ORDINANCE 11-69

COUNCIL ITEM 10D
DATE 8/22/11

AN ORDINANCE AMENDING THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES, AMENDING CHAPTER 156.94(F) SUBDIVISION AND LOT ACCESS; AND CHAPTER 158.222(C) ACCESS STANDARDS OF THE CITY OF PORT ST. LUCIE LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. All remaining provisions of Chapters 156 and 158 shall remain in full force and effect. Underlined text is new language. The amendment to the code shall read as follows:

§ 156.094 SUBDIVISION AND LOT ACCESS

(A) Minimum number of access points shall be provided to adequately serve the subdivision.

(B) In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic flow on public streets, classified major collector and above, the number and location of driveways shall be regulated by the dedication of access rights to the city.

(C) Street stubs to adjoining undeveloped areas shall be provided for proper traffic circulation. Street stubs in excess of 250 feet shall be provided with a temporary cul-de-sac turnaround.

(D) Tapers, deceleration lanes, left-turn lanes, bypass lanes, median modifications or other designed features may be required to protect the safe and efficient operation of the access street.

(E) Every lot or parcel shall be served from a publicly dedicated street; however, a developer may retain as private a local street if the following conditions are met:

(1) Public right-of-way is not required in order to serve adjacent development that is existing or proposed;

(2) A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semi-public utilities; and

(3) A reciprocal easement for ingress and egress is granted all residents of the development.

(F) All lots shall front on a paved road. A development shall abut, or have as its primary access, a street paved to city standards. This street shall be paved by the developer from the entrance of the development to the nearest public paved road, except as provided for in Chapter 158.222(C).

§ 158.222 ACCESS STANDARDS

(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.

(2) It is intended that access be restricted on arterial and collector streets in order to protect the capacity of these streets.

(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 public street or approved private street for a distance of at least 20 feet.

(5) No lot which is residentially zoned shall be used for driveway, walkway, or access purposes to any lot which is non-residentially zoned 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.

(B) Design Requirements. The following requirements are set forth for driveway construction, location, and spacing:

(1) Driveway construction. All driveways shall be paved with concrete, asphalt, or comparable hard surfacing and shall be constructed to city standards. Major traffic generators, i.e., volumes of 1,000 + trips per day, shall have driveways or entrances designed as a normal street intersection. The minimum and maximum driveway sizes shall be as follows unless otherwise approved by the Site Plan Review Committee or City Council pursuant to §§ 158.235 through 158.245:

Districts	***Minimum (Feet)***	***Maximum (Feet)***
Residential		
Single-family, detached	10	24
Single-family, detached (circular, main portion to garage)	10*	24*
Single-family, detached (circular, secondary portion)	10	16
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

*Each drive

(2) Limitations on driveways. Driveways shall be limited to the minimum necessary to provide access to the land uses. Access restrictions shall be more severe for projects located on arterial or collector roads, especially for areas of strip commercial development. Internal circulation systems, interconnected parking lots, or frontage roads shall be utilized wherever possible. Temporary driveway permits may be issued as an interim measure until interconnected parking lots or frontage roads can be feasibly developed. The following standards for the number of driveways and driveway spacing shall be adopted as guidelines for the city to utilize in the review of specific development projects. These guidelines may not always apply to conversion areas. FDOT approval is required for all state roads. Standards in excess of the guidelines are preferable; however, it may be infeasible or cause an undue hardship in certain cases to hold strictly to the guidelines.

Allowable Driveways

Districts	***Arterial***	***Collector***	***Local***
Single-family:	1 two-way per lot 1 circular per lot	1 two-way per lot 1 circular per lot	1 two-way per lot 1 circular per lot
Multi-family:	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	1 two-way or	1 two-way or

	2 one-way per each 500 feet of road frontage	2 one-way per each 350 feet of road frontage	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

(3) Driveway construction. 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.

(a) Driveway spacing from intersections.

Districts	U.S. #1 (Feet)	Arterial (Feet)	Collector (Feet)	Local (Feet)
Residential:				
Single-family	Prohibited	50	50	25
Multi-family	350-500	250	250	50
Commercial:	350-500	250	250	50
Industrial:	350-500	250	200	50

(b) Spacing between driveways.

Districts	U.S. #1 (Feet)	Arterial (Feet)	Collector (Feet)	Local (Feet)
Residential:				
Single-family	Prohibited	20	20	20
Multi-family	350-500	150	100	50
Commercial:	350-500	250	200	50
Industrial:	350-500	n/a	150	50

(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.

Section 2. This ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____ 2011.

CITY COUNCIL
CITY OF PORT ST. LUCIE, FLORIDA

BY:_____
JoAnn M. Faiella, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY:_____
Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: ***REGULAR*** __X__ ***SPECIAL*** ____

DATE: **August 22, 2011 and September 12, 2011**

ORDINANCE __X__ ***RESOLUTION*** ____ ***MOTION*** ___ ***PUBLIC HEARING*** __X__

ITEM: **P11-053 CITY OF PORT ST. LUCIE**
CHAPTERS 156.94(F) AND 158.222(C)
ZONING TEXT AMENDMENT

RECOMMENDED ACTION: The Planning and Zoning Board reviewed the request on August 2, 2011 and unanimously recommended approval.

EXHIBITS:

A. **Ordinance**
B. **Staff Report**
C. **Support Materials**

SUMMARY EXPLANATION/BACKGROUND INFORMATION: The City of Port St. Lucie is proposing to amend Chapter 156.94(F) Subdivision and Lot Access and Chapter 158.222(C) Access Standards of the City of Port St. Lucie Land Development Regulations to allow the City of Port St. Lucie Site Plan Review Committee to determine access standards for facilities not accessible for the benefit of the general public.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING DATE: August 9, 2011

City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: **CITY COUNCIL – MEETING OF AUGUST 22, 2011**

FROM: **KATHERINE H. HUNTRESS, PLANNER**

RE: **ZONING TEXT AMENDMENT**
CITY OF PORT ST. LUCIE CHAPTERS 156.94(F) AND 158.222(C) ZTA
PROJECT NO. P11-053

DATE: **AUGUST 4, 2011**

The City of Port St. Lucie is proposing to amend Chapter 156.94(F) Subdivision and Lot Access of the City of Port St. Lucie Land Development Regulations to add the following to the end of the paragraph:

> Except as provided for in Chapter 158.222(C).

The City of Port St. Lucie is also proposing to amend Chapter 158.222(C) Access Standards of the City of Port St. Lucie Land Development Regulations to add the following section:

- 158.222(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.

The purpose of this is to allow the City of Port St. Lucie Site Plan Review Committee to determine access standards for facilities not accessible for the benefit of the general public. The Legal, Engineering, and Planning and Zoning Departments have prepared this amendment to address access standards for unique uses that are not open to the public. Concerns about the City's subject regulations were raised during recent litigation.

All remaining provisions of Chapters 156 and 158 shall remain in full force and effect. Underlined text is new language. The amendment to the code is proposed as follows:

§ 156.094 SUBDIVISION AND LOT ACCESS

(A) Minimum number of access points shall be provided to adequately serve the subdivision.

(B) In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic flow on public streets, classified major collector and above, the number and location of driveways shall be regulated by the dedication of access rights to the city.

(C) Street stubs to adjoining undeveloped areas shall be provided for proper traffic circulation. Street stubs in excess of 250 feet shall be provided with a temporary cul-de-sac turnaround.

(D) Tapers, deceleration lanes, left-turn lanes, bypass lanes, median modifications or other designed features may be required to protect the safe and efficient operation of the access street.

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(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 public street or approved private street for a distance of at least 20 feet.

(5) No lot which is residentially zoned shall be used for driveway, walkway, or access purposes to any lot which is non-residentially zoned, 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.

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(3) Driveway construction. 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.

(a) Driveway spacing from intersections.

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(b) Spacing between driveways.

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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.

Staff evaluation: Due to the fact that certain facilities such as utilities, cellular towers, billboards, and other similar uses are not accessible for the benefit of the general public but are accessed on a limited basis for maintenance purposes, the access standards can be less stringent than would be required for use by the general public, and therefore can be determined by the Site Plan Review Committee.

STAFF RECOMMENDATION

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's policies of the Comprehensive Plan and recommends approval. The Planning and Zoning Board unanimously recommended approval of the zoning test amendment at their meeting on August 2, 2011.