

## CITY PLANNING BOARD

### BOARD AGENDA

Planning Board Regular Meeting - Tuesday, September 9, 2014 - 6:00 p.m.

City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS**
6. **APPROVAL OF MINUTES**
  - a. July 8, 2014 Meeting
7. **NEW BUSINESS**
  - a. Approval of proposed amendments to Section 22-40, Planned Unit Development zone (PUD), in an effort to accomplish the following:
    - **Provide and promote greater flexibility for design and diversification;**
    - **Streamline the review process;**
    - **Allow for phasing of the project;**
    - **Establish a modification procedure; and**
    - **Modify the nomenclature from PUD to PD.**
  - b. Approval of a City initiated Rezoning from R-1 to PUD for Carriage Pointe Estates.
  - c. The applicant is requesting Conditional Use approval for the Spin to Win Adult Arcade. The proposal is to house 50 arcade machines within two adjoining units in the existing Sunrise Plaza Shopping Center located at 511/513 Georgia Avenue.
8. **CPTED PRESENTATION**

9. **BOARD COMMENTS**

10. **ADJOURNMENT**

Any person seeking to appeal the decision of the Planning Board of the City of Fort Pierce, Florida, as to the foregoing, is advised that a record of the proceedings is required in any such appeal, and any such person may need to ensure that a verbatim record of proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

**Planning Board**

**6. a.**

Meeting Date: 09/09/2014

---

Information

REQUESTED ACTION

July 8, 2014 Meeting

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

---

Attachments

Planning Board Minutes 7/8/2014

---

**Form Review**

Form Started By: Alicia Rosenthal

Started On: 09/02/2014 03:13 PM

Final Approval Date: 09/02/2014

# DRAFT



## CITY OF FORT PIERCE PLANNING BOARD

---

### Planning Board Minutes

**OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, JULY 8, 2014, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.**

#### 1. CALL TO ORDER

The meeting was called to order at 6:01 PM.

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ROLL CALL

Present: Eloise Cummings; Phyllis Castro; Tim O'Connell; Robert Poitier; Brian Paul; Mike Dahan; Steve Weaver; Bob Burdge, Chairman

Absent: Eduardo Mujica; Erica Ganzi; John George; Marcia Baker

Staff Present: James Walker, Assistant City Attorney  
Rebecca Grohall, AICP, Planning Manager  
Sandy Ramseth, AICP, Senior Planner  
Kori Benton, Historic Preservation Officer  
Alicia Rosenthal, Administrative Assistant

#### 4. CONSIDERATION OF ABSENCES

Motion was made by Steve Weaver, seconded by Robert Poitier to excuse the absences of Ms. Baker, Ms. Ganzi, Mr. George and Mr. Mujica.

AYE: Eloise Cummings, Phyllis Castro, Tim O'Connell, Robert Poitier, Brian Paul, Mike Dahan, Steve Weaver, Chairman Bob Burdge

Passed

##### a. May 13, 2014 meeting

Motion was made by Robert Poitier, seconded by Eloise Cummings to excuse the absences of Ms. Castro, Mr. George, and Ms. Ganzi from the May 13, 2014 meeting.

AYE: Eloise Cummings, Phyllis Castro, Tim O'Connell, Robert Poitier, Brian Paul, Mike Dahan, Steve Weaver, Chairman Bob Burdge

Passed

b. June 10, 2014 meeting

Motion was made by Robert Poitier, seconded by Tim O'Connell to excuse the absence of Ms. Castro from the June 10, 2014 Special meeting.

AYE: Eloise Cummings, Phyllis Castro, Tim O'Connell, Robert Poitier, Brian Paul, Mike Dahan, Steve Weaver, Chairman Bob Burdge

Passed

**5. CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS**

Mr. Weaver and Mr. Dahan participated in discussions and voting.

**6. APPROVAL OF MINUTES**

a. May 13, 2014 Meeting

Motion was made by Robert Poitier, seconded by Brian Paul to approve the minutes for the May 13, 2014 meeting.

AYE: Eloise Cummings, Phyllis Castro, Tim O'Connell, Robert Poitier, Brian Paul, Mike Dahan, Steve Weaver, Chairman Bob Burdge

Passed

b. June 10, 2014 Special Meeting

Motion was made by Steve Weaver, seconded by Robert Poitier to approve the minutes for the June 10, 2014 special meeting.

AYE: Eloise Cummings, Phyllis Castro, Tim O'Connell, Robert Poitier, Brian Paul, Mike Dahan, Steve Weaver, Chairman Bob Burdge

Passed

**7. NEW BUSINESS**

a. Approval of a Conditional Use with New Construction to Exceed Maximum Height of 28 Feet for Single-Family Homes in the R-1 District, within the South Beach Overlay

Mr. Benton gave an overview of the application. Mr. Weaver filled out Form 8B to recuse from voting. The board discussed the item. The chairman asked for questions from the audience and no one spoke in favor or in opposition to the project.

Motion was made by Tim O'Connell, seconded by Robert Poitier to approve the Site Plan and Conditional Use at 1613 Thumb Point Drive.

AYE: Eloise Cummings, Phyllis Castro, Tim O'Connell, Robert Poitier, Brian Paul, Mike Dahan, Chairman Bob Burdge

Other: Steve Weaver (RECUSE)

Passed

b. Approval of a Conditional Use to operate a Middle and High-school extension at the existing Private School at 320 S. Indian River Drive.

Mr. Benton gave an overview of the application. Trina Angelone, Head of Schools at St. Andrews Episcopal Church & School and Bill Stoddard, Engineer, at Schulke, Bittle & Stoddard commented. The board discussed the application.

Motion was made by Robert Poitier, seconded by Phyllis Castro to approve the Conditional Use to operate a Middle and High School extension at the existing Private School at the subject location upon the final passage of Ordinance 14-017 with the following conditions:

1. The applicants obtain formal authorization from St. Lucie County for the continued use of the St. Lucie County Riverside Parking Lot for the delivery and pick up of students.
2. A bicycle rack is provided on site prior to the beginning of the 2014/2015 school year.
3. Directional signs are installed as needed to adequately delineate drive aisles for student delivery and pick-up prior to the beginning of the 2014/2015 school year.

AYE: Steve Weaver, Mike Dahan, Brian Paul, Robert Poitier, Tim O'Connell, Phyllis Castro, Eloise Cummings, Chairman Bob Burdge

Passed

- c. Approval of Conditional Use to construct a canvas awning approximately 24' X 60' onto a wooden deck located on the north side of the existing building, and another 6' X 60' awning on the east side of the same building, which is the current location for the resort restaurant. The awning that will be located on the east side will be attached to the building, off of the ground, centered, and leveled to the building. Additional improvements include replacing the wood deck of the north side of the same building, which was removed due to decay caused by storms and weathering.

Ms. Ramseth gave an overview of the application. Mr. Paul and Mr. Weaver filled out form 8B and recused from voting. The board discussed the item. No one in the audience spoke in favor or in opposition of the application.

Motion was made by Robert Poitier, seconded by Tim O'Connell to approve the construction of a canvas awning over a wooden deck on the north side of the existing building and another awning on the east side of the same building with the condition that all city engineering comments are satisfied at the time of building permit application.

AYE: Mike Dahan, Phyllis Castro, Tim O'Connell, Robert Poitier, Eloise Cummings, Chairman Bob Burdge

Other: Steve Weaver (RECUSE), Brian Paul (RECUSE)

Passed

## 8. **BOARD COMMENTS**

Chairman Burdge stated that Officer Glenn Reed will be back at the August meeting to continue her CPTED presentation and discuss the homework assignment.

Mr. Weaver and Ms. Castro commented on the LDR rewrite.

## 9. **ADJOURNMENT**

The meeting was adjourned at 6:56 PM.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WEAVER, STEVEN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE FORT PIERCE PLANNING BOARD
MAILING ADDRESS 1615 THUMB POINT DRIVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY FORT PIERCE FL (ST LUCIE)	NAME OF POLITICAL SUBDIVISION: CITY OF FORT PIERCE
DATE ON WHICH VOTE OCCURRED JULY 2, 2014	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, STEVEN WEAVER, hereby disclose that on JULY 8, 20 14:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss; (possibly)
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Participation in approving a conditional use for a large home directly adjacent to my personal residence may inure to my benefit or detriment via increased property values. Additionally the possibility exists that my construction company may be able to bid on the construction, again to the possible benefit of my company and myself.

July 8, 2014  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, BRIAN PAUL, hereby disclose that on JULY 8<sup>th</sup>, 20 14:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

AN AWNING FOR MY BUSINESS

7-8-2014  
Date Filed

Brian Paul  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WEAVER, STEVEN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE FORT PIERCE PLANNING BOARD
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY FORT PIERCE, FL ST. LUCIE	NAME OF POLITICAL SUBDIVISION: CITY OF FORT PIERCE
DATE ON WHICH VOTE OCCURRED JULY 8, 2014	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, STEVEN WEAVER, hereby disclose that on JULY 8, 2014, 20\_\_:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I HAVE FINANCIAL INTERESTS IN THE PROPERTY OWNERSHIP, AND THE LESSEE THEREOF.

July 8, 2014  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

## Planning Board

7. a.

Meeting Date: 09/09/2014

---

### Information

#### REQUESTED ACTION

Approval of proposed amendments to Section 22-40, Planned Unit Development zone (PUD), in an effort to accomplish the following:

- **Provide and promote greater flexibility for design and diversification;**
- **Streamline the review process;**
- **Allow for phasing of the project;**
- **Establish a modification procedure; and**
- **Modify the nomenclature from PUD to PD.**

#### LOCATION

City-wide impact.

#### RESPONSIBLE STAFF

Sandy Ramseth, AICP, Senior Planner

#### RECOMMENDATION

Staff recommends that the Planning Board forward a recommendation to approve the proposed changes to Section 22-40 to the City Commission.

---

### Attachments

Staff Report

Proposed Sec. 22-40 strikeout-underline

Proposed Sec. 22-40 Clean Version

Existing Section 22-40

---

### Form Review

Form Started By: Sandra Ramseth

Started On: 09/02/2014 02:56 PM

Final Approval Date: 09/02/2014



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER  
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW  
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

---

**TO:** Members of the City of Fort Pierce Planning Board

**THROUGH:** Rebecca Grohall, AICP, Planning Manager

**FROM:** Sandy Ramseth, AICP, Senior Planner

**SUBJECT:** Proposed Amendments to the PUD Zoning District

**DATE:** September 2, 2014

---

### STAFF REPORT

Recently, the City has experienced an upsurge in developer interest. Some of the projects that show potential might possibly require a rezoning in order for them to come to fruition. cursory review of these projects also indicates that some projects may not fit into some of the City's standard zoning designations.

The City's current PUD zone is *"intended to provide for comprehensive developments incorporating residential uses, a substantial amount of open space and appropriate commercial, public and semi-public uses. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. It is further intended to promote economics in land development, maintenance, street systems and utility networks."*

The current PUD zoning designation requires *"comprehensive development incorporating residential uses"*. This is an antiquated view of a PUD. Not all Planned Unit Developments should have to incorporate residential. Furthermore, there has not been a PUD development in the City in a decade indicating that the PUD as currently written is not fulfilling its role to provide flexible land development standards.

The following is a discussion of proposed amendments to Section 22-40, Planned Unit Development zone (PUD), in an effort to accomplish the following:

- **Provide and promote greater flexibility for design and diversification;**
- **Streamline the review process;**
- **Allow for phasing of the project;**
- **Establish a modification procedure; and**
- **Modify the nomenclature from PUD to PD.**

Over the past few years, Staff, Planning Board members, Advisory Group representatives, and interested stakeholders have been actively reviewing drafts of the proposed Land Development Regulations (LDR's) as part of a comprehensive rewrite tasked by Duncan Associates, Inc. This process was undertaken to replace LDR's that have been dormant for almost 30 years, or since 1981. For the most part, this draft has been shelved with the exception of some select sections of re-writes moving forward for adoption. Staff now desires to move forward with one more selected section of the LDR for adoption. It should be noted that staff did review the Duncan Associates' draft of Section 22-40, and felt it did not provide the flexibility or streamlining desired for the revised code. The PD as presented came in three different versions, all containing a residential component:

**a) Planned Residential Development (PRD):** Developments that seek greater flexibility in housing types and sizes than is provided by base district and in return offer enhanced amenities and protection of natural and historic resources and sensitive environmental features, including, flood hazard areas, jurisdictional wetlands and native uplands habitat.

**b) Traditional Neighborhood Development (TND):** Developments characterized by lot or parcel configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.

**c) Mixed-use Development (MXD):** Developments that contain a complementary and integrated mix of residential and nonresidential uses.

These Duncan Associates, Inc. development categories will not fill the needs of someone wanting to do a commercial/office or industrial type site. Further, the PD option was available as an overlay rather than zoning district with the original underlying zoning still intact, further complicating and limiting an otherwise straightforward process. However, all three of these type PDs will be possible in the following proposed amendment.

A more modern view of a PUD is an assembly of compatible uses, using design and layout of the developers' liking to make for a functionally cohesive project. In some cases, a PUD may incorporate only one use type, but in a manner or design not consistent with current standard zoning destinations. A PUD can be thought of as a zoning designation that could work when all others fail to fit the needs of the development. But this is not to be construed as a zoning designation that gives away the farm; quite the contrary. It is a designation that allows for the governing body to have the most input and ability to condition how the project will be built. It is a genuine give and take process between the developer and regulators. The City may relax on some development criteria, and in return can often leverage that into meaningful assurances from the developer.

In addition to the antiquated requirements of the current PUD designation, the PUD process is more laborious than it need be. Sure it is the rezoning process and site plan review done simultaneously, but it should be just that—those two processes combined. To have all the extra steps, such as concept plan approval, is not only redundant, but time consuming for the developer which translates into costs; unnecessary ones at that. So to streamline the process would be good for business, so to speak.

Further, it has been noted the current PUD designation had not been successfully utilized in almost a decade. The most active and successful PUD projects located throughout the City have come by way of annexation from the County. The last project to utilize the City's PUD process was Harbor Isle in 2004.

Finally, a change in nomenclature from PUD to PD is recommended for two reasons: the first being that it indicates a change in the code; that something new has been added or revised which may make it

worth consideration for a developer. Secondly, removing the “U” meaning unit which is usually synonymous with a residential unit is in keeping with the revision of Section 22-40, in that residential units are no longer required to be part of this zoning district.

Therefore, for all the aforementioned reasons, staff feels breathing new life into the PUD/PD designation and process could have immediate and positive impacts for new and innovative projects to call Fort Pierce home.

The following specific changes are being proposed:

- **To change the nomenclature from Planned Unit Development (PUD) to Planned Development (PD);**
- **Expanding the purpose and intend of the PD zoning designation;**
- **Eliminate the requirement for a residential component within a PD;**
- **Allow any combination of compatible uses within a PD;**
- **Allow for a single use PD, if the design/layout is innovative and does not fit within a standard zoning district;**
- **Decrease the minimum size of a PD from 5 acres to 10,000 sf;**
- **Reduce the amount of required open space from 40% of the site to 25%;**
- **Gives freedom of design to the developer rather than follow set rules, similar to those of a standard zoning district;**
- **Allows for phasing of a project with time limits;**
- **A streamlined review process similar to the City’s current site plan review process, eliminating the extra steps of the “concept plan” as previously required;**
- **A procedure to modify PD plans, with minor modifications being done administratively, and major modifications and expansions processed similar to new applications;**
- **Establish modification review criteria to determine the level of modification; and**
- **Expiration of and approved plan that has failed to commence.**

It should be noted that the latest adopted Comprehensive Plan (February 2011) contains policies that should be reflected within the LDR’s. Accordingly, these proposed changes are consistent with the adopted plan, and due to the somewhat negotiated nature of PD zoning, will be able to uphold the Comprehensive Plan at an enhanced level. The following policies support the changes in Section 22-40, Planned Unit Development zone (PUD):

1.1.17 Policy:

Reduce vehicle miles traveled (VMT) and greenhouse gas emissions (GHG) by requiring developments to maximize internal trip capture, provide pedestrian connectivity to surrounding properties, and reduce the number of auto-oriented trips through Transportation Demand Management (TDM).

1.3.1 Policy:

The City shall evaluate land use amendment applications and development proposals for compatibility with the Comprehensive Plan, the City’s character, future land use designation, and the adjacent properties.

1.3.2 Policy:

The City will permit the redevelopment of a non-conforming use when the redevelopment will result in a use that is more conforming to the permitted uses in the existing zoning district. The City will require such redevelopment to bring the site into compliance with parking, landscaping, signage, open space, and stormwater management requirements.

1.16.2 Policy:

The City shall distribute land uses in a manner that avoids or minimizes, to the greatest degree practicable, negative impacts on lands recognized by the county, state or federal government as environmentally sensitive.

**1.16.3 Policy:**

The City shall require site plan review of all proposed development or redevelopment to prevent unnecessary destruction or inappropriate use of existing natural resources and natural sites.

**1.16.4 Policy:**

When a parcel proposed for development contains more than one habitat type, the City shall require development to avoid the most sensitive natural areas to the maximum extent feasible through clustering provisions.

**1.16.6 Policy:**

The City shall require all development applications to minimize tree removal as a part of land development. The City shall require a tree survey to be provided which identifies trees for removal, relocation, and protection.

**1.17.3 Policy:**

The City shall require open space as a part of the requirements for all development and redevelopment to promote shallow water aquifer recharge and stormwater filtration.

**Staff Recommendation:**

The proposed amendment is consistent with the Comprehensive Plan. In addition, the amendment proposed satisfies the following standards specified in Section 22-131 of the City Code:

- (1) The amendment will not have an adverse affect on the ability of the city to:
  - a. Satisfy land and water use needs
  - b. Meet transportation demands and provide community facilities and services
- (2) The amendment will promote and protect the public health, safety and general welfare.

As no inconsistencies have been identified between the proposed changes and the Comprehensive Plan or Chapter 22 of the City Code, Staff recommends that the Planning Board forward a recommendation to approve the proposed changes to Section 22-40 to the City Commission.

**Sec. 22-40. - Planned ~~unit D~~development zone (PUD).**

(a) *Purpose.* ~~The PUD Zone is intended to provide for comprehensive developments incorporating residential uses, a substantial amount of open space and appropriate commercial, public and semi-public uses. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. It is further intended to promote economics in land development, maintenance, street systems and utility networks.~~ The PD District is intended to provide a process for the evaluation of unique, individually planned developments which are not otherwise permitted in the zoning districts established by this Chapter. The PD District is to be a voluntary process commenced by an applicant for such zoning designation. The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time granting the City Commission the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety and general welfare. In so doing, the PD district is designed to:

- (1) Provide for the planning, review and approval of one (1) or a combination of residential, commercial, public and industrial land uses and structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.
- (2) Allow a diversification of uses, structures and spaces compatible with existing or proposed uses and structures on surrounding properties, while promoting convenience in the location of related uses and amenities and to reduce travel costs.
- (3) Minimize infrastructure costs through a more efficient arrangement of structures, utilities, on-site circulation, and ingress and egress than is permitted under conventional zoning and subdivision regulations.
- (4) Preserve, where feasible, environmental assets and natural amenities as scenic and functional open-space areas.
- (5) Encourage an increase in the amount and usability of open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.
- (6) Encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment.
- (7) Assure the city and other public agencies that development of the project will occur in accordance with the approved plan(s) and plat(s).
- (8) Assure the applicant that development may be undertaken and carried out in accordance with approved plan(s) and plat(s).
- (9) Promote flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space.
- (10) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.
- (11) Promote the economy of development to encourage the provision of low-and moderate-cost housing; and

(12) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.

(b) –General standards for approval. The planned development (PD) district is designed to allow an applicant to submit a proposal for consideration, for any uses or any mixture of uses, and to allow the City Commission to approve any proposal which it determines to be in the best interest of the public health, safety, and welfare, along with any conditions or requirements or limitations thereon which the City Commission deems advisable. Rezoning to the PD district shall be an entirely voluntary procedure to be pursued only at the option of the applicant, and the city shall not itself initiate such rezoning on privately-owned property or designate specific privately-owned lands for Planned Development in its adopted Comprehensive Plan. The approval of Planned Development rezoning rests with the City Commission. However, no rezoning or development plan may be approved unless the following minimum conditions are met:

(1) Minimum Development Site Size. 10,000 sq. ft.

(2) Perimeter Setbacks. Minimum setbacks at the perimeter of the development shall be equal to those of the abutting zoning district(s), except where City Commission finds that alternate minimum perimeter setbacks would be appropriate. Conditions under which alternate minimum perimeter setbacks may be considered include, but are not limited to, the following:

a The minimum PD perimeter setback required by this section would be greater than the setback required under the original zoning;

b Property in the abutting zoning district is located across a major roadway from the PD, and therefore, a reduced setback would have little or no impact on the character of the adjacent property;

c The minimum PD perimeter setback required by this section would be greater than the setbacks for the majority of the existing structures on the same block face.

d. The minimum PD perimeter setback required by this section cannot be achieved due to an exceptional narrowness, shallowness, shape, topographic condition or physical or environmental feature uniquely affecting the subject property.

(3) Open space. A minimum of twenty-five (25%) percent of the entire PD parcel or phase shall be open space, which may include vegetated areas or urban areas unencumbered by an impervious surface, except where City Commission finds alternate minimum percentage of open space is appropriate due to site design.

(4) Comprehensive Plan Consistency. Any residential, commercial, industrial, or public land uses and structures are permitted in this district, provided the proposed development is shown to be consistent with the goals, objectives and policies of the comprehensive plan, and consistent with the future land use element, and the standards and criteria contained in the following sections, unless a corresponding amendment to the Comprehensive Plan is also adopted.

a Density. In no event shall the cumulative density granted exceed the maximum density permitted under the underlying land use in the Comprehensive Plan.

(5) Applicability to Other LDRs. All building code, housing code, and other land use regulations of the City of Fort Pierce are applicable to the PD district, except for those permitting variances, and to the extent that they conflict with a specific provision of the approved development plan.

(6) Variances are Not Necessary. Because the specific development standards of the PD district are contained in the approved development plan for each Planned Development, and because the development plan normally takes into account those matters which might otherwise be the subject of variance review by the Board of Adjustment, modifications to an approved Planned Development by variance shall be prohibited.

~~Prior to including a tract of land in the PUD Zone or approving a final development plan for a planned unit development, the city commission shall determine that:—~~

~~(1) The planned unit development is an effective and unified treatment of the development possibilities of the project site while remaining consistent with the comprehensive plan, avoiding environmental hazards and making appropriate provisions for the preservation of natural features such as shorelands and wooded cover.—~~

~~(2) The planned unit development will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services in terms of their capacities, operational costs or maintenance costs: Water, sewer, storm drainage, electrical services, fire protection, police protection and schools.—~~

~~(3) A demand exists for the planned unit development at the proposed location and the applicant has the capacity to assure completion of the project.—~~

~~(4) The planned unit development complies with standards referred to in this section, additional zoning ordinance provisions and other city laws.—~~

~~(c) Potential uses. The following uses are allowed in a planned unit development if the city commission considers them appropriate for the particular development being proposed, compatible with nearby uses and consistent with the comprehensive plan and if other applicable standards are satisfied:—~~

~~(1) Single-family dwelling, detached or attached.—~~

~~(2) Duplexes, triplexes and quadraplexes.—~~

~~(3) Multifamily housing developments.—~~

~~(4) Adult congregate living facilities and boarding houses.—~~

~~(5) Retail sales establishments, except stores selling automobiles, other large motorized vehicles or mobile homes.—~~

~~(6) Motels/hotels.—~~

~~(7) Personal service establishments.—~~

~~(8) Repair service establishments which provide repair services of a minor nature, such as: Radio and television repair services; watch, clock and jewelry repair services; and shoe repair services.—~~

~~(9) Finance, insurance and real estate service establishments.~~

~~(10) Business service establishments.~~

~~(11) Communication service establishments.~~

~~(12) Professional service establishments.~~

~~(13) Education service establishments.~~

~~(14) Indoor amusement, entertainment and/or recreation establishments.~~

~~(15) Public and semi-public uses, including outdoor park and recreation facilities.~~

~~(16) Temporary uses meeting the requirements in section 22-65.~~

~~(17) Such other uses as the city commission may consider appropriate.~~

~~(d) *Limitations on commercial uses.* No more than thirty (30) per cent of the gross floor area may be used for commercial development in the portion of a planned unit development which the comprehensive plan designates as residential. In an area designated as residential in the comprehensive plan, no building permit for commercial development shall be issued unless at least twenty (20) dwelling units have been constructed in the planned unit development, are in the process of being constructed or will be constructed simultaneously with the commercial development. The following comprehensive plan classifications will be considered to be residential categories: Low density residential (RL), medium density residential (RM) and high density residential (RH).~~

~~(e) *Minimum site size.* Planned unit developments shall be established on parcels of land which are a size suitable for the proposed development and are part of PUD Zone which is at least five (5) acres in size.~~

~~(f) *Residential densities.* Maximum residential densities will not exceed the level which the city commission determines is consistent with the comprehensive plan. Unless it determines that density bonuses should be allowed in accordance with the following criteria, the maximum gross density allowed shall be fifteen (15) units per acre. Density bonuses awarded for the following criteria are cumulative.~~

~~(1) *Landscaping.* The gross density may be increased up to one unit per acre for landscaping plans which provide for effective use of existing vegetation and/or for approved landscape plans for streetscapes, pedestrian ways, bicycle paths, areas near buildings, open spaces and/or recreation areas. This increased density may only be awarded if the landscaping of the planned unit development will exceed the requirements in section 22-59 for landscaped area by ten (10) per cent, for amount of trees by ten (10) per cent and/or in terms of qualitative characteristics of the landscaping.~~

~~(2) *Siting.* The gross density may be increased up to one unit per acre for creative placement of buildings and/or other facilities in terms of visual focal points, use of existing physical features (such as topography), views, sun and wind orientation, the circulation pattern, variation in building setbacks and/or building and facility groupings (such as clustering).~~

~~(3) *Design.* The gross density may be increased up to one unit per acre for imaginative design~~

~~features including architectural styles, harmonious use of building materials, varied use of housing types and/or other design elements of the planned unit development.~~

~~(g) — *Basic use standards.*~~

~~(1) — Area, width, depth, yard and lot coverage requirements for lots in a planned unit development shall be determined by the city commission on the basis of relevant characteristics of the use, the rest of the planned unit development and the surrounding area, including those characteristics relating to use compatibility, physical feature constraints and utility and transportation capacities.~~

~~(2) — No building within the planned unit development shall be located closer than fifteen (15) feet to any street or street right-of-way. No building with residential dwellings shall be closer than twenty (20) feet to any nonaccessory building, except single-family dwellings may be attached or less than twenty (20) feet apart. Additional setback requirements may be imposed by the city commission to provide adequate light, ventilation, privacy and other appropriate features.~~

~~(h) — *Open spaces.*~~

~~(1) — In all planned unit developments at least forty (40) per cent of the site, exclusive of aquatic areas, shall be devoted to open space. Of this required open space area, no more than twenty-five (25) per cent may be utilized privately by individual owners or users of the planned unit development. At least seventy-five (75) per cent of the required open space area must be common open space.~~

~~(2) — No area may be accepted as common open space within a planned unit development unless it meets the following requirements:~~

~~a. — The location, shape, size and character of the common open space is suitable for the development.~~

~~b. — The common open space is for amenity or recreational purposes and the uses authorized are appropriate for the scale and character of the development based on consideration of its size, density, expected population, topography and the number and type of dwellings provided.~~

~~c. — The common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation should be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.~~

~~d. — Waterfront access for the public, such as walkways, trails, waterfront seating or landscaped areas, will be provided, whenever possible, when consistent with the scale of the use, surrounding uses, security and proximity to the waterfront.~~

~~e. — No parking facilities will be included in areas designated as common open space unless the parking facilities are intended to provide access to the common open space area and are not intended to meet the ordinance requirements for other uses. No streets will be designated as common open space.~~

~~f. — The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the building of residential dwellings in the planned unit development.~~

~~g.—If buildings or structures are to be constructed in the common open space, the developer will provide a bond or other adequate assurances that the buildings and structures will be completed. The director of the department of planning and development shall release the bond or other assurances when the buildings and structures have been completed according to the development plan.—~~

~~(i)—*Various environmental standards.*—~~

~~(1)—Uses having potential air-polluting sources such as stacks, burning facilities, concentrations of motor vehicles and dust-generating processes shall be located and designed to provide adequate separation of these sources from other development and especially residential neighborhoods, institutional uses and outdoor recreation areas. Any adverse air-quality impacts of the use will be reduced to the extent practical.—~~

~~(2)—The development plan, to the extent practical, will attempt to follow the principle that the water falling on a given site should be absorbed to the extent that after development the quantity and rate of water leaving the site would not be significantly different than if the site had remained undeveloped. Techniques that capitalize on and are consistent with natural resources and processes will be used whenever possible. In part, the intent of the plan should be to minimize the adverse cumulative effects of development in an area on drainage.—~~

~~(3)—The development plan shall include provisions needed to control water and wind erosion during and after construction associated with the development. Runoff from impervious surfaces or other potential polluting sources in developments with three (3) or more acres of impervious area should be directed to retention areas or through vegetated areas as needed to allow sedimentation and filtration of contaminants to occur before runoff enters canals, rivers or wetland areas. Any adverse water quality impacts of the use will be reduced to the extent practical.—~~

~~(j)—*Transportation.*—~~

~~(1)—A suitable site layout will be used for all street and on-site drives; parking, loading and unloading areas; refuse collection and disposal points; sidewalks; bike paths; and other transportation facilities. Suitability, in part, shall be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.—~~

~~(2)—Principal vehicular access points shall be designed to permit smooth traffic flow and to minimize hazards to vehicular and pedestrian traffic. Minor streets within a planned unit development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.—~~

~~(3)—Streets in a planned unit development may be dedicated to public use or may be retained in private ownership, except the city commission may require arterial and collector streets to be dedicated to the public. When considered appropriate by the city commission, city requirements concerning rights-of-way and street pavement widths may be reduced and those requiring curbs and gutters or sidewalks may be waived, notwithstanding provisions to the contrary in this Code of ordinances.—~~

~~(4)—All uses shall comply with access, parking and loading standards in sections 22-60 and 22-61, except additional requirements may be specified by the city commission when it considers them appropriate.—~~

~~(k) — *Compatibility with adjacent development.* If topographical or other barriers near the perimeter of the planned unit development do not provide reasonable privacy for existing or potential uses adjacent to the development, the city commission shall require buildings in the planned unit development to be set back an adequate distance from the perimeter of the planned unit development or require an attractively designed and maintained buffer in the form of vegetation, fencing, walls and/or berms. In no case shall buildings in the planned unit development be closer than twenty-five (25) feet to a lot in an E-1, R-1, R-2, R-3, R-4 or R-5 Zone.~~

~~(l) — *Landscaping.* The planned unit development shall comply with the provisions of a landscape plan approved by the city commission. This plan must at a minimum be consistent with landscaping requirements in section 22-59.~~

~~(m) **7) *Unified control.* The applicant shall furnish the city with sufficient evidence to the satisfaction of the city that the applicant is in the complete, unified and otherwise-unencumbered control of the entire area of the proposed planned development, whether the applicant be an individual, partnership, corporation, other entity, group or agency. The applicant shall provide the city all necessary documents and information that may be required by the city to assure the city that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the requirements of this section have been fully complied with.**~~

~~All land intended to be included in the planned unit development shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships and/or corporations.~~

~~(n) — *Maintenance of common areas.* Common open space, streets and any area or facility designated by the city commission as a shared area will comply with the following provisions:—~~

~~(1) — The property will be conveyed under one of the following options:~~

~~a. — To a public agency which agrees to maintain the property and buildings or structures placed on it; or~~

~~b. — To association(s) of owners and/or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions that are acceptable to the city commission as providing for the continuing care of the property.~~

~~(2) — The property may not be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of the property, and all rights to enforce these covenants against any use permitted are expressly reserved.~~

~~(3) — If the property is not conveyed to a public agency, the covenants and restrictions that govern the association of owners and/or tenants will at least include the following provisions:—~~

~~a. — Membership must be mandatory for each home buyer or tenant and each successive buyer or tenant.~~

~~b. — The association must be responsible for liability insurance, local taxes and the maintenance of property.~~

~~c. — Owners and tenants must pay their pro rata share of the cost.~~

~~d.—The association must be able to adjust assessments to meet changing needs.~~

~~e.—The city must be authorized to enforce these and other provisions governing the use, improvement and maintenance of the property.~~

~~(4)—If the property is not conveyed to a public agency then, in addition to those requirements set forth hereinabove, there shall be delivered to the building official at or before the time the first building permit is obtained an instrument in recordable form containing:~~

~~a.—A legal description of the property upon which the dwelling units are to be constructed;~~

~~b.—A statement of the total area contained within such description;~~

~~c.—A statement of the number of existing or proposed units situated on the subject property;~~

~~d.—A statement of the number of dwelling units for which the application is made;~~

~~e.—A restriction prohibiting any further development or construction beyond what is set forth in the instrument.~~

~~The building official shall thereafter issue permits in accordance with what is set forth in the aforesaid instrument provided all other requirements of this chapter are met and thereafter no further permits shall be issued for any additional units on the tract described. The instrument shall be recorded to place all persons on notice of its contents and limitations upon further building.~~

~~(8e) Utility eEasements. Easements necessary for the orderly extension and maintenance of public utilities and/or other special needs may be required as a condition of approval.~~

~~(9) Phasing. When provisions for phasing are included in the development plan, each phase of development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services that a failure to proceed with subsequent phases of development will have no adverse impact on the completed phase(s) or surrounding properties.~~

~~(10p) Other standards. All Planned unit-Developments will comply with regulations affecting signs referred to in section 22-55 and applicable portions of the city's regulations governing subdivisions except that in case of conflict, the city commissionCity Commission shall determine the requirement for the PUD. The city commissionCity Commission may also establish additional requirements which it considers necessary to assure that a planned unit-development conforms to the intent of this section.~~

~~(cq) Special Application requirements. When an application is submitted to include-rezone property in to a PUD zoning districte, the following items will be submitted, in addition to other information submitted in accordance with section 22-127, the city's subdivision regulations or other city laws:~~

~~(1) Written documents:~~

~~a. A statement of planning objectives to be achieved by the planned unit-development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development.~~

~~b. Material which presents firm evidence of unified control of the entire area within the proposed planned unit-development, including a certificate of apparent ownership and~~

encumbrance with the opinion of counsel representing the applicant establishing that the applicant has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.

c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned unit-Development, such as land areas and dwelling units.

d. A development schedule indicating:

1. The approximate date when construction of the project can be expected to begin.
2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
3. The anticipated rate of development.
4. The approximate date when each stage in the development will be completed.
5. The area, location and degree of development of common open space that will be provided at each stage.

e. Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; ~~approximate~~ residential gross densities; total amount of open space (including separate figures for common open space and usable open spaces); and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).

f. A general description of the buildings and streetscapes including standards for height, open space, building coverage, parking area, and public improvements proposed for each section of the development.

g. A list of any exceptions from the standard zoning ordinance and land development code for any features of the proposed development plan.

h.f. A statement indicating the justification for a gross density in excess of twelve (12) units per acre if such a density is being proposed.

ig. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the Planned unit-Development and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.

(2) *Site plan and supporting maps.* Maps with the following minimum information must be submitted:

- a. The existing site conditions, including contours at one foot intervals, shorelines, flood plains, unique natural features and forest cover.
- b. A grading plan for the site showing future contours for locations where the existing grade is to be changed by more than two (2) feet.
- c. A general landscape plan for the planned unit development.

- d. Proposed lot lines and other divisions of land for management, use or allocation purposes.
- e. The approximate location of present and proposed buildings and structures.
- f. The location and size of all areas proposed to be conveyed, dedicated or reserved for streets, parks, playgrounds, public and semi-public buildings and similar uses.
- g. The existing and proposed vehicular circulation system, including off-street parking and loading areas.
- h. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
- i. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.
- j. Enough information on land areas adjacent to the proposed planned ~~unit~~ development to indicate the relationship between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
- k. The proposed treatment of the perimeter of the planned ~~unit~~ development, including materials and techniques used such as screens, fences and walls.

~~(d)~~ *Special ~~P~~planned ~~unit~~~~D~~development review procedures.*

~~(1)~~ Planned ~~unit~~~~D~~developments will be reviewed similar to site plans, including in at least three (3) phases—a premandatory pre-application conference, a preliminary development plan phase and a final development plan phase. The pre-application conference will involve a minimum of one informal discussion between the applicant and the staff of the any department that will be involved with the technical review of planning and development on the proposed ~~P~~planned ~~unit~~~~D~~development.

~~(2)~~ At the request of the applicant, an optional phase, a concept plan phase, will take place. For this phase, a map showing the general layout of uses in the proposed planned unit development will be submitted along with written material mentioned in this section in (q)(1)(a), (q)(1)(c), (q)(1)(d) and (q)(1)(e). A public hearing will be held by the city planning board on the proposal and it will approve, approve with conditions or disapprove the concept plan.

~~(23)~~ The ~~preliminary~~ development plan will include all information specified in ~~subsection (p) of this section.~~ The procedure for reviewing the ~~preliminary~~ development plan is the procedure set forth in Section 22-128, Amendment Procedures for amending this chapter, and Section 22-58, Site Plan Review. If the proposed ~~P~~planned ~~unit~~~~D~~development also involves the subdividing of land which is regulated by the city, the preliminary plat should be reviewed concurrently with the ~~preliminary~~ development plan as specified in Chapter 18. Approval of a ~~preliminary~~ development plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property. ~~If the city planning board approved the concept plan or approved it with conditions, the board will not change its earlier opinion unless it determines that it is appropriate due to new information or due to differences between the concept plan and preliminary development plan.~~

~~(4)~~ Within a year of the date of approval of a preliminary development plan or approval of the plan

~~with conditions, the applicant shall file with the department of planning and development a final development plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the development. If the planned unit development involves the subdividing of land which is regulated by the city, the final plat should be reviewed concurrently with the final development plan.~~

~~(5) The staff of the department of planning and development shall have a maximum of thirty-five (35) days from the submission of a complete final development plan to review the plan and prepare comments concerning the plan. Prior to acting on the final development plan, the city commission shall hold a public hearing in accordance with section 22-143. The city commission shall approve, approve with conditions or disapprove the final development plan within twenty (20) days of the public hearing, except the city commission with good cause demonstrated may allow an extension of time.~~

~~(6) If the city commission finds evidence of a significant deviation from the preliminary development plan, the city commission shall advise the applicant to submit an application for an amendment to the preliminary development plan. An amendment shall be reviewed using the same procedure as was used for the preliminary development plan, except that this chapter will not need to be amended. If no significant deviation from the preliminary development plan is found, the city commission will approve the portions of the planned unit development in the final plan.~~

~~(7) If an amended preliminary development plan is not submitted within seventy-five (75) days of the city commission decision to require such an amendment, or if the amended preliminary development plan is not approved or approved with conditions, the city commission shall initiate proceedings for rezoning all of the property in the planned unit development.~~

~~(e) Adherence to approved *final* development plan. Building permits for construction shall be issued only if consistent with an approved *final* development plan. No building permit or certificate of occupancy shall be issued for a planned development except in conformity with all provisions of the approved final plan, as amended. All buildings and improvements in a particular phase need not be complete before the issuance of a certificate of occupancy for a completed building in that phase unless otherwise required by the final plan as approved.~~

~~(1) Minor changes not altering the intent and purpose of the approved final development plan may be approved by the director of planning and development after such departmental comment as he deems appropriate. The director shall also advise the city commission of his administrative determination at the earliest practicable opportunity and such determination shall become effective unless the city commission thereupon finds that the proposed change is substantial in nature and advises the applicant to apply for an amendment of the approved development plan.~~

~~(2) Substantial changes in requested uses, density, phasing or other specifications of the approved development plan must be approved by the city commission after it has held a public hearing and after review of the proposed changes by the city planning board.~~

~~(3) The amendment of an approved development shall be in the manner provided for adoption of the development plan.~~

~~(f) Modification of Planned Development plans. All PD plans submitted for building permit approval shall be reviewed by the planning department to determine whether any modification from previously approved PD plans or conditions has occurred. If such a variation has occurred, the applicant shall apply for a modification of PD plans. The applicant may also initiate an application for modification of PD plans to propose changes to the planned development.~~

The director of planning is authorized to approve minor changes in the approved PD plan, as long as they are in harmony with the originally approved PD plan, but shall not have the power to approve changes that constitute a major modification of the approval. A major modification shall require approval of the City Commission.

(1) *Minor modification.* Any modification to an approved PD plan which does not constitute a major modification shall be considered a minor modification. Generally, minor variations, extensions, alterations or modifications of proposed uses, buildings/structures or other improvements which are consistent with the purpose and intent of the approved PD plan are considered minor modifications. Upon determination that the proposed modification is a minor modification, the director of planning shall render a decision to the applicant within fifteen (15) working days after submission of a complete application. Applications for a minor modification shall include an updated, revised PD plan indicating the effect of the proposed change and the reasons why such a change is necessary.

(2) *Major modification.* Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved PD plan are to be viewed as a major modification. Once a determination has been made that a proposed modification constitutes a major modification, the applicant shall follow the same procedure as a new planned development request. An application for a major modification shall be filed in the planning department. Applications for a major modification of PD plans shall require:

- a A narrative description of the modification and reasons such a change is necessary;
- b An updated, revised PD plan indicating the effect of the proposed change; and
- c Additional information as required by the director of planning to adequately review the proposed modification.

(3) *Planned Development expansion.* Any addition or reduction to the area of a Planned Development shall require a major modification of the conceptual and final plan.

(4) *Modification review criteria.* In reaching a decision as to whether or not the change(s) are substantial enough to be considered a major modification, and subject to reapplication as a new development plan, the director of planning shall, after reviewing the record of the project, determine if any of the following changes are present:

- a Increase or decrease in intensity of use. An increase in intensity of use shall be considered to be an increase of more than five (5) percent of usable floor area or an increase of more than five (5) percent in the number of dwelling units or an increase of more than five (5) percent of outside land area devoted to sales, displays, or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the planned development district.
- b Any change in parking areas resulting in an increase or reduction of ten (10) percent or more in the number of spaces approved.
- c Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within two hundred (200) feet of the boundary of the planned development district.

d Any reduction in the amount of open space of more than five (5) percent or substantial change in the location or characteristics of open space uses.

e Substantial changes in location or type of pedestrian or vehicular accesses or circulation.

f Any change which would increase traffic generation by more than ten (10) percent.

g Any change in land use or increase within five hundred (500) feet of the zoning district boundaries or within two hundred (200) feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change.

h Any deviation exceeding twelve (12) inches from the setbacks, height, and any area or dimensional standards approved as part of the concept development plan.

i Any change in a condition specifically required by the City Commissioners as part of the planned development approval.

(5) After a site has been rezoned to the PD district, and after more than fifty percent (50%) of the land in the planned development has been developed, amendments to the planned development for the developed portions of the property may only be initiated by:

a The property owner, for an amendment to the planned development applicable to only a single lot or building site; or

b Petition by the owners of more than fifty percent (50%) of the developed property in the PD district for an amendment to the planned development applicable to all of the developed portions of the planned development; or

c City Commission, where necessary to preserve the health, safety and welfare of the property owners in the planned development.

(g) Status of Previously Approved PD (formerly PUD) Plans. Any active or completed planned development project approved prior to the adoption of this ordinance shall continue to be governed by the approved PD plan and any agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development. Any time limitations to which the approved PD plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify the approved PD plan or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PD district.

~~(t) Determining the residential density of existing developments. Developments existing as of January 1, 1981, which request rezoning to the Planned Unit Development District prior to July 1, 1982, may receive credit for property previously owned by the developer for the purpose of determining residential density provided that:~~

~~(1) The property not owned by the developer is an integral part of the development;~~

~~(2) The property not owned by the developer is contiguous to the property owned by the developer; and~~

~~(3) The overall density of the development will not exceed the maximum established by the application~~

~~of section 22-40(f).~~

(h) Expiration of an Approved PD Plan. Any active Planned Development project which has failed to commence development as stipulated in their PD plans or as part of their PD phasing for a period of two (2) or more years, the plan shall be considered expired. However, in the event that the project is not completed, but has commenced, extensions may be granted for 2-year increments.

If the PD expires, the land will retain the PD zoning designation; however the Planned Development "Plan" will be null and void and will need to reapply as previously approved, or may reapply as a new PD with modifications.

~~(~~Ord. No. H-186, § 30-40, 6-15-81; Ord. No. K-258, § 2, 1-20-04)

**Sec. 22-40. - Planned Development zone (PD).**

(a) *Purpose.* The PD District is intended to provide a process for the evaluation of unique, individually planned developments which are not otherwise permitted in the zoning districts established by this Chapter. The PD District is to be a voluntary process commenced by an applicant for such zoning designation. The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time granting the City Commission the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety and general welfare. In so doing, the PD district is designed to:

- (1) Provide for the planning, review and approval of one (1) or a combination of residential, commercial, public and industrial land uses and structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.
  - (2) Allow a diversification of uses, structures and spaces compatible with existing or proposed uses and structures on surrounding properties, while promoting convenience in the location of related uses and amenities and to reduce travel costs.
  - (3) Minimize infrastructure costs through a more efficient arrangement of structures, utilities, on-site circulation, and ingress and egress than is permitted under conventional zoning and subdivision regulations.
  - (4) Preserve, where feasible, environmental assets and natural amenities as scenic and functional open-space areas.
  - (5) Encourage an increase in the amount and usability of open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.
  - (6) Encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment.
  - (7) Assure the city and other public agencies that development of the project will occur in accordance with the approved plan(s) and plat(s).
  - (8) Assure the applicant that development may be undertaken and carried out in accordance with approved plan(s) and plat(s).
  - (9) Promote flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space.
  - (10) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.
  - (11) Promote the economy of development to encourage the provision of low-and moderate-cost housing; and
  - (12) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.
- (b) *General standards for approval.* The planned development (PD) district is designed to

allow an applicant to submit a proposal for consideration, for any uses or any mixture of uses, and to allow the City Commission to approve any proposal which it determines to be in the best interest of the public health, safety, and welfare, along with any conditions or requirements or limitations thereon which the City Commission deems advisable. Rezoning to the PD district shall be an entirely voluntary procedure to be pursued only at the option of the applicant, and the city shall not itself initiate such rezoning on privately-owned property or designate specific privately-owned lands for Planned Development in its adopted Comprehensive Plan. The approval of Planned Development rezoning rests with the City Commission. However, no rezoning or development plan may be approved unless the following minimum conditions are met:

- (1) *Minimum Development Site Size.* 10,000 sq. ft.
- (2) *Perimeter Setbacks.* Minimum setbacks at the perimeter of the development shall be equal to those of the abutting zoning district(s), except where City Commission finds that alternate minimum perimeter setbacks would be appropriate. Conditions under which alternate minimum perimeter setbacks may be considered include, but are not limited to, the following:
  - a The minimum PD perimeter setback required by this section would be greater than the setback required under the original zoning;
  - b Property in the abutting zoning district is located across a major roadway from the PD, and therefore, a reduced setback would have little or no impact on the character of the adjacent property;
  - c The minimum PD perimeter setback required by this section would be greater than the setbacks for the majority of the existing structures on the same block face.
  - d. The minimum PD perimeter setback required by this section cannot be achieved due to an exceptional narrowness, shallowness, shape, topographic condition or physical or environmental feature uniquely affecting the subject property.
- (3) *Open space.* A minimum of twenty-five (25%) percent of the entire PD parcel or phase shall be open space, which may include vegetated areas or urban areas unencumbered by an impervious surface, except where City Commission finds alternate minimum percentage of open space is appropriate due to site design.
- (4) *Comprehensive Plan Consistency.* Any residential, commercial, industrial, or public land uses and structures are permitted in this district, provided the proposed development is shown to be consistent with the goals, objectives and policies of the comprehensive plan, and consistent with the future land use element, and the standards and criteria contained in the following sections, unless a corresponding amendment to the Comprehensive Plan is also adopted.
  - a *Density.* In no event shall the cumulative density granted exceed the maximum density permitted under the underlying land use in the Comprehensive Plan.
- (5) *Applicability to Other LDRs.* All building code, housing code, and other land use regulations of the City of Fort Pierce are applicable to the PD district, except for those permitting variances, and to the extent that they conflict with a specific provision of the approved development plan.
- (6) *Variances are Not Necessary.* Because the specific development standards of the PD district are contained in the approved development plan for each Planned Development, and because the

development plan normally takes into account those matters which might otherwise be the subject of variance review by the Board of Adjustment, modifications to an approved Planned Development by variance shall be prohibited.

(7) *Unified control.* The applicant shall furnish the city with sufficient evidence to the satisfaction of the city that the applicant is in the complete, unified and otherwise-unencumbered control of the entire area of the proposed planned development, whether the applicant be an individual, partnership, corporation, other entity, group or agency. The applicant shall provide the city all necessary documents and information that may be required by the city to assure the city that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the requirements of this section have been fully complied with.

(8) *Easements.* Easements necessary for the orderly extension and maintenance of public utilities and/or other special needs may be required as a condition of approval.

(9) *Phasing.* When provisions for phasing are included in the development plan, each phase of development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services that a failure to proceed with subsequent phases of development will have no adverse impact on the completed phase(s) or surrounding properties.

(10) *Other standards.* All Planned Developments will comply with regulations affecting signs referred to in section 22-55 and applicable portions of the city's regulations governing subdivisions except that in case of conflict, the City Commission shall determine the requirement for the PD. The City Commission may also establish additional requirements which it considers necessary to assure that a planned development conforms to the intent of this section.

(c) *Application requirements.* When an application is submitted to rezone property to a PD zoning district, the following items will be submitted in addition to other information submitted in accordance with section 22-127, the city's subdivision regulations or other city laws:

(1) Written documents:

a. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development.

b. Material which presents firm evidence of unified control of the entire area within the proposed planned development, including a certificate of apparent ownership and encumbrance with the opinion of counsel representing the applicant establishing that the applicant has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.

c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development, such as land areas and dwelling units.

d. A development schedule indicating:

1. The approximate date when construction of the project can be expected to begin.

2. The stages in which the project will be built and the approximate date when

construction of each stage can be expected to begin.

3. The anticipated rate of development.
  4. The approximate date when each stage in the development will be completed.
  5. The area, location and degree of development of common open space that will be provided at each stage.
- e. Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; residential gross densities; total amount of open space (including separate figures for common open space and usable open spaces); and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).
  - f. A general description of the buildings and streetscapes including standards for height, open space, building coverage, parking area, and public improvements proposed for each section of the development.
  - g. A list of any exceptions from the standard zoning ordinance and land development code for any features of the proposed development plan.
  - h. A statement indicating the justification for a gross density in excess of twelve (12) units per acre if such a density is being proposed.
  - i. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the Planned Development and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.

(2) *Site plan and supporting maps.* Maps with the following minimum information must be submitted:

- a. The existing site conditions, including contours at one foot intervals, shorelines, flood plains, unique natural features and forest cover.
- b. A grading plan for the site showing future contours for locations where the existing grade is to be changed by more than two (2) feet.
- c. A general landscape plan for the planned development.
- d. Proposed lot lines and other divisions of land for management, use or allocation purposes.
- e. The approximate location of present and proposed buildings and structures.
- f. The location and size of all areas proposed to be conveyed, dedicated or reserved for streets, parks, playgrounds, public and semi-public buildings and similar uses.
- g. The existing and proposed vehicular circulation system, including off-street parking and loading areas.
- h. The existing and proposed pedestrian circulation system, including its interrelationships

with the vehicular circulation system, indicating proposed treatments of points of conflict.

i. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.

j. Enough information on land areas adjacent to the proposed planned development to indicate the relationship between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.

k. The proposed treatment of the perimeter of the planned development, including materials and techniques used such as screens, fences and walls.

(d) *Planned Development review procedures.*

(1) Planned Developments will be reviewed similar to site plans, including —a mandatory pre-application conference, and a development plan. The pre-application conference will involve one informal discussion between the applicant and the staff of any department that will be involved with the technical review of the proposed Planned Development.

(2) The development plan will include all information specified in this section. The procedure for reviewing the development plan is the procedure set forth in Section 22-128, Amendment Procedures, and Section 22-58, Site Plan Review. If the proposed Planned Development also involves the subdividing of land which is regulated by the city, the preliminary plat should be reviewed concurrently with the development plan as specified in Chapter 18. Approval of a development plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property.

(e) *Adherence to approved development plan.* Building permits for construction shall be issued only if consistent with an approved development plan. No building permit or certificate of occupancy shall be issued for a planned development except in conformity with all provisions of the approved final plan, as amended. All buildings and improvements in a particular phase need not be complete before the issuance of a certificate of occupancy for a completed building in that phase unless otherwise required by the final plan as approved.

(f) *Modification of Planned Development plans.* All PD plans submitted for building permit approval shall be reviewed by the planning department to determine whether any modification from previously approved PD plans or conditions has occurred. If such a variation has occurred, the applicant shall apply for a modification of PD plans. The applicant may also initiate an application for modification of PD plans to propose changes to the planned development.

The director of planning is authorized to approve minor changes in the approved PD plan, as long as they are in harmony with the originally approved PD plan, but shall not have the power to approve changes that constitute a major modification of the approval. A major modification shall require approval of the City Commission.

(1) *Minor modification.* Any modification to an approved PD plan which does not constitute a major modification shall be considered a minor modification. Generally, minor variations, extensions, alterations or modifications of proposed uses, buildings/structures or other improvements which are consistent with the purpose and intent of the approved PD plan are considered minor modifications. Upon determination that the proposed modification is a minor

modification, the director of planning shall render a decision to the applicant within fifteen (15) working days after submission of a complete application. Applications for a minor modification shall include an updated, revised PD plan indicating the effect of the proposed change and the reasons why such a change is necessary.

(2) *Major modification.* Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved PD plan are to be viewed as a major modification. Once a determination has been made that a proposed modification constitutes a major modification, the applicant shall follow the same procedure as a new planned development request. An application for a major modification shall be filed in the planning department. Applications for a major modification of PD plans shall require:

- a A narrative description of the modification and reasons such a change is necessary;
- b An updated, revised PD plan indicating the effect of the proposed change; and
- c Additional information as required by the director of planning to adequately review the proposed modification.

(3) *Planned Development expansion.* Any addition or reduction to the area of a Planned Development shall require a major modification of the conceptual and final plan.

(4) *Modification review criteria.* In reaching a decision as to whether or not the change(s) are substantial enough to be considered a major modification, and subject to reapplication as a new development plan, the director of planning shall, after reviewing the record of the project, determine if any of the following changes are present:

- a Increase or decrease in intensity of use. An increase in intensity of use shall be considered to be an increase of more than five (5) percent of usable floor area or an increase of more than five (5) percent in the number of dwelling units or an increase of more than five (5) percent of outside land area devoted to sales, displays, or demonstrations. In no case shall the intensity or density be increased over the maximum permitted by the planned development district.
- b Any change in parking areas resulting in an increase or reduction of ten (10) percent or more in the number of spaces approved.
- c Structural alterations significantly affecting the basic size and form of the building(s) as shown on the approved plan. Changes in form will only be considered substantial if they occur within two hundred (200) feet of the boundary of the planned development district.
- d Any reduction in the amount of open space of more than five (5) percent or substantial change in the location or characteristics of open space uses.
- e Substantial changes in location or type of pedestrian or vehicular accesses or circulation.
- f Any change which would increase traffic generation by more than ten (10) percent.
- g Any change in land use or increase within five hundred (500) feet of the zoning district boundaries or within two hundred (200) feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change.

h Any deviation exceeding twelve (12) inches from the setbacks, height, and any area or dimensional standards approved as part of the concept development plan.

i Any change in a condition specifically required by the City Commissioners as part of the planned development approval.

(5) After a site has been rezoned to the PD district, and after more than fifty percent (50%) of the land in the planned development has been developed, amendments to the planned development for the developed portions of the property may only be initiated by:

a The property owner, for an amendment to the planned development applicable to only a single lot or building site; or

b Petition by the owners of more than fifty percent (50%) of the developed property in the PD district for an amendment to the planned development applicable to all of the developed portions of the planned development; or

c City Commission, where necessary to preserve the health, safety and welfare of the property owners in the planned development.

(g) *Status of Previously Approved PD (formerly PUD) Plans.* Any active or completed planned development project approved prior to the adoption of this ordinance shall continue to be governed by the approved PD plan and any agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development. Any time limitations to which the approved PD plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify the approved PD plan or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PD district.

(h) *Expiration of an Approved PD Plan.* Any active Planned Development project which has failed to commence development as stipulated in their PD plans or as part of their PD phasing for a period of two (2) or more years, the plan shall be considered expired. However, in the event that the project is not completed, but has commenced, extensions may be granted for 2-year increments.

If the PD expires, the land will retain the PD zoning designation; however the Planned Development "Plan" will be null and void and will need to reapply as previously approved, or may reapply as a new PD with modifications.

Ord. No. H-186, § 30-40, 6-15-81; Ord. No. K-258, § 2, 1-20-04)

**Sec. 22-40. Planned unit development zone (PUD).**

- (a) *Purpose.* The PUD zone is intended to provide for comprehensive developments incorporating residential uses, a substantial amount of open space and appropriate commercial, public and semi-public uses. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. It is further intended to promote economics in land development, maintenance, street systems and utility networks.
- (b) *General standards for approval.* Prior to including a tract of land in the PUD zone or approving a final development plan for a planned unit development, the city commission shall determine that:
- (1) The planned unit development is an effective and unified treatment of the development possibilities of the project site while remaining consistent with the comprehensive plan, avoiding environmental hazards and making appropriate provisions for the preservation of natural features such as shorelands and wooded cover.
  - (2) The planned unit development will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services in terms of their capacities, operational costs or maintenance costs: Water, sewer, storm drainage, electrical services, fire protection, police protection and schools.
  - (3) A demand exists for the planned unit development at the proposed location and the applicant has the capacity to assure completion of the project.
  - (4) The planned unit development complies with standards referred to in this section, additional zoning ordinance provisions and other city laws.
- (c) *Potential uses.* The following uses are allowed in a planned unit development if the city commission considers them appropriate for the particular development being proposed, compatible with nearby uses and consistent with the comprehensive plan and if other applicable standards are satisfied:
- (1) Single-family dwelling, detached or attached.
  - (2) Duplexes, triplexes and quadraplexes.
  - (3) Multifamily housing developments.
  - (4) Adult congregate living facilities and boarding houses.
  - (5) Retail sales establishments, except stores selling automobiles, other large motorized vehicles or mobile homes.
  - (6) Motels/hotels.
  - (7) Personal service establishments.
  - (8) Repair service establishments which provide repair services of a minor nature, such as: Radio and television repair services; watch, clock and jewelry repair services; and shoe repair services.
  - (9) Finance, insurance and real estate service establishments.
  - (10) Business service establishments.
  - (11) Communication service establishments.
  - (12) Professional service establishments.
  - (13) Education service establishments.
  - (14) Indoor amusement, entertainment and/or recreation establishments.
  - (15) Public and semi-public uses, including outdoor park and recreation facilities.
  - (16) Temporary uses meeting the requirements in section 22-65.
  - (17) Such other uses as the city commission may consider appropriate.
- (d) *Limitations on commercial uses.* No more than thirty (30) per cent of the gross floor area may be used for commercial development in the portion of a planned unit development which the comprehensive plan designates as residential. In an area designated as residential in the comprehensive plan, no building permit for commercial development shall be issued unless at least twenty (20) dwelling units have been

constructed in the planned unit development, are in the process of being constructed or will be constructed simultaneously with the commercial development. The following comprehensive plan classifications will be considered to be residential categories: Low density residential (RL), medium density residential (RM) and high density residential (RH).

- (e) *Minimum site size.* Planned unit developments shall be established on parcels of land which are a size suitable for the proposed development and are part of PUD zone which is at least five (5) acres in size.
- (f) *Residential densities.* Maximum residential densities will not exceed the level which the city commission determines is consistent with the comprehensive plan. Unless it determines that density bonuses should be allowed in accordance with the following criteria, the maximum gross density allowed shall be fifteen (15) units per acre. Density bonuses awarded for the following criteria are cumulative.
  - (1) *Landscaping.* The gross density may be increased up to one unit per acre for landscaping plans which provide for effective use of existing vegetation and/or for approved landscape plans for streetscapes, pedestrian ways, bicycle paths, areas near buildings, open spaces and/or recreation areas. This increased density may only be awarded if the landscaping of the planned unit development will exceed the requirements in section 22-59 for landscaped area by ten (10) per cent, for amount of trees by ten (10) per cent and/or in terms of qualitative characteristics of the landscaping.
  - (2) *Siting.* The gross density may be increased up to one unit per acre for creative placement of buildings and/or other facilities in terms of visual focal points, use of existing physical features (such as topography), views, sun and wind orientation, the circulation pattern, variation in building setbacks and/or building and facility groupings (such as clustering).
  - (3) *Design.* The gross density may be increased up to one unit per acre for imaginative design features including architectural styles, harmonious use of building materials, varied use of housing types and/or other design elements of the planned unit development.
- (g) *Basic use standards.*
  - (1) Area, width, depth, yard and lot coverage requirements for lots in a planned unit development shall be determined by the city commission on the basis of relevant characteristics of the use, the rest of the planned unit development and the surrounding area, including those characteristics relating to use compatibility, physical feature constraints and utility and transportation capacities.
  - (2) No building within the planned unit development shall be located closer than fifteen (15) feet to any street or street right-of-way. No building with residential dwellings shall be closer than twenty (20) feet to any nonaccessory building, except single-family dwellings may be attached or less than twenty (20) feet apart. Additional setback requirements may be imposed by the city commission to provide adequate light, ventilation, privacy and other appropriate features.
- (h) *Open spaces.*
  - (1) In all planned unit developments at least forty (40) per cent of the site, exclusive of aquatic areas, shall be devoted to open space. Of this required open space area, no more than twenty-five (25) per cent may be utilized privately by individual owners or users of the planned unit development. At least seventy-five (75) per cent of the required open space area must be common open space.
  - (2) No area may be accepted as common open space within a planned unit development unless it meets the following requirements:
    - a. The location, shape, size and character of the common open space is suitable for the development.
    - b. The common open space is for amenity or recreational purposes and the uses authorized are appropriate for the scale and character of the development based on consideration of its size, density, expected population, topography and the number and type of dwellings provided.
    - c. The common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation should be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

- d. Waterfront access for the public, such as walkways, trails, waterfront seating or landscaped areas, will be provided, whenever possible, when consistent with the scale of the use, surrounding uses, security and proximity to the waterfront.
  - e. No parking facilities will be included in areas designated as common open space unless the parking facilities are intended to provide access to the common open space area and are not intended to meet the ordinance requirements for other uses. No streets will be designated as common open space.
  - f. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the building of residential dwellings in the planned unit development.
  - g. If buildings or structures are to be constructed in the common open space, the developer will provide a bond or other adequate assurances that the buildings and structures will be completed. The director of the department of planning and development shall release the bond or other assurances when the buildings and structures have been completed according to the development plan.
- (i) *Various environmental standards.*
- (1) Uses having potential air-polluting sources such as stacks, burning facilities, concentrations of motor vehicles and dust-generating processes shall be located and designed to provide adequate separation of these sources from other development and especially residential neighborhoods, institutional uses and outdoor recreation areas. Any adverse air-quality impacts of the use will be reduced to the extent practical.
  - (2) The development plan, to the extent practical, will attempt to follow the principle that the water falling on a given site should be absorbed to the extent that after development the quantity and rate of water leaving the site would not be significantly different than if the site had remained undeveloped. Techniques that capitalize on and are consistent with natural resources and processes will be used whenever possible. In part, the intent of the plan should be to minimize the adverse cumulative effects of development in an area on drainage.
  - (3) The development plan shall include provisions needed to control water and wind erosion during and after construction associated with the development. Runoff from impervious surfaces or other potential polluting sources in developments with three (3) or more acres of impervious area should be directed to retention areas or through vegetated areas as needed to allow sedimentation and filtration of contaminants to occur before runoff enters canals, rivers or wetland areas. Any adverse water quality impacts of the use will be reduced to the extent practical.
- (j) *Transportation.*
- (1) A suitable site layout will be used for all street and on-site drives; parking, loading and unloading areas; refuse collection and disposal points; sidewalks; bike paths; and other transportation facilities. Suitability, in part, shall be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.
  - (2) Principal vehicular access points shall be designed to permit smooth traffic flow and to minimize hazards to vehicular and pedestrian traffic. Minor streets within a planned unit development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
  - (3) Streets in a planned unit development may be dedicated to public use or may be retained in private ownership, except the city commission may require arterial and collector streets to be dedicated to the public. When considered appropriate by the city commission, city requirements concerning rights-of-way and street pavement widths may be reduced and those requiring curbs and gutters may be waived, notwithstanding provisions to the contrary in this Code of Ordinances.
  - (4) All uses shall comply with access, parking and loading standards in sections 22-60 and 22-61, except additional requirements may be specified by the city commission when it considers them appropriate.

- (k) *Compatibility with adjacent development.* If topographical or other barriers near the perimeter of the planned unit development do not provide reasonable privacy for existing or potential uses adjacent to the development, the city commission shall require buildings in the planned unit development to be set back an adequate distance from the perimeter of the planned unit development or require an attractively designed and maintained buffer in the form of vegetation, fencing, walls and/or berms. In no case shall buildings in the planned unit development be closer than twenty-five (25) feet to a lot in an E-1, R-1, R-2, R-3, R-4 or R-5 zone.
- (l) *Landscaping.* The planned unit development shall comply with the provisions of a landscape plan approved by the city commission. This plan must at a minimum be consistent with landscaping requirements in section 22-59.
- (m) *Unified control.* All land intended to be included in the planned unit development shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships and/or corporations.
- (n) *Maintenance of common areas.* Common open space, streets and any area or facility designated by the city commission as a shared area will comply with the following provisions:
- (1) The property will be conveyed under one of the following options:
    - a. To a public agency which agrees to maintain the property and buildings or structures placed on it; or
    - b. To association(s) of owners and/or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions that are acceptable to the city commission as providing for the continuing care of the property.
  - (2) The property may not be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of the property, and all rights to enforce these covenants against any use permitted are expressly reserved.
  - (3) If the property is not conveyed to a public agency, the covenants and restrictions that govern the association of owners and/or tenants will at least include the following provisions:
    - a. Membership must be mandatory for each home buyer or tenant and each successive buyer or tenant.
    - b. The association must be responsible for liability insurance, local taxes and the maintenance of property.
    - c. Owners and tenants must pay their pro rata share of the cost.
    - d. The association must be able to adjust assessments to meet changing needs.
    - e. The city must be authorized to enforce these and other provisions governing the use, improvement and maintenance of the property.
  - (4) If the property is not conveyed to a public agency then, in addition to those requirements set forth hereinabove, there shall be delivered to the building official at or before the time the first building permit is obtained an instrument in recordable form containing:
    - a. A legal description of the property upon which the dwelling units are to be constructed;
    - b. A statement of the total area contained within such description;
    - c. A statement of the number of existing or proposed units situated on the subject property;
    - d. A statement of the number of dwelling units for which the application is made;
    - e. A restriction prohibiting any further development or construction beyond what is set forth in the instrument.

The building official shall thereafter issue permits in accordance with what is set forth in the aforesaid instrument provided all other requirements of this chapter are met and thereafter no further permits shall be issued for any additional units on the tract described. The instrument shall be recorded to place all persons on notice of its contents and limitations upon further building.

(o)

*Utility easements.* Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.

- (p) *Other standards.* All planned unit developments will comply with regulations affecting signs referred to in section 22-55 and applicable portions of the city's regulations governing subdivisions except that in case of conflict the city commission shall determine the requirement for the PUD. The city commission may also establish additional requirements which it considers necessary to assure that a planned unit development conforms to the intent of this section.
- (q) *Special application requirements.* When an application is submitted to include property in a PUD zone, the following items will be submitted, in addition to other information submitted in accordance with section 22-127, the city's subdivision regulations or other city laws:
- (1) Written documents:
    - a. A statement of planning objectives to be achieved by the planned unit development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development.
    - b. Material which presents firm evidence of unified control of the entire area within the proposed planned unit development, including a certificate of apparent ownership and encumbrance with the opinion of counsel representing the applicant establishing that the applicant has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.
    - c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned unit development, such as land areas and dwelling units.
    - d. A development schedule indicating:
      1. The approximate date when construction of the project can be expected to begin.
      2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
      3. The anticipated rate of development.
      4. The approximate date when each stage in the development will be completed.
      5. The area, location and degree of development of common open space that will be provided at each stage.
    - e. Quantitative data for the following: Total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; approximate residential gross densities; total amount of open space (including separate figures for common open space and usable open spaces); and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).
    - f. A statement indicating the justification for a gross density in excess of twelve (12) units per acre if such a density is being proposed.
    - g. Agreements, provisions and covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space or other shared areas. This material shall include material which binds successors in title to any commitments concerning completion of the project and its maintenance and operation.
  - (2) *Site plan and supporting maps.* Maps with the following minimum information must be submitted:
    - a. The existing site conditions, including contours at one foot intervals, shorelines, flood plains, unique natural features and forest cover.
    - b. A grading plan for the site showing future contours for locations where the existing grade is to be changed by more than two (2) feet.
    - c. A general landscape plan for the planned unit development.
    - d. Proposed lot lines and other divisions of land for management, use or allocation purposes.
    - e. The approximate location of present and proposed buildings and structures.
    - f. The location and size of all areas proposed to be conveyed, dedicated or reserved for streets, parks, playgrounds, public and semi-public buildings and similar uses.

- g. The existing and proposed vehicular circulation system, including off-street parking and loading areas.
  - h. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
  - i. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.
  - j. Enough information on land areas adjacent to the proposed planned unit development to indicate the relationship between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
  - k. The proposed treatment of the perimeter of the planned unit development, including materials and techniques used such as screens, fences and walls.
- (r) *Special planned unit development review procedures.*
- (1) Planned unit developments will be reviewed in at least three (3) phases—a preapplication conference, a preliminary development plan phase and a final development plan phase. The preapplication conference will involve a minimum of one informal discussion between the applicant and staff of the department of planning and development on the proposed planned unit development.
  - (2) At the request of the applicant, an optional phase, a concept plan phase, will take place. For this phase, a map showing the general layout of uses in the proposed planned unit development will be submitted along with written material mentioned in this section in (q)(1)(a), (q)(1)(c), (q)(1)(d) and (q)(1)(e). A public hearing will be held by the city planning board on the proposal and it will approve, approve with conditions or disapprove the concept plan.
  - (3) The preliminary development plan will include information specified in subsection (p) of this section. The procedure for reviewing the preliminary development plan is the procedure set forth in section 22-128 for amending this chapter. If the proposed planned unit development involves the subdividing of land which is regulated by the city, the preliminary plat should be reviewed concurrently with the preliminary development plan. Approval of a preliminary development plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property. If the city planning board approved the concept plan or approved it with conditions, the board will not change its earlier opinion unless it determines that it is appropriate due to new information or due to differences between the concept plan and preliminary development plan.
  - (4) Within a year of the date of approval of a preliminary development plan or approval of the plan with conditions, the applicant shall file with the department of planning and development a final development plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the development. If the planned unit development involves the subdividing of land which is regulated by the city, the final plat should be reviewed concurrently with the final development plan.
  - (5) The staff of the department of planning and development shall have a maximum of thirty-five (35) days from the submission of a complete final development plan to review the plan and prepare comments concerning the plan. Prior to acting on the final development plan, the city commission shall hold a public hearing in accordance with section 22-143. The city commission shall approve, approve with conditions or disapprove the final development plan within twenty (20) days of the public hearing, except the city commission with good cause demonstrated may allow an extension of time.
  - (6) If the city commission finds evidence of a significant deviation from the preliminary development plan, the city commission shall advise the applicant to submit an application for an amendment to the preliminary development plan. An amendment shall be reviewed using the same procedure as was used for the preliminary development plan, except that this chapter will not need to be amended. If no significant deviation from the preliminary development plan is found, the city commission will approve the portions of the planned unit development in the final plan.

- (7) If an amended preliminary development plan is not submitted within seventy-five (75) days of the city commission decision to require such an amendment, or if the amended preliminary development plan is not approved or approved with conditions, the city commission shall initiate proceedings for rezoning all of the property in the planned unit development.
- (s) *Adherence to approved final development plan.* Building permits for construction shall be issued only if consistent with an approved final development plan.
  - (1) Minor changes not altering the intent and purpose of the approved final development plan may be approved by the director of planning and development after such departmental comment as he deems appropriate. The director shall also advise the city commission of his administrative determination at the earliest practicable opportunity and such determination shall become effective unless the city commission thereupon finds that the proposed change is substantial in nature and advises the applicant to apply for an amendment of the approved development plan.
  - (2) Substantial changes in requested uses, density, phasing or other specifications of the approved development plan must be approved by the city commission after it has held a public hearing and after review of the proposed changes by the city planning board.
  - (3) The amendment of an approved development shall be in the manner provided for adoption of the development plan.
- (t) *Determining the residential density of existing developments.* Developments existing as of January 1, 1981, which request rezoning to the Planned Unit Development District prior to July 1, 1982, may receive credit for property previously owned by the developer for the purpose of determining residential density provided that:
  - (1) The property not owned by the developer is an integral part of the development;
  - (2) The property not owned by the developer is contiguous to the property owned by the developer; and
  - (3) The overall density of the development will not exceed the maximum established by the application of section 22-40(f).

(Ord. No. H-186, § 30-40, 6-15-81; Ord. No. K-258, § 2, 1-20-04; Ord. No. L-260, § 2, 6-18-12)



**Planning Board**

**7. b.**

Meeting Date: 09/09/2014

---

Information

REQUESTED ACTION

Approval of a City initiated Rezoning from R-1 to PUD for Carriage Pointe Estates.

LOCATION

At the intersection of Selvitz and Ralls Roads in a Portion of Section 30, Township 35S, Range 40E

RESPONSIBLE STAFF

Sandy Ramseth, AICP, Senior Planner

RECOMMENDATION

Staff recommends that the Planning Board forward to the City Commission a **RECOMMENDATION of APPROVAL** for the rezoning of Carriage Point Estates from an R-1 zoning district to a PUD zoning district as a scrivener's error.

---

Attachments

Staff Report

Exhibit 1 - Ordinance K-308

Exhibit 2 - Resolution - 04-228

Exhibit 3 - Plat Maps

Location Map

Site Aerial

---

**Form Review**

Form Started By: Sandra Ramseth

Started On: 09/02/2014 10:44 AM

Final Approval Date: 09/02/2014



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW  
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

**TO:** Members of the City of Fort Pierce Planning Board

**THROUGH:** Rebecca Grohall, AICP, Planning Manager

**FROM:** Sandy Ramseth, AICP, Senior Planner

**SUBJECT:** Carriage Point Estates – Rezoning

**DATE:** September 2, 2014

### STAFF REPORT

**Owner/Applicant:** Pierce 131, LLC (Peter J. Brennan, Manager)  
12 Salt Creek Lane, Suite 200  
Hinsdale, IL 60521

**Representative:** Dean, Mead, Minton & Zwemer  
1903 South 25th Street, Suite 200  
Fort Pierce, Florida 34947

**Requested Action:** Approval of a City initiated Rezoning from R-1 to PUD

**Location:** At the intersection of Selvitz and Ralls Roads in a Portion of Section 30, Township 35S, Range 40E

**Parcel ID:** 2430-134-0014-000-0

**Current Zoning:** **R-1, Single-Family Low Density Zone;** this classification is primarily intended to provide for areas of single-family dwellings with an average net density of less than four (4) units per acre for conventional developments. Regulations for the district are designed to promote sound neighborhoods and accommodate compatible nonresidential uses. Water and sewer service should be available. Carriage Point Estates is not consistent with the R-1 zoning district. (See staff analysis).

**Future Land Use:** **RL, the Low Density Residential;** this designation is intended for parcels that are best suited for lower density residential uses. The predominant development typology will consist of single-family detached housing but can also contain duplexes and multifamily residences. This land use category ranges in density from 1 to 6.5 dwelling units per acre. Carriage Point Estates has a density of 1.75 du/ac. and is consistent with the Comprehensive Plan.

**Surrounding Zoning:  
(Jurisdiction)**  
**Surrounding FLU:  
(Jurisdiction)**

North	East	South	West
RS3 & AR-1 (SLC)	AR-1 (SLC)	IX, AR-1 & I-1 (SLC) & (FP)	R-1 (FP)
RU (SLC)	RS (SLC)	RU & HI (SLC) & (FP)	RL (FP)

**Infrastructure:**

Located within the FPUA Retail Water and Sewer Service Area. All infrastructure including water, sewer, drainage and roadways have been constructed, except for the final lift of asphalt.

**Area:**

74.85 Acres

**Project History:**

The residential development currently known as Carriage Pointe Estates (fka Ten Mile Estates) was annexed into the City of Fort Pierce via Ordinance K-308 (Exhibit 1) on December 20, 2004 which took effect on December 31, 2004. The annexation ordinance rezoned the subject property to the City's R-1 zoning district and assigned a future land use designation of RL (Residential, low density: 1 - 6.5 dwelling units per acre)

Subsequently, on December 21, 2004, St. Lucie County via Resolution 04-228 (Exhibit 2) approved a rezoning of the subject site to the Planned Unit Development (PUD) zoning, and granted Preliminary and Final Site Plan approval for development of 132 single-family homes. The County resolution approved the Site Plan prepared by Thomas Lucido & Associates, Inc., dated November 8, 2004 (Exhibit 3). The Preliminary Plat of the subject property was reviewed and approved by the County earlier that year.

In the following years, the project's infrastructure plans were formerly permitted by the City and improvements were substantially completed, including the construction of offsite roadways, onsite roadways through the first lift of asphalt, onsite and offsite sewage collection and transmission systems, water distribution system, and storm water management system. In 2007 a building permit was also issued by the City for a model home, which was constructed.

In March of 2011, The Wantman Group, Inc. (WGI) filed an application for Final Plat approval with the City on behalf of Regions Bank. The City's Technical Review Committee (TRC) conducted a review but the staff comments were never sufficiently addressed in order to advance the application to a hearing before the City Commission. The applicant had been informed of the outstanding issues identified by the Fort Pierce City Engineer during the 2011 Final Plat review, and these were never addressed by the former property owner/applicant, Regions Bank. On October 29, 2012, the subject property was then purchased by its current owner, Pierce 131 LLC.

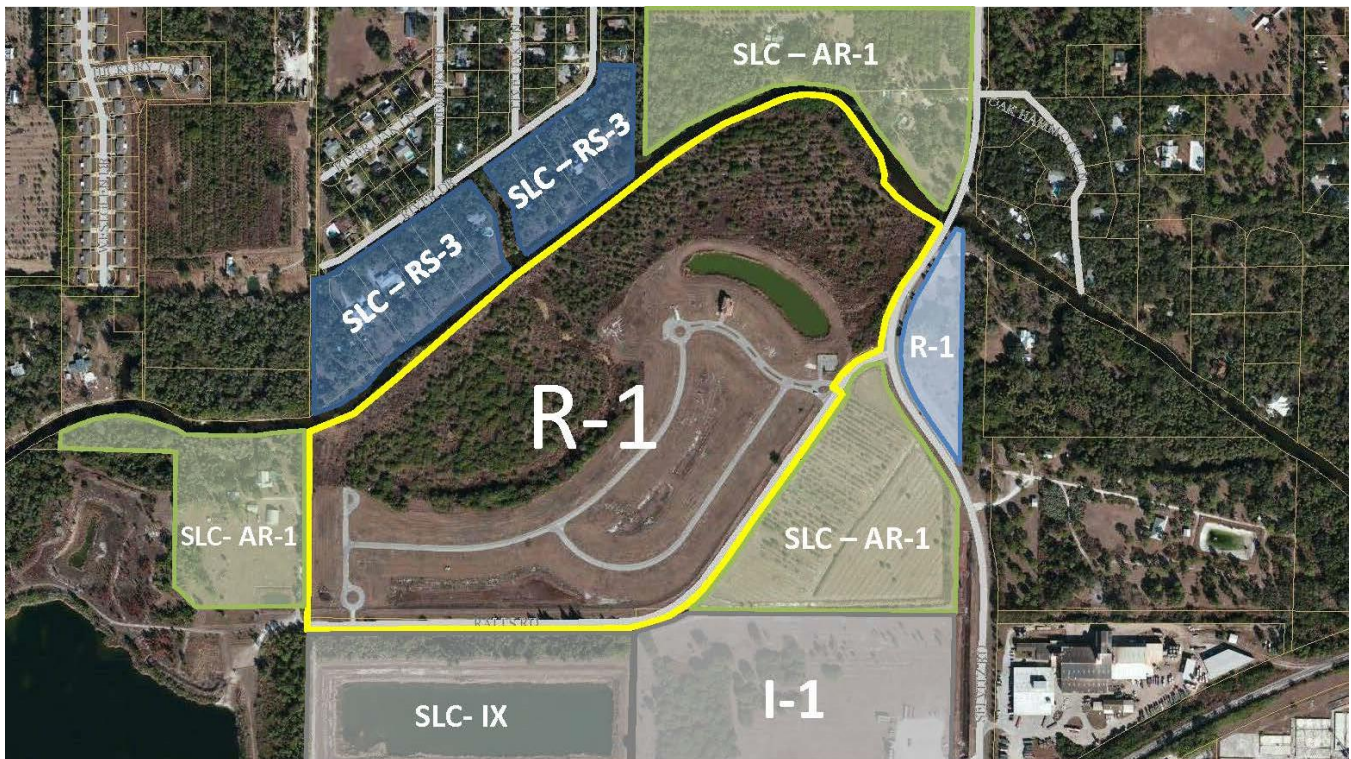
Beginning in February 2013, a revised Final Plat, based on previous TRC comments, was submitted to the City for their review and approval; again, more comments and resubmittals. During that year, the model home was also demolished as the housing product type was revised under the new ownership. The project history now leads us to where we are today; the latest Final Plat submittal plan has been reviewed by all affected departments, has met with their approval, and finally is scheduled for City Commission review and approval on September 15, 2014. However, to bring the project into total City compliance, this rezoning request, initiated by the City, as a scrivener's error to change the zoning from R-1 to PUD, as originally intended.

**Staff Analysis:**

Pursuant to Fla. Stat. § 171.062(2), whereby properties are purportedly given City zoning classifications equivalent to their zoning status within the County prior to annexation, the City is requesting a rezoning of Carriage Point Estates from and R-1 zoning district to a PUD zoning district as a scrivener's error. The R-1

zoning designation was incorrectly assigned to Carriage Point Estates (then Ten Mile Estates), and has subsequently produced conflict with the R-1 lot dimension and setback regulations.

*Surrounding Vicinity.* The subject property is currently zoned R-1, Single-Family Low Density and has a Future Land Use designation of RL, Low Density Residential. The subject property is mostly surrounded by unincorporated properties that lie within St. Lucie County. Immediately abutting the subject property to the north is Ten Mile Creek which runs the entire length of the property. Just beyond Ten Mile Creek on the north, are unincorporated properties zoned for low density residential use and agriculture; to the west is unincorporated agricultural land; to the south is unincorporated and incorporated industrial property; and to the northeast and southeast are more unincorporated agricultural lands; and immediately east is a tract of low density residential property within the City, but owned by the County.



**Zoning Map of Subject Property and Vicinity**

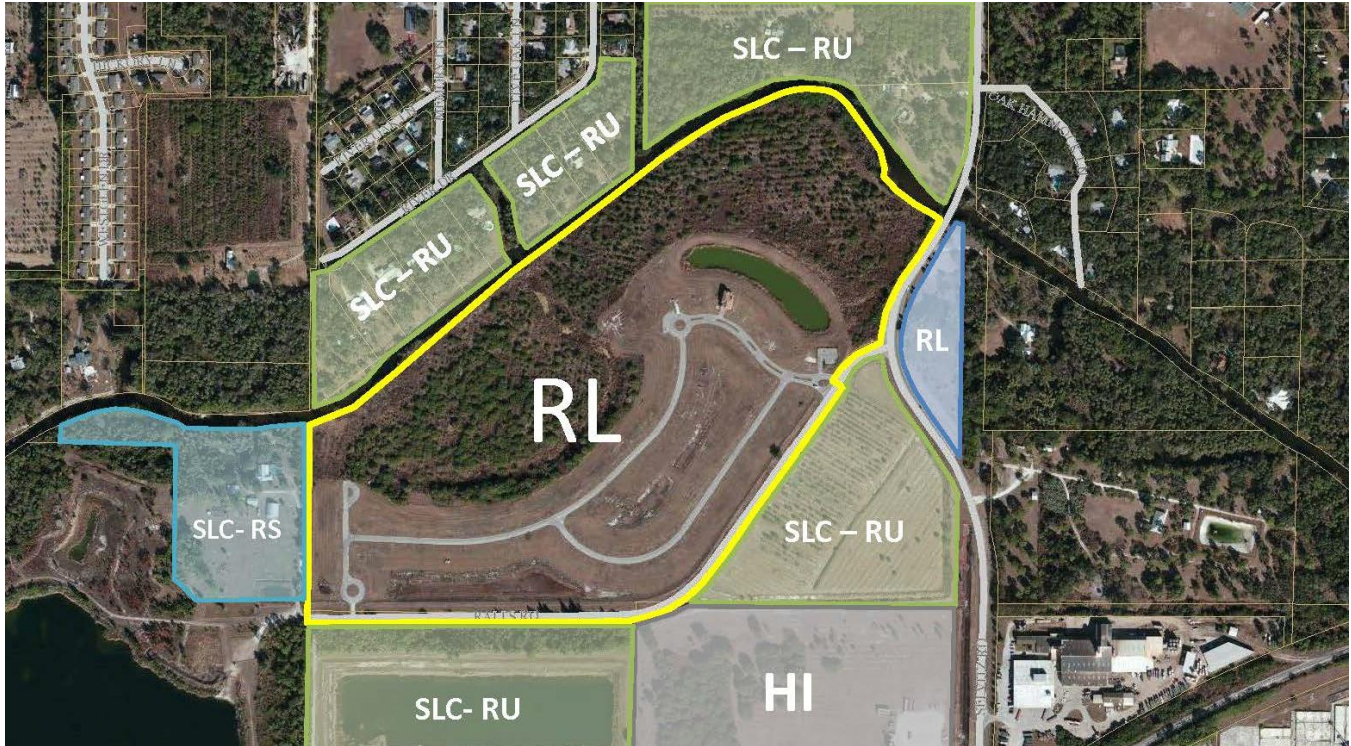
SLC = St. Lucie County Zoning

Fort Pierce Zoning

AR-1 = Agricultural, Residential  
RS-3 = Residential, Single Family- 3  
IX = Industrial, Extraction

R-1 = Single Family Low Density  
I-1 = Light Industrial

Subject Parcel



**Future Land Use Map of Subject Property and Surrounding Vicinity**

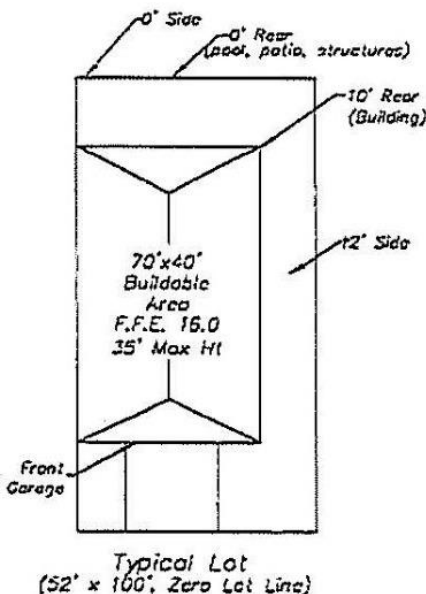
SLC = St. Lucie County Future Land Use

Fort Pierce Future Land Use

RU = Residential Urban  
RS = Residential Suburban

RL = Single Family Low Density  
HI = Light Industrial

Subject Parcel



**Lots:** The property will be subdivided into 131 lots, (a reduction of one lot from the originally approved PUD Plan) that do not meet the minimum lot width (70 ft), depth (110 ft), or area (12,000 sf) requirements of the R-1, Single Family Low Density zoning district.

The Carriage Pointe lot sizes are as follows:

- 107 lots measure 5,200sf – 6,000sf (typically measuring 100'x 52')
- 17 lots measure 6,001sf – 7,000sf
- 7 lots measure 7,001+sf

The typical building setbacks for the Carriage Pointe lots are as follows:

- Front: 20 foot
- Side: 0 and 12 foot
- Rear: 10 foot for the principal structure, 0 foot for accessory.

Like the Carriage Pointe lot dimensions and lot area, these setback distances are not consistent with the requirements of the R-1 zoning district, which requires a 25-foot front setback, a 7-foot side setback (both sides), and a 15 to 7-foot rear setback.

However, in order to bring Carriage Point Estates into compliance with the City's Land Development Code, Staff has recommended that the City initiate a rezoning of the subject property from its current R-1 zoning designation to a Planned Unit Development (PUD) zoning designation as a scrivener's error as soon as possible.

The PUD zoning district is what was originally adopted by the County Commission for this property, and per the City's Land Development Code:

*"PUD zone is intended to provide for comprehensive developments incorporating residential uses, a substantial amount of open space and appropriate commercial, public and semi-public uses. It is designed to achieve a desirable environment through application of flexible and diversified land development standards in an overall site plan. It is further intended to promote economics in land development, maintenance, street systems and utility networks."*

A PUD zoning designation will allow for Carriage Point Estates' lot, area and setback dimensions which do not fit within any other of the City's zoning district.

**Staff Recommendation:**

Staff recommends that the Planning Board forward to the City Commission a **RECOMMENDATION of APPROVAL** for the rezoning of Carriage Point Estates from an R-1 zoning district to a PUD zoning district as a scrivener's error.

ORDINANCE NO. K-308

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE SIX PARCELS OF LAND GENERALLY LOCATED EAST AND WEST OF SELVITZ ROAD, NORTH OF GLADES CUT-OFF ROAD (KNOWN AS 3398 SELVITZ ROAD, 3548 SELVITZ ROAD, 3630 SELVITZ ROAD, 4100 GLADES CUT-OFF ROAD, 4510 GLADES CUT-OFF ROAD, AND OTHER PARCELS CONTIGUOUS THERETO); DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS JANUARY 1, 2005; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREBIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA:

SECTION 1. The territorial limits of the City of Fort Pierce, Florida, be and they are hereby extended to annex to the said City six parcels of land generally located east and west of Selvitz Road, north of Glades Cut-off Road (known as 3398 Selvitz Road, 3548 Selvitz Road, 3630 Selvitz Road, 4100 Glades Cut-off Road, 4510 Glades Cut-off Road, and other parcels contiguous thereto); legally described as:

PARCEL 1 - THAT PART OF NW 1/4 OF SECTION 29, TOWNSHIP 35 SOUTH, RANGE 40 EAST, LYING SOUTH OF TEN MILE CREEK, SUBJECT TO CANAL RIGHT-OF-WAY OVER THE WEST 48 FEET THEREOF; AND ALSO THAT PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 35 SOUTH, RANGE 40 EAST, LYING SOUTH OF TEN MILE CREEK, SUBJECT TO CANAL RIGHT-OF-WAY OVER THE WEST 48 FEET THEREOF; AND ALSO THAT PART OF SECTION 30, TOWNSHIP 35 SOUTH, RANGE 40 EAST, LYING EAST OF THE EAST RIGHT-OF-WAY LINE FOR SELVITZ ROAD AS IT PRESENTLY EXISTS, SUBJECT TO A CANAL RIGHT-OF-WAY OVER THE EAST 48 FEET THEREOF, ALL OF THE ABOVE BEING IN ST. LUCIE COUNTY, FLORIDA. (OR 455-1910) (PROPERTY I.D. 2429-321-0003-000-0) (PROPERTY I.D. 2430-411-0001-000-6) - 3398 SELVITZ ROAD

PARCEL 2 - 30 35 40 THAT PART OF S 1/2 OF NE 1/4 LYG SLY OF CANAL 71 (TEN MILE CREEK) AND WLY OF SELVITZ RD AND N 1/2 OF SE 1/4 LYG WLY OF SELVITZ AND RALLS RDS AND SLY OF CANAL 71 (TEN MILE CREEK) AND N 50FT OF N 1/2 OF SW 1/4 OF SE 1/4 (72.62 AC) (OR 495-2541) (PROPERTY I.D. 2430-134-0014-000-0) - ADDRESS TO BE DETERMINED

PARCEL 3 - 29 35 40 S 1/2 OF NW 1/4 OF SW 1/4-  
LESS W 88 FT AND LESS THAT PART LYG WITHIN  
54.08 FT ELY OF BASE LI OF SURVEY OF SELVITZ  
RD (SURVEY RECORDED IN PB 13-2) (19.00  
AC) (PROPERTY I.D. 2429-323-0001-000-2) - 3548  
SELVITZ ROAD

PARCEL 4 - 29 35 40 THAT PART OF SW 1/4 OF SW  
1/4 LYG N OF FEC CUT-OFF BRANCH MPDAF: BEG SW  
COR OF SEC RUN N 1320 FT, TH E 1320 FT, TH S  
1320 FT, TH W 1320 FT TO POB-LESS W 128 FT FOR  
RD AND CANAL RS/W- (33) (12.34 AC) (OR 1641-  
2079) (PROPERTY I.D. 2429-331-0002-000-4) -  
3630 SELVITZ ROAD

PARCEL 5 - 0/31 35 40 THAT PART OF SE 1/4 OF  
SE 1/4 OF SEC 30 AND THAT PART OF NE 1/4 OF NE  
1/4 OF SEC 31 LYG N AND W OF GLADES CUT-OFF  
RD-LESS W 272.18 FT AND LESS RD AND CANAL  
RS/W- (37.46 AC) (OR 232-1272,1273) (PROPERTY  
I.D. 2430-441-0005-000-7) - 4100 GLADES CUT-  
OFF ROAD

PARCEL 6 - 31 35 40 BEG AT NE COR OF NW 1/4 OF  
NE 1/4 TH ELY ALG N LI SD SEC31 272.18 FT, TH  
SLY 410 FT M/L TO N LY R/W GLADES CUTOFF RD,  
TH S44 DEG 34 MIN W ALG SD R/W 608.44 FT M/L,  
TH N 45 DEG 26 MIN W 219.21 FT, TH S 44 DEG 34  
MIN W 727.15 FT, TH N 882.03 FT, TH W LY ALG S  
LI OF N 1/2 OF N 1/2 OF NW 1/4 OF NE 1/4  
457.88 FT M/L TO ELY R/W CANAL #99, TH N LY  
ALG SD ELY CANAL R/W 330 FT M/L TO N LI SD SEC  
31, TH ELY ALG SD N LI 1277.50 FT M/L TO POB  
(23.57 AC) (OR 351-1336,1341:514-2288) (PROPERTY  
I.D. 2431-121-0002-000-6) - 4510 GLADES CUT-  
OFF ROAD

SECTION 2. That the St. Lucie County Property Appraiser and the St. Lucie County Tax Collector are directed to place upon and add to the assessment roll, and to collect taxes on the land described in Section 1 hereof as of January 1, 2005 and subsequent years, and to enter the same at such valuation that it will bear an equal and just proportion of taxes as of that date and subsequent years.

SECTION 3. That the City Clerk shall cause notice of this annexation to be published once each week for two consecutive weeks prior to final passage in The Tribune in Fort Pierce, Florida.

SECTION 4. That upon this ordinance becoming effective, the land hereinabove described and annexed to the territorial limits of

Ordinance No. K-308  
Page Three

the City of Fort Pierce shall be and the same are zoned: Parcels 1-3 - R-1, Single Family Low Density Zone, and the Future Land Use Designation is RL, Low Density Residential Land Use; and Parcels 4-6 - I-1, Light Industrial Zone, and the Future Land Use Designation is I, Industrial Land Use, in accordance with the Zoning Ordinance of the City of Fort Pierce, Florida.

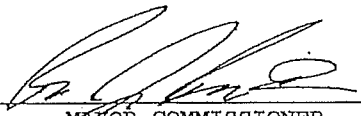
SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall be and become effective December 31, 2004.

STATE OF FLORIDA) <sub>ss</sub>  
ST. LUCIE COUNTY)

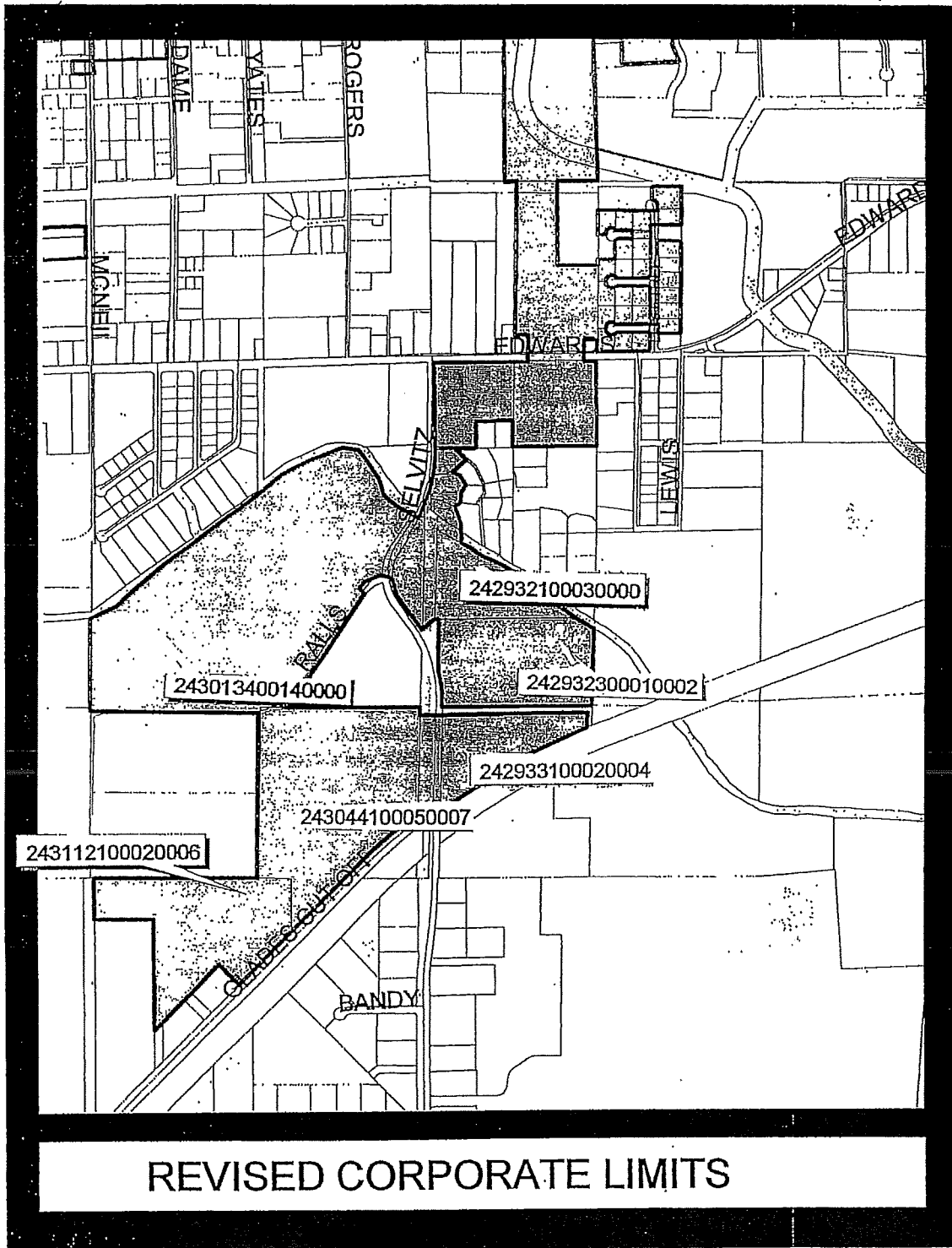
WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. K-308 was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in The Tribune in Fort Pierce, Florida, on November 8, 2004, and on November 15, 2004; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on December 6, 2004; and was duly introduced, read by title only, and passed on second and final reading on December 20, 2004, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 21th day of December 2004.

  
\_\_\_\_\_  
MAYOR COMMISSIONER

  
\_\_\_\_\_  
CITY CLERK

(CITY SEAL)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**RESOLUTION 04-228**

FILE NO.: RZ-04-005/PUD-04-004

**A RESOLUTION GRANTING PRELIMINARY AND FINAL PLANNED DEVELOPMENT SITE PLAN APPROVAL FOR THE PROJECT TO BE KNOWN AS TEN MILE ESTATES - A PLANNED UNIT DEVELOPMENT, AND A CHANGE IN ZONING FOR CERTAIN PROPERTY IN ST. LUCIE COUNTY, FLORIDA**

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

CHANGE IN ZONING

1. Becker Holding Corporation presented a petition for a change in zoning from the AR-1 (Agricultural, Residential - 1 du/acre) Zoning District to the PUD (Planned Unit Development - Ten Mile Estates) Zoning District for certain property in St. Lucie County, Florida depicted on the attached maps as Exhibit "A" and described in Part "B" below.
2. On October 21, 2004, the St. Lucie County Planning and Zoning Commission held a public hearing, of which due notice was published and mailed to all property owners within 500 feet at least 10 days prior to the hearing, and continued the public hearing to November 18, 2004.
3. On November 18, 2004, the Planning and Zoning Commission continued the public hearing on this matter and recommended to this Board that the requested change in zoning from the AR-1 (Agricultural, Residential - 1 du/acre) Zoning District to the PUD (Planned Unit Development - Ten Mile Estates) Zoning District be granted.
4. On December 21, 2004, this Board held a public hearing on the petition, after publishing a notice of such hearing and notifying by mail all owners of property within 500 feet of the subject property and granted final approval to the property described below.
5. The proposed change in zoning is consistent with the St. Lucie County Comprehensive Plan and meets the requirements of Section 11.06.03 of the St. Lucie County Land Development Code.

SITE PLAN

6. The petitioner is proposing the development of 132 single-family lots for property located at the northwest corner of the intersection of Selvitz Road and Rails Road.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

- 7. The Development Review Committee has reviewed the site plan for the proposed project and found it to meet minimum technical requirements.
- 8. On October 21, 2004, the St. Lucie County Planning and Zoning Commission held a public hearing, of which due public notice was published and mailed to all property owners within 500 feet at least 10 days prior to the hearing, and continued the public hearing until November 18, 2004.
- 9. On November 18, 2004, the Planning and Zoning Commission continued the public hearing and recommended to this Board that Preliminary Development Plan approval for the project to be known as Ten Mile Estates be granted.
- 10. On December 21, 2004, this Board held a public hearing on the petition, after publishing a notice of such hearing and notifying by mail all owners of property within 500 feet of the subject property, and granted Preliminary and Final Development Site Plan approval for the property described below.
- 11. The proposed project is consistent with the general purpose, goals, objectives, and standards of the St. Lucie County Land Development Code, the St. Lucie County Comprehensive Plan, and the Code of Ordinances of St. Lucie County.
- 12. The proposed project will not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, or other matters affecting the public health, safety, and general welfare.
- 13. All reasonable steps have been taken to minimize any adverse effect of the proposed project on the immediate vicinity through building design, site design, landscaping, and screening.
- 14. The proposed project will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with applicable district regulations.
- 15. The proposed project will be served by adequate public facilities and services.

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

A. Pursuant to Section 11.02.05 of the St. Lucie County Land Development Code, the Final Site Plan for the project to be known as **Ten Mile Estates - A Planned Unit Development**, is hereby approved as shown on the site plan drawings for the project prepared by Thomas Lucido & Associates, Inc., dated November 8, 2004, and date stamped received by the St. Lucie County Community Development Director on November 9, 2004, for the property described in Part "B" below, subject to the following conditions:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

1. No two adjoining homes shall have the same front architectural elevation.
2. Prior to Final Plat approval for this project, the developers, their successors and assigns, shall have entered into an enforceable utility service agreement with Ft. Pierce Utilities Authority to ensure the provision of water and sewer services. This agreement shall be in a form consistent with St. Lucie County regulations regarding utility service extensions and service provisions.
3. The irrigation system within this project shall be designed to accept reuse water from the Ft. Pierce Utilities Authority as the preferred method of irrigation.
4. Prior to the issuance of any land clearing permits for the Ten Mile Estates development, the developers shall clearly delineate all areas to be preserved and/or protected. Delineation shall be either the placing of silt fencing, safety fencing or similar type of materials. Flagging shall not be used except as a guide for the installation of the fencing materials. All land clearing activities shall be in accordance to the specific conditions/standards outlined in the Land Clearing Permit.

B. The property on which this Preliminary and Final Planned Non-Residential Development is being granted is described as follows:

SECTION 30, TOWNSHIP 35, RANGE 40, THAT PART OF THE SOUTHERLY 1/2 OF THE NE 1/4, LYING SOUTHERLY OF CANAL 71 (TEN MILE CREEK) AND WESTERLY OF SELVITZ ROAD AND THE NORTHERN 1/2 OF THE SOUTHEAST 1/4, LYING WESTERLY OF SELVITZ AND RALLS ROADS AND SOUTHERLY OF CANAL 71 (TEN MILE CREEK) AND THE NORTHERN 50 FEET OF THE NORTHERN 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4. (Tax ID#: 2430-134-0014-000/0)

(Location: Northwest corner of the intersection of Selvitz Road and Ralls Road.)

C. This Preliminary and Final Planned Unit Development Site Plan approval shall expire on December 21, 2006, unless a building permit is issued or an extension is granted in accordance with Section 11.02.06(B)(3), St. Lucie County Land Development Code.

D. A Certificate of Capacity, a copy of which is attached to this resolution, was granted by the Growth Management Director on December 21, 2004.

E. A copy of this resolution shall be attached to the site plan drawings described in Section A, which plan shall be placed on file with the St. Lucie County Growth Management Director.

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

Chairman Frannie Hutchinson  
Vice-Chairman Doug Coward

AYE  
AYE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

Commissioner Paula A. Lewis

AYE

Commissioner Joseph E. Smith

AYE

Commissioner Chris Craft

AYE

**PASSED AND DULY ADOPTED** this 21<sup>st</sup> Day of December 2004.

BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA

BY

*[Signature]*  
Chairman

ATTES

APPROVED AS TO FORM AND  
CORRECTNESS:

*[Signature]*  
Deputy Clerk

*[Signature]*  
County Attorney

hf  
H:\WP\RESOLUTI.N\FINISHED.2004\TenMileEstates.PD\TenMileEstatesRES.wpd

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

COPY

Exhibit "A"

COPY

Certificate of Capacity

COPY

**St Lucie County  
Certificate of Capacity**

Date 12/21/2004

Certificate No. 1816

This document certifies that concurrency will be met and that adequate public facility capacity exists to maintain the standards for levels of service as adopted in the St Lucie County Comprehensive Plan for:

1. **Type of development** Preliminary and Final PUD

**Number of units** 132

**Number of square feet**

2. **Property legal description & Tax ID no.**

2430-134-0014-000/0

NW cnr of Selvitz and Ralls Road

Ten Mile Estates - PUD

3. **Approval:** Building

**Resolution No.** 04-228

**Letter**

4. **Subject to the following conditions for concurrency:**

See Resolution

**Owner's name**

Becker Holding Corporation

**Address**

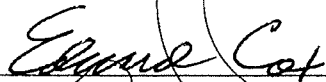
2627 South Jenkins Road

Fort Pierce FL 34981

6. **Certificate Expiration Date** 12/21/2006

This Certificate of Capacity is transferable only to subsequent owners of the same parcel, and is subject to the same terms, conditions and expiration date listed herein. The expiration date can be extended only under the same terms and conditions as the underlying development order issued with this certificate, or for subsequent development order(s) issued for the same property, use and size as described herein.

Signed



Date: 12/21/2004

**Growth Management Director  
St Lucie County, Florida**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

COPY

Exhibit "B"

Location Maps and  
Site Plan Graphics

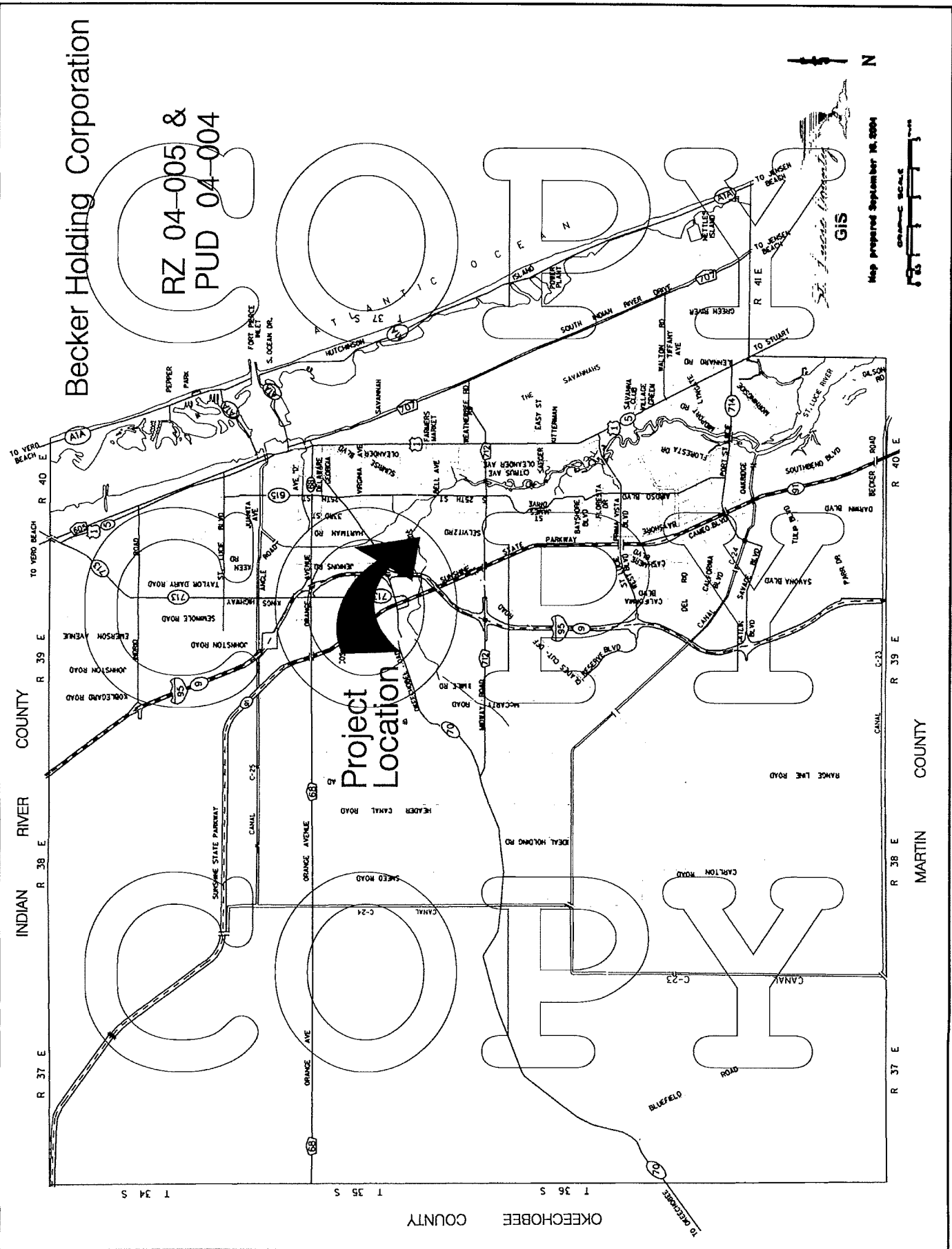
COPY

COPY

Becker Holding Corporation

RZ 04-005 &  
PUD 04-004

Project  
Location



Map prepared September 18, 2004



GIS

INDIAN RIVER COUNTY

MARTIN COUNTY

OKEECHOBEE COUNTY

R 37 E

R 38 E

R 39 E

R 40 E

T 34 S

T 35 S

T 36 S

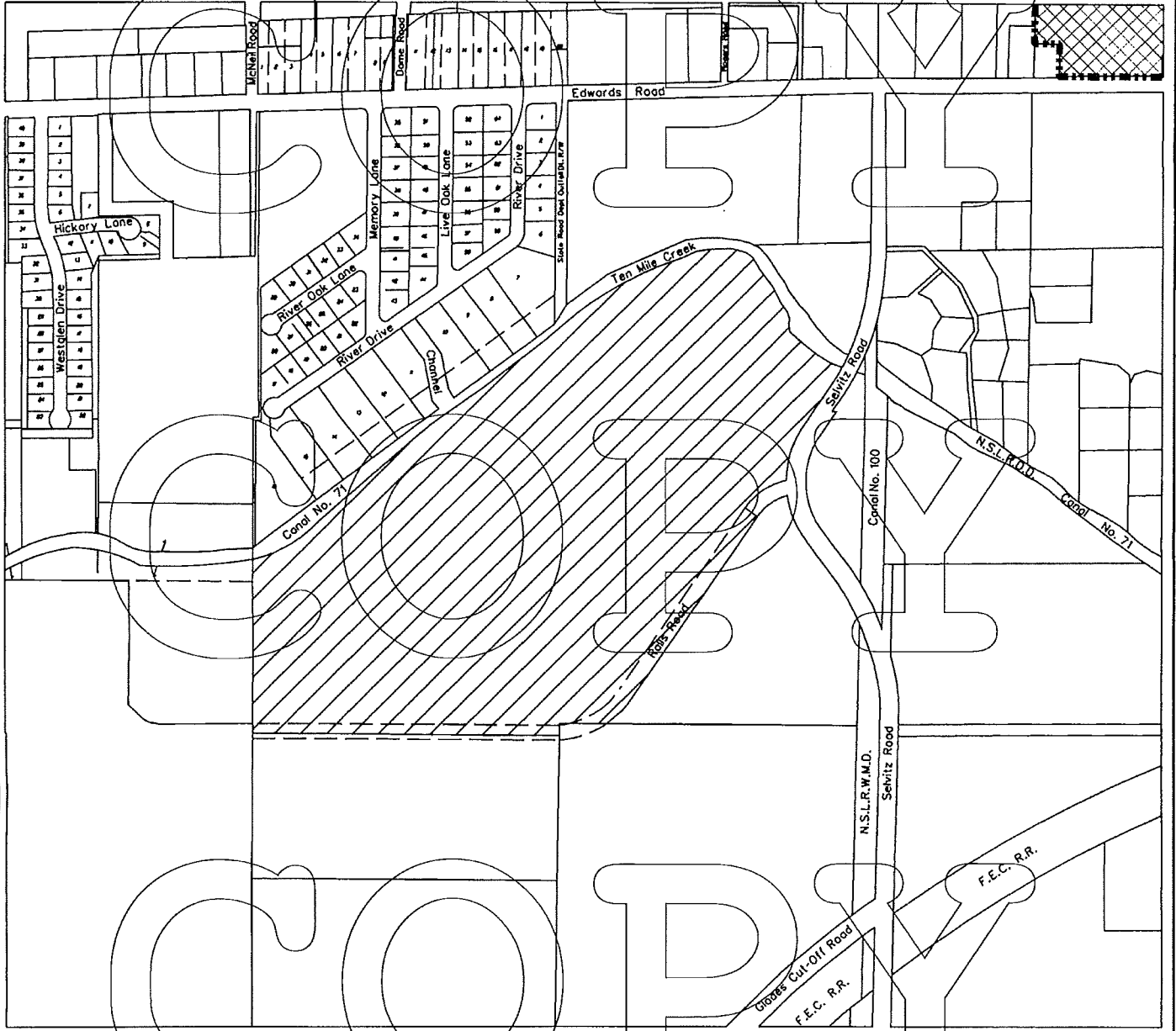
R 37 E

R 38 E

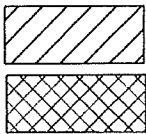
R 39 E

R 40 E

A Petition of Becker Holding Corporation for a Change in Zoning from the AR-1 (Agricultural, Residential-1 du/acre) Zoning District to the PUD (Planned Unit Development-Ten Mile Estates) Zoning District.

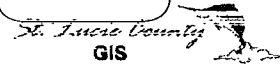


RZ 04-005 & PUD 04-004



This pattern indicates subject parcel

This pattern indicates City of Ft. Pierce

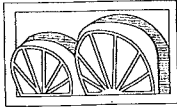


Map prepared September 16, 2004

This map has been compiled for general planning and reference purposes only. While every effort has been made to provide the most current and accurate information possible, it is not intended for use as a legally binding document.








**BECKER**  
HOLDING CORPORATION

# 10 Mile Estates PUD

Overall Master Plan \_\_\_\_\_ Sheet 1  
Final Development Plan \_\_\_\_\_ Sheet 2 - 4  
Aerial \_\_\_\_\_ Sheet 5  
Tax Map \_\_\_\_\_ Sheet 6

*Developer:*  
Becker Holding Corporation  
2627 S Jenkins Road, Fort Pierce, FL 34981  
*Landscape Architect/Planner:*  
Thomas Lucido & Associates,  
100 Avenue A, Suite 2A, Fort Pierce, FL 34950  
*Engineer/Surveyor:*  
Lindahl, Browning, Ferrari & Hellstrom, Inc.  
2222 Colonial Rd, Suite 201, Fort Pierce, FL 34950

**Thomas Lucido & Associates, P.A.**  
*Landscape Architecture*  
P.A. License No. 100000004  
100 Avenue A, Suite 2A, Ft. Pierce, FL 34950 772-467-1301, Fax 772-467-1303

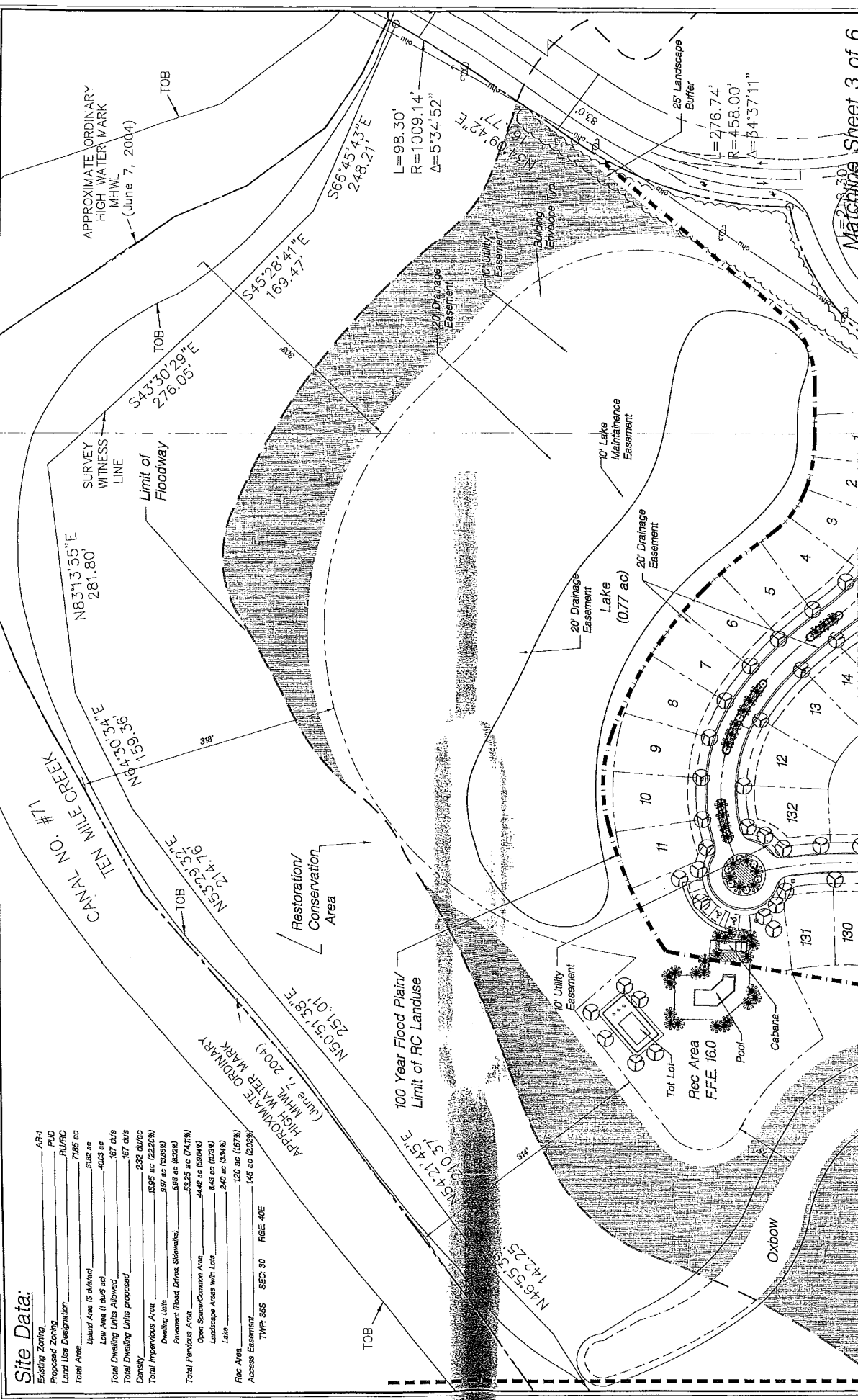
NOT TO SCALE



**Site Data:**

- Existing Zoning: AR-1
- Proposed Zoning: PUD
- Land Use Designation: R/U/R/C
- Total Area: 7185 ac
- Island Area (5 #/total): 3028 ac
- Low Area (1 #/total): 403 ac
- Total Dwelling Units Allowed: 167 #/is
- Total Dwelling Units Proposed: 167 #/is
- Density: 167 #/is
- Total Impervious Area: 232 du/ac
- Dwelling Units: 1555 ac (2220%)
- Pavement (Road, Drive, Stewards): 567 ac (79%)
- Pavement (Road, Drive, Stewards): 556 ac (78%)
- Total Pavement Area: 5325 ac (74.1%)
- Open Space/Common Area: 442 ac (6.2%)
- Landscape Areas w/in Lots: 843 ac (11.7%)
- Lake: 240 ac (3.3%)
- Rec Area: 120 ac (1.7%)
- Access Easement: 145 ac (2.0%)

THRP-365 SEC. 30 RBE-40E



**Thomas Lucido & Associates, P.A.**  
 Land Planning/Landscape Architecture  
 Lic. #12-0003035  
 105 Avenue A, Suite 204, Ft. Pierce, FL 34980  
 Tel: 772-467-1821, Fax: 772-467-1822

**PROPOSED LOTS**  
 1 43504' Per DIS Comments  
 2 52520' Per DIS Comments / MFRM  
 3 101024' Per DIS Comments / MFRM  
 4 101024' Per DIS Comments / MFRM

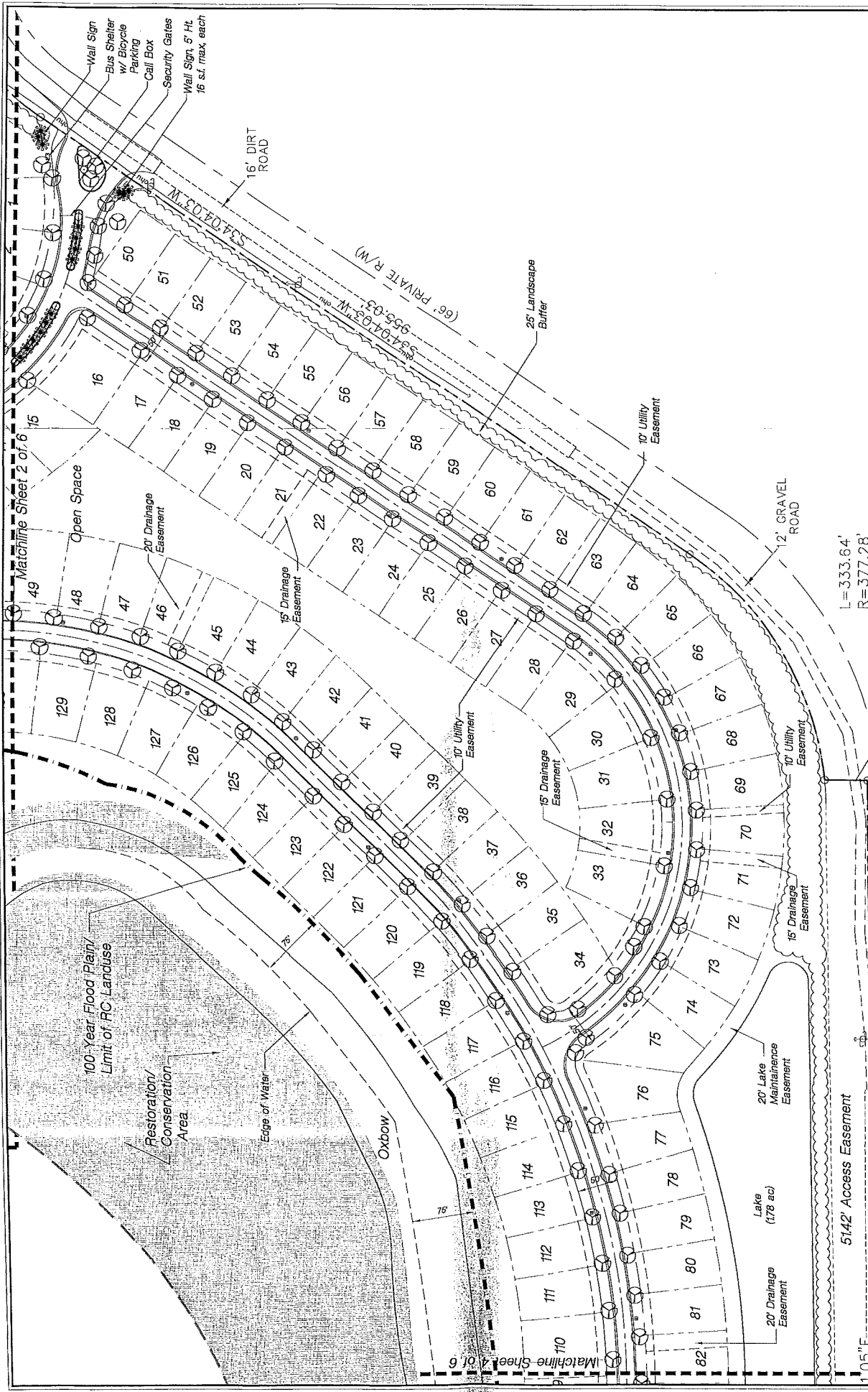
No.	Date	Description of Revision
1	7-2-07	
2	8-1-07	
3	8-1-07	
4	8-1-07	

No.	Date	Description of Revision
1	7-2-07	
2	8-1-07	
3	8-1-07	
4	8-1-07	

Sheet 2 of 6  
 10 Mile Estates PUD  
 St. Lucie County  
 Final Development Plan

Matching Sheet 3 of 6





Sheet 3 of 6

**10 Mile Estates PUD**  
St. Lucie County  
**Final Development Plan**

L = 333.64'  
R = 377.28'

**5142' Access Easement**

105' E

**PROPOSED PLAN**

Prepared by: **THOMAS LUCIDO & ASSOCIATES, P.A.**  
146 LLC-0002365  
198 Avenida A, Suite 201, Ft. Pierce, FL 34950 772-497-1261, Fax 772-477-1262

**REVISIONS**

No.	Date	Description of Revision
1	4/20/04	Per DRC Comments
2	DECEMBER 2004	Per DRC Comments / A.M.H.
3	JANUARY 2005	Per DRC Comments / A.M.H.
4	FEBRUARY 2005	Per DRC Comments / A.M.H.

Scale: 1" = 50'

Drawn by: **BJM**

Checked by: **BSB**

Date: **02/23/05**

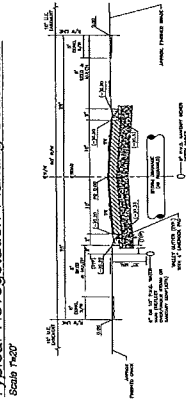
NOV 8 9 2004

- Notes**
1. See legend for tree, palm and shrub species.
  2. All open areas between shrub plantings to be seeded with native wildflowers.
  3. All exotic plant materials to be cleared from revegetation areas.

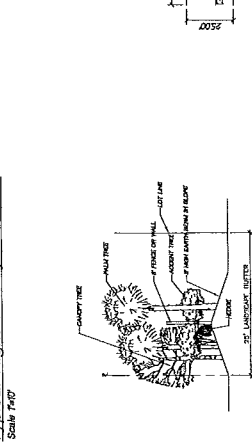
**Legend**

- 8 *Trees (4" x 3" in. spacing as shown)*  
Live Oak, *Quercus virginiana*  
Live Oak, *Quercus laevis*  
Red Maple, *Acer rubrum*  
Red Bay, *Persea borbonia*
- 12 *Palms (4" x 4" in. spacing as shown)*  
Cabbage Palm, *Sabal palmetto*
- 100 *Shrubs*  
Serrano Peppers, *Scoroparia sp.*  
Galbany, *Ipomoea sp.*  
Wild Cotton, *Psychotria nervosa* (BR 5' oc.)  
Sambour, *Baccharis halimifolia* (BR 5' oc.)
- 300 *Grass*  
Cabbage Palm, *Sabal palmetto*

**Typical Revegetation Planting Schematic**



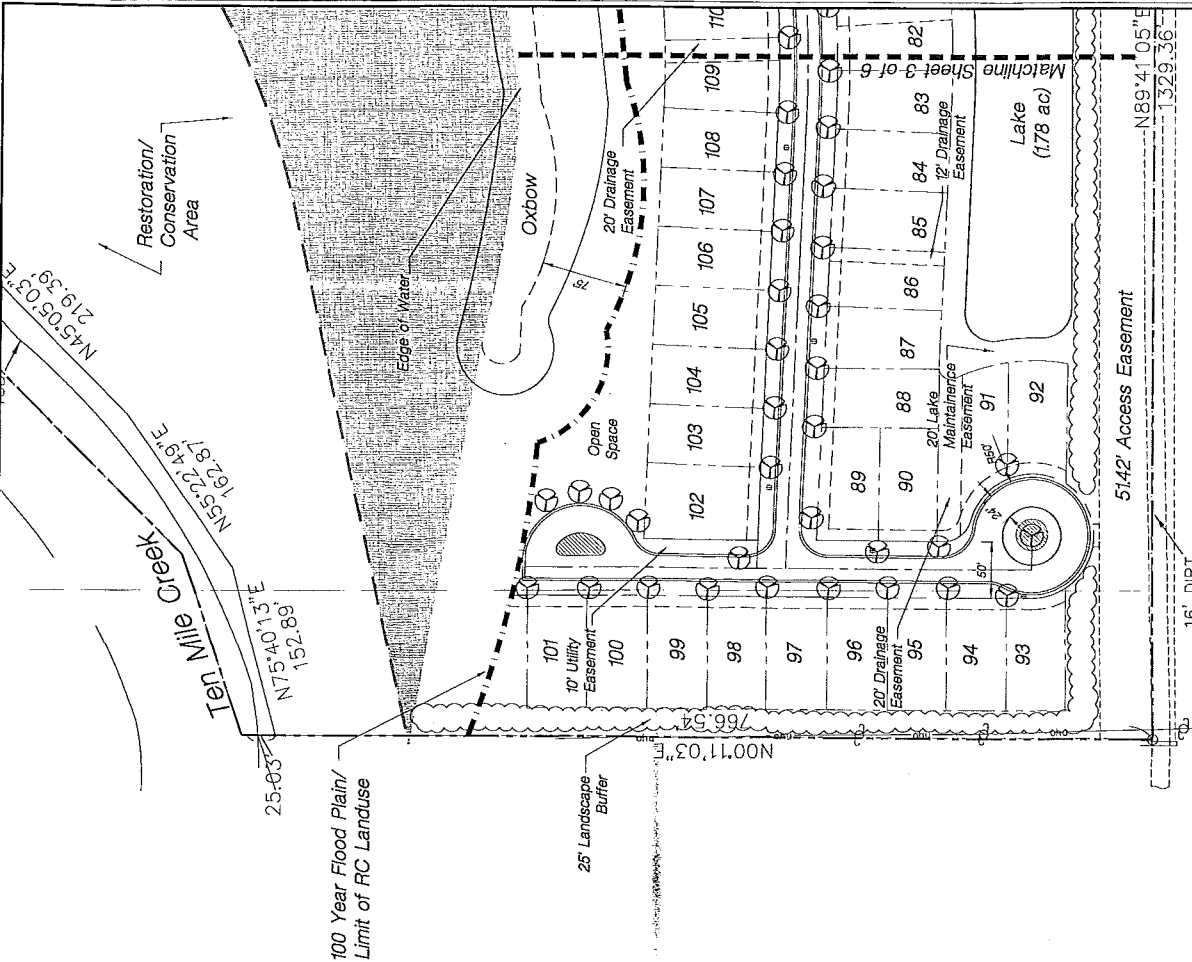
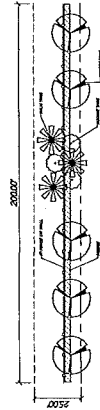
**Typical Right-of-Way Sections**



**25' Landscape Buffer Section**

Scale: 1" = 4' 0"

**Typical 25' Landscape Buffer Plan View**



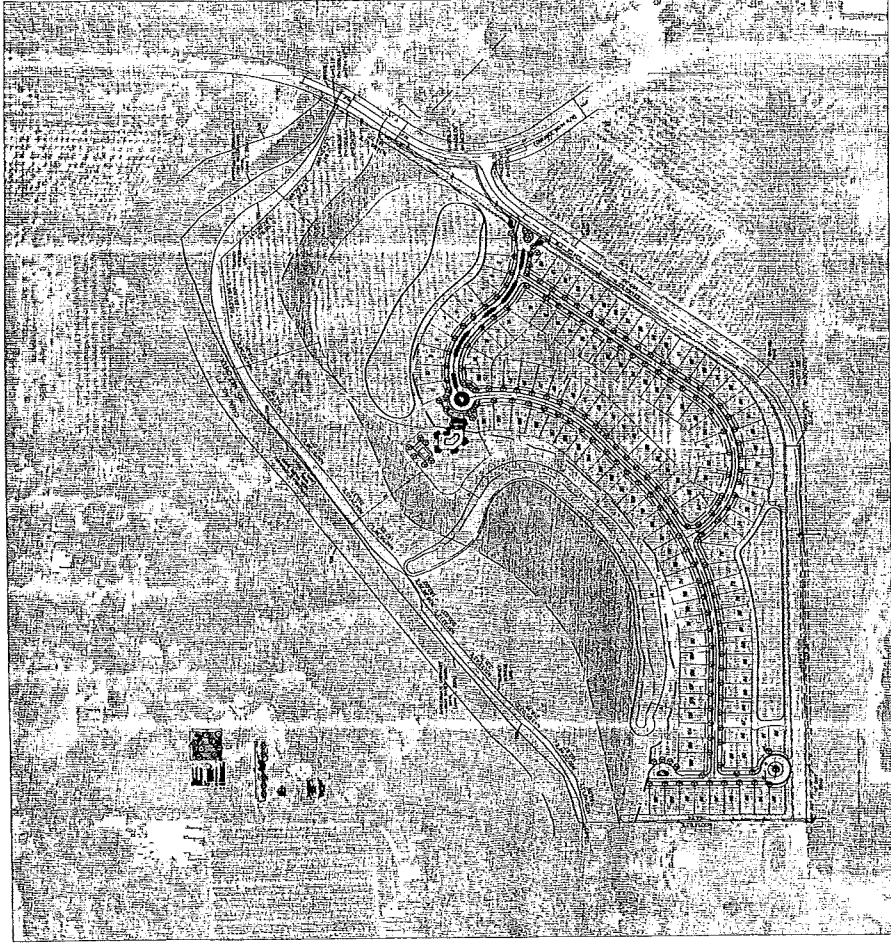
**Thomas Lucido & Associates, P.A.**  
Land Planning/Landscape Architecture  
P.O. Box 1150  
100 Avenue A, Suite 201, Ft. Pierce, FL 34950  
Tel: 888-776-4971, Fax: 888-776-4972  
www.thomaslucido.com

**PROJECT LOCATION**  
10 Mile Estates PUD  
St. Lucie County  
FL 34950

**DATE**  
08/20/2024

**SCALE**  
1" = 4' 0"

No.	Date	Description of Revision
1	08/20/24	Per DRC Comments
2	08/20/24	Per DRC Comments / MHWL
3	08/20/24	Per DRC Comments / MHWL
4	08/20/24	Per DRC Comments / MHWL

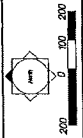


10 Mile Estates PUD  
St. Lucie County  
Aerial Map

Thomas Lucido & Associates, P.A.  
Land Planning/Landscape Architecture  
Lic. #LP-0000385  
100 Avenue A, Suite 211, Ft. Pierce, FL 34966 772-467-1021, Fax 772-467-1028

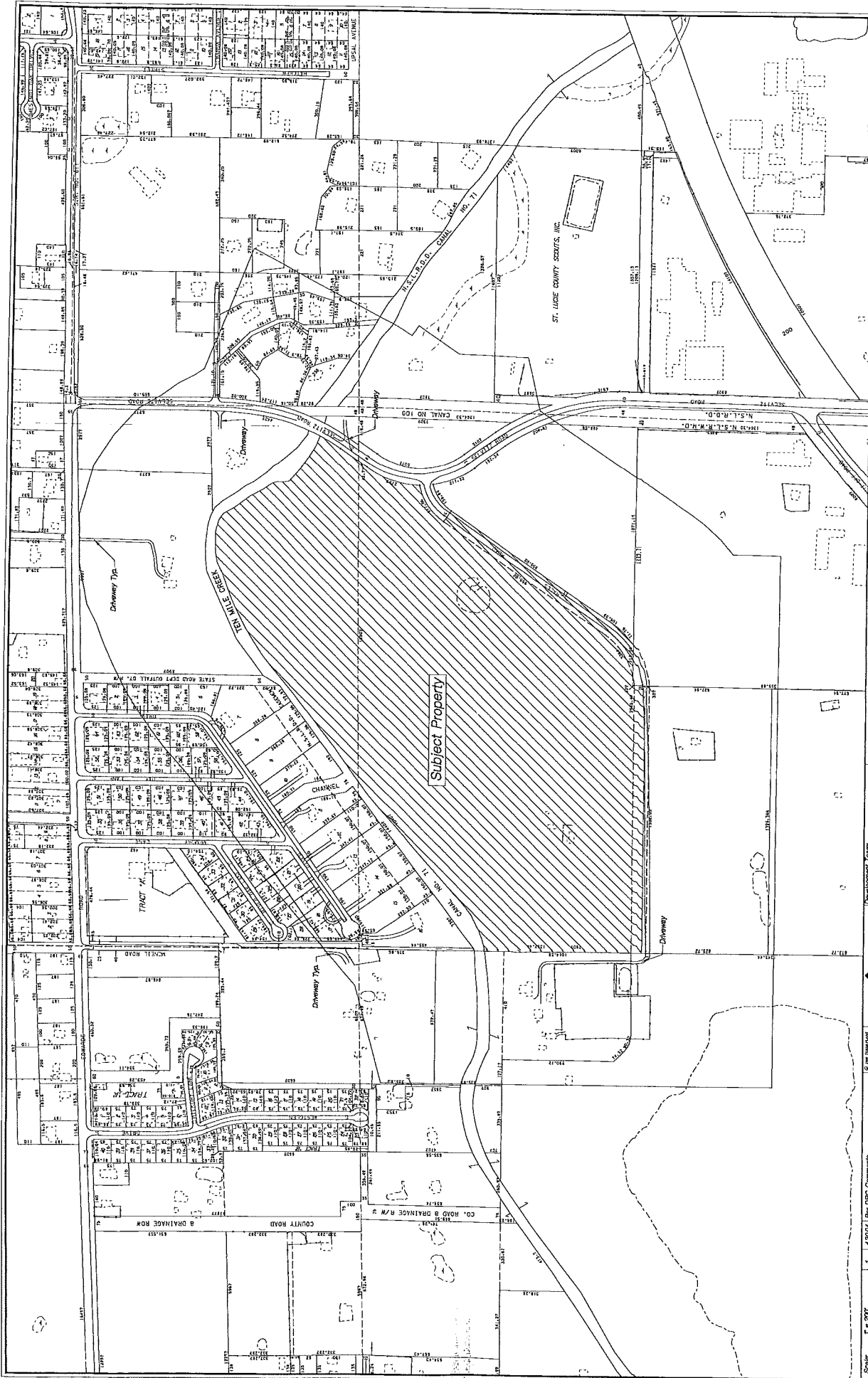


REGISTERED LAND  
Surveying, Planning, and Landscape Architecture  
100 Avenue A, Suite 211, Fort Pierce, FL 34966  
772-467-1021, Fax 772-467-1028



DATE: 12/15/2011  
PROJECT: 10 Mile Estates PUD  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

No.	Date	Description of Revision
1	4/25/11	PRELIMINARY
2	12/15/11	FINAL

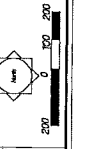


Sheet  
6  
of  
6

10 Mile Estates PUD  
St. Lucie County  
Tax Map

Thomas Lucido & Associates, P.A.  
Land Planning / Landscape Architecture  
100 Avenue A, Suite 202, Ft. Pierce, FL 34939, 772-467-1201, Fax 772-467-1202  
Lic. #12-0000334

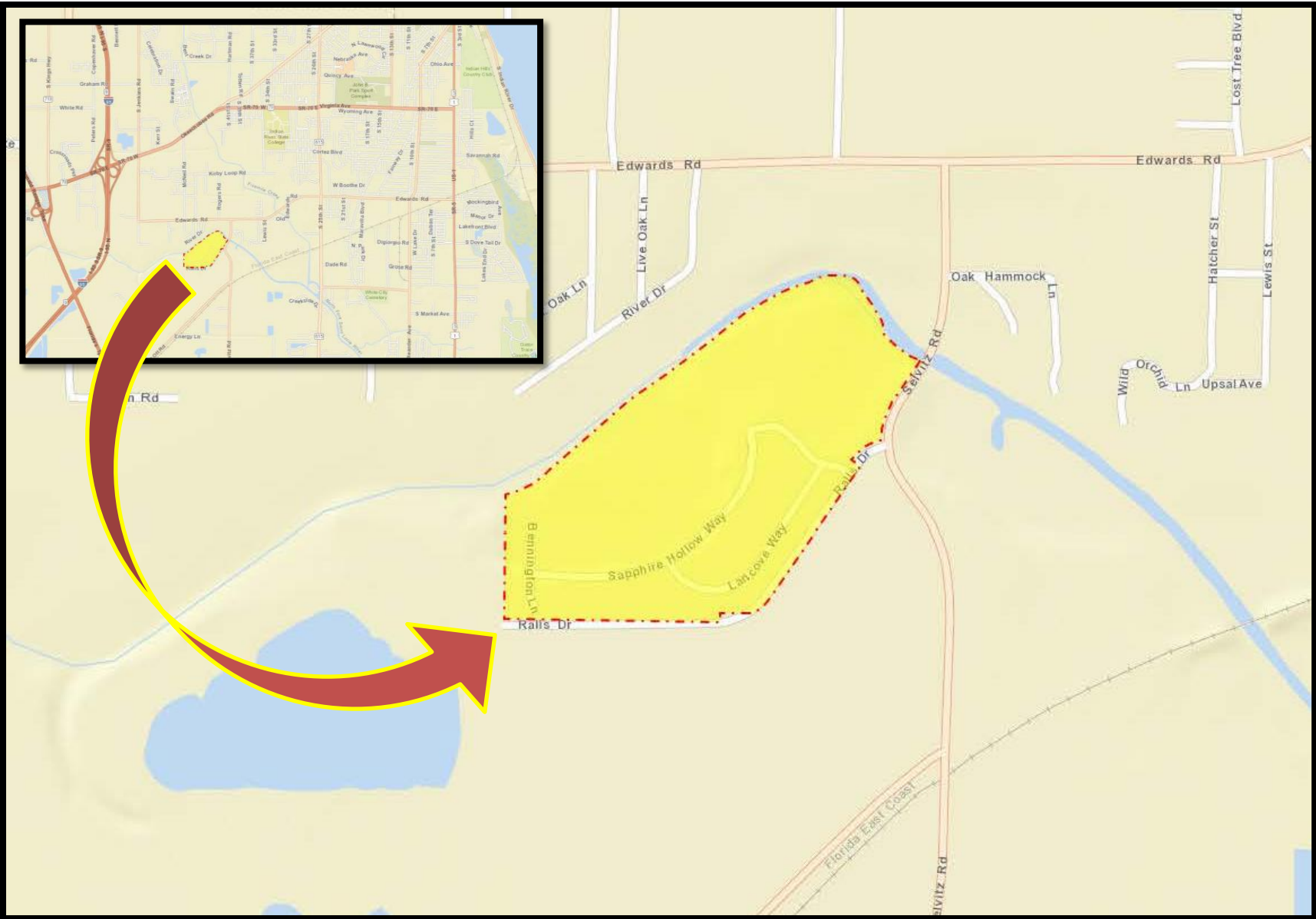
ST. LUCIE COUNTY  
PLANNING DEPARTMENT  
100 AVENUE A, SUITE 202, FT. PIERCE, FL 34939  
772-467-1201



Scale: 1" = 200'  
Drawn by: SLA  
Checked by: SLA  
CAD No.: 8795-5/12/12  
Date: 12/21/12

No.	Date	Description of Revision
1	4/30/04	Per DRC Comments
2	06/26/04	Per DRC Comments / AMW
3	07/27/04	Per DRC Comments / AMW






Location Map



# AERIAL MAP

Site: **Carriage Pointe Estates**

Location: 



## Planning Board

7. c.

Meeting Date: 09/09/2014

---

### Information

#### REQUESTED ACTION

The applicant is requesting Conditional Use approval for the Spin to Win Adult Arcade. The proposal is to house 50 arcade machines within two adjoining units in the existing Sunrise Plaza Shopping Center located at 511/513 Georgia Avenue.

#### LOCATION

511/513 Georgia Avenue in the Sunrise Plaza

#### RESPONSIBLE STAFF

Sandy Ramseth, AICP, Senior Planner

#### RECOMMENDATION

That the Planning Board forward to the City Commission a recommendation of **APPROVAL with the following condition**: *That all landscaping, lighting and payment in lieu for the sidewalks are completed prior to final inspection.*

---

### Attachments

[Staff Report](#)

[Application](#)

[Narrative](#)

[Site Plan](#)

[As-Is Floor Plan](#)

[Proposed Floor Plan](#)

[Existing Lighting Plan](#)

[New Lighting Plan](#)

[Zoning Map](#)

[Land Use Map](#)

[Section 22-71](#)

[P.A. Record Card](#)

---

### Form Review

Form Started By: Sandra Ramseth

Started On: 09/02/2014 12:22 PM

Final Approval Date: 09/02/2014



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER  
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW  
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

**TO:** Members of the City of Fort Pierce Planning Board  
**THROUGH:** Rebecca Grohall, AICP, Planning Manager  
**FROM:** Sandy Ramseth, AICP, Senior Planner  
**SUBJECT:** Spin to Win – Conditional Use  
**DATE:** September 2, 2014

### STAFF REPORT

**Owner/Applicant:** Hoyt C. Murphy Inc. Realtors  
2400 S. Ocean Drive, Apt. 4200D  
Fort Pierce, FL 34949

**Representative:** Chatsarun Yoosumran  
1961 NE Steven Ave.  
Jensen Beach, FL 34957

**Requested Action:** Conditional Use approval for the Spin to Win Adult Arcade

**Location:** 511/513 Georgia Avenue

**Parcel ID:** 2415-601-0456-000-6

**Current Future Land Use:** GC, General Commercial; RM, Residential Medium Density

**Current Zoning:** C-3, General Commercial

**Surrounding Zoning:**

North	East	South	West
C-3 and C-1	C-3 and OS-1	C-3 and R-4	C-1 and R-4

**Surrounding FLU:**

North	East	South	West
GC and OP	GC and COS	RM	RM and OP

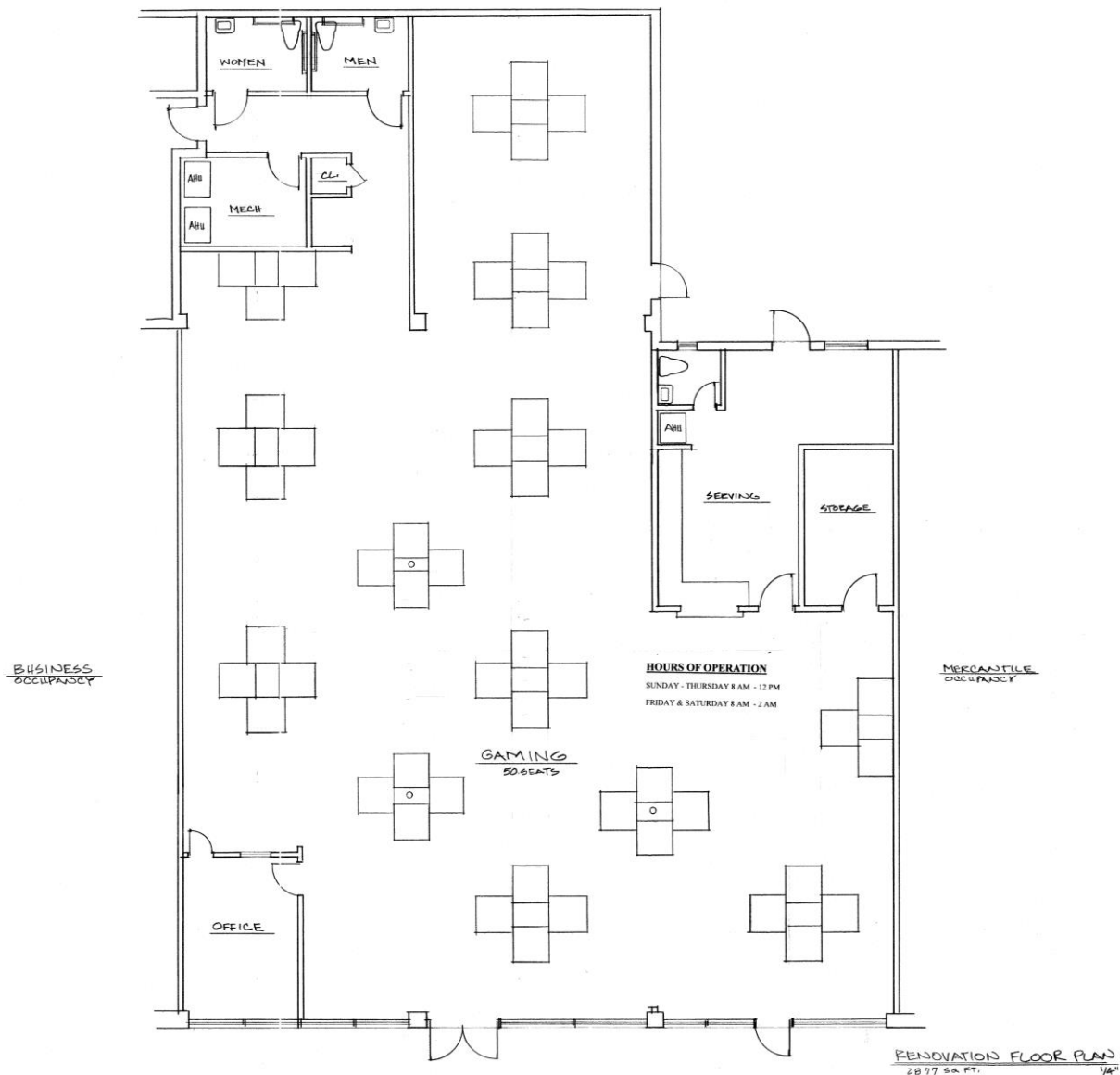
**Parcel Size:** 2.89 acres

**Applicant Request:**

The applicant is requesting Conditional Use approval for the Spin to Win Adult Arcade. The proposal is to house 50 arcade machines within two adjoining units in the existing Sunrise Plaza Shopping Center located at 511/513 Georgia Avenue.

Per Section 22-22 "Allowed Uses", arcade amusement centers are designated a "Conditional Use" in the C-3 zoning district, which necessitates this application.

The applicant states he would like to operate the 2,877sf facility from 8:00 a.m. until 12:00 midnight on weekdays, and 8:00 a.m. until 2:00 am on weekends, as permitted by Section 22-71(a)(1) of the City Code. The applicant further indicated that all requirements of Section 22-71, "Amusement Arcades and Arcade Amusement Centers", will be met and complied with. In addition, packaged snack food(s) and non-alcoholic drinks will be provided to patrons at no cost throughout their visit. A floor plan of the proposed arcade is depicted in Figure 1(below).



**Figure 1**

The Applicant has provided the following narrative:

Spin Win Arcade is first and foremost an entertainment facility. It will be a place for people to gather and socialize in a safe and secure environment free from alcohol, smoking, and children.

The arcade games are games of skill that award prizes in a point based system that are redeemable for merchandise. The points based rewards system is modeled after the rewards system found in Chucky Cheese or a carnival fairway.

We will serve free sodas and coffee to our patrons, and occasionally we will serve free snacks as well.

We look forward to serving the people of this community and we look forward to a long relationship with the city of Ft. Pierce.

Hoyt Murphy, the building owner, will be adding trees as required. Hoyt will provide payment in lieu of the sidewalk requirement. All lighting upgrades needed to bring everything up to code will be done prior to opening.

**Staff Analysis:**

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate generally or without restriction throughout the particular zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience and the general welfare.

In addition to the standard City regulations that any business must comply with, an Arcade establishment has a whole section of the City Code, Section 22-71, devoted just to the regulation of this type of business. It establishes hours of operation; age limits; prohibition of smoking, alcohol and the like; lighting and landscaping requirements; employee requirements; and several other regulations that the City adopted to ensure the safety, comfort, and general welfare of the business' patrons as well as neighboring businesses and residents. A complete copy of Section 22-71 is attached as Exhibit 1.

Prior to Spin to Win Adult Arcade proposing to locate in the Sunrise Plaza, these two units were occupied by a fraternal organization for several years. This organization had a full liquor license and also held bingo and other events that were similar in use to the proposed adult arcade, without issue. However, unlike the former tenant, the new proposed use will not serve liquor, nor will it be permitted, per Section 22-71(b)(5)e.

With the set of regulations put forth by Section 22-71, it would seem this use will be no more disruptive or invasive than any other entertainment establishment allowed in the C-3 zoning district.

**TRC Recommendations/Comments:**

**City Engineering:**

The City Engineering Department recommends approval with the following comments:

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department

requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

**Applicant Response:**

So noted by the Applicant.

**City Planning:**

The following are advisory comments from the Planning Department's review of the application for Conditional Use:

- 1) What is the square footage of the Arcade floor space? Please provide it on the plans.
- 2) What are the hours of operation? Please provide it in a narrative.  
The proposed Adult Arcade must comply with all regulations in Section 22-71, Amusement arcades and arcade amusement centers, of the Fort Pierce City Code, with particular attention to the following:
  - 3) Per Section 22-71(b)(1), No sign, display, or merchandise, shall be placed on or adjacent to any window if such placement would interfere with the clear and unobstructed view of the entire interior of the establishment from ground level through exterior windows.
  - 4) Per Section 22-71(b)(3), Window tinting, mirrored windows, or other obscuring elements are prohibited
  - 5) Per Section 22-71(b) (5), all amusement arcades or arcade amusement centers must post at least two conspicuous signs within the premises, and one conspicuous sign at the entrance, stating the following:
    - a. Minimum age requirements as described above.
    - b. School hours use restrictions as described above.
    - c. No smoking.
    - d. No drugs.
    - e. No alcohol.
  - 6) Per Section 22-71(b)(6), Amusement arcades or arcade amusement centers shall provide bicycle racks within enough stalls to accommodate one bicycle for each five (5) game machines located within the premises. Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas.  
Please show the Bike racks on the Site Plan.
  - 7) Per Section 22-71( c) (5), Amusement arcades or arcade amusement centers that serve food or provide catering services on premises must be licensed by the Department of Health, Department of Business Professional Regulation, or Department of Agriculture and Consumer Services.
  - 8) The Arcade must comply with Section 22-71(d) (1-6) for machine registration requirements.

**Additional Planning Comments:**

- 1) Section 22-71(b)(9) states: "Landscaping must comply with requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.
- 2) In addition, as discussed during your pre-app meeting with the Planning Department, a sidewalk must be installed along South 6th Street as required by Sec. 22-62(b), OR as we had discussed, more likely a payment in lieu. This is required per Section 22-62(b).

**Applicant Response:**

The information requested by the Planning Department was provided on revised site plans, and a narrative was provided.

Hoyt Murphy, the building owner, will be adding trees as required. Hoyt will provide “payment in lieu” of the sidewalk requirement. These items will be accomplished prior to final inspection. All lighting upgrades needed to bring everything up to code will be done prior to opening per the FPPD.

All other Planning Department comments were advisory.

**Other TRC Departments:**

All other TRC reviewing Departments either had no comment, or expressed approval without conditions.

**Staff Recommendation:**

That the Planning Board forward to the City Commission a recommendation of **APPROVAL with the following condition:** *That all landscaping, lighting and payment in lieu for the sidewalks are completed prior to final inspection.*



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

Rebecca Grohall, AICP, Planning Manager  
COMPREHENSIVE PLANNING & DEVELOPMENT REVIEW  
HISTORIC PRESERVATION & URBAN DESIGN & URBAN FORESTRY & ZONING

### Conditional Use - No New Construction

Property address or Location 511 / 513 Georgia Avenue  
Parcel ID #(s) 2415-601-0456-000-6  
Project description Spin to Win Arcade

HOT C. MURPHY INC. Realtors  
Property Owner(s)  
2400 S. Ocean Dr. Apt. 4200d  
Street Address  
Ft. Pierce FL 34949  
City State Zip  
(772) 971-7424  
Phone Number  
HotC@HotCMurphy.com  
Email Address

Erik Pratt, CHATSARUN YOOSUMRAN  
Applicant/Representative, Title, Company  
1961 NE Steven Ave  
Street Address  
City State Zip  
Jensen Beach FL 34957  
Phone Number  
erikpratt@aol.com, amnokie@gmail.com  
Email Address

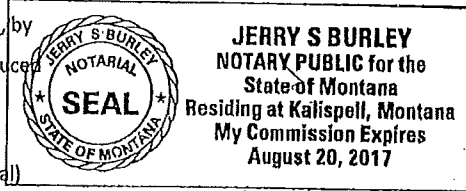
Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein.

Property Owner(s) Signature(s) [Signature] President

STATE OF FLORIDA MONROE COUNTY Headland  
The foregoing instrument was acknowledged before me this 27th day of July, 2014 by

Hot C. Murphy who is personally known to me or has produced  
Florida Drivers License as identification.

Signature of Notary [Signature]



**INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3729**

#### TO BE COMPLETED BY STAFF

Zoning	Future Land Use	Total Acres	Historic District	Historic Designation
				Contributing Individual Non-Contributing None

Pre-Application Meeting Date \_\_\_\_\_ Fees \_\_\_\_\_ Control # \_\_\_\_\_ B. Permit # \_\_\_\_\_

Intake Planner \_\_\_\_\_  
Planner Assigned \_\_\_\_\_  
Approved By \_\_\_\_\_ Date \_\_\_\_\_  
Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Intake Date Stamp

## Spin Win Arcade

Spin Win Arcade is first and foremost an entertainment facility. It will be a place for people to gather and socialize in a safe and secure environment free from alcohol, smoking, and children.

The arcade games are games of skill that award prizes in a point based system that are redeemable for merchandise. The points based rewards system is modeled after the rewards system found in Chucky Cheese or a carnival fairway.

We will serve free sodas and coffee to our patrons, and occasionally we will serve free snacks as well.

We look forward to serving the people of this community and we look forward to a long relationship with the city of Ft. Pierce.

Hoyt Murphy, the building owner, will be adding trees as required. Hoyt will provide payment in lieu of the sidewalk requirement.

All lighting upgrades needed to bring everything up to code will be done prior to opening.

Thank You,  
Esmeralda Gonzalez  
Chatsarun Yoosumran

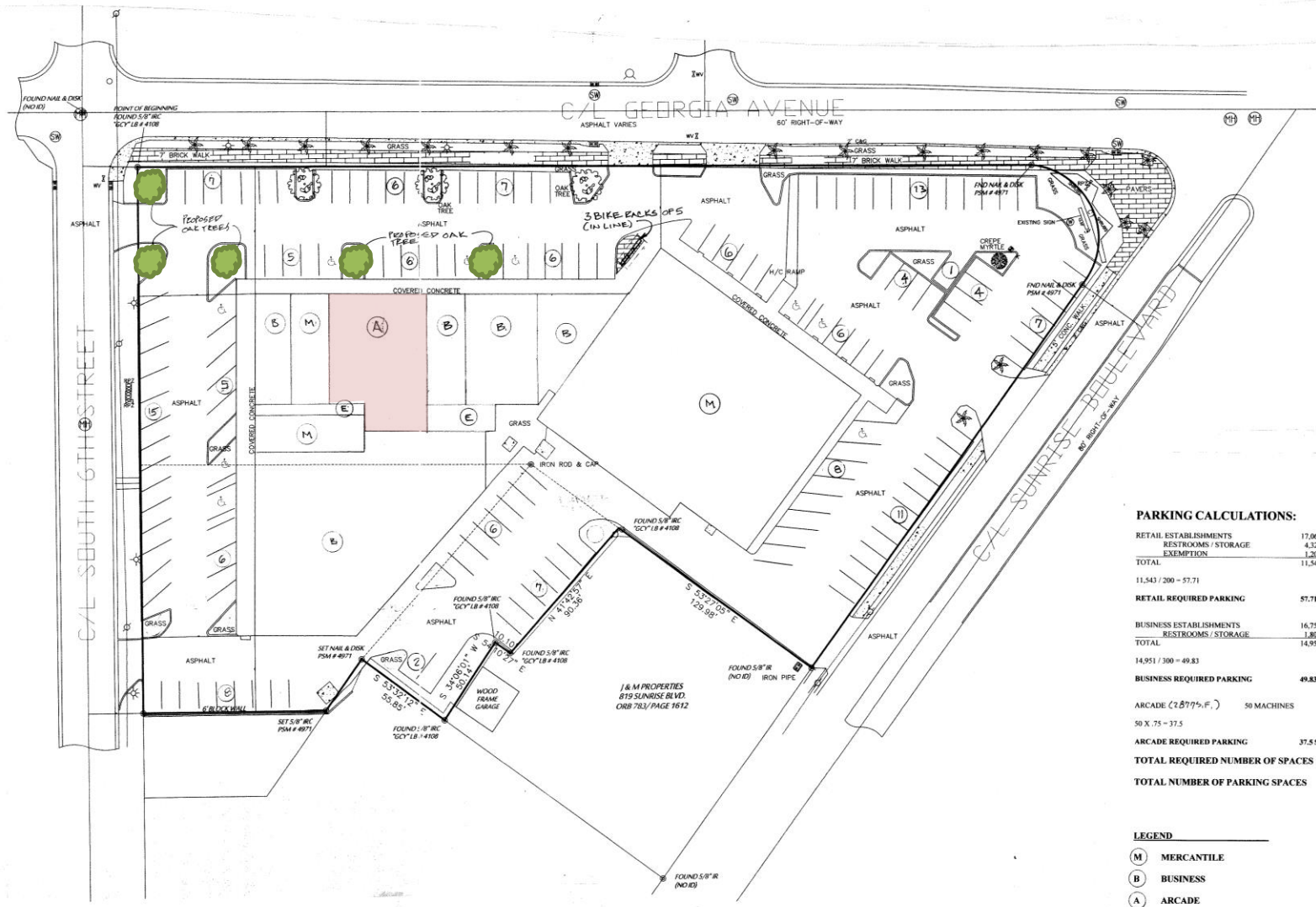
7/25/14  
 8/26/14 REVISOR  
 PER REC.  
 8/28/14 ADD 5  
 TREES

**SUNRISE PLAZA ARCADE**  
 CITY OF FT. PIERCE,  
 FLORIDA

PETER B. COOK

**COOK & MENARD  
 ARCHITECTURE INC.**  
 STATE OF FLORIDA REGISTRATION NO. SA000434  
 FT. PIERCE, FLORIDA, 34906  
 906 DELAWARE AVE.  
 PHONE: (772) 460-7531  
 FAX: (772) 468-4244

SHEET  
 1  
 OF THREE  
 SUNRISE  
 PLAZA ARCADE

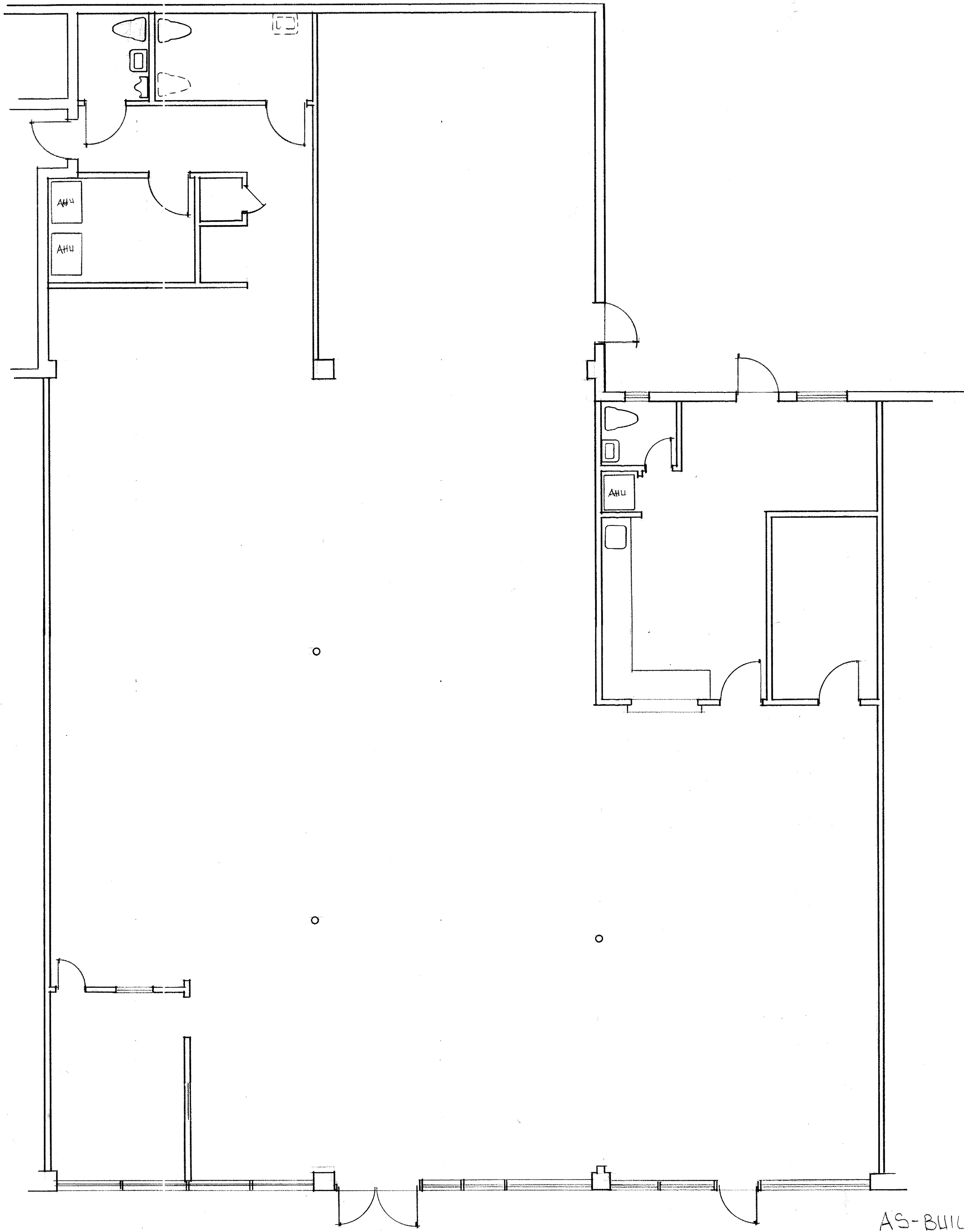


**PARKING CALCULATIONS:**

RETAIL ESTABLISHMENTS	17,064 S.F.
RESTROOMS / STORAGE	4,321 S.F.
EXEMPTION	1,200 S.F.
<b>TOTAL</b>	<b>11,543 S.F.</b>
11,543 / 200 = 57.71	
<b>RETAIL REQUIRED PARKING</b>	<b>57.71 SPACES</b>
BUSINESS ESTABLISHMENTS	16,756 S.F.
RESTROOMS / STORAGE	1,895 S.F.
<b>TOTAL</b>	<b>14,951 S.F.</b>
14,951 / 300 = 49.83	
<b>BUSINESS REQUIRED PARKING</b>	<b>49.83 SPACES</b>
ARCADE (2877% F.)	50 MACHINES
50 X .75 = 37.5	
<b>ARCADE REQUIRED PARKING</b>	<b>37.5 SPACES</b>
<b>TOTAL REQUIRED NUMBER OF SPACES</b>	<b>145.04</b>
<b>TOTAL NUMBER OF PARKING SPACES</b>	<b>146</b>

- LEGEND**
- (M) MERCANTILE
  - (B) BUSINESS
  - (A) ARCADE
  - (E) EXIT ACCESS ONLY

**PLOT PLAN**  
 NORTH ↓  
 1"=30'  
 DIMENSIONS TAKEN FROM SURVEY  
 PREPARED BY CHARLES ARNOLD  
 SURVEYING, INC., JOB # 14-013  
 PAPER 7/6/14



AS-BUILT FLOOR PLAN  
2877 SQ. FT. 1/4"

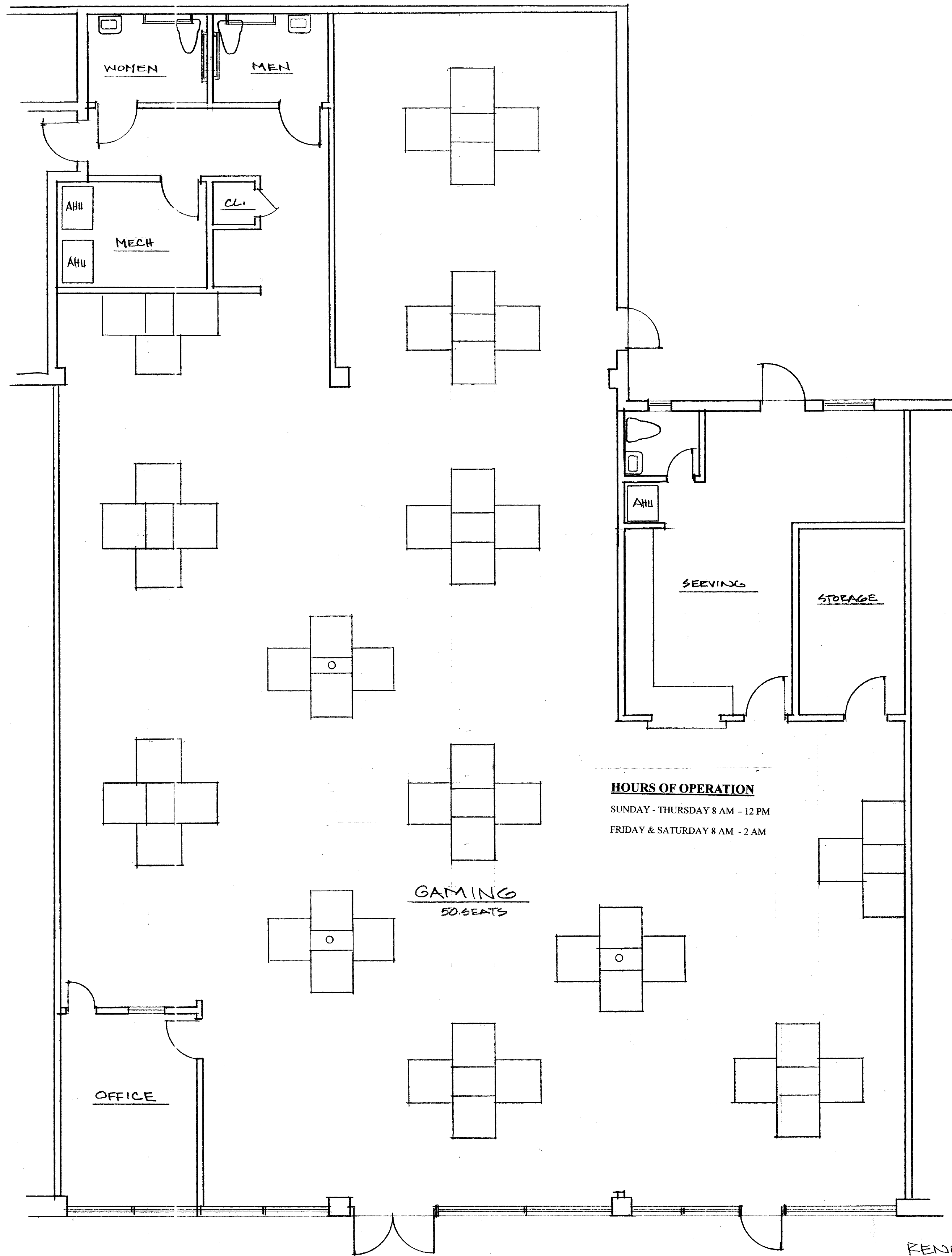
7/25/14  
CORR. USE  
8/26/14 REVISED  
REC. T.E.C.

SUNRISE PLAZA ARCADE  
FLORIDA  
CITY OF FT. PIERCE,

PETER B. COOK

COOK & MENARD  
ARCHITECTURE INC.  
STATE OF FLORIDA REGISTRATION NO. AA0003484  
FT. PIERCE, FLORIDA 34950  
866 DELAWARE AVE.  
PHONE: (772) 468-7151 FAX: (772) 468-4244

SHEET  
2  
OF THREE  
SUNRISE  
ARCADE



BUSINESS  
OCCUPANCY

**HOURS OF OPERATION**  
 SUNDAY - THURSDAY 8 AM - 12 PM  
 FRIDAY & SATURDAY 8 AM - 2 AM

MERCANTILE  
OCCUPANCY

GAMING  
50 SEATS

OFFICE

SERVING

STORAGE

WOMEN

MEN

AHU

MECH

CL.

AHU

AHU

RENOVATION FLOOR PLAN  
2877 SQ. FT. 1/4"

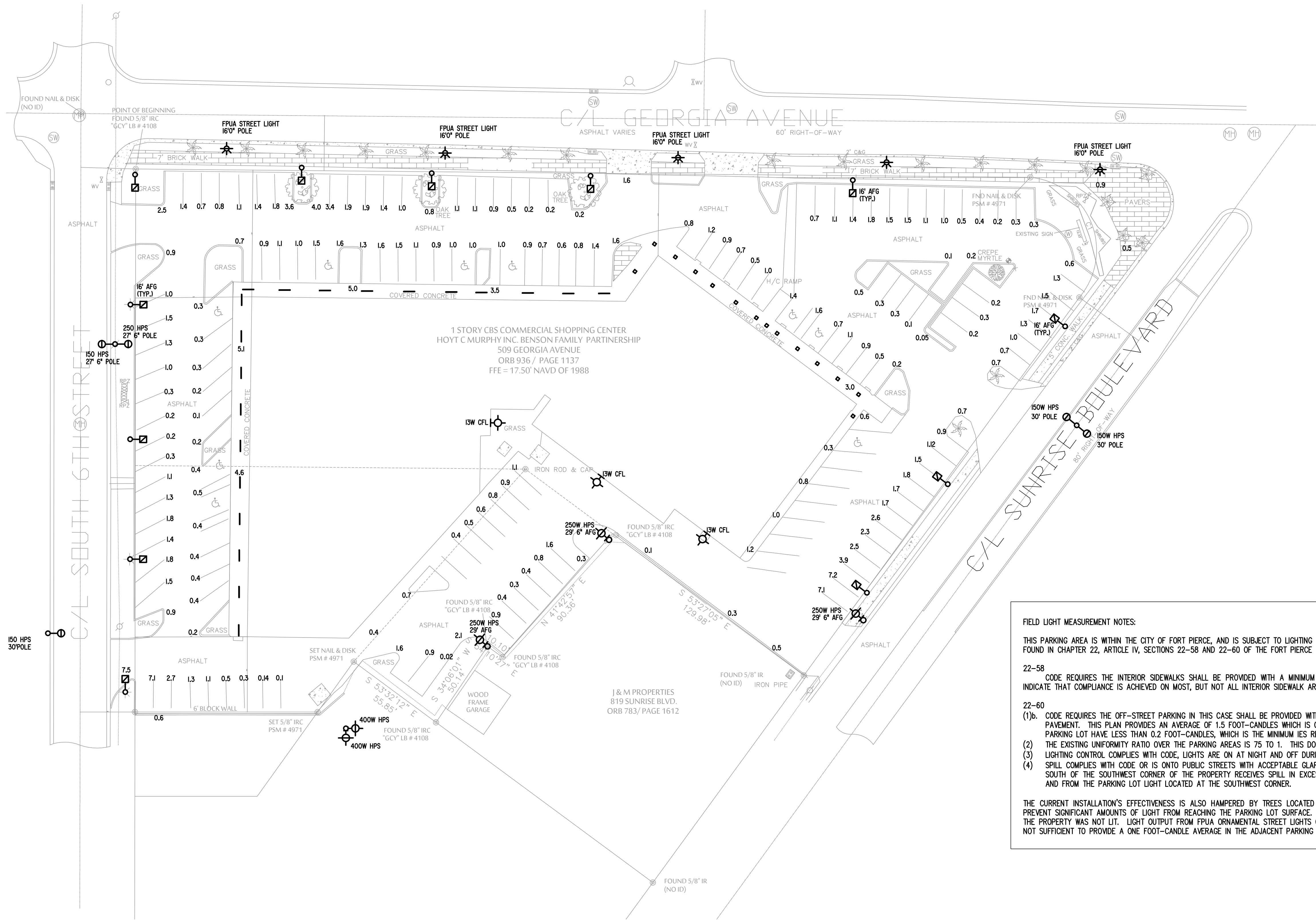
7/25/14  
COORD. USE

SUNRISE PLAZA ARCADE  
FLORIDA  
CITY OF FT. PIERCE

PETER B. COOK

COOK & MENARD  
ARCHITECTURE INC.  
STATE OF FLORIDA REGISTRATION NO. A.A.0003494  
806 DELAWARE AVE.  
FT. PIERCE, FLORIDA 34950  
PHONE: (872) 466-7751  
FAX: (872) 466-4244

SHEET  
3  
OF THREE  
SUNRISE  
PLAZA ARCADE



### LEGEND

- EXISTING FPUA COBRA HEAD STREET LUMINAIRE
- EXISTING FLOOD LIGHT FIXTURE
- EXISTING SITE LUMINAIRE - 16' AFG
- FOOTCANDLE READING
- EXISTING FPUA ORNAMENTAL LUMINAIRE
- EXISTING RECESSED DOWN LIGHT
- EXISTING CFL WALL SCONCE
- EXISTING SURFACE MOUNTED FLUORESCENT FIXTURE

**PARKING AREA**  
 MINIMUM FOOT CANDLES = .02  
 AVERAGE FOOT CANDLES = 1.50  
 UNIFORMITY = 75.0

**SIDE WALKS AREA**  
 MINIMUM FOOT CANDLES = .03  
 AVERAGE FOOT CANDLES = 2.2  
 UNIFORMITY = 73.0

**FIELD LIGHT MEASUREMENT NOTES:**

THIS PARKING AREA IS WITHIN THE CITY OF FORT PIERCE, AND IS SUBJECT TO LIGHTING REGULATIONS FOUND IN CHAPTER 22, ARTICLE IV, SECTIONS 22-58 AND 22-60 OF THE FORT PIERCE MUNICIPAL CODE.

22-58  
 CODE REQUIRES THE INTERIOR SIDEWALKS SHALL BE PROVIDED WITH A MINIMUM AVERAGE OF ONE FOOT-CANDLE. THE FIELD MEASUREMENTS INDICATE THAT COMPLIANCE IS ACHIEVED ON MOST, BUT NOT ALL INTERIOR SIDEWALK AREAS.

22-60  
 (1)b. CODE REQUIRES THE OFF-STREET PARKING IN THIS CASE SHALL BE PROVIDED WITH A MINIMUM AVERAGE OF ONE FOOT-CANDLE ON THE PAVEMENT. THIS PLAN PROVIDES AN AVERAGE OF 1.5 FOOT-CANDLES WHICH IS COMPLIANT WITH CODE. HOWEVER, MANY AREAS OF THE PARKING LOT HAVE LESS THAN 0.2 FOOT-CANDLES, WHICH IS THE MINIMUM IES RECOMMENDED LEVEL FOR PEDESTRIAN SAFETY.

(2) THE EXISTING UNIFORMITY RATIO OVER THE PARKING AREAS IS 75 TO 1. THIS DOES NOT COMPLY WITH CODE.

(3) LIGHTING CONTROL COMPLIES WITH CODE. LIGHTS ARE ON AT NIGHT AND OFF DURING THE DAY TIME.

(4) SPILL COMPLIES WITH CODE OR IS ONTO PUBLIC STREETS WITH ACCEPTABLE GLARE WITH ONE EXCEPTION. THE RESIDENCE IMMEDIATELY TO THE SOUTH OF THE SOUTHWEST CORNER OF THE PROPERTY RECEIVES SPILL IN EXCESS OF 0.5 FC FROM THE FPUA STREET LIGHT ON 6TH STREET AND FROM THE PARKING LOT LIGHT LOCATED AT THE SOUTHWEST CORNER.

THE CURRENT INSTALLATION'S EFFECTIVENESS IS ALSO HAMPERED BY TREES LOCATED IN THE SAME PARKING ISLANDS AS THE LIGHT POLES WHICH PREVENT SIGNIFICANT AMOUNTS OF LIGHT FROM REACHING THE PARKING LOT SURFACE. A KEY FPUA 250W HPS RENTAL LIGHT ON THE WEST SIDE OF THE PROPERTY WAS NOT LIT. LIGHT OUTPUT FROM FPUA ORNAMENTAL STREET LIGHTS ON GEORGIA AVENUE AND SUNRISE WAS GENERALLY GOOD, BUT NOT SUFFICIENT TO PROVIDE A ONE FOOT-CANDLE AVERAGE IN THE ADJACENT PARKING AREAS BY THEMSELVES.

## SITE LIGHTING - EXISTING PHOTOMETRIC PLAN

SCALE 1" = 30'-0"

NO.	DATE	REVISIONS

**Fort Pierce Engineering, Inc.**  
 Dependable Mechanical, Electrical & Plumbing Design  
 C.A. No. 28173

315 South 7th Street  
 Fort Pierce, FL 34950  
 Phone: 772 672-4636  
 Fax: 772 672-4637

PROJECT NAME:  
**SUNRISE PLAZA ARCADE**

CLIENT:  
 COOK & MERNARD ARCHITECTURE INC.  
 806 DELAWARE AVE.  
 FORT PIERCE, FLORIDA  
 34950

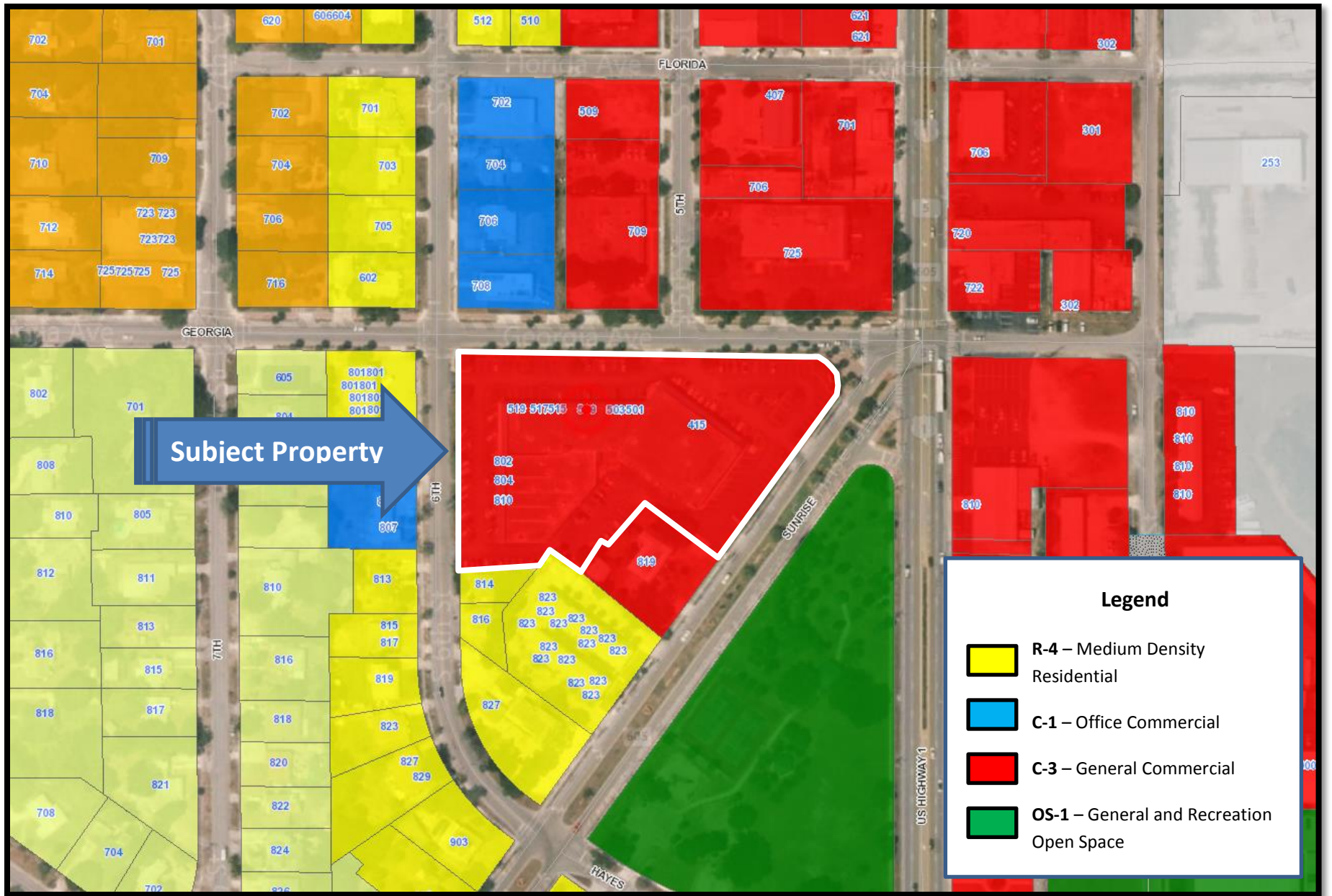
PROJECT LOCATION:  
 509 GEORGIA AVE.  
 FORT PIERCE, FLORIDA

**ENGINEER SEAL**

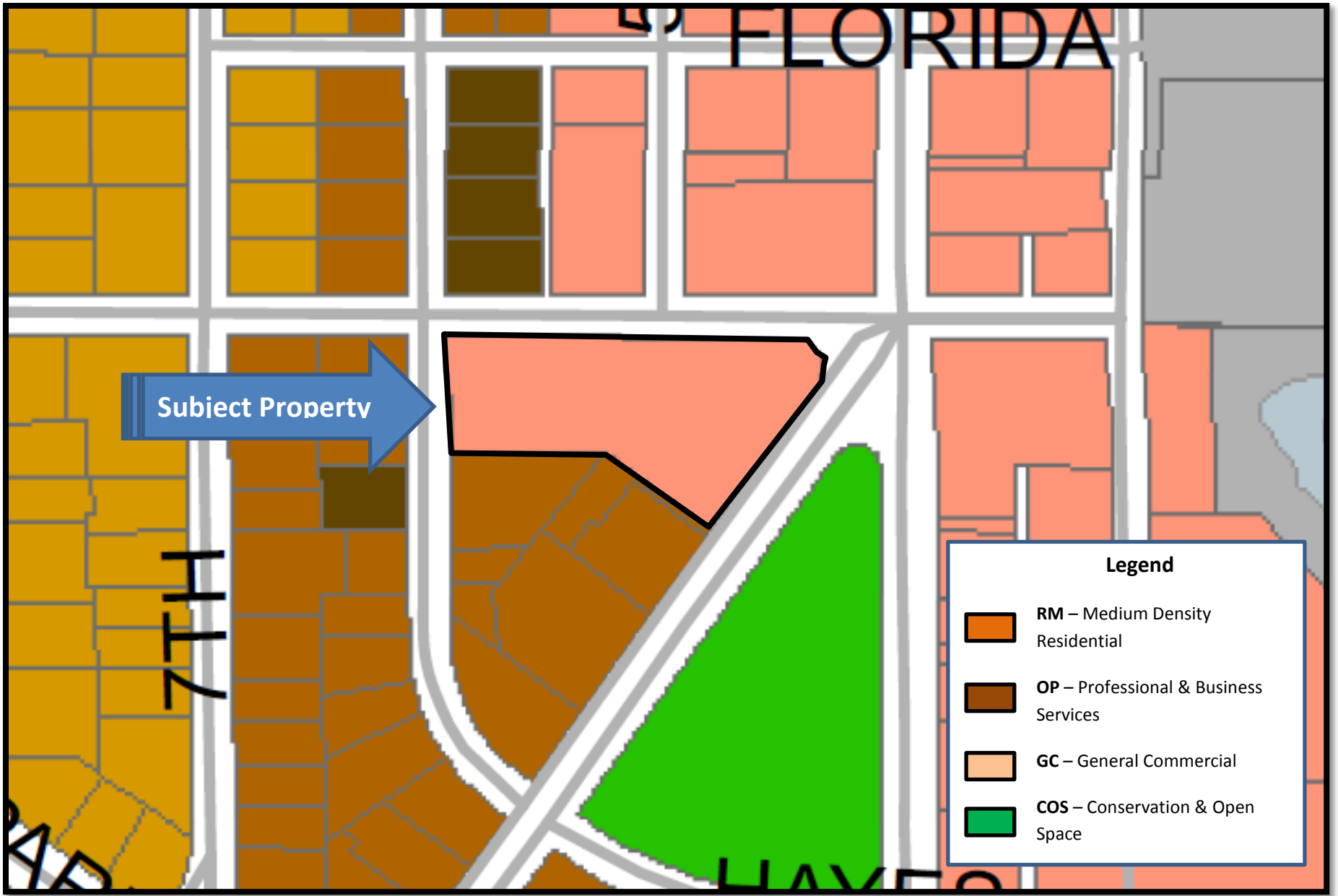
Timothy C. Trawin, PE  
 P.E. No. 61580

SHEET TITLE	
<b>SITE LIGHTING EXISTING PHOTOMETRIC PLAN</b>	
ISSUE DATE:	07-17-2014
DRAWN:	TCT
APPROVED:	TCT
<b>DRAWING NUMBER</b>	
<b>E-1.1</b>	
SHEET 1 OF 2	
14001-05	





Zoning Map



Land Use Map

## **Sec. 22-71. Amusement arcades and arcade amusement centers.**

Amusement arcades and arcade amusement centers shall comply with the following regulations:

- (a) *General operating standards.*
  - (1) No amusement arcade or arcade amusement centers shall operate after the hour of 12:00 a.m. and before the hour of 8:00 a.m. on weekdays, and between 2:00 a.m. and 8:00 a.m. on weekends.
  - (2) No game shall be played by persons who are under eighteen (18) years of age.
  - (3) No arcade amusement center shall be located within one thousand two hundred fifty (1,250) feet of another arcade amusement center. Such distance shall be measured from closest property line to closest property line.
  - (4) No amusement arcade or arcade amusement centers shall be permitted within the Downtown Business and Entertainment Overlay District.
  - (5) No amusement arcade or arcade amusement centers shall be located within two hundred fifty (250) feet of the Downtown Business and Entertainment Overlay District boundaries.
  - (6) Alcohol sales or consumption shall be prohibited in amusement arcades and arcade amusement centers.
  - (7) Amusement arcades or arcade amusement centers shall not exceed nine thousand (9,000) square feet.
  - (8) Amusement arcades or arcade amusement centers shall operate in full compliance with all state and federal law.
- (b) *Design standards.*
  - (1) No sign, display, or merchandise, shall be placed on or adjacent to any window if such placement would interfere with the clear and unobstructed view of the entire interior of the establishment from ground level through exterior windows.
  - (2) Placement of game machines along front windows are prohibited.
  - (3) Window tinting, mirrored windows, or other obscuring elements are prohibited.
  - (4) All entrances shall be adequately lighted.
  - (5) All amusement arcades or arcade amusement centers must post at least two conspicuous signs within the premises, and one conspicuous sign at the entrance, stating the following:
    - a. Minimum age requirements as described above.
    - b. School hours use restrictions as described above.
    - c. No smoking.
    - d. No drugs.
    - e. No alcohol.
  - (6) Amusement arcades or arcade amusement centers shall provide bicycle racks within enough stalls to accommodate one bicycle for each five (5) game machines located within the premises. Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas.
  - (7) All amusement arcades or arcade amusement centers must provide public restrooms in accordance with applicable country health department requirements.
  - (8) Lighting for parking lots must satisfy lighting requirements of Section 22-60(g)(1) of the City Code prior to the issuance of a business tax receipt.
  - (9) Landscaping must comply with requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.

- (10) Sidewalks shall be installed along all public rights-of-way for properties that have arcade uses and shall be installed prior to the issuance of a business tax receipt. No location shall be exempt from sidewalk provisions contained in Section 22-62.
  - (11) Any proposed exterior change to a building used for arcade uses will be subject to city design review guidelines pursuant to Section 22-59. This shall not apply to buildings located in historic districts or buildings that are individually designated.
  - (12) Parking shall be provided at a rate of three-fourths (0.75) parking spaces per machine (or three (3) spaces for every four (4) machines).
- (c) *Permitting requirements.*
- (1) All amusement arcades or arcade amusement centers shall pay a fee per machine annually in conjunction with the business tax receipt. The fee shall be established by resolution by the city commission. The fee shall apply to all operating and nonoperating machines located on premises.
  - (2) All amusement arcades or arcade amusement centers shall pay a fee per machine annually in connection with the business tax receipt. The fee shall be established by resolution by the city commission. The fee shall apply to all operating and nonoperating machines located on premises.
  - (3) An applicant for a permit to operate an amusement arcade or arcade amusement center shall submit the following information to the police department:
    - a. All applications shall include a list of all current owners and employees of the arcade.
    - b. If the city determines that any applicant lacks good moral character, it shall deny the license application. For purposes of this section, an applicant will be deemed to have good moral character if the applicant, its owners, and its employees meet the level two standards of screening set forth in F.S. § 435.04.
    - c. The applicant shall pay a fee established by resolution by the city commission to cover the cost of police department background checks.
    - d. Whenever an amusement arcade or arcade amusement center hires a new employee or changes its ownership composition, the police department shall inspect the new employee's or owner's background to ensure that the employee or owner has not been convicted of any of the crimes described in Section (b)(2). Any failure by an amusement arcade to provide the police department with the information necessary for the officer to conduct such an inspection shall constitute a willful violation of this chapter.
    - e. The city may deny an application for a permit to operate an amusement arcade or arcade amusement center or may revoke a permit issued pursuant to this chapter if the applicant fails to meet any of the requirements of this section. If the city denies an application, the city shall provide reasons for the denial in writing within five (5) days of receipt of the completed application. If the city revokes a permit issued pursuant to this chapter, the city shall provide reasons for the revocation in writing.
  - (4) Provide an operating plan consisting of an interior layout plan drawn to scale showing the location of all machines, devices, equipment and access ways, and such other information as may be reasonably requested.
  - (5) Amusement arcades or arcade amusement centers that serve food or provide catering services on premises must be licensed by the Department of Health, Department of Business Professional Regulation, or Department of Agriculture and Consumer Services.
- (d) *Machine registration requirements.*
- (1) The permittee is required to maintain its premises a complete inventory, along with serial numbers or equivalent identification, as set forth in Sections (d) and (e) below, the amusement devices in operation on the premises of the amusement arcade at all times. The initial application for permit shall include a certificate of inspection by the planning department of the inventory, along with serial numbers or equivalent of identification, as set

forth in Sections (d) and (e) below, of the machines that the permittee intends to put into operation when the amusement arcade begins its business activities.

- (2) Each renewal permit application shall contain a certificate of inspection of updated inventory, along with serial numbers or equivalent identification, as set forth in Sections (d) and (e) below, of the amusement device that the permittee intends to put into operation when the amusement arcade begins its business activities under the renewal license.
  - (3) Before a new amusement device is put into operation at the amusement arcade or arcade amusement center, the permittee shall notify the planning department of the addition of the device to the inventory and update its inventory accordingly.
  - (4) Upon review of the inventory of devices under Sections (1), (2) and (3) above, the planning department shall enter each amusement device into a registry that the license administrator shall create. For each amusement device registered, the permit administrator shall cause to be issued and delivered to permittee for each amusement device within seven days of the notification required under Section (c) a numbered metal or plastic decal. The registration decal of each amusement device shall be affixed to the upper left front of the game in a prominent position where easily viewed by zoning inspectors, code enforcement inspectors and police. Registration decals are not transferable. The failure of any amusement device to display a current registration decal shall be a violation of this section and subject to enforcement action by the city.
  - (5) The inventory of devices under Sections (1), (2) and (3) above shall provide the following information: the manufacturer(s) serial number(s); common name, type or description of the game played on the machine. The registration decal shall contain the inventory number of the amusement device.
  - (6) Each inventory of amusement devices submitted under Sections (a), (b), and (c) above shall be accompanied by a certificate issued by an independent testing laboratory licensed by the state pursuant to F.S. Ch. 551, certifying that the game played by the skill-based amusement devices identified in the inventory meet the application of skill requirement contained in F.S. §§ 551.104(d), 551.105 and 551.107.
- (e) *Waiver of distance.*
- (1) The city commission shall determine if the health, safety, or general welfare have been provided for with any waiver request and may impose any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.
  - (2) The city commission may not waive distance restrictions imposed by Sections (a)(4) and (a)(5).
  - (3) The city commission shall consider the following for any waiver request:
    - a. The actual location and distance of the proposed establishment with respect to other places of business licensed to sell intoxicating beverages, whether on or off the premises;
    - b. The type and size of the establishment, including the number of machines, seating capacity, and whether, in view of such type or size, the proposed establishment is likely to create a public nuisance or traffic impediment by drawing crowds or persons milling about outside the building;
    - c. Whether adequate parking and landscaping for the facility is provided so as to meet the requirements set forth in sections 22-187 and 22-61;
    - d. Whether the facility is physically separated or well-buffered from all adjacent residentially zoned areas;
    - e. Whether traffic generated by patrons or pickup/delivery vehicles will pass through low or moderate density residentially zoned neighborhood;
    - f. The number of police calls to the proposed location and/or adjacent properties within the past year.

(f)

*Preexisting amusement arcades or arcade amusement centers.*

- (1) Preexisting amusement arcades or arcade amusement centers will be required to immediately comply with all procedural requirements such as permitting, licensing, general operating standards, fees, and nonhardscape design standards. Hardscape design standards such as parking lots, exterior lighting, landscaping, sidewalks, etc. will be subject to a twenty-four-month time for compliance.
- (g) *Florida law compliance.* It is not the intent of this section to allow amusement arcades or arcade amusement centers that:
- (1) Mimic the look and feel of gambling venues which are prohibited by law.
  - (2) Include any game, machine or device that violates any provision of state and federal law, including, but not limited to F.S. Ch. 849.
  - (3) All amusement arcades or arcade amusement centers shall operate in full compliance with all Florida Statute requirements and other applicable laws.

(Ord. No. L-217, § 4, 12-5-11)

**PROPERTY RECORD CARD**

Hoyt C Murphy Inc Record: 1 of 1 <<Prev Next >> Spec.Assmnt Taxes Exemptions Permits Home Print

**Property Identification**

Site Address: 509 Georgia Av ParcelID: 2415-601-0456-000-6  
 Sec/Town/Range: 15 :35S :40E Account #: 24873  
 Map ID: 24/15N Use Type: COM SHOP CNT  
 Zoning: C3 City/Cnty: Fort Pierce



**Ownership and Mailing**

Owner: Hoyt C Murphy Inc Benson Family Prtnshp  
 Address: 2400 S Ocean Dr PH 4200 D  
 Fort Pierce FL 34949-8002

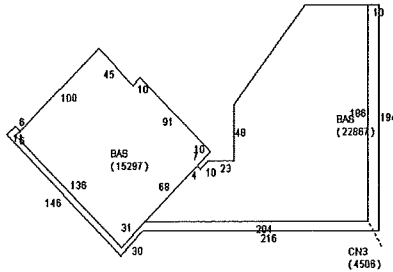
**Legal Description**

PINEWOOD S/D BLK 32 BEG NW COR BLK 32 RUN S ON E RD R/W  
 LI OF S 6 ST 300.20 FT, TH E // TO GEORGIA AV  
More...

**Sales Information**

Date	Price	Code	Deed	Book/Page	Assessment 2014	Total Land and Building
11/1/1994	100	02	WD	0936 / 1137	2014 TRIM: 1281100	Land Value: 453400 Acres: 2.89
5/27/1993	681500	02	WD	0846 / 2659	Assessed: 1195480	Building Value: 827700
3/1/1992	100	02	QC	0785 / 0838	Ag.Credit: 0	Finished Area: 38164 SqFt
6/1/1984	975000	02	CV	0434 / 1351	Exempt:	
2/1/1984	47500	01	CV	0423 / 1236	Taxable:	
					Taxes: 27777.85	

**BUILDING INFORMATION**



**Exterior Features**

View: - RoofCover: TG - Tar & Gravel RoofStruct: BR - BarJst/Rlgid  
 ExtType: NSCT - SHOP CTR YearBlt: 1959 Frame: -  
 Grade: Y\_C - Commer C EffYrBlt: 1970 PrimeWall: BS - CB Stucco  
 StoryHght: 0010 - 1 Story No.Units: 9 SecWall: -

**Interior Features**

BedRooms: 0 Electric: MX - MAXIMUM PrmIntWall: DW - Drywall  
 FullBath: 0 HeatType: FHA - FrcdHotAir AvgHt/Ft: -  
 1/2Bath: 0 HeatFuel: ELEC - Electric Prm.Flors: CU - Carpet  
 %A/C: 100 %Heated: 100 %Sprinkled: 100

**Special Features and Yard Items**

Type	Y/S	Qty.	Units	Qual.	Cond.	YrBlt.	No.	Use Type	Type	Measure	Depth
ASP2 - ASP2 LOW	Y	1	71450	AV	AV	1959	1	1600-COM SHOP CNT	XCG -Sq Feet	125932	
FEN4 - CHAINLINK 4'	Y	1	240	AV	AV	1959					
LGT1 - SINGLE LIGHT	Y	1	15	AV	AV	1959					
CURB - CEMENT CURB	Y	1	2677	AV	AV	1959					
CNC2 - CONCRETE LOW	Y	1	6040	AV	AV	1959					

**Land Information**

THIS INFORMATION IS BELIEVED TO BE CORRECT AT THIS TIME BUT IT IS SUBJECT TO CHANGE AND IS NOT WARRANTED.