



City of Port St. Lucie

Planning and Zoning Department Memorandum

TO: PLANNING AND ZONING BOARD - MEETING OF SEPTEMBER 1, 2020

FROM: PATRICIA A. TOBIN, AICP, LONG RANGE PLANNING ADMINISTRATOR

RE: CITY OF PORT ST. LUCIE – ARTICLE XII. SITE PLAN REVIEW
REQUIREMENTS, PROCEDURES
ZONING CODE TEXT AMENDMENT
PROJECT #19-137

DATE: AUGUST 19, 2020

BACKGROUND:

This proposed amendment to Section 158.237 of the Zoning Code is a staff-initiated text amendment. The purpose and intent of this amendment are to provide an accelerated and streamlined approval process for minor and major site plans. This proposal was reviewed by the City Council at their summer retreat on July 24, 2020. The City Council directed staff to proceed with the amendment as presented in this memorandum.

- Minor site plans are defined as those plans that involve less than fifty (50) dwelling units or less than ten thousand (10,000) square feet of gross floor area for nonresidential developments.
- Major site plans are defined as plans involving fifty (50) or more dwelling units or ten thousand (10,000) square feet or more of nonresidential development.

Minor Site Plan Process

The code currently requires minor site plans to go to the Site Plan Review Committee (SPRC) for a recommendation and then to the City Council for final approval. The inclusion of City Council action adds approximately three (3) weeks to the approval process.

Major Site Plan Review Process

The approval process for major site plans includes a recommendation from the SPRC, a recommendation from the Planning and Zoning Board, and final approval by the City Council. This process with the inclusion of the Planning and Zoning Board and the City Council adds approximately seven (7) weeks to the approval process.

Site Plan Review Process for Property within a Master Planned Unit Development

Projects within a future land use designation of New Community Development (NCD) district and approved Master Planned Unit Development (MPUD) zoning district (generally all properties in

the southwest area – Tradition, Southern Grove, Riverland, Wilson Groves, and Western Grove) are permitted by Section 158.237(E) to follow the approval process outlined for minor site plans. This streamlined process for these areas is governed by Policy 1.2.6.5 of the Comprehensive Plan's Future Land Use Element. This policy requires developments in an NCD (New Community Development) district with an approved MPUD (Master Planned Unit Development) to be reviewed in accordance with the review of minor site plans. The amendments that established the NCD district were established in 2002 to accommodate the developments of regional impact (DRIs) in the southwest area of the City.

As a part of the Evaluation and Appraisal Review (EAR), staff is recommending the deletion of Policy 1.2.6.5 of the Future Land Use Element. Should the City Council agree to the changes to the major and minor site plan review processes, this policy should be deleted from the Comprehensive Plan so that projects with an approved MPUD are processed consistently with all other projects within the City. Deleting this policy does not adversely affect the approval process even if the Council does not recommend moving forward with the changes suggested by staff since this policy is currently codified in Section 158.237(E).

Who comprises the Site Plan Review Committee (SPRC)?

The SPRC consists of the assistant planning and zoning director (chair), Public Works, Building and Utility Systems representatives, as well as a member of the Planning and Zoning Board. And representatives from the Police Department, Fire District, and School District are non-voting members. The SPRC is considered a technical committee that reviews each plan submitted against the regulations of that department or agency.

Effects of Modifications to the Site Plan Review Processes

The proposed modification will accelerate and streamline the development review process for all projects, including economic development projects. This modified approval process will shorten the approval time, depending on the size of the project by three (3) weeks to seven (7) weeks. This accelerated process does not modify, or otherwise alter existing regulations. All projects will be required to meet all of the appropriate code sections, i.e., setbacks, parking, architectural design, ADA, storm drainage, etc. The modifications to the Site Plan Review process would also have no impact on the approval process for comprehensive plan amendments, rezonings, special exception uses, or variances.

Comparative Analysis

Staff performed a comparative analysis in order to determine what processes and procedures other cities in our population range currently use for the approval of site plans. St. Lucie County and cities similarly sized to Port St. Lucie currently apply the following criteria to distinguish which development projects receive approval via the SPRC or a Development/Design Review Committee (DRC) and those that go to the Board of County Commissioners, in the case of St. Lucie County or other elected bodies, i.e., City Council or City Commission, in the case of the other communities. See the table below:

Jurisdictions	Thresholds	
	Staff Committee	Elected body or board approval
St. Lucie County	Projects < 50,000 SF and < 50 DUs	Projects > 50,000 SF and >50 DUs
Tallahassee	All projects that meet code regardless of size	
Orlando	Projects < 65,000 SF, < 100 DUs, less than 4 stories or 5 acres or less	Several DRCs, depending on the area
Fort Lauderdale	DRC or equivalent approves all projects	
Tampa	DRC or equivalent approves all projects	
West Palm Beach	DRC or equivalent approves all projects	
Hialeah	Departments review individually, no DRC/SPRC	
Miami	DRC or equivalent approves all projects (Projects over 200,000 SF go to Urban Development Review Board [appointed] – makes recommendation to the Director of P&Z)	

Legend: < = less than
 > = greater than
 SF = square feet
 DUs = dwelling units
 DRC = development/design review committee

PROPOSED AMENDMENT:

See attached Exhibit A.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds this zoning text amendment to be consistent with the intent and direction of the City’s Comprehensive Plan and recommends approval of the proposed amendment based on the analysis and findings, as noted in the staff report.

PLANNING AND ZONING BOARD ACTION OPTIONS: *

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

*Should the Board need further clarification or information from either the staff, it may exercise the right to table or continue the hearing or review to a future meeting.

EXHIBIT A

ARTICLE XII. - SITE PLAN REVIEW REQUIREMENTS, PROCEDURES

Sec. 158.235. - Purpose.

It is the intent and purpose of the site plan review process to ensure the proper construction of on-site and off-site improvements consistent with the rules and regulations of the City and good design principles; to ensure that the proper and necessary on-site and off-site public improvements are available to serve the development, including potable water, wastewater treatment, roads and streets, recreation facilities, drainage, and the like; to ensure the health, safety, and welfare of the general public; and to ensure that all development is constructed in a manner as to protect and maintain a sound manmade and natural environment.

Sec. 158.236. - Site Plan Review Committee Established; Procedures.

- (A) A Site Plan Review Committee shall be established by the City Council to review all land use proposals requiring specific site plan approval by this chapter. The voting members of the committee shall consist of the Zoning Administrator or designee, the City Engineer or designee, the Building Official or designee, a member of the Planning and Zoning Board, and the Director of Utilities Systems Department or designee.. The Zoning Administrator or designee shall be the chairperson. Nonvoting members shall consist of representatives of the police department, the St. Lucie County Fire District, and St. Lucie County School District.
- (B) The following general rules of procedure shall govern the Site Plan Review Committee:
- (1) The committee shall hold a regular meeting at least once in each calendar month, and at any other times as the chairperson may determine, provided that no regular meeting shall be required where the committee has no site plan proposals to review.
 - (2) All official actions of the committee shall require an affirmative vote thereon by no less than three (3) members.
 - (3) A record of all official actions taken by the committee, together with the applicable site plan documents, shall be maintained within the office of the Zoning Administrator.

Sec. 158.237. - Site Plan Approval Process.

The site plan approval process consists of two (2) steps. The first step consists of site plan approval and the second step consists of approval of detail plans as set forth in section 158.239. Pursuant to the procedures set forth below, the Site Plan Review Committee meets to review all site plans and either makes recommendations to the ~~Planning and Zoning Board~~ or City Council or approves the site plans. For any project which is tabled by the Site Plan Review Committee ~~or Planning and Zoning Board~~, which requires further changes or additional information, or requires a unity of title to rezone the site prior to development, the applicant shall complete these changes within a three month period or the application is considered inactive and abandoned. A new application and fee will then be required in order to reactivate the request.

- (A) For site plans involving less than fifty (50) dwelling units, or less than ten thousand (10,000) square feet of gross floor area for nonresidential developments, the following procedure is set forth for site plan review.
- (1) Three (3) weeks prior to the next scheduled Site Plan Review Committee meeting, all materials required in section 158.238 shall be submitted to the Zoning Administrator.
 - (2) The Zoning Administrator reviews the site plan with the Site Plan Review Committee.
 - (3) The Site Plan Review Committee either ~~recommends approval, approval with conditions or denial of the site plan,~~ approves, approves with conditions or denies the site plan, pursuant to subsection 158.236(B).
 - (4) ~~The City Council then reviews the comments and recommendations of the site plan review committee and may take the following actions:~~
 - a. ~~Approve the site plan with or without conditions or design modifications;~~
 - b. ~~Deny the site plan;~~
 - c. ~~Refer the site plan to the Planning and Zoning Board for further consideration as provided by subsections (B)(4) and (5) of this section; or~~
 - d. ~~Refer the site plan to the Site Plan Review Committee for additional consideration.~~
 - (5) ~~The City Council may require the submittal of additional information prior to further consideration by the Planning and Zoning Board or by the Site Plan Review Committee. If no action is taken by the City Council as provided herein, the action of the Site Plan Review Committee shall be final.~~
- (B) For all site plans involving fifty (50) or more dwelling units, or ten thousand (10,000) square feet or more gross floor area for nonresidential developments, the following procedures are set forth for site plan review:
- (1) Three (3) weeks prior to the next scheduled Site Plan Review Committee meeting, all materials in section 158.238 shall be submitted to the Zoning Administrator.
 - (2) The Zoning Administrator reviews the site plan with the Site Plan Review Committee.
 - (3) The Zoning Administrator transmits the recommendations and comments of members of the Site Plan Review Committee to the applicant ~~and to the Planning and Zoning Board.~~
 - (4) ~~The Planning and Zoning Board reviews the plan and committee comments at a scheduled public meeting and recommends approval, approval with conditions or disapproval of the plan.~~
 - a. ~~If the recommendation is for approval, the site plan is submitted to the City Council with a recommendation for approval.~~
 - b. ~~If the recommendation is for approval with conditions, the conditions must be met to the satisfaction of the Zoning Administrator who then submits the plan for approval of the City Council with all comments and conditions of the Planning and Zoning Board.~~
 - c. ~~If the recommendation is for denial, the developer may submit a new site plan to the Zoning Administrator or may proceed to the City Council with a recommendation for denial.~~

(4) The City Council then reviews the comments and recommendations of the ~~Planning and Zoning Board~~ Site Plan Review Committee at a scheduled public meeting, and either approves, approves with conditions, or disapproves the site plan.

(C) Minor revisions of site plans may be reviewed and considered for approval administratively by the Zoning Administrator. Minor revisions of site plans are revisions that do not result in any of the following:

- (1) An increase of five (5) or more dwelling units.
- (2) A change in the mix of dwelling units of over five (5%) percent.
- (3) An increase in impervious surface area by more than five (5%) percent.
- (4) An increase in nonresidential gross floor area by more than five (5%) percent.
- (5) A decrease in the amount of land area devoted to recreational space or reduction in the amount and size of recreational facilities.
- (6) A significant change in architectural style.
- (7) An adverse environmental impact.
- (8) Any change which violates a condition of site plan approval required by the Site Plan Review Committee or City Council.
- (9) Changes which exceed the standards established in subsections (3) and (4) above, provided the proposed revision does not exceed five hundred (500) square feet.

Each approved site plan may receive more than one administrative approval, provided the cumulative changes do not exceed the standards established in subsections (C)(1) through (9) above.

(D) Major revisions of site plans shall follow the procedures set forth in subsections (A) or (B) of this section, whichever is applicable. Major revisions of site plans are revisions that result in any of the following:

- (1) An increase of five (5) or more dwelling units.
- (2) A change in the mix of dwelling units of over five (5%) percent.
- (3) An increase in impervious surface area by more than five (5%) percent
- (4) An increase in nonresidential floor area by more than five (5%) percent.
- (5) A decrease in the amount of land area devoted to recreational space or reduction in the amount and size of recreational facilities.
- (6) A significant change in architectural style.
- (7) An adverse environmental impact.
- (8) Any change which violates a condition of site plan approval required by the Site Plan Review Committee or City Council.
- (9) Changes which exceed the standards in numbers (3) and (4) above, and which exceed five hundred (500) square feet.

(E) The following development shall be exempt from the site plan approval process specified in subsections 158.237(A), (B) and () of this chapter:

- (1) The construction of one single-family residential dwelling, including accessory structures, on a vacant, lawfully established lot.

- (2) Public works projects constructed within public rights-of-way.
 - (3) Public stormwater management projects.
 - (4) Development of capital improvement projects, excluding public access buildings, listed in the adopted City of Port St. Lucie Capital Improvements Plan.
- (F) The following development shall be exempt from the site plan revision process specified in subsections 158.237(C) and (D) of this chapter provided that all applicable setbacks are met and the changes are incorporated into a future major or minor revision of the site plan if applicable:
- (1) Development activity on existing, previously approved developments for the sole purpose of complying with Chapter 553, Part II, Accessibility by Handicapped Persons of the Florida Statutes.
 - (2) Changes of use within a lawfully established building, provided there is adequate parking per section 158.221.
 - (3) Construction associated with the installation of emergency electric power generators or solar facilities on previously approved developments.
 - (4) The construction of uninhabitable accessory less than 300 square feet in size (i.e., dumpster enclosures, sheds, awnings, etc.) on previously approved developments.
 - (5) The construction of fences that do not enclose vehicular parking, restrict vehicular access, enclose storage yards, or impact drainage on previously approved developments.