COUNCIL ITEM 8A
DATE 11-14-11

COUNCIL ITEM ~~10B~~
DATE ~~10~~/24/11

ORDINANCE 11-79

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY PORT ST. LUCIE, FLORIDA: AMENDING THE ZONING CODE SECTION 158.006-155; PROVIDING NEW DEFINITIONS FOR BARS, LOUNGES, AND NIGHT CLUBS AND ENCLOSED ASSEMBLY AREA AND AMENDING THE DEFINITION FOR RECREATION AMUSEMENT FACILITY; TO PROVIDE THAT SUCH USES BE IDENTIFIED AS PERMITTED OR SPECIAL EXCEPTION USES IN SPECIFIED ZONING DISTRICTS; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 158.006-155, Zoning Code, Code of Ordinances of the City of Port St. Lucie, Florida, is hereby amended as provided in Exhibit 'A'.

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

ATTEST:

By: _____
JoAnn M. Faiella, Mayor

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

_____
Roger G. Orr, City Attorney

Additions to text are indicated by underline; deletions by ~~strikeout~~.

Exhibit "A"

CHAPTER 158: ZONING CODE

GENERAL PROVISIONS

§ 158.006 DEFINITIONS

(A) For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE OR STRUCTURE. A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot, or on a contiguous lot in the same ownership. See § 158.217 for restrictions related to design and size of accessory structures.

ALTERATION. Any change in size, shape, location, occupancy, character, or use of a building or structure.

AQUATIC AREA. Aquatic areas include tidal water and wetlands, and nontidal sloughs, streams, lakes, and wetlands. The upper limit of aquatic areas is the mean high tide line in tidal areas, and the ordinary high water line in nontidal areas.

AQUATIC PRESERVE. An exceptional area of submerged lands and its associated waters set aside for being maintained essentially in its natural or existing conditions.

BARBER OR BEAUTY SHOP. An establishment primarily engaged in cutting, trimming, tinting and styling hair.

BARS, LOUNGES, AND NIGHT CLUBS. *An area primarily devoted to the serving of alcoholic beverages and in which the service of food and/or entertainment is only incidental to the consumption of such beverages.*

BINGO HALL. An establishment primarily for the conduct of bingo games pursuant to F.S. Chapter 849.093. The conduct of bingo games as an accessory or ancillary use to a church or other house of worship, civic, cultural, club or lodge facility shall not be considered a bingo hall provided said games are limited thereat to two days per week.

BUFFER. An area which is established in order to protect or insulate one land use from another.

BUILDING. Any structure, temporary or permanent, which has a roof impervious to weather, a fixed base on a fixed connection to the ground and is used or built for the shelter or enclosure of persons, animals, or property of any kind.

BUILDING COVERAGE. The combined and total percentage of area of a lot covered or occupied by buildings or roof portions of structures.

BUILDING HEIGHT. The vertical distance measured from the mean finished ground level adjoining the front of a building to the level of the highest point of the roof or top surface on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. The portions of gable, hip and gambrel roofs that extend beyond the average distance between the eaves and the ridge shall not contain habitable space. See § 158.215 for exclusions from height limits.

CARPORT. A canopy or roof-like structure open on two or three sides whose purpose is to provide shelter for one or more motor vehicles.

CAR WASH, FULL SERVICE. A structure containing facilities for washing vehicles using a chain conveyor or other method of moving cars along, and automatic application of cleaner, brushes, rinse water, heat for drying, and wax.

CAR WASH, SELF SERVICE. A structure containing facilities for washing vehicles using a semi-automatic application of cleaner, rinse water, and wax.

CHANGE OF OCCUPANCY. The discontinuance of an existing use and the substitution therefore of a use of a different kind or class; not including a change of tenants or proprietors unless accompanied by a change in the type of use.

CHURCH OR OTHER PLACE OF WORSHIP. A building or group of buildings devoted to the holding of religious services and related religious instruction~~, but excluding a day care center, preschool facility, school for general education, and outdoor recreation facilities of any type~~.

CIVIC OR CULTURAL FACILITY. A facility operated entirely on a public or nonprofit basis for the purpose of providing education, information, training, and/or entertainment of a civic or cultural nature.

CLINIC, MEDICAL OR DENTAL. An establishment where patients who are not lodged overnight are admitted for examination and treatment by one person, or a group of persons, practicing any form of the healing arts, whether those persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the state.

CLUB OR LODGE (PRIVATE). A noncommercial and nonprofit establishment restricted to and providing service activities to an organization or group of individuals maintaining membership therein, and collectively contributing to the maintenance and upkeep of that establishment through membership fees and periodic dues.

COASTAL HIGH HAZARD AREA. The area subject to, but not limited to, Category I hurricane evacuation.

COMMON AREA AND FACILITIES. A parcel of land, together with improvements thereon, the use, enjoyment and maintenance thereof are shared by the owners of a development.

COMPREHENSIVE PLAN, CITY OF PORT ST. LUCIE. The City of Port St. Lucie Comprehensive Plan, adopted February 9, 1998 to meet the requirements of §§ 163.3177 and 163.3178, F.S. Contains the guidelines, principles, and

standards for the orderly, coordinated and balanced future economic, social, physical, environmental, and fiscal development of the City.

CONGREGATE LIVING FACILITY. A facility providing housing and services for the elderly licensed by the State of Florida which may include meals, housekeeping and personal care assistance. A residential environment is maintained for the elderly who may be functionally impaired or socially isolated, but are otherwise in good health. The residents can maintain a semi-independent lifestyle and do not require more intensive care as provided in a nursing or convalescent home.

CONSTRUCTION. Construction includes the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has been substantially begun preparatory for new construction, such excavation, demolition, or removal shall be deemed to be actual construction provided that work shall be continuously involved. Fill and the installation of drainage facilities shall be considered a part of construction.

CONSTRUCTION AND DEMOLITION MATERIAL. Construction and demolition debris is different in character from other solid wastes. This debris is "clean debris" which is virtually inert, not water soluble, not a pollution threat and not hazardous in nature, and includes steel, glass, brick, concrete, roofing material, pipe, wall board, lumber, clearing debris and other such materials as defined, and pursuant to a permit issued by the Florida Department of Environmental Protection.

CONVENIENCE GOODS. Foodstuffs, drugs, cosmetics, and incidental household and/or personal articles which are normally purchased and expended on a day-by-day or week-by-week basis.

CONVENIENCE STORE. An establishment limited to the sale of convenience goods and not exceeding a gross floor area of 5,000 square feet.

CONVERSION AREA. Areas designated by the City of Port St. Lucie Comprehensive Plan as being suitable for conversion from single-family residential use to non-residential use. The "City of Port St. Lucie Land Use Conversion Manual" establishes land assembly requirements for the conversion of single-family residential lots to non-residential use. The "City of Port St. Lucie Land Use Conversion Manual" is hereby adopted by reference as a part of this chapter.

COUNTRY CLUB. A club for social life and recreation, with use restricted to its members and their personal guests.

CUL-DE-SAC. A street, not exceeding 1000 feet in length, with only a single means of ingress and egress and having a turnaround loop at the end, or a "T" type turnaround area.

DAY CARE CENTER. An establishment where five or more persons, other than the members of the family occupying the premises, are cared for during daytime hours only, and expressly excluding overnight care. The term includes a day nursery, kindergarten, adult day care service, day care agency, nursery school, or play school.

DENSITY, GROSS. The number of dwelling units located on an area of land, divided by the entire area of the development, including lots, portions of property which are proposed to be streets, utilities principally supporting the residential use, and recreational facilities for the use of on-site residents. Excluded from the land area to be used in calculating gross density are nonresidential uses and aquatic areas.

DEVELOPER. Any person, including a governmental agency, undertaking any development as defined in this chapter.

DEVELOPMENT. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

DOMESTIC ANIMAL. Dogs, cats, or other animals which are required to obtain a rabies vaccination and are kept primarily for pleasure rather than utility, and that primarily and customarily live within the confines of an owner's home as further defined in § 92.01 and restricted in number per § 158.229 Domestic Animal Restrictions.

DRIVE-THROUGH SERVICE. A structure in which a customer is permitted or encouraged to, either by design or physical facilities or by service or packaging, to enter into the service area when seated in a motor vehicle.

DWELLING, SINGLE-FAMILY. A building containing only one dwelling unit and occupied or intended to be occupied exclusively by one family. The term shall include modular housing and residential design manufactured housing, but shall not be construed as including a mobile home, travel trailer, housing mounted on a self-propelled or drawn vehicle, tent, or other form of temporary or portable housing.

DWELLING, SINGLE-FAMILY (ZERO LOT LINE OR CLUSTER). A single-family dwelling designed and located as part of an approved planned complex where all dwellings are placed at or near a lot line, or are otherwise arranged in clustered groups so as to create compensating open space for the use and enjoyment of residents.

DWELLING, MULTIPLE-FAMILY. A building containing two or more dwelling units.

DWELLING, TOWNHOUSE. A narrow, single-family dwelling unit which normally occupies the entire width of its lot, having its open yard space to the front and rear, and which is attached on one or both sides to a similar unit or units, all of which are located on individually platted lots as part of a subdivided group development.

DWELLING UNIT. A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping facilities and one kitchen.

ENCLOSED ASSEMBLY AREA. 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. Day care centers will be considered an enclosed assembly area.

ESSENTIAL SERVICES. Public utility facilities either underground or overhead and related to the transmission or distribution systems of water, sanitary or storm sewerage (including treatment plants), telephone cable, gas, electricity, television cable, and public safety, including poles, wires, mains, hydrants, drains, sewer lift stations, pipes, conduits, police or fire call boxes, warning sirens, traffic signals, and other similar equipment necessary for the furnishing of adequate service.

FACILITY-BASED DAY TREATMENT PROGRAM. A facility for youth who are placed on probation in a non-residential commitment program and youths participating in post commitment probation services consisting of group counseling, and academic programs.

FAMILY. One or more persons related by blood, adoption, or marriage or no more than two unrelated persons occupying the whole of a dwelling unit as a single housekeeping unit.

FAMILY DAY CARE HOME. An occupied residence in which child care is regularly provided for children and which received a payment fee or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be licensed or registered as required by the State of Florida. A family day care home shall be allowed to provide care for one of the following groups of children:

(1) A family day care home may care for a maximum of five preschool children from more than one unrelated family and a maximum of five elementary school siblings of the preschool children in care after school hours. The maximum number of five preschool children includes preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children (related or unrelated) to the caregiver in the home may not exceed ten.

(2) A family day care home may care for a maximum of five preschool children from more than one unrelated family, a maximum of three elementary school siblings of the preschool children in care after school hours, and a maximum of two elementary school children unrelated to the preschool children in care after school hours. The maximum number of five preschool children included preschool children in the home and preschool children received for day care who are not related to the resident caregiver. The total number of children (related or unrelated to the caregiver) in the home may not exceed ten.

(3) A family day care home may care for a maximum number of seven elementary school children from more than one unrelated family in care

after school hours. Preschool children shall not be in care in the home. The total number of elementary school children (related or unrelated to the caregiver) in the home may not exceed seven.

FARM ANIMALS. Any horse, goat, swine cattle, sheep, mule, bee, fowl, except those listed as domestic pets in this chapter.

FENCE. A freestanding structure, designed and intended to serve as a barrier or as a means of enclosing a structure, yard, or other area, or to serve as a boundary feature separating two or more properties.

FINE ARTS STUDIO. A studio for teaching or displaying any form of fine arts or performing arts. Fine arts will include both visual and performing art forms, such as painting, sculpture, installation, dance, and theatre.

FOOD PROCESSING FACILITY. A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed or sold at retail on the premises.

FOSTER CARE HOME. A facility certified by the State of Florida, whether operated for profit or not, providing housing and collective care and sustenance for no more than five adults or children on a 24-hour basis who are unrelated by blood, adoption, or marriage.

FRONTAGE. Lineal distance of a lot measured along abutting public or private rights-of-way or a common surface parking lot. For purposes of determining frontage on corner lots, radial measurements shall not be included. The front yard shall be the portion of the lot with a primary entrance to the house.

GOLF COURSE. A golf facility capable of being classified as a regulation, executive, or par 3 course, comprised of one or more increments of nine holes, and occupying a minimum of 20 acres per nine-hole increment.

GOLF COURSE, MINIATURE. A putt-putt or pitch'n putt golf recreation facility or any like facility not meeting the requirements of a golf course as herein defined.

GOLF DRIVING RANGE. A tract of land or water improved with tees for practicing golf.

GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

GROUND AREA. That portion of a lot covered by buildings.

GROUP CARE HOME. A facility or dwelling unit licensed by or registered with the State of Florida housing persons unrelated by blood, adoption, or marriage, and operating as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship-providing organization.

GUEST HOUSE. A dwelling unit in a building separate from and in addition to the main residential building on a lot, intended for intermittent or temporary occupancy by a nonpaying guest. However, those quarters shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION. An occupation for gain or support conducted entirely within a dwelling unit, as herein defined, by the occupant residing therein, which occupation is clearly subordinate and incidental to the use of the dwelling as a place of residence, and which complies with all provisions of § 158.217(F).

HOSPITAL. A building or group of buildings having facilities for overnight care of one or more human patients, providing services to in-patients and medical care to the sick and injured, and which may include as related facilities laboratories, out-patient services, training facilities, central service facilities, and staff facilities. However, any said related facility or service shall be clearly incidental and subordinate to the principal hospital use and operation.

HOTEL or MOTEL. A building or group of buildings, with or without kitchenettes, in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residence rather than transience.

IMPERVIOUS SURFACE. All surface area of a lot or parcel, including portions occupied by buildings or structures, where surface drainage waters are unable to freely percolate downward through the natural soils.

JUNKYARD, SALVAGE YARD, or RECYCLING CENTER. A place, structure, or lot where junk, waste, discarded, salvaged or similar materials such as automobiles, appliances, old metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment, wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials.

KENNEL. An establishment where six or more domesticated animals more than six months old are housed, bred, or trained.

KITCHENETTE. A small kitchen or a small recessed section of a room principally used or designed for cooking or preparation of food (i.e., a stove, refrigerator, microwave, etc.) and typically smaller in size than a kitchen found in a single family residence.

LAND USE. The development activity or use that has occurred on the land or the development that is proposed by a developer of land.

LIVING AREA. The enclosed area of a dwelling unit which may be heated or air-conditioned, and excluding garages, carports, porches, and breezeways. A LIVING AREA shall be measured from the exterior faces of the exterior walls excluding any exterior attachment.

LOT. Unless given other meaning within the context of a specific provision of this chapter, the word LOT shall mean a parcel of land of at least sufficient size to

meet minimum zoning requirements for use, coverage, width, and area, and to provide yards and other open spaces as are herein required. A lot may consist of:

(1) A single lot of record;

(2) A combination of complete lots of records, or complete lots of record and portions of lots of record.

(3) A parcel of land described by metes and bounds.

LOT DEPTH. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT, NONCONFORMING. A land parcel, however constituted, which does not meet all minimum zoning requirements as set forth within the definition of LOT.

LOT OF RECORD. Land designated as a separate and distinct parcel on a legally recorded subdivision plan.

LOT WIDTH. The distance between side lot lines measured on the front building line.

MANUFACTURED HOUSE. A single-family dwelling which is factory constructed in its entirety in units or components, and then placed or assembled on a building site, and which has been determined to be constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act. Manufactured houses are further described as being of either residential design or standard design.

(1) Residential design manufactured housing has the following characteristics:

(a) Minimum width of main body. Minimum width of the main body of the residential design manufactured housing as located on the site shall not be less than 20 feet, as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the house.

(b) Minimum roof pitch, minimum roof overhang and roofing materials. Minimum pitch of the main roof shall be not less than one foot to rise for each four feet of horizontal run and the minimum roof overhang shall be one foot. In cases where site built housing generally has been constructed in adjacent or nearby locations with roof pitches less than 1:4 and/or roof overhang of less than one foot, then the residential design manufactured house may have less roof pitch and overhang, similar to the site built houses. In general, any roofing material other than built up composition roof, may be used which is generally used for site built houses in adjacent or nearby locations.

(c) Exterior finish and light reflection. Any material may be used for exterior finish which is generally acceptable for site built housing which has been constructed in adjacent or nearby locations,

provided, however, that reflection for such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.

(d) Approved foundations required in residential districts. Where approval of homes or model plans does not include approval of type of foundation, no residential design manufactured house shall be placed or occupied for residential use on a site in a residential district until such foundation plans have been submitted and approved by the Building Official as to the appearance and durability of the proposed foundation and whether it is acceptably similar or compatible in appearance to foundations of residences built on adjacent or nearby sites.

(e) Site orientation. Residential design manufactured houses shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed in adjacent or nearby locations.

(2) Standard design manufactured houses are manufactured houses certified as meeting the HUD Code, but not meeting the residential design standards contained herein.

MARINA. An establishment with a waterfront location providing for the refueling and/or in-water storage of watercraft used for recreational and noncommercial purposes, and including minor repair services for such craft not involving removal of watercraft from the water or removal of inboard or outboard engine from the watercraft.

MINING or EXCAVATION. The removal of mineral resources or any earth material in excess of one hundred (100) cubic yards from its natural position upon a lot to another site, other than incidental excavation directly related to foundation preparation for an approved building, structure, or surface drainage.

MOBILE HOME.

(1) A detached unit with all the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

(b) Designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed or other trailer;

(c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities, and the like; and

(d) Built prior to the enactment of the Manufactured Home Construction and Safety Standards Act.

(2) A recreational vehicle is not to be considered as a mobile home.

MOBILE HOME PARK. A lot or parcel developed in accordance with the requirements of this chapter and maintained under single ownership, where designated sites are offered for rent or lease for the placement and/or occupancy of mobile homes as dwelling units.

MODULAR HOUSE. A single-family dwelling which is factory-constructed in its entirety, in units or components, and then placed or assembled on a building site, and which has been approved by the Department of Community Affairs of the State of Florida, or its successor agency.

MOTOR HOTEL, MOTOR LODGE. See ***HOTEL OR MOTEL.***

MUSIC RECORDING STUDIOS. A facility for sound recording and mixing.

NONCONFORMING STRUCTURE, USE OF LAND, USE OF LAND AND STRUCTURE, AND THE LIKE. See §§ 158.275 through 158.286.

NURSING OR CONVALESCENT HOME. An extended or intermediate care facility which provides continuous personal care or nursing for three or more persons not related by blood or marriage to the operator who by reason of illness, physical or mental infirmity, or advanced age are unable to care for themselves.

OCCUPANCY. The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

OFFICE, BUSINESS. An office for such activities as real estate, agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureaus, finance companies, abstract and title agencies or insurance companies, stockbrokers, and the like (but not including banking institutions). It is characteristic of a BUSINESS OFFICE that retail or wholesale good are not shown to or delivered from the premises to a customer.

OFFICE, PROFESSIONAL. An office for the use of persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, veterinarians (but not including boarding of animals on the premises), psychiatrists, psychologists, and the like.

OFF-STREET PARKING. Any area except public or private right-of-way used for the purpose of parking, storing or display of vehicles, boats, trailers and mobile homes, including car lots, but not including parking structures or garages.

OPEN SPACE. Land devoid of any structures or buildings except for minor pavilions, landscape structures, or terraces, and designed and maintained for recreation or leisure-time enjoyment, buffer areas, drainage, or conservation.

OVERLAY ZONING DESIGN STANDARDS. Site design and architectural design standards applied to new development and redevelopment in designated areas, adopted by reference and contained in the "City of Port St. Lucie Design Standards Manual".

PAIN MANAGEMENT CLINIC. Is defined as specified in Section 458.3265(1)(a), Florida Statutes (2010), as may be amended from time to time, and includes a privately owned pain-management clinic, facility, or office, which advertises in any medium for any type of pain management services, or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications; a physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain for more than ninety (90) days after surgery.

The definition shall not include any of the following:

1. A clinic licensed as a facility pursuant to Chapter 395;

2. The majority of the physicians who provide services in the clinic primarily provide surgical services;

3. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million;

4. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;

5. The clinic does not prescribe or dispense controlled substances for the treatment of pain; or

6. The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 510(c)(3).

PARKING LOT. An off-street, ground level area, usually surfaced and improved, used or intended to be used for the parking of motor vehicles.

PERSON. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PERSONAL SERVICE USE. A use intended primarily to provide direct and personal service to its customers, including such uses as barber shops, beauty shops, tailors, shoe repair shops, laundry pick-up stations, watch repair shops, and the like.

PHARMACY. Means the same as the definition in Section 465.003(11)(a), Florida Statutes (2010), as may be amended from time to time, and includes community pharmacy, internet pharmacy, and special pharmacy, but does not include institutional pharmacy or nuclear pharmacy, as each of those terms are used in that section.

PRINCIPAL USE. The primary use of any lot or land parcel, with other use or uses thereon being clearly of a secondary or accessory nature.

PUBLIC FACILITY OR USE. Any building or open area publicly owned and operated for the purpose of providing public services.

PUBLIC UTILITY FACILITY. A facility which provides initial generation or major treatment, storage, or distribution with respect to a public utility such as water supply, sewer, gas, telephone, and electricity, but not including wireless communication antennas and towers.

RECREATIONAL AMUSEMENT FACILITY. A place designed and equipped for the conduct of sports, leisure time, fitness ~~activities~~ and ~~other customary and usual~~ recreational activities, including sports instruction schools.

RECREATIONAL VEHICLE PARK. A lot or parcel designed and developed in accordance with the requirements of this chapter and maintained under single ownership, where designated sites are offered for rent, lease or sale for the temporary placement of recreational vehicles to be utilized for sleeping or eating in conjunction with recreation and/or vacation purposes. RV parks are restricted to temporary occupancy of any individual unit of no more than six months.

RECREATION VEHICLES. Any vehicle-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or propelled by another vehicle. The word Recreational Vehicle includes camper, travel trailer, truck camper, and motor homes.

RESTAURANT. An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room under roof of the main structure, or in an interior court. A cafeteria shall be deemed a restaurant for purposes of this chapter.

RESTAURANT, DRIVE-IN. A restaurant offering the service of food and/or beverage to a patron or patrons remaining in a vehicle. In addition, a restaurant which provides outdoor eating facilities accessible to patrons other than from within a building, or which dispenses food to patrons through a take-out window, shall be considered a drive-in restaurant.

RETAIL BUSINESS. An establishment where goods are displayed and offered for purchase directly by the intended consumer or user of those goods.

SELF-SERVICE STORAGE FACILITY. An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for dead storage of their household goods and/or personal property.

SERVICE AND REPAIR FACILITY. An establishment whose primary function is to provide service and/or repairs upon personal, household, or small commercial equipment, but excluding automotive or vehicle repair.

SERVICE STATION. An establishment utilized principally for the business of fueling and lubricating motor vehicles and for performances of incidental service to motor vehicles such as hand washing, cleaning, polishing, tire changing and repair, battery recharging and replacement, minor repairs and tune-ups, and including the sale of tires, batteries, incidental parts, and accessories. Service

permissible in a service station shall not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, operation of a commercial parking lot or a commercial garage as an accessory use, or other characteristics to an extent greater than normally found in such stations; any establishment performing those services shall be deemed to be an auto repair shop or garage.

SEMI-PUBLIC FACILITY OR USE. Any building or open area privately owned and operated for the purpose of providing public services, but not including wireless communication antennas and towers.

SETBACK LINE, BUILDING. An imaginary line running parallel to a front, side, or rear property line and establishing the rear edge of a yard or open area in which no building, structure, or use may be placed or established, unless otherwise permitted herein. For irregular shaped lots, the Zoning Administrator may interpret from where the setback line is to be measured.

SHOPPING CENTER. Two or more commercial establishments which are planned, constructed, and operated under unified control.

SOLAR ACCESS. The access of a solar energy system to direct sunlight.

SOLAR ENERGY SYSTEM. Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in the heating or cooling of a structure or building, the heating or pumping of water, or the generation of electricity. A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of the roof of a building or structure and serving as a window or wall. A solar energy system may be mounted on the building or on the ground and is not the principal use of the property.

SOLAR GENERATION STATION. An energy generation facility comprised of one or more freestanding, ground mounted devices that capture solar energy and convert it to electrical energy for use in locations other than where it is generated. Solar generation stations typically utilize photovoltaic solar cells, but can also be combinations of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar plant, solar generation plant, solar farm, solar power plant, or solar thermal power plant.

SPECIAL EXCEPTION USE. Any use so designated within § 158.260, which use shall be subject to review and approval in accordance with the requirements of this chapter for the particular lot or parcel involved. The Planning and Zoning Board, in reviewing any use proposed for development, shall have the authority to deny the use for location and operation on a specific lot or parcel and may establish such additional safeguards and conditions as it deems appropriate for the development and operation of any use it may approve.

STREET. A public or approved private thoroughfare which affords the principal means of access to abutting property. STREET includes a lane, way, place, drive, boulevard, road, avenue, alley, or other means of ingress or egress, regardless of the descriptive term used.

STREET, APPROVED PRIVATE. A private thoroughfare which affords the principal means of access to abutting property and which has been specifically approved for access by official action of the City Council, but the maintenance and upkeep of which remains the responsibility of the owner of record.

STREET, ARTERIAL. Any street or thoroughfare so designated by official action of the City Council or designated as such within the Comprehensive Plan. Arterial streets and highways are intended to serve moderate to large traffic volumes traveling relatively long distances. Requirements for speed and level of service are usually quite high. Access to arterials should be well-controlled and, in general, limited to collector streets or highways.

STREET, COLLECTOR. Any street or thoroughfare so designated by official action of the City Council or designated as such within the Comprehensive Plan. COLLECTORS are intended to serve as the connecting link for local streets and highways and to provide intra-neighborhood transportation. The traffic characteristics generally consist of relatively short trip lengths and moderate speeds and volumes. Access to collectors should be restricted to local streets and highways and major traffic generators. COLLECTORS should penetrate neighborhoods without forming a continuous network, thus discouraging through traffic which is better served by arterials.

STREET, LOCAL. Any street not designated as a collector or arterial street. The primary function of a LOCAL STREET or HIGHWAY is to serve the adjacent property by providing the initial access to the highway network. These facilities are characterized by short trip lengths, low speeds, and small traffic volumes. The design of the network should be directed toward eliminating through traffic from these facilities.

STRUCTURAL ALTERATION. Any change, alteration, or addition to a building or structure which involves bearing walls or supporting members.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds (50%) fifty percent of the fair market value either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

TEMPORARY USE. A use, other than an accessory use, that does not involve the construction or alteration of any permanent structure and that is established for a fixed period of time with the intent to discontinue such use upon the expiration of the established time period.

USE. The purpose for which land or water or a structure thereon is designated, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by this chapter.

USE OF LAND OR WATER. Includes use of land, water surface, and land under water to the extent covered by zoning districts, and over which the city has jurisdiction.

VARIANCE. A relaxation of the terms of this zoning code where a variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the petitioner or applicant, a literal enforcement of the requirements of this chapter would result in unnecessary and undue hardship on the land. A VARIANCE is authorized only for height, area, and size of structure or size of yards in open spaces.

VETERINARY HOSPITAL OR CLINIC. Any structure or premises used primarily and essentially for the medical and surgical care of ill, disabled, or injured animals.

WHOLESALE TRADE. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for such individuals or companies.

WIRELESS COMMUNICATION ANTENNAS. An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission.

WIRELESS COMMUNICATION TOWERS.

(1) A structure or ground-mounted tower which:

(a) Is greater than 35 feet in height, as measured from the base of the structure as provided in § 158.213(M)(2);

(b) Does not exceed 300 feet in height (including antenna); and

(c) Is principally intended to support communication (transmission or receiving) equipment for radio, TV, microwave, cellular, and similar communication purposes.

(2) The term COMMUNICATION TOWER shall not include amateur radio operators' equipment licensed by the Federal Communications Commission (FCC). Communication towers are generally described as either monopole (free-standing), guyed (anchored with guy wires), or self-supporting (square, triangular, or pyramidal in plan view and constructed of steel lattice, tubular steel, reinforced concrete, or wood).

YARD.

(1) A required open space which is unobstructed from the ground upward except as otherwise allowed in this chapter, and except for fences, poles, posts, permitted signs, children's play equipment, other customary yard accessories, driveways, ornaments, statuary, and furniture which will not violate height limitations and requirements limiting obstruction of visibility.

(2) The depth of any yard shall be measured at right angles to the appropriate lot line so that the yard established is a strip the minimum depth required by district regulations.

YARD, FRONT. A yard extending between side lot lines across the front of a lot adjoining a street; except that on lots fronting on more than one street, the front yard will be determined by the Zoning Administrator based on the location of any abutting arterial or collector streets, the prevailing patterns and the lot depth requirements of the zone.

YARD, REAR. A yard extending across the rear of the lot between side yards. The rear yard shall be at the opposite end of the lot from the front yard, unless otherwise specified by the Zoning Administrator.

YARD, SIDE. A yard extending from the interior (rear) line of the front yard to the rear lot line along any side lot line.

YARD, SPECIAL. A yard so placed or oriented that neither the term side yard nor the term rear yard clearly applies. In those cases, the Zoning Administrator shall require a yard with minimum dimensions as generally required for a side yard or rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

ZONING ADMINISTRATOR. See § 158.350.

ZONING DISTRICT. Any of the designated districts established within §158.020, for which delineation may be shown on the zoning map and for which specific regulations and requirements are included herein.

ZONING MAP. The official map described within § 158.022(A), upon which the delineation of the several zoning districts are shown for locations within the city.

(1) General. For the purpose of this chapter, certain terms or words are hereinafter defined. This chapter shall be construed liberally to effect the purposes thereof, and the rules of this section shall be observed except when the context clearly requires otherwise:

(a) INCLUDES. Shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(b) LAND. Includes water surface and land under water.

(c) LOT. Includes plot, parcel, and tract.

(d) STRUCTURE. Includes the word building as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.

(e) USED and OCCUPIED. Include the words arranged, designed, constructed, altered, converted, rented, leased, and intended to be used or occupied.

Exhibit "A"

GENERAL USE DISTRICTS

§ 158.060 GENERAL USE ZONING DISTRICT (GU)

(A) Purpose. The General Use Zoning District (GU) is intended to apply to those areas of the city which are presently undeveloped and where the future use is either uncertain, or which the arrangement or boundaries of future uses cannot be clearly defined, and for which any other zoning would be premature or unreasonable. The General Use (GU) District also allows certain land extensive uses by special exception which may be transitional or which may be allowed permanently if deemed appropriate.

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

(1) Crop raising; poultry, livestock or cattle production; dairy farming; fruit growing; flower and shrub growing; plant nursery (wholesale only); bee keeping; fish hatchery; and forestry; and including accessory uses or structures and a dwelling occupied only by the owner or tenant and family; the raising of hogs, pigs and goats and the operation of feed lots are expressly prohibited;

(2) Park or playground, or other public recreation ~~or cultural facility~~ (Site Plan Review); including the retail sales of beer and wine for on premises consumption in accordance with Chapter 110;

(3) Public facility, including a police or fire station or tower (Site Plan Review);

(4) Single-family dwelling.

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

(1) Airport or landing field;

(2) Cemetery, including mausoleum, following site approval by the St. Lucie County Health Department;

(3) Golf course (not including miniature golf course) ~~and country club~~;

(4) Mining or excavation;

(5) Retail plant nursery and related sales;

(6) Public utility facility, including water pumping plant, reservoir, electrical transmission lines and substations;

(7) Retail sales of agricultural products;

(8) Stable and horse-riding academy;

(9) On site incineration by a forced draft air curtain incinerator in accordance with Florida Statutes; minimum area required, ten acres.

(10) Golf driving range.

(11) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of six feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten acres.

(12) Wireless communication antennas and towers, as set forth in § 158.213.

(13) Billboards, on sites with OSC or OSR land use and as set forth in Chapter 155.

(14) Solar generation station subject to the requirements of § 158.230.

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

(E) Minimum Parcel Requirements.

(1) Single-family dwelling - ten acres and a minimum width of 330 feet.

(2) All other permitted or special exception uses - 20,000 square feet and a lot width of 100 feet.

(F) Maximum Building Coverage.

(1) Single-family dwelling - (10%) ten percent.

(2) All other permitted or special exception uses - (30%) thirty 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, provided that airport control towers, broadcasting towers, and transmission stations shall be exempt from this requirement.

(H) Minimum Living Area. 1,200 square feet of living area, and 1,400 square feet of ground area.

(I) Yard Requirements and Buffering.

(1) Single-family dwellings.

(a) Front yard. Each lot shall have a front yard with a building setback line of 50 feet;

(b) Side yards. Each lot shall have two side yards, each of which shall have a building setback line of 30 feet;

(c) Rear yard. Each lot shall have a rear yard with a building setback line of 50 feet;

(d) Buffering. Where applicable, buffering shall be provided in accordance with the landscaping requirements of § 153.04(G).

(2) All other permitted or special exception uses.

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

(b) Side yard. Each lot shall maintain two side yards with a building setback line of 10 feet. A building setback line of 25 feet shall be maintained adjacent to any residential zoning district or to a public street right-of-way;

(c) Rear yard. Each lot shall have a rear yard with a building setback line of ~~(~~25~~)~~ feet;

(d) Buffering. A (6) six foot high completely opaque masonry wall or wooden fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. All mechanical equipment shall be screened from property zoned residential. Said 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 special exception uses and all permitted uses so designated shall be subject to the provisions of §§ 158.235 through 158.245.

RESIDENTIAL DISTRICTS

§ 158.071 ESTATE RESIDENTIAL ZONING DISTRICT (RE)

(A) Purpose. The purpose of the Estate Residential Zoning District (RE) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of low-density residential development of an estate character; to designate those uses and services deemed appropriate and proper for location and development within the zoning district; and to establish development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

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

(1) Park or playground, or other public recreation ~~or cultural facility~~ (Site Plan Review);

(2) Single-family dwelling;

(3) Foster care home, as set forth in § 158.224;

(4) Family day care home.

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

(1) Guest house on a lot exceeding one acre in area;

(2) ~~Civic or cultural facility (private);~~

~~(3)~~ Private dock without principal structure, provided the dock does not have water or electrical service until such time as the principal structure is constructed, and provided the dock is not used to secure any vessel being utilized as a residence.

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

(E) Minimum Lot Requirements. Twenty thousand square feet and a minimum width of 100 feet.

(F) Maximum Building Coverage. (30%) thirty percent.

(G) Maximum Building Height. (35) thirty-five feet.

(H) Minimum Living Area. Minimum size house of 1,700 square feet of living area and 2,200 square feet of ground area for a one story house or 1,700 square feet of living area and 1,500 square feet of ground area for a two story house.

(I) Yard Requirements and Buffering.

(1) Front yard. Each lot shall have a front yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(2) Side yards. Each lot shall have two side yards, each of which shall have a building setback line of (10) ten feet, unless otherwise provided by this chapter. See § 158.203.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Buffering. Where applicable, 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 special exception uses and all permitted uses so designated shall be subject to the provisions of §§158.235 through 158.245.

§ 158.072 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (RS-1)

Exhibit "A"

(A) Purpose. The purpose of the Single-Family Residential Zoning District (RS-1) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of low-density residential living of an urban character; to designate those uses and services deemed appropriate and proper for location and development within that zoning district; and to establish development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

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

(1) Park or playground, or other public recreation ~~or cultural facility~~ (subject to site plan review);

(2) Single-family dwelling;

(3) Foster care home, as set forth in § 158.224;

(4) Family day care home.

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

(1) Reserved ~~Civic, or cultural facility (private).~~

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

(E) Minimum Lot Requirements.

(1) Single-family dwelling: 15,000 square feet and a minimum width of (75) seventy-five feet.

(2) All other permitted or special exception uses: 20,000 square feet and a width of (100) one-hundred feet.

(F) Maximum Building Height. (35) thirty-five feet.

(G) Minimum Living Area. Minimum size house of 1,700 square feet of living area and 2,200 square feet of ground area for a one-story house or 1,700 square feet of living area and 1,500 square feet of ground area for a two-story house.

(H) Yard Requirements and Buffering:

(1) Front yard. Each lot shall have a front yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(2) Side yards. Each lot shall have two side yards, each of which shall have a building setback line of (10) ten feet, unless otherwise provided by this chapter. See § 158.203.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Buffering. Where applicable, buffering shall be provided in accordance with the landscaping requirements of § 153.04(G).

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

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

§ 158.073 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (RS-2)

(A) Purpose. The purpose of the Single-Family Residential Zoning District (RS-2) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of low-density residential living of an urban character; to designate those uses and services deemed appropriate and proper for location and development within that zoning district; and to establish development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

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

(1) Park or playground, or other public recreation ~~or cultural facility~~ (subject to site plan review);

(2) Single-family dwelling;

(3) Foster care home, as set forth in § 158.224;

(4) Family day care home.

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

(1) ~~Civic, or cultural facility (private).~~

~~(2)~~ Commercial parking lot, for a period of two years, provided:

(a) The property is located in a conversion area as defined in the "City of Port St. Lucie Land Use Conversion Manual", and is associated with an adjacent commercially developed property owned by the same person;

(b) The parking lot is for the private use of the owners and/or occupants of the adjacent commercially developed property;

(c) The parking lot is improved pursuant to § 158.221(B)(12) (this will allow shellrock, limerock and coquina in lieu of pavement since the parking lot will not be used by the general public pursuant to item (2)(b);

(d) Commercial vehicles are not permitted to park pursuant to § 72.03 (as amended);

(e) No overnight parking is allowed;

(f) Parking is allowed only for licensed motor vehicles; and,

(g) The parking lot is not used for temporary or permanent storage of motor vehicles.

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

(E) Minimum Lot Requirements.

(1) Single-family dwelling: 10,000 square feet and a minimum width of (60) sixty feet.

(2) All other permitted or special exception uses: 20,000 square feet and a width of (100) one-hundred feet.

(F) Maximum Building Height. (35) thirty-five feet.

(G) Minimum Living Area. Minimum size house of 1,200 square feet of living area and 1,400 square feet of ground area for a one-story house or 1,400 square feet of living area and 1,300 square feet of ground area for a two-story house.

(H) Yard Requirements and Buffering:

(1) Front yard. Each lot shall have a front yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(2) Side yards. Each lot shall have two side yards, each of which shall have a building setback line of (10) ten feet, unless otherwise provided by this chapter. See § 158.203.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Buffering. Where applicable, buffering shall be provided in accordance with the landscaping requirements of § 153.04(G).

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

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

§ 158.076 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (RS-3)

(A) Purpose. The purpose of the Single-Family Residential Zoning District (RS-3) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of low-density residential living of an urban character; to designate those uses and services deemed appropriate and proper for location and development within that zoning district; and to establish development standards and provisions as are appropriate to ensure proper development in a low-density residential environment.

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

(1) Park or playground, or other public recreation ~~or cultural facility~~ (subject to site plan review);

(2) Single-family dwelling;

(3) Foster care home, as set forth in § 158.224;

(4) Family day care home.

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

(1) Reserved ~~Civic, or cultural facility (private).~~

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

(E) Minimum Lot Requirements.

(1) Single-family dwelling: 7,500 square feet and a minimum width of (60) (sixty) feet.

(2) All other permitted or special exception uses: 20,000 square feet and a width of (100) one-hundred feet.

(F) Maximum Building Height. (35) thirty-five feet.

(G) Minimum Living Area. Minimum size house of 1,200 square feet of living area and 1,400 square feet of ground area for a one story house or 1,400 square feet of living area and 1,300 square feet of ground area for a two story house.

(H) Yard Requirements and Buffering:

(1) Front yard. Each lot shall have a front yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(2) Side yards. Each lot shall have two side yards, each of which shall have a building setback line of 7-1/2 feet, unless otherwise provided by this chapter. See § 158.203.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Buffering. Where applicable, buffering shall be provided in accordance with the landscaping requirements of § 153.04(G).

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

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

§ 158.077 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT (RM-5)

(A) Purpose. The purpose of the Multiple-Family Residential Zoning District (RM-5) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of low-density multiple family residential areas properly served by adequate community facilities and commercial service areas; 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 in a low-density residential environment.

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

(1) Multiple-family dwellings;

(2) Park or playground, or other public recreation ~~or cultural facility~~;

(3) ~~Civic, or cultural facility (private);~~

~~(4)~~ Single-family dwelling;

(4) ~~(5)~~ Townhouse dwelling, as part of a planned complex;

(5) ~~(6)~~ Single-family dwelling (cluster), as part of a planned complex;

(6) ~~(7)~~ Foster care home, as set forth in § 158.224;

(7) ~~(8)~~ Family day care home.

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

(1) ~~Day care center;~~

~~(2)~~ Golf course (not including miniature golf course) ~~and country club~~;

(2) ~~(3)~~ Publicly-owned or operated building or use;

(3) ~~(4)~~ Congregate living facility, as set forth in § 158.224;

(4) ~~(5)~~ Group care home, as set forth in § 158.224;

~~(6) Church or place of worship.~~

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

(E) Minimum Lot Requirements/Maximum Residential Density.

(1) Multiple-family dwelling - 20,000 square feet and width of (100) one-hundred feet, with a maximum gross project density of five dwelling units per acre;

(2) Single-family dwelling - 7,500 square feet and width of (60) sixty feet, with a maximum gross project density of five dwelling units per acre;

(3) Single-family dwelling (cluster) - 4,000 square feet per dwelling unit and width of (40) forty feet, with a maximum gross project density of five dwelling units per acre;

(4) Townhouse dwelling - as set forth in § 158.218, with a maximum gross project density of five dwelling units per acre.

(5) All other permitted and special exception uses - 20,000 square feet and width of (100) one-hundred feet.

(6) 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. (35%) thirty-five percent, provided that the maximum impervious surface does not exceed (50%) fifty 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.

(H) Minimum Living Area.

(1) Multiple-family dwelling: One bedroom - 700 square feet; two bedroom - 800 square feet; three or more bedrooms - 900 square feet; efficiency or studio apartment - 600 square feet;

(2) Single-family dwelling: Minimum size house of 1,200 square feet of living area and 1,400 square feet of ground area.

(3) Townhouse dwelling: 800 square feet.

(I) Yard Requirements and Buffering.

(1) Front yard. Each lot shall have a front yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(2) Side yards. Unless otherwise provided by this chapter, each lot shall have two side yards, each having a building setback line as follows:

(a) Single-family: (10) ten feet;

(b) All other uses: (15) fifteen feet.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Distance between buildings; mass of buildings. Where two or more buildings are situated upon a lot, any two buildings shall be separated by a minimum distance equal to three fourths of the sum of the combined

heights of said buildings, provided that in no case shall said distance be less than (20) twenty feet. No building shall have an effective length of mass exceeding 300 feet, measured as a straight line distance between any two corners or outside edges of said building.

(5) Buffering. Where applicable, 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 Requirements. Except for conventional Single-family dwellings, all permitted and special exception uses shall be subject to the provisions of §§ 158.235 through 158.245.

§ 158.078 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT (RM-8)

(A) Purpose. The purpose of the Multiple-Family Residential Zoning District (RM-8) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of low-density multiple family residential areas properly served by adequate community facilities and commercial service areas; 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 in a medium-density residential environment.

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

(1) Multiple-family dwellings;

(2) Park or playground, or other public recreation ~~or cultural facility~~;

(3) ~~Civic, or cultural facility (private);~~

~~(4)~~ Single-family dwelling;

(4) ~~(5)~~ Townhouse dwelling, as part of a planned complex;

(5) ~~(6)~~ Single-family dwelling (cluster), as part of a planned complex;

(6) ~~(7)~~ Foster care home, as set forth in § 158.224;

(7) ~~(8)~~ Family day care home.

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

(1) ~~Day care center;~~

~~(2)~~ Golf course (not including miniature golf course) ~~and country club~~;

(2) ~~(3)~~ Publicly-owned or operated building or use;

(3) ~~(4)~~ Congregate living facility, as set forth in § 158.224;

(4) ~~(5)~~ Group care home, as set forth in § 158.224;

~~(6) Church or place of worship.~~

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

(E) Minimum Lot Requirements/Maximum Residential Density.

(1) Multiple-family dwelling - 20,000 square feet and width of (100) one-hundred feet, with a maximum gross project density of eight dwelling units per acre;

(2) Single-family dwelling - 7,500 square feet and width of (60) sixty feet, with a maximum gross project density of five dwelling units per acre;

(3) Single-family dwelling (cluster) - 4,000 square feet per dwelling unit and width of (40) forty feet, with a maximum gross project density of eight dwelling units per acre;

(4) Townhouse dwelling - as set forth in § 158.218, with a maximum gross project density of eight dwelling units per acre.

(5) All other permitted and special exception uses - 20,000 square feet and width of (100) one-hundred feet.

(6) 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. (35%) thirty-five percent, provided that the maximum impervious surface does not exceed (50%) fifty 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.

(H) Minimum Living Area.

(1) Multiple-family dwelling: One bedroom - 700 square feet; two bedroom - 800 square feet; three or more bedrooms - 900 square feet; efficiency or studio apartment - 600 square feet;

(2) Single-family dwelling: Minimum size house of 1,200 square feet of living area, and 1,400 square feet of ground area;

(3) Townhouse dwelling: 800 square feet.

(I) Yard Requirements and Buffering.

(1) Front yard. Each lot shall have a front yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(2) Side yards. Unless otherwise provided by this chapter, each lot shall have two side yards, each having a building setback line as follows:

(a) Single-family: (10) ten feet;

(b) All other uses: (15) fifteen feet.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Distance between buildings; mass of buildings. Where two or more buildings are situated upon a lot, any two buildings shall be separated by a minimum distance equal to three fourths of the sum of the combined heights of said buildings, provided that in no case shall said distance be less than 20 feet. No building shall have an effective length of mass exceeding 300 feet, measured as a straight line distance between any two corners or outside edges of said building.

(5) Buffering. Where applicable, 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 Requirements. Except for conventional single-family dwellings, all permitted and special exception uses shall be subject to the provisions of §§ 158.235 through 158.245.

§ 158.079 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT (RM-11)

(A) Purpose. The purpose of the Multiple-Family Residential Zoning District (RM11) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of low-density multiple family residential areas properly served by adequate community facilities and commercial service areas; 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 in a medium-density residential environment.

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

(1) Multiple-family dwellings;

(2) Park or playground, or other public recreation ~~or cultural facility~~;

(3) ~~Civic, or cultural facility (private);~~

~~(4)~~ Single-family dwelling;

(4) ~~(5)~~ Townhouse dwelling, as part of a planned complex;

(5) ~~(6)~~ Foster care home, as set forth in § 158.224;

(6) ~~(7)~~ Family day care home.

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

(1) ~~Club or lodge (private), with or without an alcoholic beverage license for sales of alcoholic beverages to members and guests of the club or lodge in accordance with Chapter 110;~~

~~(2) Day care center~~;

~~(3)~~ Golf course (not including miniature golf course) ~~and country club~~;

(2) ~~(4)~~ Publicly-owned or operated building or use;

(3) ~~(5)~~ Single-family dwelling (cluster), as part of a planned complex;

(4) ~~(6)~~ Congregate living facility, as set forth in § 158.224;

(5) ~~(7)~~ Group care home, as set forth in § 158.224;

~~(8) Church or other place of worship.~~

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

(E) Minimum Lot Requirements/Maximum Residential Density.

(1) Multiple-family dwelling - 20,000 square feet and width of 150 feet, with a maximum gross project density of eleven dwelling units per acre;

(2) Single-family dwelling - 7,500 square feet and width of (60) sixty feet,
(3) Single-family dwelling (cluster) - 4,000 square feet per dwelling unit and width of (40) forty feet, with a maximum gross project density of eleven dwelling units per acre;

(4) Townhouse dwelling - as set forth in § 158.218, with a maximum gross project density of eleven dwelling units per acre.

(5) All other permitted and special exception uses - 20,000 square feet and width of (100) one-hundred feet.

(6) 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. (35%) thirty-five percent, provided that the maximum impervious surface does not exceed (50%) fifty 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.

(H) Minimum Living Area.

(1) Multiple-family dwelling: One bedroom - 700 square feet; two bedroom - 800 square feet; three or more bedrooms - 900 square feet; efficiency or studio apartment - 600 square feet;

(2) Single-family dwelling: Minimum size house of 1,200 square feet of living area and 1,400 square feet of ground area ;

(3) Townhouse dwelling: 800 square feet.

(I) Yard Requirements and Buffering.

(1) Front yard. Each lot shall have a front yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(2) Side yards. Unless otherwise provided by this chapter, each lot shall have two side yards, each having a building setback line as follows:

(a) Single-family: (10) ten feet;

(b) All other uses: (15) fifteen feet.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Distance between buildings; mass of buildings. Where two or more buildings are situated upon a lot, any two buildings shall be separated by a minimum distance equal to three fourths of the sum of the combined heights of said buildings, provided that in no case shall said distance be less than (20) twenty feet. No building shall have an effective length of mass exceeding 300 feet, measured as a straight line distance between any two corners or outside edges of said building.

(5) Buffering. Where applicable, 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 Requirements. Except for conventional single-family dwellings, all permitted and special exception uses shall be subject to the provisions of §§ 158.235 through 158.245.

§ 158.080 MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT (RM-15)

(A) Purpose. The purpose of the Multiple-Family Residential Zoning District (RM-15) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of high-density multiple family residential areas properly served by adequate community facilities and commercial service areas; 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 in a high-density residential environment.

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

(1) Multiple-family dwellings;

(2) Park or playground, or other public recreation ~~or cultural facility~~;

(3) ~~Civic, or cultural facility (private);~~

~~(4)~~ Single-family dwelling;

(4) ~~(5)~~ Townhouse dwelling, as part of a planned complex;

(5) ~~(6)~~ Foster care home, as set forth in § 158.224;

(6) ~~(7)~~ Family day care home.

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

(1) ~~Club or lodge (private), with or without an alcoholic beverage license for sales of alcoholic beverages to members and guests of the club or lodge in accordance with Chapter 110;~~

~~(2)~~ ~~Day care center~~;

~~(3)~~ Golf course (not including miniature golf course) ~~and country club~~;

(2) ~~(4)~~ Publicly-owned or operated building or use;

(3) ~~(5)~~ Single-family dwelling (cluster), as part of a planned complex;

(4) ~~(6)~~ Congregate living facility, as set forth in § 158.224;

(5) ~~(7)~~ Group care home, as set forth in § 158.224;

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

(E) Minimum Lot Requirements/Maximum Residential Density.

(1) Multiple-family dwelling - 30,000 square feet and width of 150 feet, with a maximum gross project density of fifteen dwelling units per acre;

(2) Single-family dwelling - 7,500 square feet and width of (60) sixty feet, with a maximum gross project density of five dwelling units per acre;

(3) Single-family dwelling (cluster) - 3,500 square feet and width of (40) forty feet, with a maximum gross project density of fifteen dwelling units per acre;

(4) Townhouse dwelling - as set forth in § 158.218, with a maximum gross project density of fifteen dwelling units per acre.

(5) All other permitted and special exception uses - 20,000 square feet and width of (100) one-hundred feet.

(F) Maximum Building Coverage. (35%) thirty-five percent, provided that the maximum impervious surface does not exceed (50%) fifty percent.

(G) Maximum Building Height. (35) thirty-five feet.

(H) Minimum Living Area.

(1) Multiple-family dwelling:

(a) One bedroom - 700 square feet;

(b) Two bedroom - 800 square feet;

(c) Three or more bedrooms - 900 square feet;

(d) Efficiency or studio apartment - 600 square feet.

(2) Single-family dwelling: Minimum size house of 1,200 square feet of living area, and 1,400 square feet of ground area;

(3) Townhouse dwelling: 800 square feet.

(I) Setback Requirements and Buffering.

(1) Front yard. Each lot shall have a front yard with a building setback line of 25 feet, unless otherwise provided by this chapter.

(2) Side yards. Unless otherwise provided by this chapter, each lot shall have two side yards, each having a building setback line as follows:

(a) Single-family: (10) ten feet;

(b) All other uses: (15) fifteen feet.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Distance between buildings; mass of buildings. Where two or more buildings are situated upon a lot, any two buildings shall be separated by a minimum distance equal to three fourths of the sum of the combined heights of said buildings, provided that in no case shall said distance be less than (20) twenty feet. No building shall have an effective length of mass exceeding 300 feet, measured as a straight line distance between any two corners or outside edges of said building.

(5) Buffering. Where applicable, 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. Except for conventional single-family dwellings, all permitted and special exception uses shall be subject to the provisions of §§ 158.235 through 158.245.

§ 158.081 MOBILE HOME RESIDENTIAL ZONING DISTRICT (RMH)

(A) Purpose. The purpose of the Mobile Home Residential Zoning District (RMH) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of mobile home park residential areas of an urban character and properly served by adequate community facilities and commercial service areas; 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 in a mobile home park residential environment.

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

(1) Mobile home park, subject to the provisions of § 158.220;

(2) Park or playground, or other public recreation ~~or cultural facility~~;

(3) ~~Civic, or cultural facility (private);~~

~~(4)~~ Foster care home, as set forth in § 158.224

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

(1) Golf course (not including miniature golf course) ~~and country club~~.

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

(E) Minimum Lot Requirements.

(1) Mobile home park: Ten acres, and a minimum frontage of 175 feet upon a public street or highway, with a maximum gross project density of five dwelling units per acre;

(2) All other permitted uses: 20,000 square feet and width of 100 feet.

(F) Maximum Building Coverage. (35%) thirty-five percent, provided that the maximum impervious surface area does not exceed (50%) fifty percent.

(G) Maximum Building Height. (25) twenty-five feet.

(H) Minimum Living Area. Mobile home dwelling: 650 square feet.

(I) Setback Requirements and Buffering.

(1) Front yard. Each lot shall have a front yard with a building setback line of 25 feet unless otherwise provided by this chapter.

(2) Side yards. Each lot shall have two side yards, each of which shall have a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet, unless otherwise provided by this chapter.

(4) Distance between buildings. A minimum distance of (15) fifteen feet shall be maintained between buildings or mobile homes.

(5) Buffering. Where a mobile home park abuts any property zoned residential or open space areas, buffering shall be provided in accordance with the landscaping requirements of § 153.04(G).

(J) Off-Street Parking and Service Requirement. 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.

OPEN SPACE DISTRICTS

§ 158.100 OPEN SPACE RECREATIONAL ZONING DISTRICT (OSR)

(A) Purpose. The purpose of the Open Space Recreational Zoning District (OSR) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of public open space and recreational activities, and other public and semi-public facilities necessary to provide services to the citizens of Port St. Lucie and to promote the public welfare; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish development standards and provisions as are appropriate to ensure proper development and a high degree of land use compatibility.

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

(1) Park or playground, or other recreation or cultural facility (public) <u>with or without an alcoholic beverage license for sale of alcoholic beverages to members and guests in accordance with Chapter 110</u>;

(2) Golf course ~~and clubhouse~~ (public and private) with or without an alcoholic beverage license for sale of alcoholic beverages to members and guests ~~of the clubhouse~~ in accordance with Chapter 110~~.~~;

(3) Port St. Lucie Botanical Gardens including the sales of alcoholic beverages for on premises consumption in accordance with Chapter 110.

(4) Public drainage facilities.

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

(1) Marina (public or private);

(2) Wireless communication antennas and towers, as set forth in § 158.213;

(3) Billboards, on sites with OSC or OSR land use and as set forth in Chapter 155.

(D) Accessory Uses. As set forth within § 158.217. Accessory uses within this district shall be construed to include incidental retail uses such as cafeterias, gift or variety shops, soda bars, and similar use activities conducted solely for the convenience of patrons or visitors.

(E) Minimum Lot Requirements. Site of adequate size and proportions to accommodate the intended use, but not less than 20,000 square feet and having a minimum width of (100) one-hundred feet.

(F) Maximum Building Coverage. (35%) thirty-five percent, provided that the combined area coverage of all impervious surfaces shall not exceed (50%) fifty percent.

(G) Maximum Building Height. (35) thirty-five feet.

(H) Minimum Living Area. Not applicable.

(I) Setback Requirements and Buffering. All yard requirements shall be established for each specific use as part of the site plan review process, provided that the minimum building setback line shall be 25 feet abutting property zoned residential. Where applicable, buffering shall be provided in accordance with the landscape 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.

INSTITUTIONAL DISTRICTS

§ 158.110 INSTITUTIONAL ZONING DISTRICT (I)

(A) Purpose. The purpose of the Institutional Zoning District (I) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of uses of an institutional nature to serve the residents of the city; to designate those uses and services deemed appropriate and proper for location and development within that development within said zoning district; and to establish development standards and provisions as are appropriate to ensure proper development and functioning of uses within that zoning district.

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

(1) Cemetery, including mausoleum;

(2) ~~Church or other place of worship~~;

~~(3) Club or lodge (private),~~ Enclosed assembly area, with or without an alcoholic beverage license for sales of alcoholic beverages to members and guests ~~of the club or lodge~~ in accordance with Chapter 110;

~~(4) Day care center;~~

(3) ~~(5)~~ Park or playground, or other public recreation ~~or cultural facility (public)~~;

~~(6) Civic, or cultural facility (private);~~

(4) ~~(7)~~ School (public), kindergarten and grades one through twelve;

(5) ~~(8)~~ Service club;

(6) ~~(9)~~ Youth organization or club (nonprofit);

(7) ~~(10)~~ Congregate living facility, as set forth in § 158.224;

(8) ~~(11)~~ Group care home, as set forth in § 158.224;

(9) ~~(12)~~ Funeral Homes, with or without a crematory.

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

(1) Business or trade organization (nonprofit);

(2) Clinic (medical);

(3) College or technical school, including dormitories;

(4) Hospital;

(5) Nursing or convalescent home;

(6) Publicly-owned or operated building or use;

(7) Public utility facility, including water pumping plant, reservoir, electrical substation, sewage treatment plant, and wireless communication antennas and towers, as set forth in § 158.213;

(8) School (private or parochial), meeting the requirements of the State Board of Education.

(D) Accessory Uses. As set forth in § 158.217. A caretaker's office or residence shall be considered to be an accessory use within this district.

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

(F) Maximum Building Coverage. (30%) thirty 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 and 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.

(H) Minimum Living Area. Caretaker's residence: 600 square feet.

(I) Yard 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 yard. Each lot shall have two side yards, each of which shall have a building setback line of (20) twenty feet.

(3) Rear yard. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet.

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

(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.

COMMERCIAL DISTRICTS

§ 158.120 NEIGHBORHOOD CONVENIENCE COMMERCIAL (CN)

(A) Purpose. The purpose of the Neighborhood Convenience Commercial Zoning District (CN) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the immediate neighborhood area; to encourage the grouping and interrelationship of established uses so as to permit a high level of pedestrian movement within the district; to designate those uses and services deemed appropriate and proper for location and

development within said zoning district; and to establish development standards and provisions as are appropriate to ensure proper development and function of uses within the district.

(B) Permitted Principal Uses and Structures. The following principal uses and structures are permitted, provided that maximum gross floor area of any one use shall be no more than 5,000 square feet. Outdoor sales and drive through-services of any type are prohibited:

(1) Any retail, business, or personal service use (including repair of personal articles only) 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;

(2) Dry cleaning or laundry pick-up station for work to be sent elsewhere;

(3) ~~Day care center;~~

~~(4)~~ Restaurant (not including drive-through facilities) with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110;~~.~~

(4) ~~(5)~~ Office for administrative, business, or professional use.

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

(1) 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; provided, however, that only one such residence may be approved for each business and required land area;~~.~~

(2) ~~Club or lodge (private)~~ Enclosed assembly area with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110;

(3) Publicly-owned or operated building or use;

(4) Public utility facility, including water pumping plant, reservoir, and electrical substation;

(5) Service station (as separate use or in conjunction with a permitted use);

(6) Retail plant nursery with outside sales and storage of living plant material. Other accessory outside storage shall be allowed subject to the provisions of § 158.217, and will require buffering pursuant to the landscaping requirements of § 153.04(G);

(7) Retail convenience stores without drive-through service;

(8) Bars, lounges, and night clubs in accordance with Chapter 110.

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

(E) Minimum and Maximum Lot Requirement. A minimum of 20,000 square feet and a minimum width of 100 feet. The maximum lot size shall not exceed four acres. 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. (25) twenty-five feet.

(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. For automobile service stations: 900 square feet. Apartment-type living quarters: 600 square feet.

(I) Setback Requirements and Buffering.

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

(2) Side setback. Each lot shall maintain two side yards with a building setback line of (10) ten feet. A building setback line of (25) twenty-five feet shall be maintained adjacent to any residential zoning district or to a public street right-of-way;

(3) Rear setback. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet;

(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). Additional buffering may also be required if called for in the appropriate Neighborhood Plan.

(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.

§ 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.

Exhibit "A"

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 ~~or teaching~~ 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) ~~Civic or cultural facility (private);~~

~~(2)~~ Any building exceeding (35) thirty-five feet in height;

~~(3) Temporary church or other place of worship; maximum period of two years;~~

(2) ~~(4)~~ Model home centers.

(3) ~~(5)~~ 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.

§ 158.124 GENERAL COMMERCIAL ZONING DISTRICT (CG)

(A) Purpose. The purpose of the General Commercial Zoning District (CG) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of general commercial facilities~~,~~. ~~s~~Said areas to be primarily along established highways where a mixed pattern of commercial usage is substantially established; to designate those uses and services deemed appropriate and proper for location and development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district. This district incorporates most of those uses formerly designated Shopping Center Commercial (CSC), and Resort Commercial (CR).

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

(1) Any retail, business, or personal service use (including repair of personal articles, furniture, and household appliances) conducted wholly within an enclosed building, where repair, processing, or fabrication of products is clearly incidental to and restricted to on-premises sales;

(2) Horticultural nursery, garden supply sales;

(3) Office for administrative, business, or professional use;

(4) Public facility or use;

(5) ~~Recreation amusement facility;~~

~~(6)~~ Restaurants (without drive-through service);

~~(7) Theater (indoor);~~

(6) ~~(8)~~ Retail sales of alcoholic beverages for incidental on and off premises consumption in accordance with Chapter 110;

(7) ~~(9)~~ Park or playground or other public recreation ~~or cultural facility~~;

~~(10) Civic or cultural facility (private)~~;

(8) ~~(11)~~ Motel, hotel, or motor lodge~~;~~

(9) ~~(12) Club, lodge or convention center.~~

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

(1) 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; provided, however, that only one such residence may be approved for each business and required land area.

(2) ~~Day care center~~ Enclosed assembly area;

(3) Public utility facility, including water pumping plant, reservoir, and electrical substation, and sewage treatment plant;

(4) Semi-public facility or use;

(5) Catalog showrooms with more than twenty percent of gross floor area devoted to storage;

(6) Car wash;

(7) Kennel, enclosed;

(8) ~~Bingo hall~~ Bars, lounges, and night clubs;

(9) Schools (private or parochial), meeting the requirements of the State Board of Education, or technical or vocational schools;

(10) Automobile, boat, farm equipment or truck sales and repairs with repairs conducted entirely within an enclosed building.

(11) Automobile ~~gasoline~~ fuel services or repairs, including oil lubrication businesses;

(12) Retail convenience stores;

(13) Hospitals, nursing or convalescent homes;

(14) Any use set forth in Subsection B: "Permitted Principal Uses and Structures" that includes drive-through service;

(15) Pain Management clinic~~.~~;

(16) Recreational amusement facility.

(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. 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. (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. For automobile service stations: 900 square feet. Apartment-type unit: 600 square feet.

(I) Setback Requirements and Buffering.

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

(2) Side setback. 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 setback. Each lot shall have a rear yard with a building setback line of (10) ten feet. A building rear setback line of (20) twenty feet shall be required when it abuts a residential use, public right-of-way or drainageway;

(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). Additional buffering may also be required if called for in the appropriate neighborhood plan.

(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.

§ 158.125 HIGHWAY COMMERCIAL ZONING DISTRICT (CH)

(A) Purpose. The purpose of the Highway Commercial Zoning District (CH) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of business activities designated primarily to serve transients and the motoring public; 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.

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

(1) Automobile service station or truck stop, including minor repair facilities but excluding repairs involving engine or transmission or welding;

(2) Motel, hotel, or motor lodge;

(3) Restaurant, cafe, or sandwich shop, including drive-in facilities;

(4) Shop for sale at retail of gifts, jewelry, art, sundries and notions, camera and photographic supplies, and similar uses catering to tourism;

(5) Retail sales of alcoholic beverages for <u>incidental</u> on and off premises consumption in accordance with Chapter 110~~;~~

~~(6) Club, lodge or convention center~~.

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

(1) Automobile, boat, farm equipment, or truck sales and repair;

(2) Travel trailer park or camp grounds

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

<u>(4) Bars, lounges, and night clubs.</u>

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

(E) Minimum Building Size and Minimum Lot Requirements. Commercial and office buildings shall have a minimum total gross floor area of 1,200 square feet. For automobile service stations: 900 square feet. Minimum lot size: 20,000 square feet and a minimum width of 100 feet.

(F) Maximum Building Coverage. (30%) thirty percent, provided that the combined area coverage of all impervious surfaces shall not exceed (80%) eighty percent.

(G) Maximum Building Height. (50) fifty feet.

(H) Setback Requirements and Buffering.

(1) Front setback. Each lot shall have a front yard with a building setback line of (50) fifty feet;

(2) Side setback. Each lot shall have two side yards, each having 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 setback. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet;

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

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

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

§ 158.126 SERVICE COMMERCIAL ZONING DISTRICT (CS)

(A) Purpose. The purpose of the Service Commercial Zoning District (CS) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of commercial service facilities to fulfill the general city-wide need for said 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.

(B) Permitted Principal Uses and Structures. The following principal uses and structures are permitted provided that all businesses, services, manufacturing, or processing of materials are confined within a fully enclosed building with no exterior emission of odors, fumes, dust smoke, vibration, waste liquids, or other substances:

(1) Any use ~~allowed~~ permitted in the (CG) General Commercial District, unless specifically listed in the following subsection D, Special Exception Uses;

(2) Automotive, boat or truck repair;

(3) Bakery;

(4) Building material sales;

(5) Cabinet shop;

(6) Contractor's shop;

(7) Laundry or dry-cleaning establishment;

(8) Sign company;

(9) Semi-public facility or use;

(10) Trade shop (roofing, plumbing, electrical, and the like);

(11) Wholesale establishment;

(12) Food processing facility;

(13) Manufacturing and assembly and associated warehousing, storing, processing, and packaging of goods and materials;

(14) Public facility or use;

(15) Television and broadcasting station;

(16) Analytical laboratory;

(17) Equipment rental business.

(C) The following Principal Uses which need **Not** be fully enclosed in a building or structure are permitted, provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of eight feet with no material placed so as to be visible beyond the height of the fence or wall:

(1) Public facility or use;

(2) Public utility facility, including water pumping plant, reservoir, electrical substation, and sewage treatment plant;

(3) Automotive, boat or truck, sales;

(4) Lumber yard;

(5) Material or vehicle storage yard;

(6) Contractor's storage yard;

(7) Mobile home sales or storage;

(8) Open storage, provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of eight feet with no material placed so as to be visible beyond the height of the fence or wall.

(9) Warehousing, and mini warehouses, provided that all open storage areas shall be screened from view from public rights-of-way and residentially zoned property and be completely enclosed by an opaque

fence or a wall having a minimum height of eight feet with no material placed so as to be visible beyond the height of said fence or wall, except for sales lots of new or used automobiles, trucks or new machinery or equipment. (Refer to § 158.126(K) for parking requirements.)

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

(1) 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; provided, however, that only one such residence may be approved for each business and required land area;

(2) Kennel, with outdoor runs;

(3) ~~Church or other place of worship~~ Enclosed assembly area;

(4) Wireless communication antennas and towers, as set forth in § 158.213;

(5) Commercial driving school;

(6) ~~Gymnastic school~~ Recreational amusement facility;

(7) Recreational vehicle park;

(8) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten acres;

(9) Indoor shooting facility;

(10) Any use set forth in Subsection B: "Permitted Principal Uses and Structures" that includes drive-through service~~.~~

(11) ~~Day care center~~ Bars, lounges, and night clubs.

(12) Catalog showrooms with more than twenty percent of gross floor area devoted to storage;

(13) Car wash;

(14) Schools (private or parochial), meeting the requirements of the State Board of Education, or technical or vocational schools;

(15) Automobile fuel services;

(16) Retail convenience stores.

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

(F) Minimum Lot Requirements. Twenty thousand square feet and a minimum width of 100 feet. More than one permitted or special exception use may be permitted 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".

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

(H) Maximum Building Height. (35) thirty-five feet. Exception to height limits in this district may be considered through the variance application process.

(I) Minimum Building Size and Minimum Living Area. Commercial and office buildings shall have a minimum total gross floor area of 1,200 square feet. For automobile service stations: 900 square feet. Apartment-type unit: 600 square feet.

(J) Setback Requirements and Buffering.

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

(2) Side setback. 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 it adjoins a residential use or a public right-of-way;

(3) Rear setback. Each lot shall have a rear yard with a building setback line of (20) twenty feet. A building rear setback line of (25) twenty-five feet shall be required when it abuts a residential use or 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 provisions of § 153.04(G).

(K) Off-Street Parking and Service Requirements. All development under this zoning district shall use at a minimum 1:300 parking calculations. If retail or office uses are proposed the parking shall be calculated at 1:200. <u>All special exception uses shall use parking calculations as set forth in § 158.221.</u>

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

§ 158.135 WAREHOUSE INDUSTRIAL ZONING DISTRICT (WI)

(A) Purpose. The purpose of the Warehouse Industrial Zoning District (WI) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of warehousing, wholesale trade and limited industrial activities of light intensity; 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.

(B) Permitted Principal Uses and Structures.

(1) The following principal uses and structures are permitted provided that all businesses, services, manufacturing or processing of materials are confined within a fully-enclosed building with no exterior emission of odors, fumes, dust, smoke, vibration, waste liquids, or other substances.

(a) Cabinet making, carpentry shop or other trade shop;

(b) Food processing facility;

(c) Cold storage warehouse and pre-cooling plant;

(d) Manufacturing, assembly, warehousing, storing, processing and packaging of goods and materials;

(e) Mini-warehousing;

(f) Public facility or use;

(g) Warehousing, provided that no more than 30% of each building be devoted to office or retail space associated with the warehouse use and not as a separate unrelated business;

(h) Television and broadcasting station;

(i) Repair and maintenance of vehicles and equipment;

(j) Semi-public facility;

(k) Analytical laboratory;

(l) Wholesale trade, provided that no more than (50%) fifty percent of the total floor area is devoted to the display of goods and materials or office space, including the wholesale trade of alcoholic beverages;

(m) Furniture sales;

(n) Building material sales and/or lumber yard.

(2) The following principal uses which need not be fully enclosed in a building or structure are permitted.

(a) Public utility facility, including water pumping plant, reservoir, and electrical substation;

(b) Equipment rental business;

(c) Warehousing, open storage, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight feet with no material placed so as to be visible beyond the height of said fence or wall.

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

(1) Mobile home or apartment for use by custodian or night watchman;

(2) Commercial driving school;

(3) Recreational amusement facility ~~Gymnastic or other sports or recreation instruction school~~;

(4) Fine arts studio;

(5) Music recording studios;

(6) Recreational Vehicle Park;

(7) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of six feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten acres;

(8) Indoor shooting facility;

(9) Wireless communication antennas and towers, as set forth in § 158.213;

(10) Enclosed assembly area.

(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. 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. (50%) fifty 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 transmission and broadcast towers. Exceptions to height limits in this district may be considered through the variance application process.

(H) Minimum Living Area. Mobile home or apartment: 600 square feet.

(I) Setback Requirements and Buffering.

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

(2) Side setback. 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 maintained adjacent to any residential zoning district or use, or to a public street right-of-way;

(3) Rear setback. Each lot shall have a rear yard with a building setback line of (10) ten feet, provided that no setback is required from a railroad right-of-way. A building setback line of (25) twenty-five feet shall be maintained adjacent to any residential zoning district or use, or to a public street 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).

All open storage areas shall be screened from view from public rights-of-way and residentially zoned property. Said screening shall be an opaque fence or wall at least (8) eight feet tall, with no material placed so as to exceed the height of said fence or wall.

(J) Off-Street Parking and Service Requirements. Warehouses developed under this zoning category may use 1:500 parking calculations provided that the site is used solely for storage purposes. Additional uses such as wholesale trade, retail sales, or office use warehouses shall use other parking calculations 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.

§ 158.136 INDUSTRIAL ZONING DISTRICT (IN)

(A) Purpose. The purpose of the Industrial Zoning District (IN) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of industrial activities; 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 incorporates most of those uses formerly designated Heavy Industrial (HI), Flexible Industrial (FI), and Light Industrial (LI).

(B) Permitted Principal Uses and Structures.

(1) The following principal uses and structures are permitted provided that all businesses, services, manufacturing or processing of materials are confined within a fully-enclosed building with no exterior emission of odors, fumes, dust, smoke, vibration, waste liquids, or other substances:

(a) Manufacturing, assembly, warehousing, storing, processing and packaging of goods and materials;

(b) Research and development facility;

(c) Public facility use;

(d) Television, broadcasting station and telephone call centers;

(e) Semi-public facility;

(f) Analytical laboratory;

(g) Warehouse;

(h) Wholesale trade and distribution;

(i) Office space as needed in conjunction with a use listed above;

(j) Retail and business services primarily intended to serve the industrial facilities;

(k) Adult Entertainment. The applicant must demonstrate consistency with the provisions and conditions of all other pertinent city code of ordinances which regulate this use.

(l) Facility-based day treatment program.

(2) The following principal uses which need not be fully enclosed in a building or structure are permitted;

(a) Public utility facility, including water pumping plant, reservoir, and electrical substation;

(b) Warehousing, open storage, provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of (8) eight feet with no material placed so as to exceed the height of said fence or wall.;

(c) Equipment rental business.

(C) Special Exception Uses. The following uses may be permitted following the review and specific approval by the City Council and serve to implement heavy industrial land uses as contemplated in the Comprehensive Plan:

(1) Mobile home or apartment for use by custodian or night watchman;

(2) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten acres;

(3) Wireless communication antennas and towers, as set forth in § 158.213;

(4) Recreational vehicle park;

(5) Airport or landing field;

(6) Commercial driving school;

(7) ~~Daycare, in conjunction with a place of employment;~~

~~(8)~~ Kennel, with outdoor runs;

(8) ~~(9)~~ Other heavy industrial development not listed above but that are considered to have high intensity use with potential impact on surrounding land uses and to be located within heavy industrial land use districts.

(9) ~~(10)~~ Billboards as allowed under § 155.08(N).

(10) ~~(11)~~ Solar generation station subject to the requirements of § 158.230.

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

(E) Minimum Lot Requirements. 20,000 square feet and a minimum width of 160 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 within the "City of Port St. Lucie Land Use Conversion Manual".

(F) Maximum Building Coverage. (50%) fifty 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 transmission and broadcast towers. Exception to height limit may be considered through the variance application process.

(H) Minimum Living Area. Mobile home or apartment: 600 square feet.

(I) Setback Requirements and Buffering.

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

(2) Side setback. 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 maintained adjacent to any residential zoning district or to a public right-of-way;

(3) Rear setback. Each lot shall have a rear yard with a building setback line of (25) twenty-five feet from any residential land use, (10) ten feet from any other land use, provided that no setback is required from a railroad 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).

All open storage areas shall be screened from view from public rights-of-way and residentially zoned property. Said screening shall be an opaque fence or wall at least (8) eight feet tall, with no material placed so as to be visible beyond the height of said fence or wall.

(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 and 158.245.

§ 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, institutional, 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 or special exception use listed in the Professional (P) District;

(2) Any permitted or special exception use listed in Institutional (I) District;

(3) Any permitted or special exception use listed in the Multiple-Family Residential (RM-11) District.

(4) Retail or personal service uses conducted wholly within an enclosed building, but not including convenience/gas sales, restaurants and the sales of alcoholic beverages. These uses shall not exceed (50%) fifty of the building's gross floor area and no one use shall exceed 5,000 square feet. The site plan required under § 158.155(M)(1)(c) shall specify those areas of the building to be used for retail uses.

(D) Special Exception Use

(1) Bank or savings and loan association with or without a drive-thru;

(2) Retail plant nursery;

(3) Retail or personal service uses, exceeding (50%) fifty of the building's gross floor area, conducted wholly within an enclosed building, but not including convenience/gas sales, restaurant and the sales of alcoholic beverages. No one use shall exceed 5,000 square feet. A minimum lot depth of 240 feet off of the primary road frontage shall be provided and in no case shall the minimum lot be less than 40,000 square feet. The site plan required under § 158.155(M)(1)(c) shall specify those areas of the building to be used for retail uses;

(4) Restaurants (not including drive-in facilities) with or without an alcoholic beverage license for on premises consumption of beer and wine in accordance with Chapter 110; and

(5) Any use exceeding 5,000 square feet.

(E) Accessory Uses. As set forth in § 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 20,000 square feet.

(2) The maximum gross project density shall be eleven 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

(G) Maximum Building Coverage. (40%) forty percent, provided that the maximum impervious surface area does not exceed (80%) eighty percent.

(H) Maximum Building Height. (35) thirty-five feet except for the ROI (Residential, Office, Institutional) conversion area as defined in the "City of Port St. Lucie Land Use Conversion Manual", lying between Airoso and US #1, where the maximum building height shall be one story.

(I) Minimum Building Size and Minimum Living Area.

(1) Commercial and office buildings shall have a minimum total gross floor area of 1,200 square feet.

(2) Multiple-family dwelling: one bedroom, 700 square feet; efficiency or studio apartment - 600 square feet.

(3) Single-family dwelling: Minimum size house of 1,400 square feet.

(4) Townhouse dwelling: 800 square feet.

(J) Setback Requirements and Buffering

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

(2) Side Setback. Each lot shall have two side yards, each having a building setback line of ten feet. A building setback line of (25) twenty-five 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 (25) twenty-five feet is required when the yard adjoins a residential land use or a public road right-of-way. A (50) fifty foot rear yard building setback line shall be required for two-story buildings adjacent to single family residential lots.

(4) Buffering. Where applicable, buffering shall be required in accordance with the landscaping requirements of Chapter 153 and the Comprehensive Plan - 1998. All mechanical equipment and dumpsters shall be screened from view. This screening shall be designed as both a visual barrier and a noise barrier. The Site Plan Review Committee, Planning & 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 § 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 insure 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 § 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:

(a) A statement presenting firm evidence of unified control of the entire area within the proposed LMD.

(b) An agreement to proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the rezoning and/or the conceptual plan of the land to LMD.

(c) Preliminary development 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 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.

(d) Preliminary building elevations drawn to scale depicting the overall design concept including a description of style and materials to be used.

(e) Landscape plan pursuant to Chapter 153.

(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 §§ 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 § 158.262.

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: *REGULAR* _X_ *SPECIAL* ____

DATE: October 24th and November 14th, 2011

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

ITEM: P11-029, Zoning Code Update,
Chapters 158.006-155 – Definitions and Zoning Districts
Zoning Text Amendment Application

RECOMMENDED ACTION: On October 4, 2011, the Planning and Zoning Board unanimously voted to recommend approval of the zoning text amendment application.

EXHIBITS:

A. Ordinance
B. Staff Report
C. Support Materials

SUMMARY EXPLANATION/BACKGROUND INFORMATION:
The City of Port St. Lucie is the applicant. This ordinance is proposing to amend the City of Port St. Lucie's Zoning Code to address three use groups: 1. bars, lounges, and night clubs, 2. enclosed assembly areas, and 3. recreational amusement facilities.

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

SUBMITTING DEPARTMENT: PLANNING and ZONING *DATE: 10/13/11*

ITEM # 7(C)

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

TO: **CITY COUNCIL - MEETING OF OCTOBER 24, 2011**

FROM: **DANIEL HOLBROOK, AICP, DIRECTOR OF PLANNING AND ZONING**

RE: **ZONING CODE UPDATE (PROJECT NO. P11-029)**
CHAPTER 158.006-155 – DEFINITIONS AND ZONING DISTRICTS
ZONING TEXT AMENDMENT APPLICATION

DATE: **OCTOBER 13, 2011**

BACKGROUND: This report is proposing to amend the City of Port St. Lucie's Zoning Code to address three use groups: 1. bars, lounges, and night clubs, 2. enclosed assembly areas and 3. recreational amusement facilities. The City of Port St. Lucie is the applicant. It has been brought to the City's attention that the City's Zoning Code may discriminate against religious uses that are protected under the Religious Land Use and Institutionalized Persons Act (RLUIPA). The City has a federal lawsuit for verified complaint for declaratory judgement, injunctive relief, and damages that is currently making its way through the legal system. That case was initially filed as Palm Beach Gardens Baptist Church, INC., and Richard K. Parker v. City of Port St. Lucie. It has since been amended to include additional parties. The purpose of this report is not to review that case but rather proactively address known zoning matters. As such, the zoning text amendment is proposing to use consistent terminology and to comply with RLUIPA and related court rulings.

The purpose of the Zoning Code is provided in § 158.004, and reads "*The zoning code is related to, based on, consistent with, and adopted to effectuate and implement the policies of the City Comprehensive Plan pursuant to F.S. 163.3201, in order to preserve, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare; encourage the most appropriate use of land, water, and resources; preserve and enhance the value of land and the character and stability of residential, agricultural, commercial, and industrial areas; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other services; and to conserve, develop, utilize, and protect the natural resources within the city.*"

The Zoning Code has a wide range of uses that range from Open Space Conservation (OSC), a minimally or essentially non-intensive use, to Industrial (IN), a very intensive use. Each zoning district lists uses that are permitted by right or by special exception use. Essentially all the zoning districts are being proposed for amendment except Open Space Conservation (OSC). Proposed new text is identified with an underline and text that is proposed for deletion is identified with a ~~strikethrough~~.

Special Exception Uses require additional review. § 158.255-262 outlines the requirements for this review. The criteria to review special exception uses is as follows:

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other emergency.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

(E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

(G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.

(I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

FINDINGS AND ANAYLSIS:

Bars, lounges, nightclubs.
The City of Port St. Lucie's Police Department has shared their concern about bars, lounges, and nightclubs; see the attached email. They have expressed that it would be in the interest of the city that these uses have additional review and consideration instead of being permitted by right. As a result of their request, a new definition is being proposed for bars, lounges, and nightclubs. Currently, this term is not defined in the Zoning Code. Historically, they have been permitted as retail sales of alcohol for on-site consumption. Below is a table which shows where these uses have been permitted.

Existing Regulations – Retail sales of Alcohol, On-Site Consumption

Zoning	Permitted	Special Exception Use
RM-11		Alcohol*
RM-15		Alcohol*
OSR	Alcohol*	
I	Alcohol*	
CN	Beer and Wine only*	
CG	Alcohol	
CH	Alcohol	
CS	Alcohol	
LMD		Beer and Wine only*

Notes: * Additional restrictions may apply

The proposed definition is provided below and the distinguishing factor is that the service of food and/or entertainment is only incidental to the consumption of such beverages.

BARS, LOUNGES, AND NIGHT CLUBS. An area primarily devoted to the serving of alcoholic beverages and in which the service of food and/or entertainment is only incidental to the consumption of such beverages.

The proposal is to require all new bars, lounges, and nightclubs to be approved only as a special exception use. Below is a table that shows the proposed amendments which will make this use a special exception.

Proposed Amendment – ON-SITE CONSUMPTION
(Incidental sales and bars, lounges, and night clubs)

Zoning	Permitted	Special Exception Use
OSR	Incidental sales **	
I	Incidental sales **	
CN	Incidental sales *	Bars, lounges, nightclubs
CG	Incidental sales**	Bars, lounges, nightclubs
CH	Incidental sales**	Bars, lounges, nightclubs
CS	Incidental sales**	Bars, lounges, nightclubs
LMD		Incidental sales**

* Incidental sales of beer and wine only, e.g., restaurants
** Incidental sales of alcohol may include: restaurants, golf courses, private clubs, and botanical gardens.

Enclosed Assembly Area. The primary challenge in the litigation initially discussed in this report is that the uses are not treated equally. In order to ensure that they are treated equally, the proposal is to modify definitions and create a new definition for Enclosed Assembly Area. It is the intent of this zoning text amendment to be compliant with court rulings. This specifically requires that churches and daycares be allowed in the same zoning districts. Staff has met with the Plaintiff's attorney this summer and discussed their concerns about the City's Zoning Code.

In the past staff has studied or had studies conducted to understand the need for institutional uses. Additionally, as a part of annexation agreements and comprehensive plan amendments, city staff has secured institutional uses on properties generally west of Interstate 95.

Historically, churches or places of worship and daycares have been either permitted by right or by special exception use. Below are tables which show where these uses have been allowed. The following uses have also been historically listed and allowed by right or special exception use in the Zoning Code: country club, civic or cultural facility, club, lodge, convention center, and bingo hall.

Existing Regulations – Churches or Places of Worship

Zoning	Permitted	Special Exception Use
RM-5		X
RM-8		X
RM-11		X
I	X	
P		X*
LMD	X	
CS		X

Note: * temporary and limited to two years

Existing Regulations – Daycare Centers

Zoning	Permitted	Special Exception Use
I	X	
CN	X	
CG		X
CS		X
IN		X*
LMD	X	

Note: * in conjunction with a place of employment

The proposal is to create a single definition that would encompass all similar uses and then use that definition in the zoning code. All references to the individual uses listed in the zoning districts are proposed for deletion. The proposed definition is as follows:

ENCLOSED ASSEMBLY AREA. 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. Day care centers will be considered an enclosed assembly area.

It is proposed that Enclosed Assembly Areas will be permitted in two zoning districts by right and by special exception use in five zoning districts.

Proposed Regulations – Enclosed Assembly Area

Zoning	Permitted	Special Exception Use
I	X	
CN		X
CG		X
CH		X
CS		X
WI		X
LMD	X	

Recreational Amusement Facilities

Recreational amusement facilities and gymnastic schools have been permitted separately; see table below.

Existing Regulations – Recreational Amusement Facility (RAF) and Gymnastic School (GS)

Zoning	Permitted	Special Exception Use
CG	RAF	
CS	RAF	GS
WI		RAF

The proposed amendment is to modify the recreation amusement facility definition to encompass gymnastic uses and to amend the code accordingly; see the table and definition below.

RECREATIONAL AMUSEMENT FACILITY. A place designed and equipped for the conduct of sports, leisure time, fitness ~~activities~~ and ~~other customary and usual~~ recreational activities, including sports instruction schools.

Proposed Regulations – Recreational Amusement Facility

Zoning	Permitted	Special Exception Use
CG		X
CS		X
WI		X

Additionally, staff is taking this opportunity to make some grammatical and punctuation corrections. This proposal has been reviewed by both the Planning and Legal staff.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be consistent with zoning text amendment and rezoning procedures as stipulated in Section 158.315-322 of the Zoning Code and the policies of the Comprehensive Plan and therefore recommends approval.

On October 4, 2011, the Planning and Zoning Board unanimously voted to recommend approval of the zoning text amendment application.

Daniel Holbrook

From: Don Paris [Don.Paris@pslpd.us]
Sent: Friday, July 22, 2011 1:23 PM
To: Daniel Holbrook
Cc: Kacey Donnell
Subject: Special Exception Use for Bars/Restaurants

Mr. Holbrook,

I went through my chain of command and received permission to move forward with addressing the parking issues we discussed in reference to bars/restaurants.

Two examples of the parking problems would be Level One/Three Olives Lounge and Paradise Lounge.

Level One/Three Olives Lounge is located at 207 SW Port St. Lucie Blvd. The Fire Department issued a maximum occupancy of 251 people. There are 41 parking spaces, which would require over six occupants per space/vehicle at maximum occupancy not including employees. In addition, The spaces are shared by a liquor store and there is one vacant bay in the building. It is not uncommon for this business to exceed it's parking capacity once or twice a week.

Paradise Lounge is located at 1334 SW Bayshore Blvd. in a strip plaza. The Fire Department issued a maximum occupancy of 140 people. The Plaza has 35 parking spaces, which are shared with five other businesses. The ratio for maximum occupants/parking spaces is four people per space/vehicle and does not include employees. It is not uncommon for this business to exceed it's parking capacity every Friday and Saturday night.

When these businesses exceed their parking capacity their patrons start parking at the adjoining businesses. I have been in contact with representatives from some of the business and they have expressed concern with unauthorized use of their parking lots, trash left behind and occasional vandalism to their property. One property owner told me that he was forced to hire security and a tow company in order to deal with the problem.

I doubt that we can do anything about businesses that have already been approved to operate under the current approval process but it would be nice to address this issue for future use.

Thank you for your assistance and let me know if I can be of any assistance.

DSO Don Paris
201-0656