

ORDINANCE No. 2018-09

FILE NO.: TLDC-320185281

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING THE TEXT OF THE LAND DEVELOPMENT CODE, SECTION 4.02.00 RIVER PARK – COMMUNITY OVERLAY ZONE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, (Board) based on the testimony and evidence, including but not limited to the staff report, has made the following determinations:

1. On August 1, 1990, the Board of County Commissioners of St. Lucie County, Florida, adopted the St. Lucie County Land Development Code.

This Board is authorized by Section 125.01(1)(h), Florida Statutes, to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and,

3. This Board is authorized by Section 125.01(1)(t), Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers and to prescribe fines and penalties for the violations of ordinances in accordance with law.
4. On March 15, 2018, the Local Planning Agency/ Planning and Zoning Commission held a public hearing on the proposed ordinance after publishing due notice in the St. Lucie News Tribune and recommended that the proposed ordinance be forwarded with a recommendation for approval.
5. On May 1, 2018, this Board held the first public hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune.
6. On June 5, 2018, this Board held its second public hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune.
7. The proposed amendments to the St. Lucie County Land Development Code are consistent with the general purpose, goals, objectives and standards of the St. Lucie County Comprehensive Plan, are internally consistent with the remainder of the Land Development Code and are in the best interest of the health, safety and public welfare of the citizens of St. Lucie County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A.

THE SPECIFIC AMENDMENTS TO THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE ARE TO READ AS FOLLOWS:

4.02.00. - RIVER PARK—COMMUNITY OVERLAY ZONE

4.02.01. - Purpose and Intent.

- A. It is the purpose and intent of this section to recognize changing conditions along Prima Vista Boulevard, in the River Park Subdivision, between South US #1 (SR 5) and ~~Arioso~~ Airosso Boulevard and to establish supplemental performance standards of review by which to evaluate all applications for change in zoning, use and development to nonresidential use which may be filed for parcels in the River Park subdivision area as further described in this Section.
- B. This section is intended to encourage and provide for a logical and orderly transition from residential to nonresidential zoning, use and development where appropriate, and to protect those parcels which remain residential from the impacts of the nonresidential development.
- C. Nothing in this section is intended to supersede the minimum standards of review for any amendment to the Official Zoning Atlas of St. Lucie County as set forth in Section 11.06.03 of this Code.

4.02.02. - River Park Community Overlay Zone Established.

- A. The River Park Community Overlay Zone shall consist of all those parcels of land lying in the following subdivisions as recorded in the official land records of St. Lucie County, Florida, and which share a common property line with the right-of-way for Prima Vista Boulevard and/or and are contiguous to a parcel of land that shares a common property line with the right-of-way for Prima Vista Boulevard:

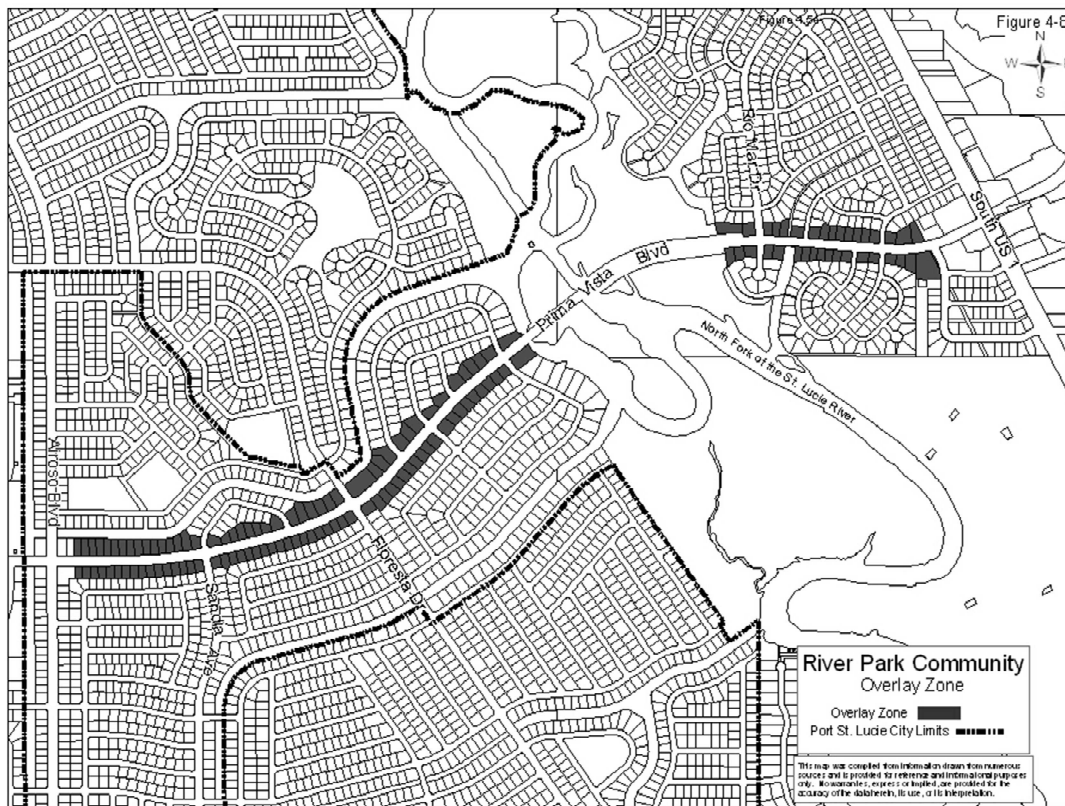
SUBDIVISION NAME	PLAT BOOK	PAGE
RIVER PARK - UNIT 3	10	80
RIVER PARK - UNIT 4	11	9
RIVER PARK - UNIT 5	11	31

RIVER PARK - UNIT 6	12	26
RIVER PARK - UNIT 10	14	29
SUBDIV. OF PART OF TRACT "E", RIVER PARK - UNIT 3	12	22

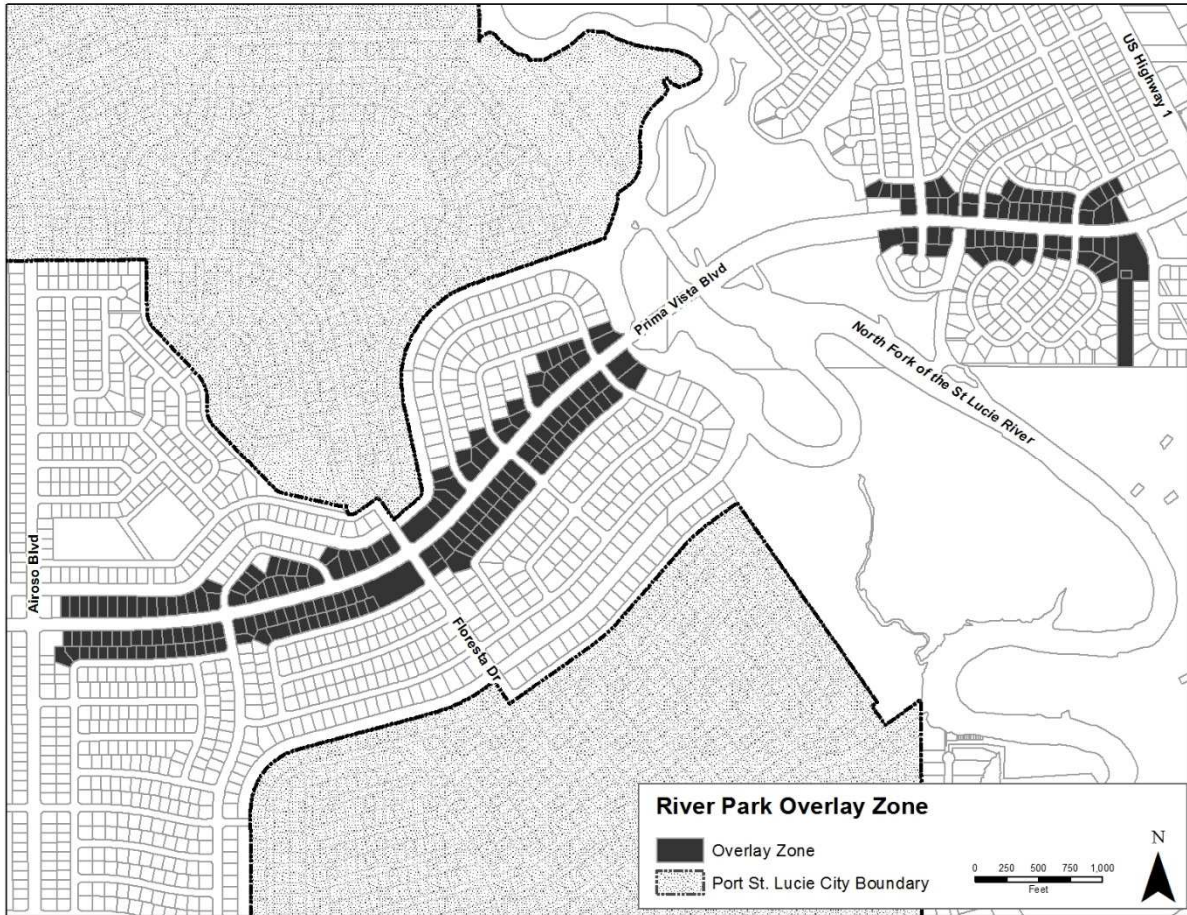
Except that those properties in the above subdivisions that were classified with a COM (Commercial) Future Land Use designation on August 6, 1996, the date of establishment of these regulations, shall not be included in the River Park Overlay Zone.

Figure 4-8 generally depicts the limits of the above described overlay zone.

- B. The River Park Community Overlay Zone, created in Part A above, shall be divided into two (2) subzones, generally described as follows:



(This map to be deleted. Map is inconsistent with existing Overlay boundary description.)



(This map to be inserted. Map update consistent with existing Overlay boundary description.)

1.) **Intersection Zone.** The Intersection Zone(s) shall be centered at the following locations:

- a.) Prima Vista Boulevard and South US #1
- b.) Prima Vista Boulevard and Floresta Drive
- c.) Prima Vista Boulevard and Airoso Drive Boulevard

The Intersection Zone shall consist of those properties which share a common property line with the right-of-way for Prima Vista Boulevard and/or are contiguous to a parcel of land, under the common ownership or control of the same person, party or interest group that shares a common property line with the right-of-way for Prima Vista Boulevard.

In no instance shall an Intersection Zone extend more than five hundred (500) feet (approximately five (5) platted lots) from the center of any of the intersections identified above.

2.) **Mid-Block Zone.** The Mid-Block Zone(s) shall consist of those properties which share a common property line with the right-of-way for Prima Vista Boulevard and/or are

contiguous to a parcel of land, under the common ownership or control of the same person, party or interest group that shares a common property line with the right-of-way for Prima Vista Boulevard.

4.02.03. - ~~Limitations on~~ Uses, Rezoning and Land Development Applications.

- A. Uses. Authorized uses within the Overlay Zone that may be pursued within any existing zoning district without a change in zoning shall include: permitted, conditional and accessory uses in the RS-4 (Residential, Single Family) and CO (Commercial, Office) Zoning Districts, except eating and drinking establishments. All permitted and accessory uses shall be allowed upon issuance of a Zoning Compliance Certificate and a determination of compliance with this section and applicable sections of the Land Development Code. Conditional Uses within the CO and RS-4 Zoning Districts shall require approval of a Conditional Use Permit as set forth in LDC Section 11.07.00.
- B. Dimensional requirements. All dimensional requirements, including minimum lot size and yard requirements, shall follow the existing or proposed zoning district provisions as set forth in Section 7.04.01 of this code, except for non-residential uses in residential zoning districts that are authorized in this section. The conversion of an existing residential building to a use permitted in the CO Zoning District through an application for Zoning Compliance, or any new commercial office development, within a residential zoning district shall continue to follow the dimensional standards of the residential zoning district.
- C. Two lots deep. An application for conversion from residential to a CO Zoning District use, and new commercial office development, is intended primarily for lots that share a common property line with the right-of-way for Prima Vista Boulevard. Such application that also includes property contiguous to a parcel of land that shares a common property line with the right-of-way for Prima Vista Boulevard but does not itself have frontage along Prima Vista Boulevard, shall be required to obtain a Conditional Use Permit as set forth in 11.07.00. The Conditional Use Application shall be accompanied by a concept plan providing the information in Section 11.02.09 of this Code and any other information deemed necessary for a full review of the project impacts.
- D. Rezoning. All applications for change in zoning in the River Park Community Overlay Zone shall be consistent with ~~the following~~ Table 4-8 below. No change in zoning to a non-residential zoning designation shall be granted for any parcel of less than twenty thousand (20,000) square feet (approximately two (2) lots as shown on the recorded plats for the River Park s/d).

TABLE 4-8

RIVER PARK COMMUNITY OVERLAY ZONE REZONING OPTIONS	
INTERSECTION ZONES	MID-BLOCK ZONES
PUD & PNRD (CO & CN uses only, except as specified in 4.02.05)	Comprehensive Plan Amendment to Commercial (COM) required for any change <u>in zoning</u> to a nonresidential zoning category, including PNRD
PMUD (residential and CO and CN use only, except as specified in 4.02.05)	

4.02.04. - Performance Standards.

The following performance standards are applicable to any conversion of an existing residential building to a CO (Commercial, Office) use through an application for Zoning Compliance per Section 11.05.00, or any new commercial office development ~~shall be maintained for approval of any planned development or site plan~~ within the River Park Community Overlay Zone. ~~To the extent that these River Park Community Overlay standards are more restrictive than another provision of this Code, the stricter of the two (2) standards shall apply.~~ Notwithstanding the provisions of this Overlay, all conversions to commercial uses shall comply with applicable building code and accessibility requirements.

- A. *Building Height:* Maximum height for any structure shall be twenty-five (25) feet for any non-residential use. Upon approval of a conditional use permit the building height may be increased to 28 feet.
- B. ~~*Minimum Parcel Size:* No change in zoning to a non-residential zoning designation shall be granted for any parcel of less than twenty thousand (20,000) square feet (approximately two (2) lots as shown on the recorded plats for the River Park s/d).~~
Maximum Building Size: New commercial development, or redevelopment of a residential building for commercial use, permitted under existing residential zoning shall not exceed 6,000 square feet in total size.
- C. *Access Management:* In addition to the minimum standards set forth in Section 7.05.06 of this Code, the following driveway locations standards shall apply:
 - 1.) Number of Driveway Connections - No more than one (1) driveway per street frontage under common ownership shall be permitted.
 - 2.) Distance from Intersections - The nearest edge of any driveway shall be located no closer than one hundred fifty (150) feet from the centerline of any perpendicular intersecting street.

3.) This district shall maximize efficiency of automobile access by prohibiting the creation of new curb cuts on already developed parcels on Prima Vista Boulevard for non-residential use, and requiring existing curb cuts to be combined into joint-access driveways and/or eliminated when parcels are combined and redeveloped in conformance with this Overlay.

D. *Development Prior to Abutting Property:* In the event that a building site is converted or developed for non-residential use before an abutting property is converted, developed or redeveloped, the site shall be designed to insure that its parking, access, and circulation may be easily modified to create a unified system with adjacent parcels at a later date.

E. *Existing Abutting Uses:* When a property applying for conversion, development or redevelopment abuts an existing property that has been developed for a non-residential use using the guidelines herein, it shall be designed to connect to the abutting parking, access and circulation areas to create a unified system unless the County Administrator's designee finds that this would be impractical.

F. *Easements Required to be Dedicated:* When the joint-access provisions are utilized by the owner of property applying for conversion, development or redevelopment of a non-residential use, the use shall not be approved unless the property owner grants an easement for cross access to and from abutting properties. Such easement shall be recorded by the property owner in the public records of St. Lucie County and constitute a covenant running with the land.

~~D. *Pedestrian Access:*~~

~~1.) All site plans and planned developments approved for commercial uses within the River Park Community Overlay Zone shall provide for pedestrian access directly from the streetside sidewalk to the commercial use without crossing the parking areas.~~

G. Offstreet Parking and Loading:

1.) Offstreet parking and loading shall meet the minimum requirements of Section 7.06.00 of this Code. Specifically, "off-street parking areas shall be designed so that motor vehicles can exit without backing into a street." (Section 7.06.02.B.2.c)

2.) In order to preserve the residential neighborhood character, the design and location of parking shall be consistent with the following standards that shall apply when more than three parking spaces are being provided:

- a) Parking stall minimum dimensions may be nine (9) feet by eighteen (18) feet.
- b) The driveway area may count towards up to two parking spaces, provided the length of the driveway meets the minimum stall dimensions as provided in Section 7.06.02.B.1, *Off-Street Parking and Loading Performance Standards.*
- c) Bicycle parking may be substituted for one required parking space per Section 7.05.04.C.

H. *Buffering and Landscaping:*

- 1.) Buffering and landscaping shall meet the minimum requirements of Section 7.09.00 of this Code, with the following standards applicable to any non-residential use.
 - a) Landscaped buffers and screening between single-family residential and non-residential uses shall be required consistent with Section 7.09.04.E, except the wall or fence required in such buffers shall be exempt from side yards.
 - b) The rear landscaped buffers and screening required pursuant to Section 7.09.04.E may be waived by the Environmental Resources Director according to the procedure outlined in that section.
- 2.) The area between the building, off-street parking area or other vehicular use area abutting a street or road right-of-way, shall be landscaped with (1) street tree for each forty-five (45) linear feet of abutting right-of-way or major fraction thereof. The street tree shall not be planted in a utilities right-of-way or a utilities easement and shall be placed so their canopies shall not interfere with any power line.

I. *Lighting:*

- 1.) All site lighting shall be installed so that no off site areas are directly illuminated.

J. *Signs:*

- 1.) ~~Signs for all uses within the River Park Community Overlay Zone shall conform to the requirements of Section 9.01.01(E), (Neighborhood Commercial) of this Code.~~ A maximum of two signs are permitted per parcel. The maximum square footage allowable of total signage shall not exceed 16 square feet, except for a ground or monument sign. The following signs are permitted:
 - a) Wall sign
 - c) Canopy sign
 - d) Projecting sign
 - e) One primary monument sign may be provided along Prima Vista Boulevard. The sign shall not exceed 6 feet in height or 16 square feet in total size. Monument signs shall be located a minimum of ten feet from any right-of-way and five feet from any adjoining property line.
- 2.) No sign shall be internally lit; lighting without any visual light spillover is permitted.
- 3.) Monument signs shall be landscaped in accordance with Land Development Code 9.02.01.D.6.

K. Building Design Standards: Overall design for any new and renovated buildings for a commercial use shall fit with the character of the residential neighborhood.

1.) Windows, Doors and Entrances

- a) Windows shall not be covered with any type of material that is used for advertisement.
- b) Clear glass windows (eighty-eight percent (88%) light transmission or more) are required.
- c) Buildings must have a primary entrance door facing a public sidewalk and/or public road.

2.) Building Design – Any new construction, modification, alteration, renovations or refurbishment of an existing building within the Overlay district is subject to these general design guidelines:

- a) The following primary façade features are discouraged:
 - i. Large, blank, unarticulated walls.
 - ii. Siding comprised of the following materials: corrugated metal, corrugated fiberglass, plastic, and plywood.
 - iii. Unpainted concrete block.
 - iv. Imitation rockwork veneer.
- b) The following architectural and site elements are encouraged:
 - i. Building articulation features such as Bahama shutters, entry porches, and parapets over doors
 - ii. Civic features such as an arcade/loggia, canopy, portico/porte-cochere, or pedestrian courtyard or plaza
 - iii. Landscape features such as an arbor, pergola, or stone or stamped concrete pavement at project entry, drop-off, or pedestrian crossing

4.02.05. - Use Limitations.

The following uses shall be specifically prohibited, regardless of zoning classification, within the River Park Community Overlay Zone.

A. Drive-in Facilities.

4.02.06. - Eating and Drinking Places; Gasoline and Other Fuel Sales Services.

These uses shall be allowed at intersection zones with the required PNRD zoning.

4.02.07 Live/Work Units

Within this overlay district, live/work units shall be a considered an accessory use to all permitted or conditional nonresidential uses. “Live/work unit” or “live/work space” means a building or spaces within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

PART E. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART F. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART G. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Frannie Hutchinson, Chair	AYE
Linda Bartz, Vice Chair	AYE
Chris Dzadovsky, Commissioner	AYE
Anthony Bonna, Commissioner	AYE
Cathy Townsend, Commissioner	AYE

PART H. CODIFICATION.

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Parts B through H shall not be codified.

PASSED AND DULY ENACTED this 5th day of June, 2018.

Attest:

**Board of County Commissioners
St. Lucie County, Florida**

Deputy Clerk

By: _____
Chair

**Approved As To Form and
Correctness:**

By: _____
County Attorney