ORDINANCE 12-09

COUNCIL ITEM 10b
DATE 2/27/12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA: AMENDING CHAPTER 158.122 (C) - PROFESSIONAL ZONING DISTRICT, OF THE ZONING CODE; PROVIDING FOR AN EFFECTIVE DATE EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Chapter 158.122 (C), Professional Zoning District, of the Zoning Code is hereby amended as shown in Exhibit "A", attached hereto and by reference incorporated herein, with additions to text indicated by underline and deletions by ~~strikeout~~.

Section 2: All remaining provisions of Chapter 158: Zoning Code shall remain in full force and effect.

Section 3. 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 27th day of February, 2012.

CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY:_____
JoAnn M. Faiella, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

_____
Roger G. Orr, City Attorney

Ordinance 12-09

Exhibit A

§ 158.122 PROFESSIONAL ZONING DISTRICT (P)

(A) Purpose. The purpose of the Professional Zoning District (P) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of professional office facilities; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district. This district includes those uses formerly designated Professional Commercial.

(B) Permitted Principal Uses and Structures. The following principal uses and structures are permitted:

(1) Office for administrative, business, or professional use, barber or beauty shop, but not including the sale or storage of merchandise except where clearly incidental to and an accessory component of the rendering of professional services;

(2) Studio for professional work of any form of fine arts or performing arts, but not including the sale or storage of merchandise except where clearly incidental to, and an accessory component of, the rendering of professional services;

(3) Apartment-type living quarters for the owner or manager of a business, and his immediate family, when such use is incidental to and designed as an integral part of the principal structure. However, only one such residence may be approved for each business and required land area.

(C) Special Exception Uses. The following uses may be permitted only following the review and specific approval thereof by the City Council:

(1) Any building exceeding (35) thirty-five feet in height;

(2) Model home centers.

<u>(3) Enclosed assembly area</u>

~~(3)~~ <u>(4)</u> Any use set forth in Subsection B" "Permitted Uses and Structures" that includes drive-thru service.

(D) Accessory Uses. As set forth within § 158.217.

(E) Minimum Lot Requirements. 20,000 square feet and a minimum width of 100 feet. More than one permitted or special exception use may be located upon the lot as part of a totally-designed development to be maintained under single ownership. 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".

(F) Maximum Building Coverage. (40%) forty percent, provided that the combined area coverage of all impervious surfaces shall not exceed (80%) eighty percent.

(G) Maximum Building Height. (35) thirty-five feet, except for the ROI (Residential, Office & Institutional) conversion area as identified in the "City of Port St. Lucie Land Use Conversion Manual", lying between Airoso Boulevard and U.S. #1 where the maximum building height shall be one story. (See § 158.174(E) for height variations allowed through PUD zoning.)

(H) Minimum Building Size and Minimum Living Area. Commercial and office buildings shall have a minimum total gross floor area of 1,200 square feet. Apartment-type unit 600 square feet.

(I) Setback Requirements and Buffering.

(1) Front yard. Each lot shall have a front yard with a building setback line of (25) twenty-five feet;

(2) Side yards. Each lot shall have two side yards, each of which shall have a building setback line of (10) ten feet. A building setback line of (25) twenty-five feet shall be required when the yard adjoins a residential use or a public right-of-way;

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (10) ten feet. A building setback line of (25) twenty-five feet shall be required when the yard adjoins a residential use or a public right-of-way;

(4) Buffering. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier. Buffering shall be provided in accordance with the landscaping requirements of § 153.04(G).

(J) Off-Street Parking and Service Requirements. As set forth in § 158.221.

(K) Site Plan Review. All permitted and special exception uses shall be subject to the provisions of §§ 158.235 through 158.245.

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL
AGENDA ITEM REQUEST

MEETING: *REGULAR* X *SPECIAL* ____

DATE: **February 27, 2012 and March 12, 2012**

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

ITEM: **Project Number – P12-002**
City Code Text Amendment
Chapter 158.122, Professional Zoning District

RECOMMENDED ACTION:

The draft ordinance was reviewed by the Planning and Zoning Board at the February 7, 2012 Planning and Zoning Board meeting. A motion was made to approve the petition as presented. The motion passed unanimously by roll call vote.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

The Planning and Zoning Department is proposing an amendment to Chapter 158.122, Professional Zoning District, of the Port St. Lucie Code of Ordinances. The proposed amendment will add enclosed assembly area to the list of special exception uses in the Professional Zoning District.

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING
DATE: **February 14, 2012**

City of Port St. Lucie

A City for All Ages

Planning and Zoning Department Memorandum

TO: CITY COUNCIL - MEETING OF FEBRUARY 27, 2012

FROM: BRIDGET KEAN, PRINCIPAL PLANNER BK

RE: CITY CODE TEXT AMENDMENT
P12 - 002 – AMENDMENT TO CHAPTER 158.122 (C), PROFESSIONAL ZONING DISTRICT

DATE: FEBRUARY 14, 2012

BACKGROUND:

The Planning and Zoning Department is proposing an amendment to Chapter 158.122 (C), Professional Zoning District, of the Port St. Lucie Code of Ordinances. The proposal is to add Enclosed Assembly Area to the list of special exception uses in the Professional Zoning District. On November 14, 2011, the Zoning Code was amended to provide a definition for enclosed assembly area and to establish enclosed assembly area as a special exception use in the neighborhood commercial, general commercial, highway commercial, service commercial, and warehouse industrial zoning districts. At the January 9, 2012 City Council meeting, the City Council directed staff to prepare an amendment to the Zoning Code to include enclosed assembly area in the list of special exception uses in the Professional Zoning District. The minutes of the January 9, 2012 meeting are attached.

SUMMARY OF PROPOSED REGULATIONS:

The Zoning Code defines an enclosed assembly area as any enclosed area, building or structure where people assemble for a common purpose, such as social, civic, cultural, recreational and/or religious purposes, whether owned and/or maintained by a for-profit or not-for-profit entity, and includes, but is not limited to, public assembly buildings such as auditoriums, theaters, halls, private clubs and fraternal lodges, assembly halls, exhibition halls, convention centers, and places of worship, or other areas, buildings or structures that are used for religious purposes or assembly by persons. Under the proposed legislation, the approval of a special exception use is required for the operation of a place of worship, daycare, meeting hall, or other social, civic, or recreational type use in the Professional Zoning District. Currently, these uses are not allowed in the Professional Zoning District.

The proposed legislation allows for more flexibility in the Professional Zoning District. It is consistent with the changes the City made to the commercial zoning districts.

STAFF RECOMMENDATION

The Planning and Zoning Department staff finds the request to amend Section 158.122 (C), Professional Zoning District, to be consistent with the direction and intent of the City's policies of the Comprehensive Plan and Land Development Regulations and recommends approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The draft ordinance was reviewed by the Planning and Zoning Board at the February 7, 2012 Planning and Zoning Board meeting. A motion was made to approve the petition as presented. The motion passed unanimously by roll call vote.

Bridget Kean

From: April Stoncius
Sent: Monday, January 23, 2012 9:56 AM
To: Bridget Kean
Subject: RE: minutes for 1/09 City Council meeting

Here you go ☺

d) DISCUSSION OF THE CODE AMENDMENT FOR THE PROFESSIONAL ZONING DISTRICT, COUNCILMAN KELLY

Councilman Kelly said, "We made a correction in the Professional Zoning area about six months ago, but it needs to be more specific. If it is for a yoga studio, would it be classified as a dance or an art? I read that it is an art. Mr. Holbrook didn't have a problem going forward with it, but he wasn't going to allow it until the ordinance was amended. It would also allow karate, which should go under Professional Services, Entertainment, and Music." The City Attorney stated, "We were looking at this as a use in the Professional Zone. Yoga studios have become quite popular in south Florida. They have moved to Port St. Lucie, where they are seeking to establish themselves in a Professional Zone. We wouldn't want to identify just the yoga studios, as they are like a karate school or a dance studio. They all fall into the same category. The question is whether the Council wants to direct us to initate a Code change that would address this type of issue." Mr. Holbrook said, "Given the litigation that we are under right now concerning churches, we have to look at the uses as being the same. We have to be able to process them the same. If we go down the path of what we term in the Zoning Code as recreational amusement facilities, we need to also look at how it would impact the surrounding businesses. If we consider it in the Professional Zoning District, then enclosed assembly areas, which are churches, townhalls, exhibit halls, and daycares would also fall under that zoning district."

Councilman Kelly stated, "I think yoga is an art. As far as karate, I've had all of my grandchildren in it, and it is really tremendous for the kids. I know you are talking about entertainment, and I think it borders on it. I don't have a problem with it." Councilwoman Berger clarified, "So the category for yoga would include karate, which is much louder than yoga and dancing. It can be much louder than a typical yoga class in a professional establishment." Mr. Holbrook explained, "Currently, they are not permitted. It would be defined under the Zoning Code as a recreational amusement facility. The decibel level may change depending on the use. As far as how it would fit in our Zoning Code, it would be a recreational use facility. Whether it is permitted by right or by special exception use, they both need to be considered if we are going to add them to the Professional Zoning District." Councilwoman Berger asked, "Would this be the same category as recreation?" Mr. Holbrook replied, "No. It is an enclosed assembly area. If we are going to allow a recreational amusement facility, we also need to consider enclosed assembly areas, either by right or by special exception use. They need to be consistent." Councilwoman Berger said, "It comes down to what the definition of yoga is. I know many people that have indicated to me that yoga is a religion. They don't see it as much of a sport as they do an opportunity to meditate." Mr. Holbrook advised, "We could straddle them into both definitions, but right now neither one of those uses are permitted in the Professional Zoning District. If you want to allow one, I am going to recommend that you allow the other. We need to be consistent because of the recent court cases that have come out of this district and the opinions." Councilwoman Berger pointed out, "If we have one, because if not, we are going to be sued to high heaven, the other one needs to tag along with it." Mr. Holbrook said, "If it is the pleasure of the Council, I would recommend that we have two uses, whether you want it permitted by right or by special exception use. The Code has been structured with the

amendment that the City approved last year. Outside of the Institutional Zoning District, they are permitted by special exception use. They need to be considered individually when they come in, and we have to determine what their impacts are to the surrounding properties."

Councilman Kelly **moved** to approve the Code Amendment for the Professional Zoning District to be brought back to the Council. Councilwoman Berger **seconded** the motion and said, "I think we are going to need some new regulations. I'm not sure that we are going to have a lot of offices that are going to want to do business and fight for the volume that may be going on next door. I think we will be talking about this in the future." Councilman Kelly stated, "It is up to the landlord, as they don't have to rent to certain services. Regarding the noise level, if there is already a music school there, then they would be louder than a yoga studio. It is necessary that we regulate it somehow." Councilwoman Berger stated, "I like the way it is now where they come in with a variance, and we can approve it or not. Unfortunately, it looks as though the letter of law is not going to allow local governments to have a say in that any longer." The City Clerk restated the motion as follows: for approval of the Code Amendment to the Professional Zoning District to be brought back to the Council. The **motion passed unanimously** by roll call vote.

April C. Stoncius
Deputy City Clerk
City Clerk's Office
121 SW Pt. St. Lucie Blvd.
Port. St. Lucie, FL 34984
(772) 344-4296
astoncius@cityofpsl.com

"A City for All Ages"

From: Bridget Kean
Sent: Friday, January 20, 2012 2:56 PM
To: April Stoncius
Subject: FW: minutes for 1/09 City Council meeting

Hi April,
Sorry to bother you but I need the minutes for the discussion on the professional zoning district from 1/09 as soon as possible. The staff report is due next week. Thanks.

From: Carol Heintz