



Greenberg, Jared
Chapter 158 Zoning Code
City of Port St. Lucie Text Amendment
P22-334

SUMMARY

Applicant's Request:	An update to Chapter 158 Zoning Code – Section 158.073
Applicant:	Jared Greenberg owner of property located at 715 SW Abode Avenue
Applicant Type:	Zoning Text Amendment to the City's Land Development Regulations
Project Planner:	Daniel Robinson, Planner III/Code Compliance Liaison

Project Description

This is a resident-initiated text amendment to Chapter 158 Zoning Code. Specifically, Section 158.073 Single-Family Residential Zoning District (RS-2) to include a new subsection named Empty lots uses. The subsection will provide permitted accessory uses as primary uses on single-family lots that do not have a principal structure. The request is intended to allow the applicant to continue the non-compliant use of his undeveloped RS-2 property within the City of Port St. Lucie.

Background and Analysis:

History – On February 14, 2018, Code Compliance reported open storage on a vacant single-family lot located at 715 SW Abode Avenue. The owner Mr. Greenberg was notified on February 15, 2018, of the violations and spoke with Code Compliance officer on February 20, 2018, to go over the City Ordinances and why he was in violation. See History Exhibit "A"

Mr. Greenberg submitted a variance application to the City of Port St. Lucie on August 17, 2018, requesting to use this empty lot for accessory uses such as storage without a primary structure. After review of the application the Planning Director notified Mr. Greenberg that the Zoning Code explicitly precludes the Planning and Zoning Board, or Zoning Administrator from granting requests for a variance to the permitted uses within a zoning district. The application was withdrawn, and the fee was returned. See History Exhibit "B"

On October 17, 2022, Mr Greenberg was notified of several violations on the property by the City's Code Compliance Department. Failure to comply with the requirements of the notice by the date of October 27, 2022, ensued a citation being issued by the Code Compliance Department on November 3, 2022. The Citation was specifically for the open storage on the property. See History Exhibit "C".

Mr. Greenberg submitted a zoning text amendment application on November 23, 2022.

Proposed Text Amendment – Mr Greenberg has proposed an amendment to Section 158.073 of the City of Port St. Lucie Code of Ordinances to amend the section to allow accessory uses for lots, without principal structures, as principal uses. The section proposed to be added is below:

(K) Empty lots uses:

1. *To park multiple utility trailers(s) greater than 20 ft in length.*
2. *To park multiple enclosed trailer(s) and greater than 20 ft in length.*
3. *To park multiple boat trailer(s), empty and with boats on them.*
4. *To park multiple wave runner trailer(s), empty and with wave runners on them.*
5. *Be allowed to have “open storage”.*
6. *A shed/workshop, up to 1000 SQFT.*
7. *Allowed to fence along the property boundaries.*
8. *To park multiple Recreational vehicle(s).*

Analysis – Port St. Lucie Land Development Regulations does not permit accessory uses without a primary use per Article V - Residential District of Chapter 158 – Zoning Code.

- Section 158.217 Accessory Uses states “Accessory structures and uses are permitted in any zoning district in connection with any principal lawfully existing permitted use within that district....”.
- Sec. 158.216. - Fences and Privacy Walls (J) Fences on vacant residential lots, states fences shall only be permitted on a vacant residential lot/s when the vacant lot/s are adjacent to a lot that has an existing primary use.
- Section 70.01 – Parking Prohibitions (h) Parking of a vehicle shall be prohibited on any portion of an improved residential building site considered to be the front yard of that building site, except in the area specifically designed and constructed for such use. Construction may consist of a generally accepted impervious, semi-impervious, or other material clearly defining the parking area. However, parking shall be absolutely prohibited in the wide side of the front yard. The wide side of the front yard is identified as that portion of the front yard found to be forward of the outside front corners of the residential structure and that side of the driveway which yields the larger area for lawn and/or landscaping.
- Section 70.01 – Parking Prohibitions (i) No person shall stand or park a motor vehicle upon any federal, state, or local public right-of-way within the city or on any unimproved property for the principal purpose of: (1) Displaying a vehicle for sale, (2) Displaying any advertising, except by special use permit, (3) Selling merchandise from a vehicle, except in a duly established marketplace or when so authorized by special use permit from the city, or (4) Abandonment for more than 24 hours.
- Section 72.03 - Parking of commercial vehicles in residential zones restricts any individual to park or cause to be parked any commercial vehicle, bus, or heavy equipment in any residential zone or on any streets abutting lots so zoned. The exception to this requirement is if the vehicle is completely enclosed in a garage or similar type structure containing four walls and a roof.

The zoning code does not permit such use of property with the intent of discouraging blight and unattractive use of properties in the City.

Open storage or outside storage as a main or primary use of a lot is a use that is typically found in an industrial district where the accumulation of vehicles, and assorted items are more common and in keeping with the overall uses in the district. Permitting vacant RS-2 residential lots to be used for outside storage only would have a net negative impact on residential neighborhoods and the overall character of the City.

Changing the zoning code to the detriment of the City to legalize a code compliance violation is not in the best interests of the public health, safety and welfare and is not good planning. As such, Staff does not support this proposed zoning text amendment.

STAFF RECOMMENDATION

The Planning and Zoning Department finds the proposed text amendment not to be consistent with the intent and direction of the City's comprehensive plan. Staff is not in support of the text amendment proposed and recommends denial.