COUNCIL ITEM/ DATE 10a 2/27/12

ORDINANCE 12- 08

AN ORDINANCE AMENDING CHAPTER 158, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA TO ADD TWO NEW SECTIONS ALLOWING FOR CERTAIN EXEMPTIONS TO THE SITE PLAN APPROVAL AND REVISION PROCESSES; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That the following new Sections 158.237 (F) and (G) are hereby added as follows:

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

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

(2) Public works projects constructed within public rights-of-way.

(3) Public stormwater management projects.

(4) Development of capital improvement projects, excluding public access buildings, listed in the adopted City of Port St. Lucie Capital Improvements Plan.

Section 158.237 (G) The following development shall be exempt from the site plan revision process specified in Sections 158.237 (C) and (D) of this Chapter provided that all applicable setbacks are met and the changes are incorporated into a future major or minor revision of the site plan if applicable:

(1) Development activity on existing, previously approved developments for the sole purpose of complying with Chapter 553, Part II, Accessibility by Handicapped Persons of the Florida Statutes.

(2) Changes of use within a lawfully established building, provided there is adequate parking per Section 158.221.

(3) Construction associated with the installation of emergency electric power generators or solar facilities on previously approved developments.

(4) The construction of uninhabitable accessory structures less than 200

square feet in size (i.e., dumpster enclosures, sheds, awnings, etc.) on previously approved developments.

(5) The construction of fences that do not enclose vehicular parking, restrict vehicular access, enclose storage yards, or impact drainage on previously approved developments.

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 _____, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
JoAnn M. Faiella, Mayor

ATTEST:

By: _____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: _____
Roger G. Orr, City Attorney

PORT ST. LUCIE CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR _X_ SPECIAL

DATE: 2-27-12 and 3-12-12

ORDINANCE _X_ RESOLUTION __ MOTION

PUBLIC HEARING 3-12-12 LEGAL AD PUBLISH DATE City Clerk's Office

NAME OF NEWSPAPER St. Lucie News Tribune

ITEM: P11-163. City Code Text Amendment – Chapter 158: Zoning – Proposed Exemptions to the Site Plan Approval and Revision Processes

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RECOMMENDED ACTION: The Planning & Zoning Board at their meeting of February 7, 2012, unanimously recommended approval of the proposed amendment to the City's Zoning Code.

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EXHIBITS: A. Staff Report and Recommendation
B. Ordinance

SUMMARY EXPLANATION/BACKGROUND INFORMATION: Proposed amendment to allow exemptions to the site plan approval and revision processes for certain developments.

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

SUBMITTING DEPARTMENT: Planning Department DATE: 2/13/12

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

TO: PLANNING AND ZONING BOARD - MEETING OF FEBRUARY 7, 2012

FROM: ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING AC

RE: CITY CODE TEXT AMENDMENT
(PROJECT NO. P11-163)
CHAPTER 158, ZONING CODE – PROPOSED EXEMPTIONS TO THE SITE PLAN APPROVAL AND REVISION PROCESSES

DATE: JANUARY 26, 2012

BACKGROUND

At the City Council's 2011 Summer Retreat, the Assistant City Manager presented the Regulatory Rethink agenda item. The purpose of the presentation and following discussion was to explore ways that the City could be more business friendly and improve its regulatory processes. One of the items discussed was the site plan approval process.

The Zoning Code allows minor revisions of approved site plans to be reviewed by the Zoning Administrator. The Zoning Administrator may refer the request to the Site Plan Review Committee for approval or for a recommendation to the City Council. The fee for a minor revision is $710. Any structure that requires a building permit is required to be shown on the site plan. Some structures, such as sheds, awnings, and fences, do not affect utilities, access or drainage and do not need to be reviewed by the Site Plan Review Committee. The feedback the Planning Department has received from small business owners who need to make such changes to their site is that the cost and time involved for the review causes a hardship. The City Manager's Office has asked staff to propose an administrative process for very minor changes.

In Martin County, the construction of uninhabitable accessory structures less than 200 square feet in size (i.e., dumpster enclosures, sheds, gazebos, etc.) on previously approved site plans are exempt from site plan amendment requirements. In St. Lucie County if the minor adjustment is not significant, Planning Department staff can review and approve the revision as part of the review for the application for a building permit.

The Planning and Zoning Department has reviewed these requirements. Staff is proposing that the City amend the Zoning Code to exempt the construction of uninhabitable accessory structures less than 200 square feet in size (i.e., dumpster enclosures, sheds, gazebos, fences that do not restrict access, etc.) on previously approved developments from the site plan revision process. Staff is also proposing that changes to comply with the state statute requirements for handicapped accessibility, changes of use within existing buildings (with adequate parking), and installation of emergency generators or solar facilities be included as exempt. All applicable setbacks would have to be met and the changes incorporated into any future site plan revision if applicable. The approval of the location of these structures could be handled by the departments through the building permit review process. These proposed changes are expected to expedite the process and reduce the cost for businesses.

In reviewing the Zoning Code, it became apparent that there are certain types of development and construction activities which the City has not required to be shown on a site plan, however this practice is not addressed in the code. These include: 1) single family dwellings and accessory uses on platted lots; 2) public works projects constructed within public right-of-way; 3) public stormwater management projects; and 4) City capital improvement projects, excluding public access buildings. Staff is proposing that these items be specified as exempt from the site plan approval process. Buildings that are accessible by the public should be shown on site plans to ensure that parking and handicapped accessibility requirements are met.

PROPOSED TEXT AMENDMENTS

The proposed amendments to add two new sections to the Zoning Code are shown by the underlined text as follows:

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

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

(2) Public works projects constructed within public rights-of-way.

(3) Public stormwater management projects.

(4) Development of capital improvement projects, excluding public access buildings, listed in the adopted City of Port St. Lucie Capital Improvements Plan.

Section 158.237 (G) The following development shall be exempt from the site plan revision process specified in Sections 158.237 (C) and (D) of this Chapter provided

that all applicable setbacks are met and the changes are incorporated into a future major or minor revision of the site plan if applicable:

(1) Development activity on existing, previously approved developments for the sole purpose of complying with Chapter 553, Part II, Accessibility by Handicapped Persons of the Florida Statutes.

(2) Changes of use within a lawfully established building, provided there is adequate parking per Section 158.221.

(3) Construction associated with the installation of emergency electric power generators or solar facilities on previously approved developments.

(4) The construction of uninhabitable accessory structures less than 200 square feet in size (i.e., dumpster enclosures, sheds, awnings, etc.) on previously approved developments.

(5) The construction of fences that do not enclose vehicular parking, restrict vehicular access, enclose storage yards, or impact drainage on previously approved developments.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff recommends approval of the proposed text amendment to the Zoning Code.