential lots.

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- (4) **Landscaping Requirements.** Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier. The Site Plan Review Committee, Planning and Zoning Board and/or the City Council may require additional buffering or specify plant material.
- (K) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.
- (L) **Special Standards for District Establishment and Internal Design.** In reaching recommendations and decisions as to rezoning land to LMD, the Planning and Zoning Board shall apply the performance standards for the appropriate conversion area contained in the "City of Port St. Lucie Land Use Conversion Manual."

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

- (1) Requirements as set forth in section 158.260;
  - (2) Access, requiring execution of agreements for joint access and/or cross access easements with adjacent property owners;
  - (3) Hours of operation;
  - (4) Compatible uses, excluding certain incompatible uses; and
  - (5) Site development details, including but not limited to the following; building elevations and locations, lighting, dumpster locations, etc.
- (M) **Procedures for Rezoning Land to Limited Mixed Use Zoning District (LMD).**
- (1) Application materials to be submitted in addition to those in the Conversion Area Manual:
    - a. Conceptual plan drawn to scale containing: the title of the project and the names of the professional project planner and the developer; scale, date, north arrow and general location map; boundaries of the property involved, all existing streets, buildings, water courses, easements, section lines and other existing important physical features in and adjoining the project; locations of the different uses proposed, including off-street parking and off-street loading locations, lighting, dumpster locations; conceptual plan showing access and traffic flow and how vehicular traffic

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will be separated from pedestrian and other types of traffic; tabulations of total gross acreage in the development and the percentages thereof proposed to be devoted to the several dwelling types, other proposed uses, streets and other reservations; tabulations demonstrating the project densities and the proposed number and types of dwelling units; tabulations demonstrating the intensity in square feet of non-residential uses by type. This conceptual plan shall become a part of the application and shall form the basis for the approval of the rezoning.

- b. Preliminary building elevations drawn to scale depicting the overall design concept including a description of style and materials to be used.
  - c. Landscape plan pursuant to Chapter 154.
- (2) **Review by Site Plan Review Committee, Planning and Zoning Board and City Council.** The Planning and Zoning Board and the City Council shall proceed in general as for other applications for rezoning and site plan approval.
- (N) **Final Plan Required.** A final plan shall be submitted within two (2) years of conceptual plan approval. Final plans shall proceed as for an application for site plan approval subject to the provisions of sections 158.235 through 158.245. For phased applications, final plans shall be submitted within one year of the date of commencement of that phase. The City Council may grant one-year extensions of final plan deadlines upon due cause being shown.
- (O) **Compliance With Conditions.** As set forth in section 158.262.
- (P) **Changes to Conceptual Plan.** Any change to the conceptual plan and/or changes to proposed uses, is subject to the newspaper notice and public hearing requirements as set forth for rezonings in this chapter and shall be submitted to the Site Plan Review Committee and the Planning and Zoning Board for review and recommendation, and the recommendations of the committee and board shall be entered into the official record of the application and shall be considered by the City Council prior to the taking of official action upon application.

**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.

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**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 \_\_\_\_\_, 2022.

CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY: \_\_\_\_\_

Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James D. Stokes, City Attorney