

CITY PLANNING BOARD

BOARD AGENDA

Planning Board Regular Meeting - Tuesday, January 13, 2015 - 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. December 9, 2014 Meeting
 - b. December 16, 2014 Meeting
7. **NEW BUSINESS**
 - a. Conditional Use & Site Plan - Allied Well - 650 S. 29th Street
 - b. Proposed amendment to the LDC Section 22-420 - Impact Fee Mitigation Program
 - c. Proposed amendment to LDC Section 22-40, Planned Unit Development zone (PUD)
 - d. Discussion of Section 2-223 with emphasis on (1) and (8) and discussion of Section 2-225. Requested by Chairman Burdge.
8. **BOARD COMMENTS**
9. **ADJOURNMENT**

Any person seeking to appeal any decision by the Planning Board with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the 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 (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: 01/13/2015

Information

REQUESTED ACTION

December 9, 2014 Meeting

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Planning Board Minutes 12/9/2014

Form Review

Form Started By: Alicia Rosenthal

Started On: 12/31/2014 11:06 AM

Final Approval Date: 12/31/2014

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **DECEMBER 9, 2014**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Erica Ganzi; Robert Poitier; John George; Marcia Baker; Brian Paul; Steve Weaver; Mike Dahan; Bob Burdge, Chairman

Absent: Eduardo Mujica; Tim O'Connell; Eloise Cummings

Staff Present: Rebecca Grohall, AICP, Planning Manager
James Walker, Assistant City Attorney
Clarissa Davis, Planner
Alicia Rosenthal, Administrative Assistant

4. CONSIDERATION OF ABSENCES

Motion was made by Robert Poitier, seconded by Marcia Baker to approve absences of Edward Mujica, Tim O'Connell and Eloise Cummings.

AYE: Erica Ganzi, Robert Poitier, John George, Marcia Baker, Brian Paul, Steve Weaver, Mike Dahan, Chairman Bob Burdge

Passed

5. CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS

Mr. Dahan and Mr. Weaver will be voting.

6. APPROVAL OF MINUTES

a. November 12, 2014 Meeting

Motion was made by John George, seconded by Robert Poitier to approve the minutes from the November 12, 2014 meeting.

AYE: Robert Poitier, John George, Marcia Baker, Brian Paul, Steve Weaver, Mike Dahan,
Erica Ganzi, Chairman Bob Burdge

Passed

7. NEW BUSINESS

Chairman Burdge stated Item 7b will be delayed because correct notification was not posted on the property. Chairman Burdge asked members if they will be able to attend a special meeting on Tuesday, December 16, 2014. Ms. Grohall stated that a poll was done by phone and seven members are able to attend the meeting.

a. Annexation - Village at Midway - 9850 Midway Road

Ms. Davis gave an overview of the application. Board discussion ensued. Ms. Grohall answered questions. Lee Dobbins, Attorney, representing the applicant, commented.

Motion was made by Steve Weaver, seconded by Marcia Baker to forward a recommendation of approval to the City Commission for an approval of the proposed annexation with comparable zoning and FLU designations.

AYE: Brian Paul, Robert Poitier, Marcia Baker, Erica Ganzi, John George, Steve Weaver,
Mike Dahan, Chairman Bob Burdge

Passed

b. Approval of Conditional Use and Design Review application for pre-engineered structure to be used as farm stand.

Danny Raulerson, Bureau Chief of the State Farmer's Market, for the Department of Agriculture and Consumer Services commented.

Motion was made by Steve Weaver, seconded by Robert Poitier to table item to next meeting.

AYE: John George, Marcia Baker, Brian Paul, Steve Weaver, Mike Dahan, Erica Ganzi,
Robert Poitier, Chairman Bob Burdge

Passed

8. BOARD COMMENTS

9. ADJOURNMENT

Planning Board

6. b.

Meeting Date: 01/13/2015

Information

REQUESTED ACTION

December 16, 2014 Meeting

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Planning Board Minutes 12/16/2014

Form Review

Form Started By: Alicia Rosenthal

Started On: 12/31/2014 11:08 AM

Final Approval Date: 12/31/2014

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE SPECIAL MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **DECEMBER 16, 2014**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Eduardo Mujica; Erica Ganzi; Robert Poitier; Eloise Cummings; John George; Marcia Baker; Brian Paul; Mike Dahan; Bob Burdge, Chairman

Absent: Tim O'Connell; Steve Weaver

Staff Present: Rebecca Grohall, AICP, Planning Manager
Karen Emerson, Assistant City Attorney
Clarissa Davis, Planner
Alicia Rosenthal, Administrative Assistant

4. CONSIDERATION OF ABSENCES

Chairman Burdge stated since Mr. Weaver did not call, in his absence will be unexcused.

Motion was made by Robert Poitier, seconded by John George to excuse the absence of Tim O'Connell.

AYE: Eduardo Mujica, Erica Ganzi, Robert Poitier, Eloise Cummings, John George, Marcia Baker, Brian Paul, Mike Dahan, Chairman Bob Burdge

Passed

5. CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS

There were no alternates present at the meeting.

6. NEW BUSINESS

a. Conditional Use & Design Review - Farmer's Market Stand

Ms. Davis gave an overview of the application. Board discussion ensued. Ms. Grohall answered questions. John Baer, Architect of Record, Joseph Short, Contractor for Hennis Construction, Gary Hennis, President of Hennis Construction, and Mike Brown, Senior Market Manager for State Farmers Market, commented and answered questions. Marc Meyers, City of Fort Pierce Building Official, answered questions.

Motion was made by Marcia Baker, seconded by Erica Ganzi to approve the Conditional Use with New Construction at the State Farmer's Market with the following staff recommendations:

1. Implementation of shrubs/hedge along property line and area of work. Curbing should be provided to protect vegetation. Landscape plan to be submitted prior to City Commission.
2. Pedestrian access way to be implemented from ROW side walk to front entrance of the structure.
3. Re-stripe existing parking, delineating one (1) handicapped parking space. Number of existing parking spaces acceptable.

AYE: Brian Paul, Robert Poitier, Marcia Baker, Erica Ganzi, John George, Mike Dahan, Eloise Cummings, Eduardo Mujica, Chairman Bob Burdge

Passed

Motion was made by Robert Poitier, seconded by Marcia Baker to approve that the building comes under the Design Review Guidelines based on Fort Pierce City Code Section 22-59(g)(4)d and Section 22-59(d)(2) for the State Farmer's Market.

AYE: Eduardo Mujica, Eloise Cummings, Mike Dahan, John George, Erica Ganzi, Marcia Baker, Robert Poitier, Brian Paul, Chairman Bob Burdge

Passed

7. BOARD COMMENTS

8. ADJOURNMENT

Planning Board

7. a.

Meeting Date: 01/13/2015

Information

REQUESTED ACTION

Conditional Use & Site Plan - Allied Well - 650 S. 29th Street

LOCATION

650 S 29th Street

RESPONSIBLE STAFF

Kori Benton, Historic Preservation Officer

RECOMMENDATION

Approval

Attachments

Staff Report

Site Aerial

Zoning Map Snapshot

Application

Survey

Site Plan

Landscape Plan

Floor & Elevation Plan

TRC Review Comments

Form Review

Form Started By: Kori Benton

Started On: 01/06/2015 11:33 AM

Final Approval Date: 01/06/2015



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: Kori Benton, Historic Preservation Officer

RE: Application for Conditional Use and Site Plan
Allied Well - Brine Storage Tank Facility
650 S 29th Street

DATE: January 5, 2015

STAFF REPORT

Owner: Fort Pierce Utilities Authority
715 S 25th Street
Fort Pierce FL 34947

Applicant/Lessee: Allied New Technologies (Subsidiary)
Chem Tex-Supply Corporation
9350 NW 93rd Street
Miami, FL 33466

Representative: Abraham Chabab, PE
5428 NW Edgewater Avenue
Port St. Lucie, FL 34983

Requested Action: Approvals of a Conditional Use & Site Plan

Location: 650 S 29th Street

Parcel IDs: 2408-441-0003-0004

Zoning: R-4, Medium Density Residential

Surrounding Zoning:

North	East	South	West
OS-1	OS-1	R-4	R-4

Future Land Use: Institutional (INST)

Parcel Size: 2 acres

Utilities: Located within the FPUA Retail Service Area

Staff Analysis:

In accordance with Sections 22-16 and 22-76 of the City Code, the applicant is requesting the review and approval of a Site Plan and Conditional Use to construct a Brine Storage Tank Facility at 650 S 29th Street. The two (2) acre site is predominantly vacant, featuring only minor utility boxes and existing trees. The proposed facility is intended to integrate with an existing deep injection well operated at the adjacent Fort Pierce Utility Authority (FPUA) water treatment plant.

The subject site has an R-4, Medium Density Residential destination, allowing minor utility facilities to be pursued as conditional use. The site abuts the Florida Army National Guard Armory to the north, and the Abbie Jean Russell Elderly Care facility to the south. The properties to the west, across 29th Street are home to a St. Lucie County School Bus Depot and the Laurel Pointe Health & Rehabilitation center. The properties to the east of the site include the Elks' Park and FPUA water treatment plant.

The applicant has a lease agreement with FPUA and plans to construct a 40 ft. by 52 ft. tank facility that will contain six (6), 6000 gallon tanks. The tanks are intended to store raw water that will gradually discharge through a 2 in. line into the existing deep injection well. The presented average daily load (ADL) for the facility is two (2), 5200 gallon tankers.

The facility will be setback 96 ft. from South 29th Street to minimize view from the right-of-way. The tanks are symmetrically centered upon a four and one-half (4.5) ft. high concrete perimeter base, with a peak height for the tanks of 16 ft. The facility will be further secured by a 6 ft. tall vinyl coated chain-link fence.

Access to the site, for deliveries and maintenance visits, is proposed via a two-way driveway on South 29th Street. Site lighting is presented to meet the requirements of the City Code. The storm water retention is presented to be managed by a dry retention area along the northern property, oriented to minimize view of the right-of-way.

The existing trees on-site will be preserved or relocated to accommodate the new construction. The landscape plan presents the addition of numerous canopy trees and shrubs to screen the facility and meet City Code requirements. A 5ft. sidewalk connection will be constructed along South 29th Street and dedicated via a sidewalk easement prior to issuance of a Certificate of Occupancy.

All affected Departments have reviewed the submittals and provided comments regarding the proposed conceptual development based on compliance with the requirements of the City Code. The comments generated are attached for review by the Board. The representative has amended the plans to address the identified deficiencies.

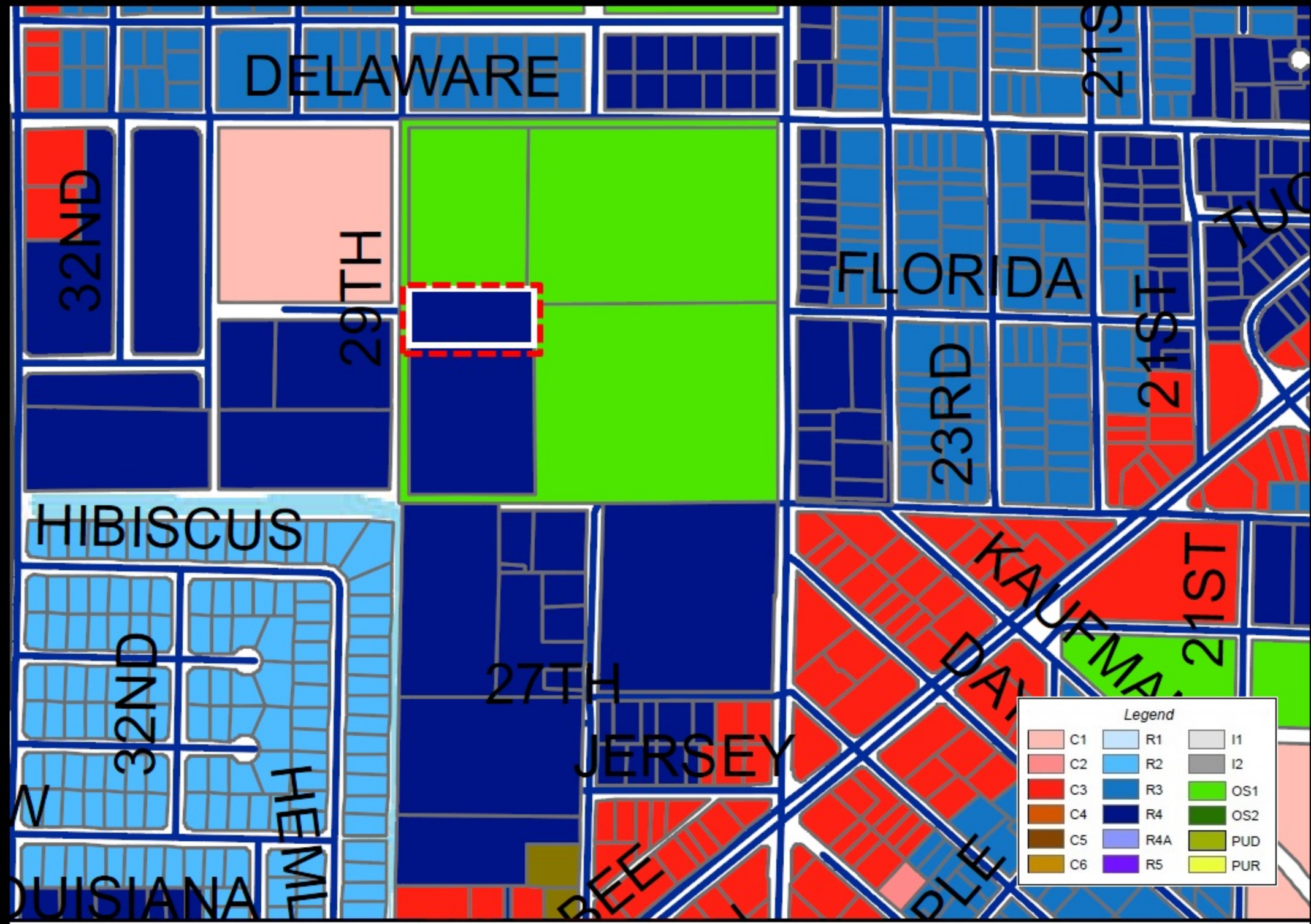
Staff Recommendation

The proposed Conditional Use and Site Plan meet the requirements of the City Code and are in compliance with guidance of the City's Comprehensive Plan; therefore Staff recommends that the Planning Board forward a recommendation to the City Commission for approval.

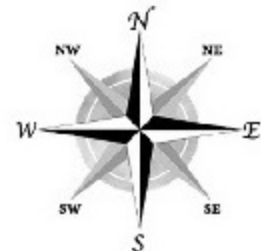


650 S 29th St Site Aerial





650 S 29th St Zoning Map





CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

DEVELOPMENT REVIEW

Property address or Location 650 S. 29th Street
Parcel ID #(s) 2408-441-0003-0004
Project description See attached letter

Fort Pierce Utilities Auth.
Property Owner(s)
715 S 25th St
Street Address
Fort Pierce FL 34947
City State Zip
772 466 1600
Phone Number
tpertkins@fpva.com
Email Address

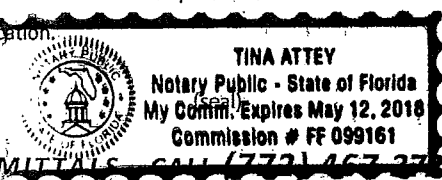
Abraham Chelob PE Civil Eng
Applicant/Representative, Title, Company
5428 NW Edgewater Ave
Street Address
Fort Pierce FL 34983
City State Zip
772-878-5079
Phone Number
agchobbl@msn.com
Email Address

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.

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

STATE OF FLORIDA -- COUNTY
The foregoing instrument was acknowledged before me this 20th day of November, 2014, by
Timothy E Perkins who is personally known to me or has produced
Personally known as identification.

[Signature]
Signature of Notary



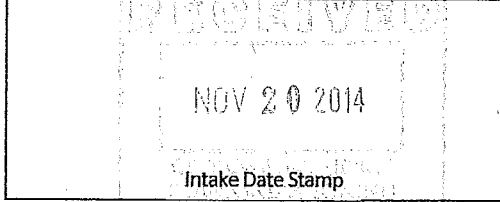
INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3729.

TO BE COMPLETED BY STAFF

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

Pre-Application Meeting Date _____
Intake Planner _____
Planner Assigned _____
Approved By _____ Date _____
Comments _____

Fees _____ Control # _____ B. Permit # _____



PROPERTY RECORD CARD

Fort Pierce City Of Record: 1 of 1 <<Prev Next >> Spec.Assmnt Taxes Exemptions Permits Home Print
 Property Identification

Site Address: 650 S 29th St ParcelID: 2408-441-0003-000-4
 Sec/Town/Range: 08:35S:40E Account #: 175674
 Map ID: 24/08S Use Type: Vac Comm
 Zoning: R4 City/Cnty: Fort Pierce



Ownership and Mailing

Owner: Fort Pierce City Of Fort Pierce Utilities
 Authorit
 Address: PO Box 3191
 Fort Pierce FL 34948-3191

Legal Description

8 35 40 THAT PART OF SEC MPDAF: FROM NW COR OF SE 1/4 OF
 SE 1/4,TH S 00 00 08 W ALG W LI OF SE 1/4 O
More...

Sales Information

Date	Price	Code	Deed	Book/Page
3/10/2011	0	0118	WD	3280 / 2827
4/8/2003	2300000	01	WD	1693 / 0485

Assessment 2014

2014 TRIM: 65800
 Assessed: 65800
 Ag.Credit: 0
 Exempt: 65800
 Taxable: 0
 Taxes: 0

Total Land and Building

Land Value: 65300 Acres: 2
 Building Value: 500
 Finished Area: 0 SqFt

BUILDING INFORMATION

No Sketch
 Available

No Image
 Available

Exterior Features

View: -	RoofCover: -	RoofStruct: -
ExtType: -	YearBlt: -	Frame: -
Grade: -	EffYrBlt: -	PrimeWall: -
StoryHght: -	No.Units: -	SecWall: -

Interior Features

BedRooms: 0	Electric: -	PrmIntWall: -
FullBath: 0	HeatType: -	AvgHt/FI: -
1/2Bath: 0	HeatFuel: -	Prm.Flors: -
%A/C: 0	%Heated: 0	%Sprinkled: 0

Special Features and Yard Items

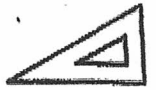
Type	Y/S	Qty.	Units	Qual.	Cond.	YrBlt.	No.	Use Type	Type	Measure	Depth
FEN6 - CHAINLINK 6'	Y	1	64	AV	AV	2013	1	1000-Vac Comm	305 -Sq Feet	87120	
BARB - BARB WIRE	Y	1	64	AV	AV	2013					

Land Information

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



Abraham Chabab, P.E.
5428 NW Edgewater Ave.
Port St. Lucie, FL 34983



Nov. 17, 2014

Kori Benton, Planner
City of Fort Pierce, Planning Dept.
100 N. US#1
Fort Pierce, FL 34954

**RE : Allied New Technologies/FPUA Deep Injection Well Modifications.
Applying for Conditional Use To Construct 40FTx52FT Tank Farm.
For a Property Located at 650 29th Street, Fort Pierce FL.
PIN# 240844100030004**

Dear Mr. Benton:

Allied New Technologies has a lease agreement with Fort Pierce Utilities Authorities (Owner of the property) to construct 40 feet x 52 feet tank farm that will contain 6-6000 gallon tanks. These tanks will store raw water that will gradually discharge through 2-inch line into an existing deep injection well located at FPUA water treatment plant. The average daily load is two-5200 gallon tankers that will arrive at this facility.

Enclosed you will find the required plans, application and related documents to schedule this project for the review process. Should you have any questions or require any additional information, please contact us at your convenience.

Sincerely

Abraham Chabab, P.E.

cc: Marty Willems, Don Willems Builder Inc.
Ron Zeigler, Allied New Technologies

772-878-5079 772-475-6630 Fax 772-785-8291
Email: agchabab1@msn.com

This instrument prepared by and
return to:
Truong M. Nguyen, Esquire
GrayRobinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801
(407) 843-8880

A portion of Property Appraisers Parcel ID Number:
2408-441-0002-000/7

NOTE TO RECORDER: THIS CONVEYANCE OF REALTY MADE TO A GOVERNMENTAL ENTITY UNDER THREAT OF CONDEMNATION AND IS EXEMPT FROM FLORIDA DOCUMENTARY STAMP TAX PURSUANT TO SECTIONS 12B-4.013(4) OR 12B-4.014(13), FLORIDA ADMINISTRATIVE CODE.

COPY
WARRANTY DEED

THIS WARRANTY DEED made the day of March, 2011, by **SHS of Florida, LLC**, a Florida limited liability company, whose address is 6075 Sunset Drive, Suite 201, Miami, Florida 33143 (hereinafter referred to as "Grantor") to **City of Fort Pierce, Florida**, for the use and benefit of The Fort Pierce Utilities Authority, a political subdivision of the State of Florida, whose address is P.O. Box 3191, Fort Pierce, Florida 34948-3191 (hereinafter referred to as "Grantee"):

[Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.]

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Lucie County, Florida:

See Exhibit "A" attached hereto and incorporated herein (the "Property").

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances whatsoever, save and except only for the following, to wit:


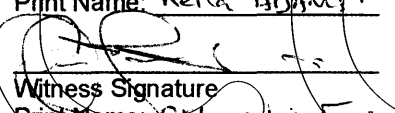
1. Ad valorem real property taxes for the year 2011 and any taxes or assessments levied or assessed against the Property subsequent to the date hereof.
2. Restrictions, reservations and easements of record, if any, but this reference to such shall not serve to reimpose the same.

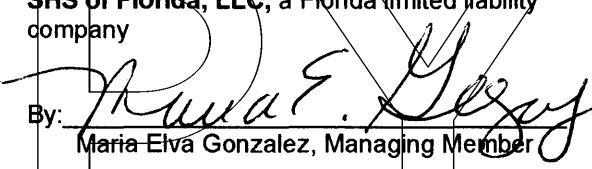
19008314 - # 3850543 v1

COPY

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

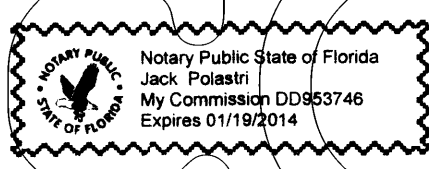

 Witness Signature
 Print Name: Keila Adams

 Witness Signature
 Print Name: Orlando Figueroa

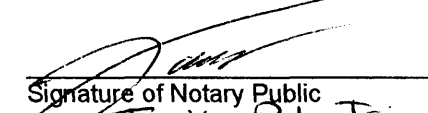
GRANTOR:
SHS of Florida, LLC, a Florida limited liability company
 By: 
 Maria Elva Gonzalez, Managing Member

STATE OF FLORIDA
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 10 day of March, 2011, by Maria Elva Gonzalez, as the Managing Member of SHS of Florida, LLC, a Florida limited liability company, on behalf of said company.

AFFIX NOTARY STAMP




 Signature of Notary Public
Jack Polastri
 (Print Notary Name)
 My Commission Expires: 01-19-14
 Commission No.: DD953746
 Personally known, or
 Produced Identification
 Type of Identification Produced:
FDL

119008314 - # 3850543 v1

COPY COPY

EXHIBIT "A"

FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 40 EAST IN THE CITY OF FORT PIERCE, ST. LUCIE COUNTY, FLORIDA, RUN SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 580 FEET MORE OR LESS, THENCE EASTERLY PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, 30 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF PROPERTY LEASED TO THE ARMORY BOARD OF THE STATE OF FLORIDA AND THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED.

FROM SAID POINT OF BEGINNING CONTINUE EASTERLY ALONG THE SOUTH LINE OF SAID ARMORY PROPERTY A DISTANCE OF 420 FEET; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 207.43 FEET; THENCE WEST ALONG A LINE PARALLEL TO AND 207.43 FEET SOUTH OF SAID SOUTH LINE OF ARMORY, A DISTANCE OF 420.00 FEET THENCE NORTHERLY PARALLEL TO AND 30 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 207.43 FEET TO THE POINT OF BEGINNING.

COPY

19008314 - # 3850543 v1
COPY

BOUNDARY AND TOPOGRAPHIC SURVEY

TREE SURVEY

LEGAL DESCRIPTION

FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 40 EAST IN THE CITY OF FORT PIERCE, ST. LUCIE COUNTY, FLORIDA, RUN SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 580 FEET MORE OR LESS, THENCE EASTERLY PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, 30 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF PROPERTY LEASED TO THE ARMY BOARD OF THE STATE OF FLORIDA AND THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING CONTINUE EASTERLY ALONG THE SOUTH LINE OF SAID ARMY PROPERTY A DISTANCE OF 420 FEET; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 207.43 FEET; THENCE WEST ALONG A LINE PARALLEL TO AND 207.43 FEET SOUTH OF SAID SOUTH LINE OF ARMY, A DISTANCE OF 420.00 FEET; THENCE NORTHERLY PARALLEL TO AND 30 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 207.43 FEET TO THE POINT OF BEGINNING.

**ARMORY BOARD
NOT PLATTED**

S 90°00'00" E (L.D.) 420.00' (L.D.)
S 89°52'06" E (M) 419.96' (M)

ABBREVIATIONS:

A/C = AIR CONDITIONER
(C) = CALCULATED
(C.F.T.) = CALCULATED FROM TRAVERSE
C = CENTERLINE
C.B.S. = CONCRETE BLOCK STRUCTURE
E/P = EDGE OF PAVEMENT
E.O.W. = EDGE OF WATER
E.F.B. = ELECTRONIC FIELD BOOK
EL. = ELEVATION
FIRM = FLOOD INSURANCE RATE MAPS
FND. = FOUND
(M) = MEASURED
N.A.V.D. OF 1929 = NATIONAL GEODETIC VERTICAL DATUM OF 1929.
N.A.V.D. OF 1988 = NORTH AMERICAN VERTICAL DATUM OF 1988.

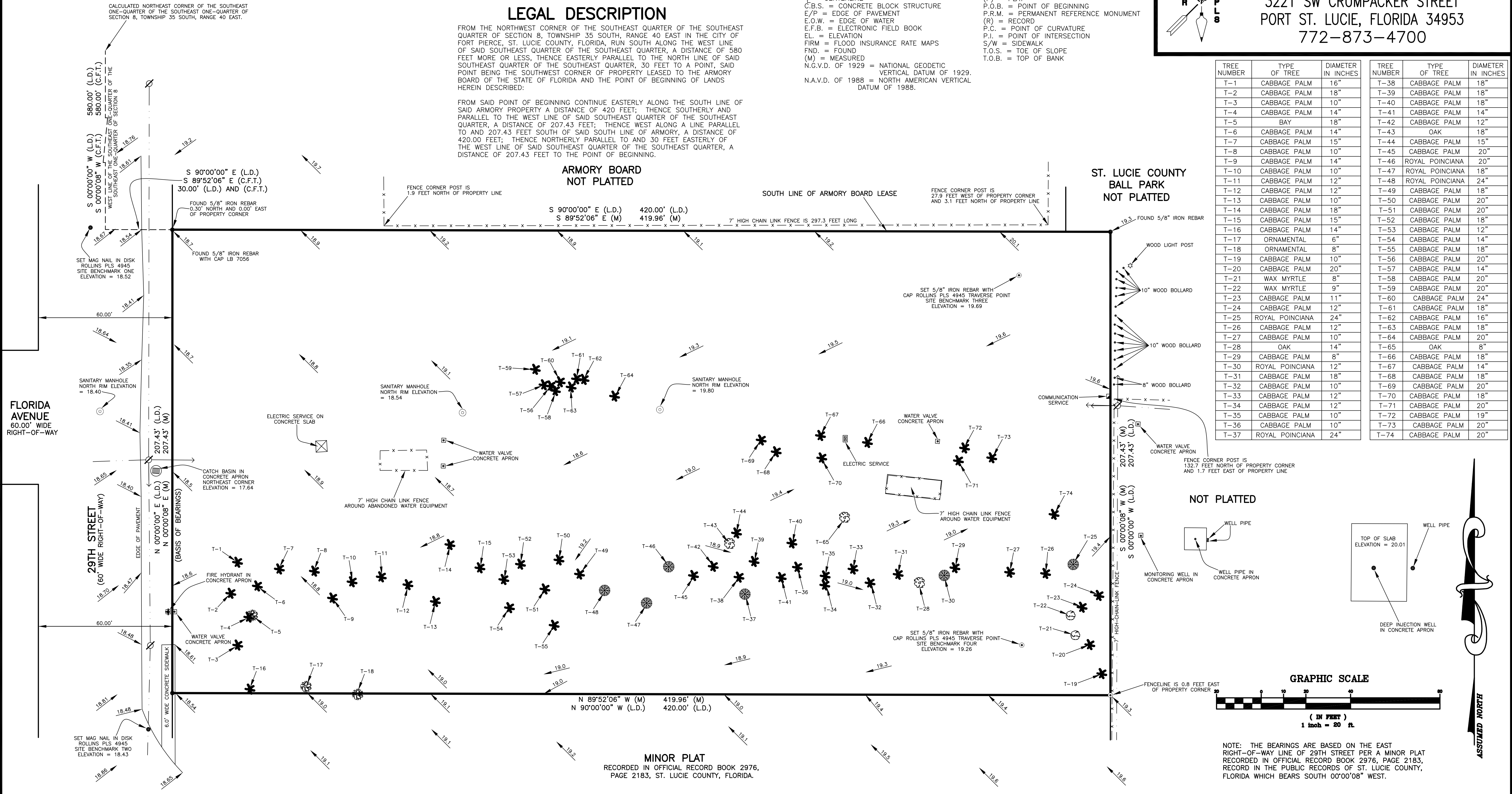
ABBREVIATIONS:

N.T.S. = NOT TO SCALE
O/S = OFFSET
P.C.P. = PERMANENT CONTROL POINT
(P) = PLAT
P.O.B. = POINT OF BEGINNING
P.R.M. = PERMANENT REFERENCE MONUMENT
(R) = RECORD
P.C. = POINT OF CURVATURE
P.I. = POINT OF INTERSECTION
S/W = SIDEWALK
T.O.S. = TOE OF SLOPE
T.O.B. = TOP OF BANK

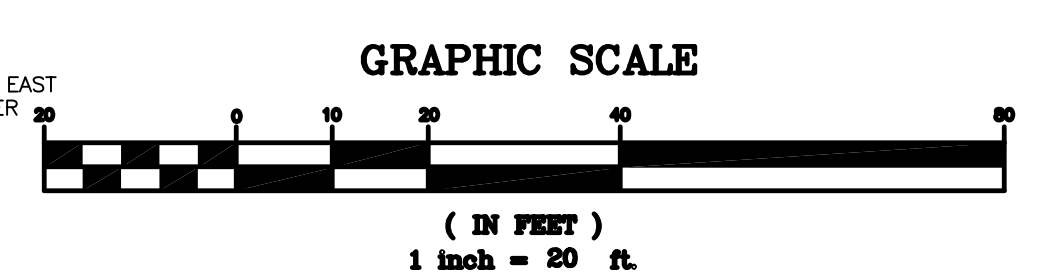
ROLAND E. ROLLINS
PROFESSIONAL LAND SURVEYOR
3221 SW CRUMPACKER STREET
PORT ST. LUCIE, FLORIDA 34953
772-873-4700



TREE NUMBER	TYPE OF TREE	DIAMETER IN INCHES	TREE NUMBER	TYPE OF TREE	DIAMETER IN INCHES
T-1	CABBAGE PALM	16"	T-38	CABBAGE PALM	18"
T-2	CABBAGE PALM	18"	T-39	CABBAGE PALM	18"
T-3	CABBAGE PALM	10"	T-40	CABBAGE PALM	18"
T-4	CABBAGE PALM	14"	T-41	CABBAGE PALM	14"
T-5	BAY	18"	T-42	CABBAGE PALM	12"
T-6	CABBAGE PALM	14"	T-43	OAK	18"
T-7	CABBAGE PALM	15"	T-44	CABBAGE PALM	15"
T-8	CABBAGE PALM	10"	T-45	CABBAGE PALM	20"
T-9	CABBAGE PALM	14"	T-46	ROYAL POINCIANA	20"
T-10	CABBAGE PALM	10"	T-47	ROYAL POINCIANA	18"
T-11	CABBAGE PALM	12"	T-48	ROYAL POINCIANA	24"
T-12	CABBAGE PALM	12"	T-49	CABBAGE PALM	18"
T-13	CABBAGE PALM	10"	T-50	CABBAGE PALM	20"
T-14	CABBAGE PALM	18"	T-51	CABBAGE PALM	20"
T-15	CABBAGE PALM	15"	T-52	CABBAGE PALM	18"
T-16	CABBAGE PALM	14"	T-53	CABBAGE PALM	12"
T-17	ORNAMENTAL	6"	T-54	CABBAGE PALM	14"
T-18	ORNAMENTAL	8"	T-55	CABBAGE PALM	18"
T-19	CABBAGE PALM	10"	T-56	CABBAGE PALM	20"
T-20	CABBAGE PALM	20"	T-57	CABBAGE PALM	14"
T-21	WAX MYRTLE	8"	T-58	CABBAGE PALM	20"
T-22	WAX MYRTLE	9"	T-59	CABBAGE PALM	20"
T-23	CABBAGE PALM	11"	T-60	CABBAGE PALM	24"
T-24	CABBAGE PALM	12"	T-61	CABBAGE PALM	18"
T-25	ROYAL POINCIANA	24"	T-62	CABBAGE PALM	16"
T-26	CABBAGE PALM	12"	T-63	CABBAGE PALM	18"
T-27	CABBAGE PALM	10"	T-64	CABBAGE PALM	20"
T-28	OAK	14"	T-65	OAK	8"
T-29	CABBAGE PALM	8"	T-66	CABBAGE PALM	18"
T-30	ROYAL POINCIANA	12"	T-67	CABBAGE PALM	14"
T-31	CABBAGE PALM	18"	T-68	CABBAGE PALM	18"
T-32	CABBAGE PALM	10"	T-69	CABBAGE PALM	20"
T-33	CABBAGE PALM	12"	T-70	CABBAGE PALM	18"
T-34	CABBAGE PALM	12"	T-71	CABBAGE PALM	20"
T-35	CABBAGE PALM	10"	T-72	CABBAGE PALM	19"
T-36	CABBAGE PALM	10"	T-73	CABBAGE PALM	20"
T-37	ROYAL POINCIANA	24"	T-74	CABBAGE PALM	20"



MINOR PLAT
RECORDED IN OFFICIAL RECORD BOOK 2976,
PAGE 2183, ST. LUCIE COUNTY, FLORIDA.



NOTE: THE BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY LINE OF 29TH STREET PER A MINOR PLAT RECORDED IN OFFICIAL RECORD BOOK 2976, PAGE 2183, RECORD IN THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA WHICH BEARS SOUTH 00°00'08\"/>

BENCHMARK REFERENCE:
FOUND BRASS DISK IN CONCRETE STAMPED CORP OF ENGINEERS US ARMY SURVEY MARK Y 525 137.8 FEET NORTHEAST OF THE INTERSECTION OF OKEECHOBEE ROAD AND 29TH STREET, 20.3 FEET SOUTHEAST OF THE CENTERLINE OF THE WEST BOUND LANE OF OKEECHOBEE ROAD, 19.5 FEET NORTHWEST OF THE CENTERLINE OF OKEECHOBEE ROAD EAST BOUND LANE AND 3.3 FEET SOUTHWEST OF A CARSONITE WITNESS POST IN MEDIAN. ELEVATION = 17.749 NORTH AMERICAN VERTICAL DATUM OF 1988.

ELEVATIONS BASED ON N.A.V.D. OF 1988 AND SHOWN THUS 1.0

FLOOD ELEVATION INFORMATION

MAP NUMBER	12111C0178 J	DATE OF FIRM	FEB. 16, 2012
COMMUNITY NUMBER	120286	PANEL	0178
FIRM ZONE	X	SUFFIX	J

ADDENDUM	FIELD BOOK	PAGE	DATE	BY	CHECKED
BOUNDARY SURVEY	E.F.B.		10/24/2014	R.E.R.	R.E.R.
TOPOGRAPHIC SURVEY	E.F.B.		10/24/2014	R.E.R.	R.E.R.

- LEGEND:**
- = SET 5/8" IRON REBAR WITH CAP P.L.S. NUMBER 4945
 - = SET NAIL IN DISK P.L.S. NUMBER 4945 UNLESS OTHERWISE NOTED.
 - ⊙ = MANHOLE (M.H.)
 - ☒ = CATCH BASIN (C.B.)
 - ⚡ = FIRE HYDRANT (F.H.)
 - ⊠ = WATER METER (W.M.)
 - ⊞ = WOOD POWER POLE (WD. P.P.)
 - ⊞ = CONCRETE POWER POLE (CONC. P.P.)
 - = ANCHOR AND GUY WIRE
 - = OVERHEAD WIRES
 - = NOT TO SCALE
 - X— = FENCELINE

NOTES:

- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, OWNERSHIP AND/OR RIGHT-OF-WAYS OF RECORD.
- NO UNDERGROUND OR INTERIOR IMPROVEMENTS WERE LOCATED EXCEPT AS NOTED.
- LEGAL DESCRIPTION AS SUPPLIED BY CLIENT.
- BUILDING TIES ARE 90° OR RADIAL TO THE PROPERTY LINE.
- ALL EASEMENTS SHOWN ARE PER RECORD PLAT UNLESS OTHERWISE NOTED.

TRACT SQUARE FOOTAGE: 2.000± ACRES
SCALE: 1" = 20'

CERTIFICATIONS AS PROVIDED AND WORDED BY CLIENT:
CERTIFY TO:

- CITY OF FORT PIERCE UTILITIES
- NEW ALLIED TECHNOLOGIES

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
PLOT DATE AND TIME: 11/11/2014 10:20 AM EST

DATE OF LAST FIELD WORK: 10/24/2014

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR SURVEYS AS CONTAINED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ROLAND E. ROLLINS DATE OF SIGNATURE
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NUMBER 4945

JOB NUMBER: RR141004

GENERAL NOTES
 PROJECT NAME: ALLIED NEW TECHNOLOGIES/ BRINE STORAGE TANK FACILITY
 OWNER: Chem Tex-Supply Corporation
 LEASE HOLDER: FPUA (FORT PIERCE UTILITIES AUTHORITY)
 8350 NW 93rd Street
 Miami, FL 33466-2026
 Ph: (772) 337-9855

LOCATION: 650 S. 29th STREET, FORT PIERCE FL
 CURRENT ZONING: R-4
 FUTURE LAND USE: MC
 CURRENT USE: VACANT
 PIN#: 2408-441-0003-0004

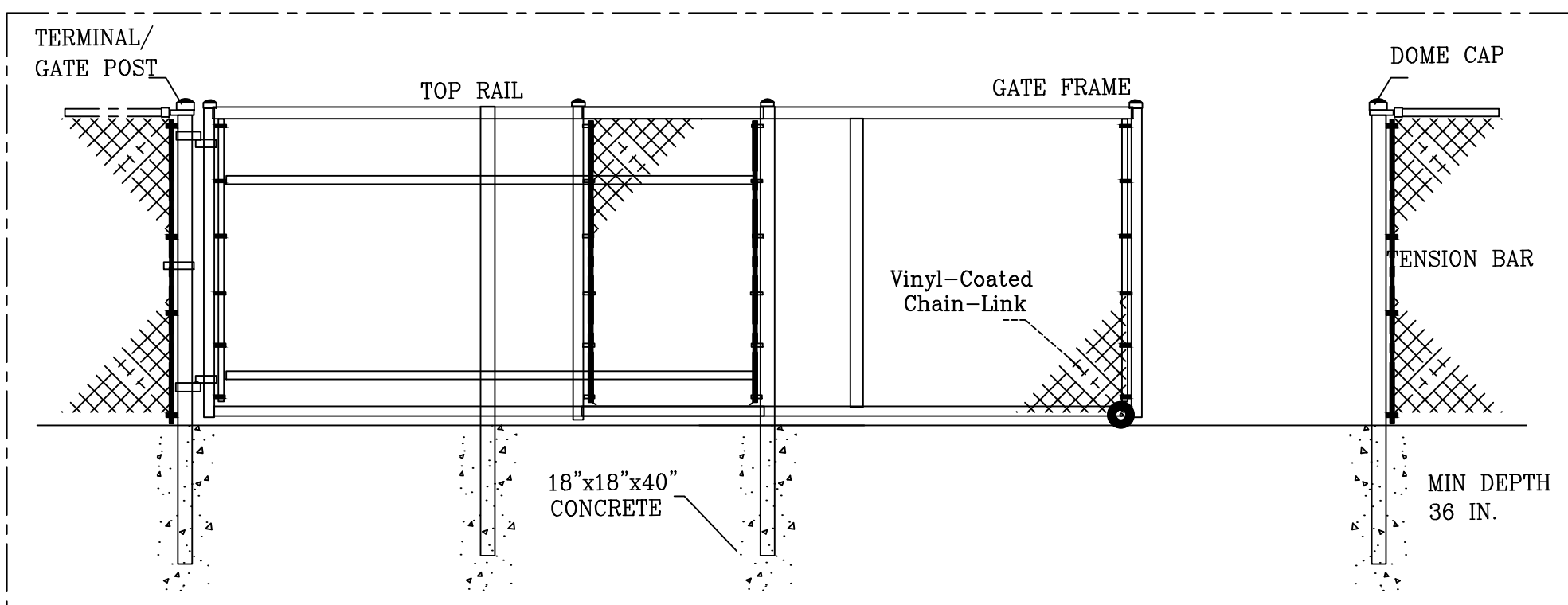
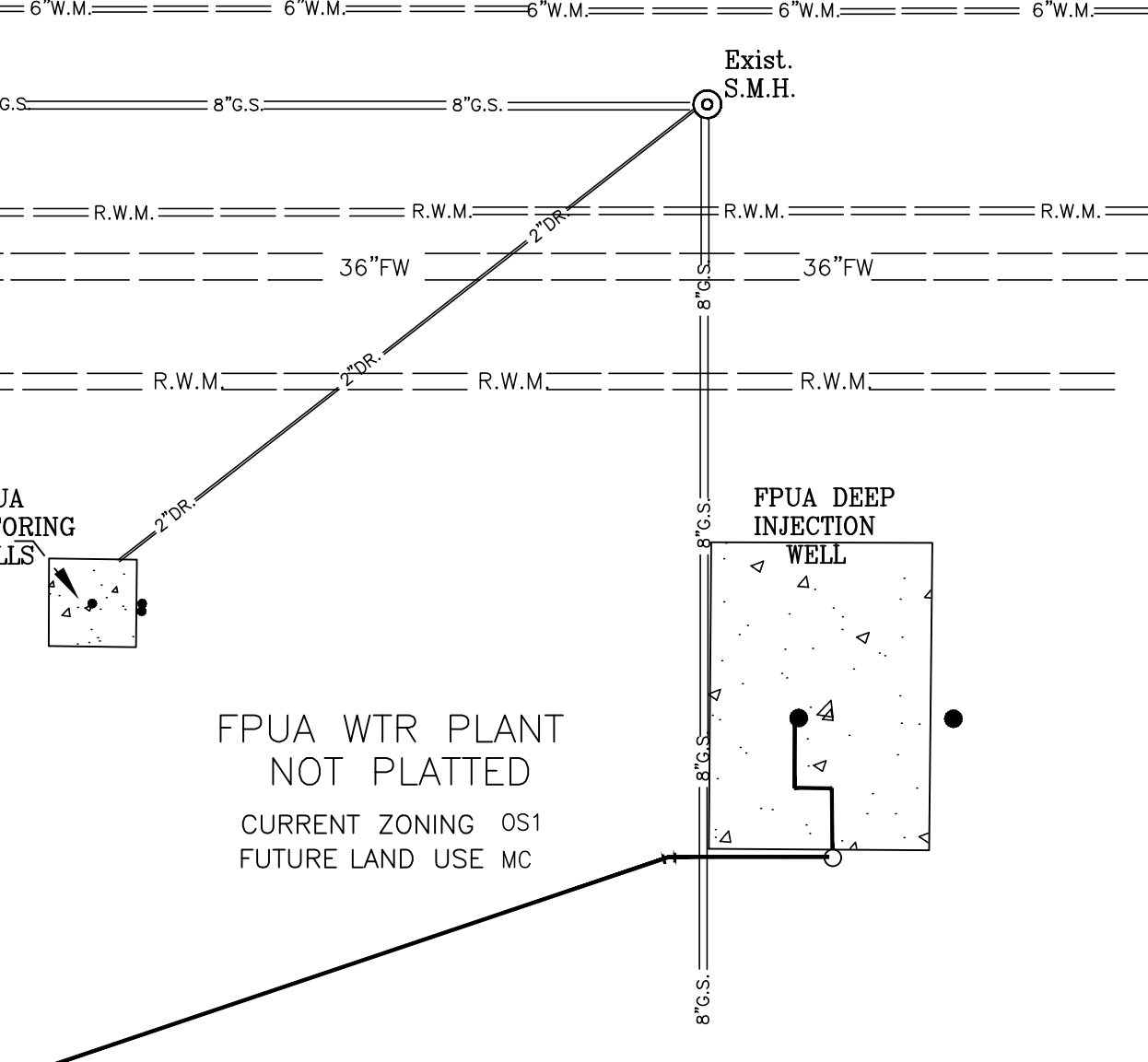
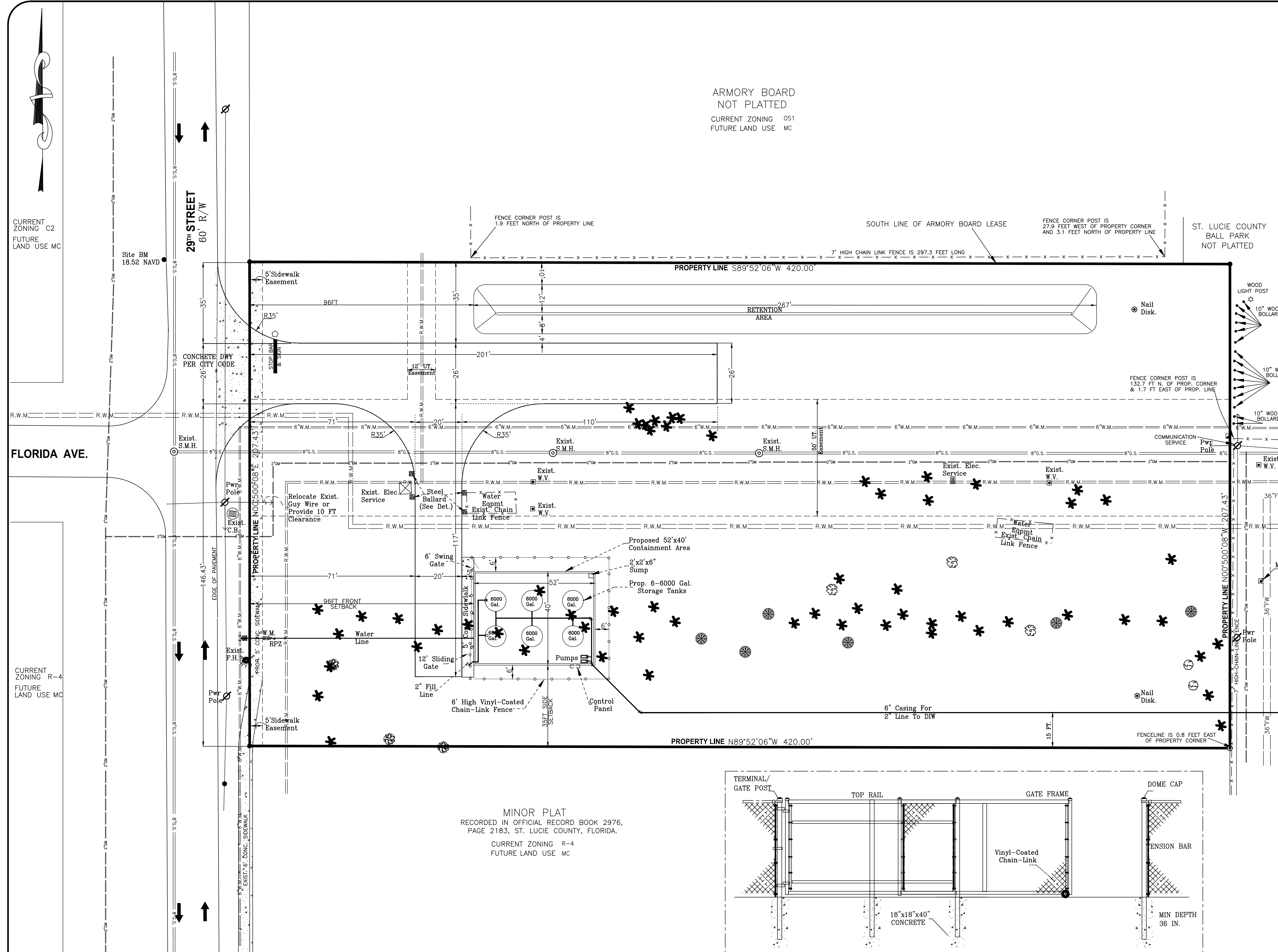
LEGAL DESCRIPTION:
 FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 40 EAST IN THE CITY OF FORT PIERCE, ST. LUCIE COUNTY, FLORIDA, RUN SOUTH ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 580 FEET MORE OR LESS, THENCE EASTERLY PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, 30 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF PROPERTY LEASED TO THE ARMORY BOARD OF THE STATE OF FLORIDA AND THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED.

FROM SAID POINT OF BEGINNING CONTINUE EASTERLY ALONG THE SOUTH LINE OF SAID ARMORY PROPERTY A DISTANCE OF 420 FEET; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 207.43 FEET; THENCE WEST ALONG A LINE PARALLEL TO AND 207.43 FEET SOUTH OF SAID SOUTH LINE OF ARMORY, A DISTANCE OF 420.00 FEET; THENCE NORTHERLY PARALLEL TO AND 30 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 207.43 FEET TO THE POINT OF BEGINNING.

UTILITIES:
 ELECTRICAL: FPUA
 WATER & SEWER: FPUA FOR WATER AND WASTEWATER
 TELEPHONE: ATT
 SOLID WASTE: NA
NOTE: ALL UTILITIES SHALL BE INSTALLED UNDERGROUND

AREA TABULATION:

SITE COVERAGE	SF	ACREAGE	% OF SITE
PROP. CONTAINMENT AREA	2080	0.0477	2.39
SIDEWALKS/PADS	1225	0.0281	1.44
PAVED AREA	8142	0.1869	9.34
TOTAL IMPERVIOUS	11447	0.2628	12.12
GREEN AREA	75674	1.7372	86.88
TOTAL	87121	2.0000	100.00



MINOR PLAT
 RECORDED IN OFFICIAL RECORD BOOK 2976,
 PAGE 2183, ST. LUCIE COUNTY, FLORIDA.
 CURRENT ZONING: R-4
 FUTURE LAND USE: MC

ABRAHAM CHABAB, Inc.
 FL. BOARD OF PROF. ENG. AUTH.#26790
 5428 NW EDGEWATER AVE
 PORT ST. LUCIE FL 34983

Email: agchabab1@msn.com
 Ph: 772 878-5079/475-6630
 Fax: 772 785-8291

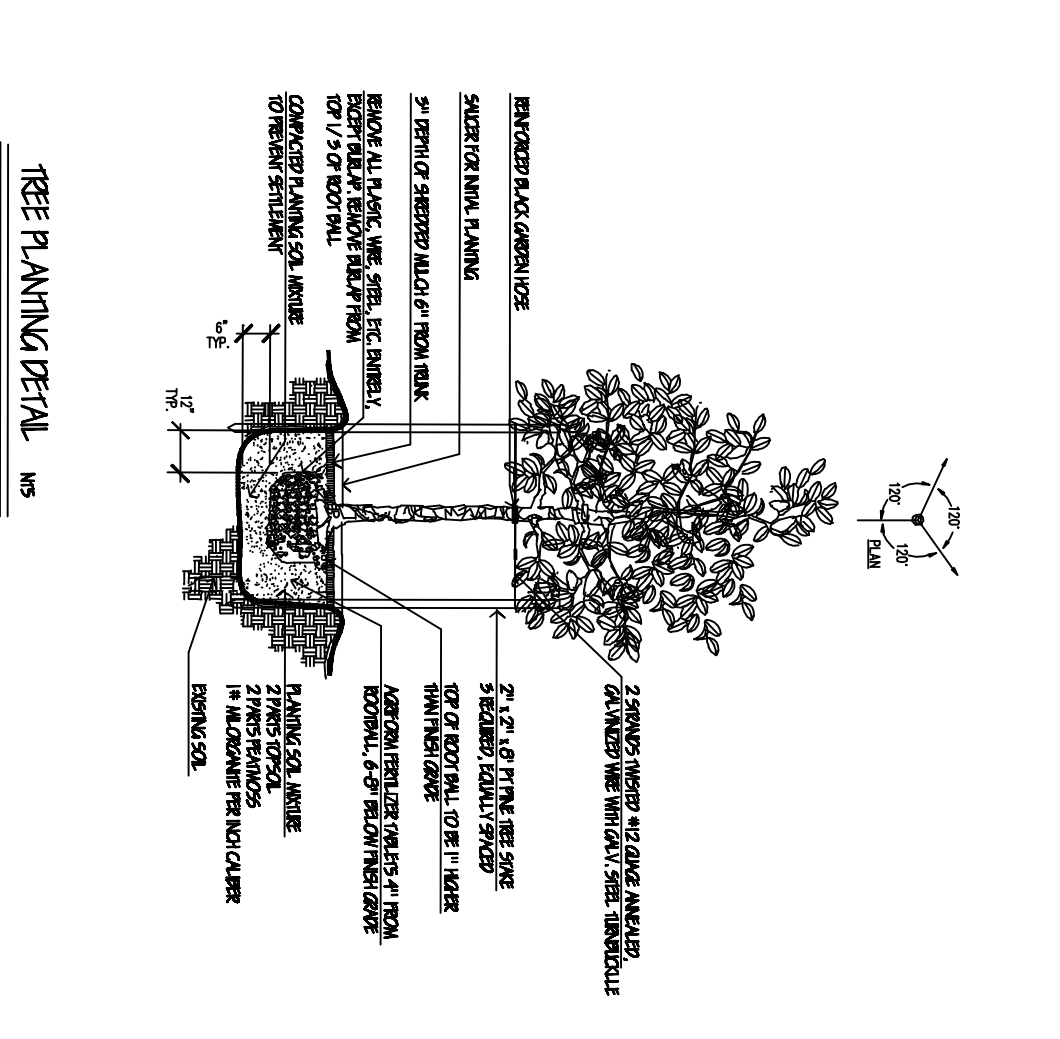
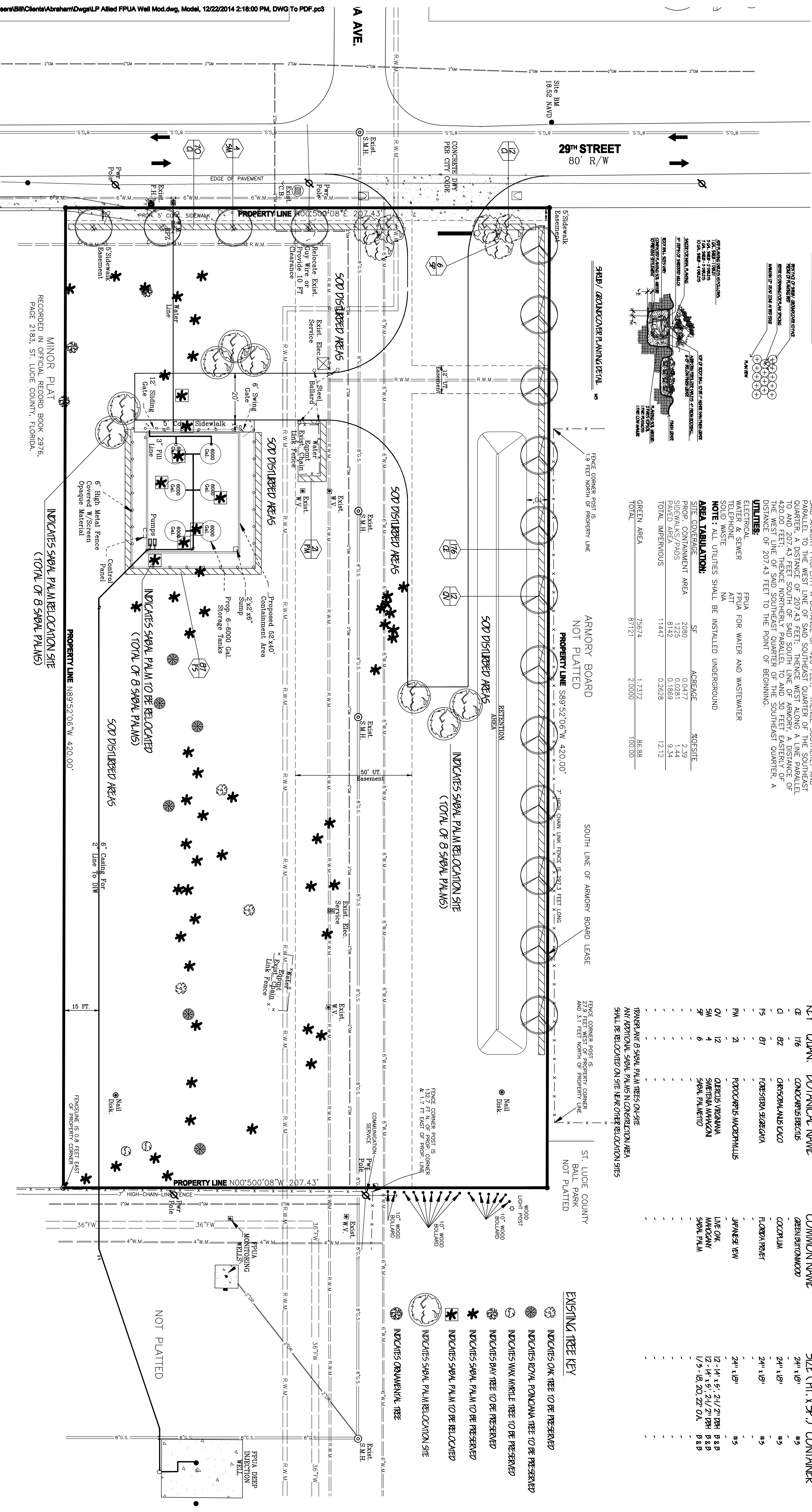
DRAWN BY	AC	REVISIONS	DATE
DESIGNED BY	AC	City Staff Cmts	12/21/14
DATE	10-26-14		

**ALLIED NEW TECHNOLOGIES/
 BRINE STORAGE TANK FACILITY**

SITE PLAN

ABRAHAM CHABAB, PE
 FL. LIC# 47165

SHEET 5 OF 10



GENERAL NOTES

PROJECT NAME: ALLIED NEW TECHNOLOGIES/ BRINE STORAGE TANK FACILITY

OWNER: FPUA (FORT PIERCE UTILITIES AUTHORITY)

LEASEE: Chem-Tek Supply Corporation
6530 NW 93rd Street
Miami, FL 33146-2028
Ph: (772) 337-8855
F#: (772) 337-8855

LOCATION: 650 S. 29th Street, Fort Pierce FL

CURRENT ZONING: R-4

FUTURE LAND USE: MC

CURRENT USE: VACANT

PIN#: 2408-441-0003-0004

LEGAL DESCRIPTION: CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION 28, TOWNSHIP 35 SOUTH, RANGE 40 EAST THE WEST HALF OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 580 FEET MORE OR LESS, THENCE EASTERLY PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, 30 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF PROPERTY LEASED TO THE ARMORY BOARD OF THE STATE OF FLORIDA AND THE POINT OF BEGINNING OF LANDS HERIN DESCRIBED:

FROM SAID POINT OF BEGINNING CONTINUE EASTERLY ALONG THE SOUTH LINE OF SAID ARMORY PROPERTY A DISTANCE OF 420 FEET, THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 207.43 FEET, THENCE WEST ALONG A LINE PARALLEL TO AND 207.43 FEET SOUTH OF SAID SOUTH LINE OF SAID QUARTER, A DISTANCE OF 420.00 FEET, THENCE NORTHERLY PARALLEL TO AND 30 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 207.43 FEET TO THE POINT OF BEGINNING.

UTILITIES:
ELECTRICAL: FPUA FOR WATER AND WASTEWATER
WATER & SEWER: AT
TELEPHONE: NA
SOLID WASTE: NA

NOTE: ALL UTILITIES SHALL BE INSTALLED UNDERGROUND

AREA TABULATION:

AREA	SF	ACREAGE	% OF SITE
PROP. CONTAINMENT AREA	2080	0.0477	2.39
SIDEWALKS/PADS	1225	0.0281	1.44
PAVED AREA	8142	0.1869	9.34
TOTAL IMPERVIOUS	11447	0.2828	12.12
GREEN AREA	75674	1.7372	86.88
TOTAL	87121	2.0000	100.00

PLANT & MATERIAL SCHEDULE

KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE (HT. x SP.)	CONTAINER
CE	176	COCORHIS BECULIS	GREEN BUTTWOOD	24" x 18"	#5
CI	82	CHRISOPALMUS LACO	COCCO PALM	24" x 18"	#5
FS	87	FORESTERA SCABERIMA	FLORIDA PINE	24" x 18"	#5
FM	21	KOOCORHIS MACROPHYLIS	JAPANESE YEW	24" x 18"	#5
OV	12	QUBERIS VERGINIANA	LINE OAK	12-14" x 5.1-21/2" DBH	B & B
SM	4	SMERTINA WARRIGON	MIRACANDIA	12-14" x 5.1-21/2" DBH	B & B
SP	6	SPHAL PALMETO	SABAL PALM	1/3-1/3, 20, 22" O.A.	B & B

TRANSPLANT 8 SABAL PALM TREES ON-SITE
AND ADDITIONAL SABAL PALMS IN CONSTRUCTION AREA
SHALL BE RELOCATED ON-SITE NEAR OTHER RELOCATION SITES

EXISTING TREE KEY

- INDICATES OAK TREES TO BE PRESERVED
- INDICATES ROYAL PONCINAW TREES TO BE PRESERVED
- INDICATES WAX MYRTLE TREES TO BE PRESERVED
- INDICATES BAY TREES TO BE PRESERVED
- INDICATES SABAL PALM TO BE PRESERVED
- INDICATES SABAL PALM TO BE RELOCATED
- INDICATES SABAL PALM RELOCATION SITE
- INDICATES ORNAMENTAL TREE

MINIMUM TREE REQUIREMENTS

PERIMETER V.I.A. ADJACENT TO STREET ROW: 112 L.F. DN. BY 20' = 4 TREES REQUIRED
ALL TREES PROVIDED

PERIMETER V.I.A. ADJACENT TO OTHER PROPERTY: 200 L.F. DN. BY 20' = 10 TREES REQUIRED
ALL TREES PROVIDED

INTERIOR TREE REQUIREMENTS: 8945 S.F. V.I.A. DN. BY 15' = 597 SF. REQUIRED
INTERIOR LANDSCAPE AREA PROVIDED EXCEEDS 12000 S.F.
597 DN. BY 100' = 6 TREES REQUIRED
ALL TREES PROVIDED

MITIGATION

NO MITIGATION REQUIRED
NO SABAL PALMS TO BE RELOCATED ON-SITE

DATE: 11/3/2014
DRAWN: WAF
CHECKED:
SCALE: 1" = 20'
PROJECT NO. 14-009

ALLIED NEW TECHNOLOGIES/ BRINE STORAGE TANK FACILITY
29TH STREET
FT. PIERCE, FL

LANDSCAPE PLAN

William A. Flint, III
Landscape Architect
Stuart, FL
772.220.0424

FLA. Reg. #941
Fax 772.220.8915

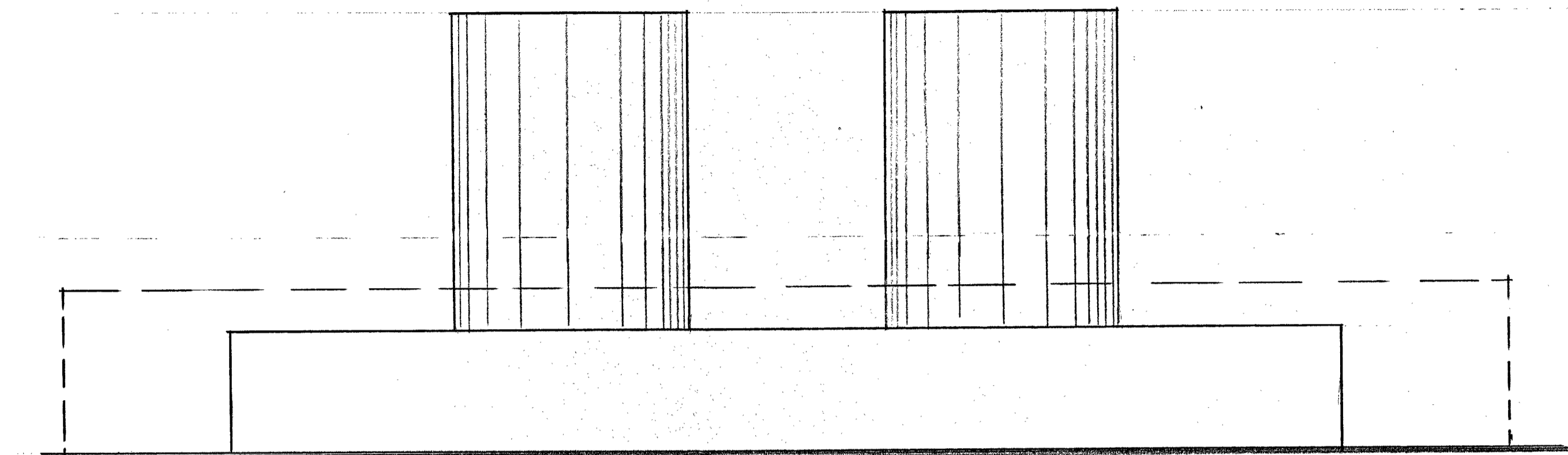
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CHECKED:
SCALE: 1" = 20'
PROJECT NO. 14-009

DATE: 11/3/2014
DRAWN: WAF
CHECKED:
SCALE: 1" = 20'
PROJECT NO. 14-009

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DRAWN: WAF
CHECKED:
SCALE: 1" = 20'
PROJECT NO. 14-009

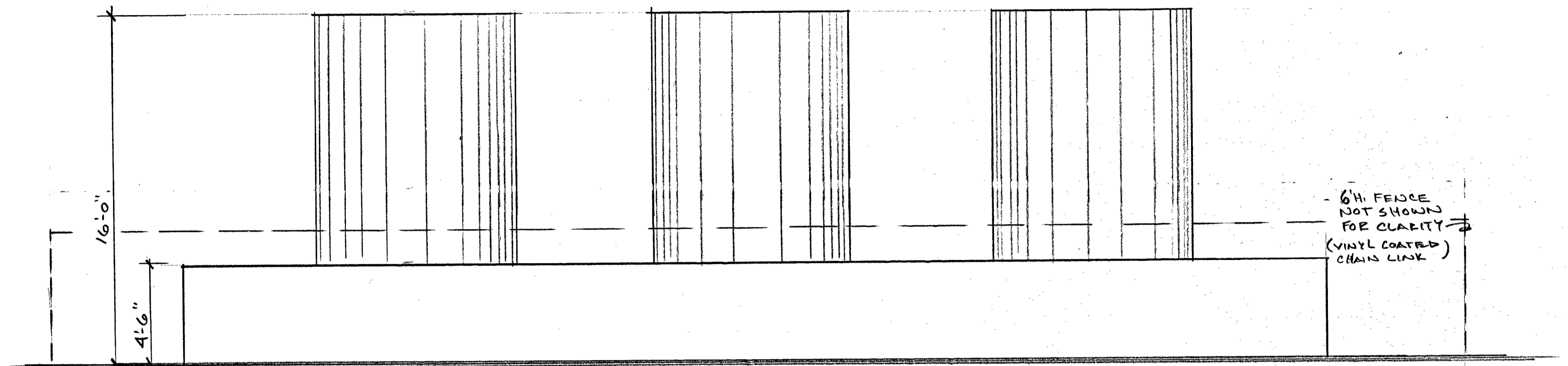
DATE: 11/3/2014
DRAWN: WAF
CHECKED:
SCALE: 1" = 20'
PROJECT NO. 14-009

DATE: 11/3/2014
DRAWN: WAF
CHECKED:
SCALE: 1" = 20'
PROJECT NO. 14-009



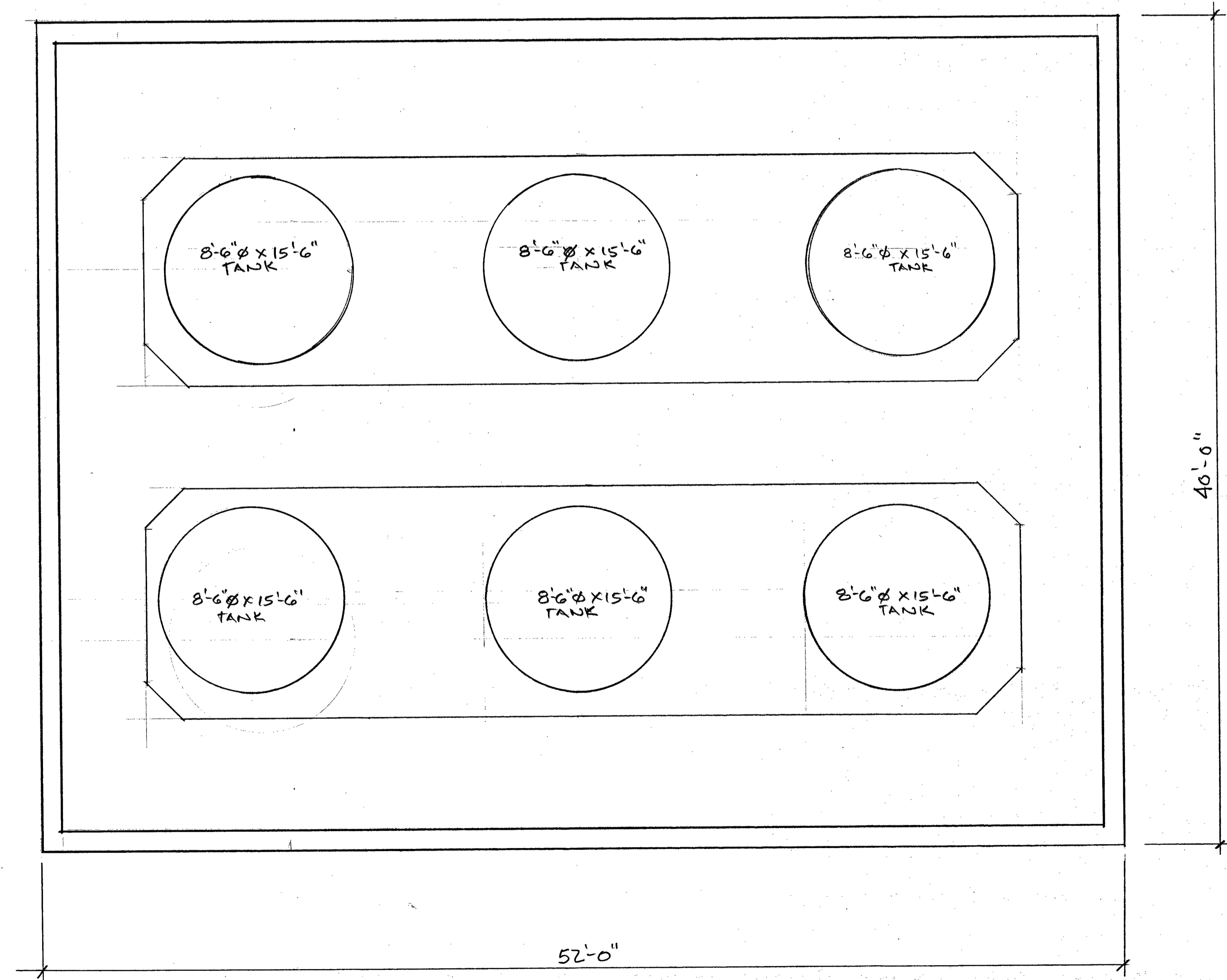
SIDE ELEVATION

1/4"



FRONT ELEVATION

1/4"



FLOOR PLAN

1/4"

11/20/14
CONP. USE
12/19/14 REVISED PERMR

ALLIED NEW TECHNOLOGIES / BRINE STORAGE TANK FACILITY
FLORIDA
CITY OF FT. PIERCE

PETER B. COOK

COOK & MENARD
ARCHITECTURE INC.
STATE OF FLORIDA REGISTRATION NO. AA0003494
FT. PIERCE, FLORIDA 34950
806 DELAWARE AVE.
PHONE: (772) 460-7751
FAX: (772) 460-8244

SHEET
1
OF
ALLIED
DEEP WELL



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

Technical Review Comments Allied Well – Conditional Use & Site Plan

1. Planning Department
2. St. Lucie County Engineering
3. FPUA Water/Wastewater/Electric/Gas
4. TRC Minutes – Project Discussion



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

December 17, 2014

Abraham Chabab, PE
5428 Edgewater Ave
Port St. Lucie, FL 34983

**Re: *Technical Review – Allied Well
Site Plan & Conditional Use
650 S 29th Street***

Dear Mr. Chabab,

The following are advisory comments from the Planning Department's review of the application for Site Plan & Conditional Use.

- 1) Please revise the General Notes on the Site Plan to reflect the accurate property owner, or alter the title to leasee, as the City of Fort Pierce (FPUA) maintains ownership of the property. Furthermore, please list the City of Fort Pierce as the service provider for solid waste, unless other arrangements will be established.
- 2) The Site Plan presents the surrounding fence as a "6' high metal fence", while the elevation plans list the fence height at 8'. The gate detail presents a chain-link fence, which will need to be confirmed by the Planning Board, acting as the Design Review Board, for appropriateness. Staff recommends the presentation of vinyl-coated chain-link. Please provide additional clarification, or update the elevation note with regards to the proposed height.
 - City Code Section 22-67 (c)(2) Fences or walls, within the R-4 Zone, may be maintained along property lines or within the required yards, to a maximum height of six (6) feet above finished grade of the abutting parcel. The Planning Manager may consider the subject fence as a "security" fence due to the nature of the proposed facility, which may permit a fence of 8'.
- 3) Per City Code Section 22-61 (b) (3), the minimum driveway width for a two-way drive shall be 24'. The proposed plan presents a 20' driveway width to the west of the facility. Please advise whether this will have any two-functionality, or simply serve as a "turnaround" aisle to back vehicles or equipment to the tanks.
- 4) Per City Code Section 22-187 (6) a. Where a vehicular use area does not abut a street right-of-way but abuts other property, there will be a landscaped strip of land which is at least ten (10) feet wide. Such landscaping strip shall include an average of at least one tree for each two hundred (200) square feet of the required landscape area. The site currently holds numerous, existing, native trees which are noted to be relocated, please relocate a few of these between the vehicular use area and the eastern property line to comply with this requirement. Thank you for the presented efforts to preserve the existing trees on site.

- 5) Per City Code Section 22-60 (j) *Lighting*. (1) a. 1. Commercial, industrial and governmental uses require a minimum average of two (2) footcandles; Please revise the plan to meet this requirement prior to issuance of building permit. Staff can work with the applicant to determine the intended hours for operation of such lighting, based upon the proposed hours of operation, and code requirements.

Advisory

- 6) The plans propose various easements (utility & sidewalk). A legal sketch and description of this easement will need to be provided for review and recording, prior to issuance of a C/O.
- 7) The City of Fort Pierce has recently updated its noise ordinance, please review the new regulations and ensure your client is aware, and can remain in compliance with these restrictions.

If deemed necessary, please provide a written response to each comment in order to expedite the review of any subsequent submittals. Please contact me should you have any questions regarding the project at (772) 467-3739 or by e-mail: kbenton@city-ftpierce.com.

Sincerely,



Kori Benton
Historic Preservation Officer

Allied Deep Injection Well
650 29th Street
November 26, 2014
Site Plan / Conditional Use

St. Lucie County Public Works/Engineering Comments

1. Streets abutting the subject property are under the jurisdiction of the City of Ft. Pierce.
2. It is noted that the language within cover sheet indicated that this was a resubmittal. I have no record of a prior submittal under this name.
3. No objections to the proposed conditional use.

Ron Harris, PLS
County Surveyor
772 462-1721

Water / Wastewater Engineering

Project Tracking Form



Project Number: 20150100-1 **Job Description:** Allied - FPUA Deep Injection W

Address: 650 S. 29th Street **Project Description:** _____

Type	Recd	Needed	Rev	Eng App	Status	Comments	Ret	City/County	Sent To
SP	11/25/2014	12/09/2014	BH	BH	App w/c	see comments	12/09/2014	12/09/2014	
SP	12/16/2014	12/16/2014	JM	BH	App w/c	See comments	12/16/2014	12/16/2014	

Engineering Review

1st Submittal

Date Received: _____ **To Coordinator:** _____ **Invoice To Reviewer:** _____

Invoice Reviewer: _____ **Reviewer Approved Invoice:** _____

Invoice To Client: _____ **Invoice Payment Received:** _____

To Reviewer: _____ **Reviewer:** _____

To Engineer: _____ **Engineer Reviewing:** _____

Returned To Secretary: _____ **Returned To Client:** _____

2nd Submittal

3rd Submittal

Date Received: _____

Date Received: _____

To Reviewer: _____ **Initials:** _____

To Reviewer: _____ **Initials:** _____

To Engineer: _____ **Initials:** _____

To Engineer: _____ **Initials:** _____

To Secretary: _____

To Secretary: _____

To Client: _____

To Client: _____

Comments:

W/WW Engineering: Engineer to schedule meeting with FPUA staff
 Gas has no comments or conflicts
 Electric & Fiber may have a few conflicts with existing utilities that we may need to address during the construction of the project.

Approval

Date Approved: _____

To Supervising Engineer: _____



CITY OF FORT PIERCE TECHNICAL REVIEW COMMITTEE

Minutes

OF THE REGULAR MEETING OF THE CITY OF FORT PIERCE TECHNICAL REVIEW COMMITTEE HELD ON THURSDAY, DECEMBER 18TH, 2014, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

I. Call to Order

Chairwoman Grohall called the meeting to order.

II. Pledge of Allegiance

The Pledge of Allegiance was recited.

III. Roll Call

The agencies attending: FP Code Enforcement, SLCTPO, SLC Planning Development, SLC Engineering, FPUA Electric, FP Planning, FPUA Water/Wastewater, FP Building, FP Engineering

Those agencies with no attending representation: FP Police, FP Public Works, SLC School District and SLCFD

IV. Approval of minutes

Motion was made by SLC Engineering and seconded by FPUA Water/Wastewater to approve the minutes from the November 20, 2014 meeting.

V. New Business:

A. Conditional Use with No New Construction – Transitional Housing for Veterans – 1309 N. 19th Street

Mr. Benton: The subject property used to operate as a boarding house for many decades. The applicant is requesting to renovate the structure utilizing it for a Veterans care facility. The majority of the work would be interior in addition to site work to supply the proper infrastructure and amenities specific to parking, lighting and landscaping for code compliance.

FP Planning:

1. Per Section 22-60(c)(1) of the City Code, requires that each parking space be nineteen (19) feet deep. The site plan does not indicate the depth of the parking spaces. Please specify.

4. The two-way driveway does not meet the minimum 24' width requirement as stipulated in the City of Fort Pierce Code of Ordinances, Section 22-61(b)(3).
5. Please add the appropriate curbing in order to comply with the requirements set forth in the City of Fort Pierce Code of Ordinances, Section 22-187(12)(d).
6. A 5' wide concrete sidewalk is required to be constructed the width of the property along 19th Street.
7. The plan reflects a fifty (50) foot right-of-way width for North 19th Street. The City of Fort Pierce has a minimum right-of-way width of 60 feet for local roads and therefore the applicant shall dedicate a 5 feet wide right-of-way easement along the existing 19th Street western right-of-way line. A sketch and description will need to be provided at the time of building permit submittal.
8. The site plan shall indicate the location of the stop sign and stop bar.
9. A conceptual drainage plan was not included in the submittal.

FP Public Works sent in comments: The dumpster pad is a 10' by 10'. The dumpster pad should be 12' by 12'.

Applicant: Mr. Harold asked questions and Kori responded.

The following departments had no comments: FP Code, SLC TPO, SLC Planning, FPUA Electric and FP Police sent in no comments.

B. Conditional Use – Allied Well – 650 S. 29th Street

Mr. Benton: Allied Well is coordinating with FPUA to prepare and install a water treatment deep injection well. They are proposing 6 tanks to be included in the facility.

FP Planning:

1. Please revise the General Notes on the Site Plan to reflect the accurate property owner, or alter the title to leasee, as the City of Fort Pierce (FPUA) maintains ownership of the property. Furthermore, please list the City of Fort Pierce as the service provider for solid waste, unless other arrangements will be established.
2. The Site Plan presents the surrounding fence as a "6' high metal fence", while the elevation plans list the fence height at 8'. The gate detail presents a chain-link fence, which will need to be confirmed by the Planning Board, acting as the Design Review Board, for appropriateness. Staff recommends the presentation of vinyl-coated chain-link. Please provide additional clarification, or update the elevation note with regards to the proposed height.
City Code Section 22-67 (c)(2) Fences or walls, within the R-4 Zone, may be maintained

along property lines or within the required yards, to a maximum height of six (6) feet above finished grade of the abutting parcel. The Planning Manager may consider the subject fence as a "security" fence due to the nature of the proposed facility, which may permit a fence of 8'.

3. Per City Code Section 22-61 (b) (3), the minimum driveway width for a two-way drive shall be 24'. The proposed plan presents a 20' driveway width to the west of the facility. Please advise whether this will have any two-functionality, or simply serve as a "turnaround" aisle to back vehicles or equipment to the tanks.
4. Per City Code Section 22-187 (6) a. Where a vehicular use area does not abut a street right-of-way but abuts other property, there will be a landscaped strip of land which is at least ten (10) feet wide. Such landscaping strip shall include an average of at least one tree for each two hundred (200) square feet of the required landscape area. The site currently holds numerous, existing, native trees which are noted to be relocated, please relocate a few of these between the vehicular use area and the eastern property line to comply with this requirement. Thank you for the presented efforts to preserve the existing trees on site.
5. Per City Code Section 22-60 U) *Lighting*. (1) a. 1. Commercial, industrial and governmental uses require a minimum average of two (2) footcandles; please revise the plan to meet this requirement prior to issuance of building permit. Staff can work with the applicant to determine the intended hours for operation of such lighting, based upon the proposed hours of operation, and code requirements.
6. The plans propose various easements (utility & sidewalk). A legal sketch and description of this easement will need to be provided for review and recording, prior to issuance of a C/O.
7. The City of Fort Pierce has recently updated its noise ordinance, please review the new regulations and ensure your client is aware, and can remain in compliance with these restrictions.

SLC Engineering:

1. Streets abutting the subject property are under the jurisdiction of the City of Ft. Pierce.
2. It is noted that the language within the cover sheet indicated that this was a resubmittal. I have no record of a prior submittal under this name.
3. No objections to the proposed conditional use.

FP Engineering: Shift the proposed retention area 70 feet to the east as opposed to having it 25 feet off the right of way. The code states that the retention area should be located at the rear of the property not near the public right-of-way.

FP Building:

1. Is a containment wall being built around the tanks?
2. Is the slab an engineered slab?
3. Are the tanks pre-fab?
4. Is there a pump house within the containment wall?

FPUA Electric: There is an underground fiber optic cable that may need to be moved or avoided.

FPUA Water/Wastewater: Working with Allied Well for permitting

The following departments had no comments: FP Code, SLC Planning, SLC TPO, FP Police sent in no comments.

Applicant: Abraham Chabad, Civil Engineer, stated that this is a storage area for well water that will bring in an average of 3 tankers every day to load the tanks and gradually discharge the well water to the deep injection well they currently have on site. Mr. Chabad asked Mr. Benton questions and Mr. Benton responded.

C. Updated Site Plan Configuration – Artistry in Mosaics – 903 S. US Hwy 1

Mr. Benton: The complete site plan was not re-submitted so this item will be presented at the next meeting.

D. Updated Site Plan & Landscape Plan – Family Dollar Resubmittal – 1210 S. 25th Street

Mr. Benton: In the beginning of 2014, Family Dollar was provided a list of comments specific to the relocation of the building and some reconfiguration of drive aisles and parking areas. They have re-submitted a thorough response to the comments and updated plans accordingly.

FP Planning:

1. Please revise the site data within the Site Plan to reflect the current Zoning & Future Land Use Designation (C-2 / NC). The previous comment is no longer applicable, as the rezoning and FLU amendment were approved.
2. Please revise the Utility and Agency contacts to reflect the proper jurisdictions for the development in the City of Fort Pierce (i.e. City of Fort Pierce for Solid Waste).
3. Please advise as to the selection of Variety Store (LU 814) to render the proposed trip generation for the site, versus Free-standing Discount Store (LU 815), the proposed store is directly in line with LU 815. Furthermore, as the 2012 Traffic Counts and LOS report from the St. Lucie County TPO have been replaced by 2013 figures, please update the traffic analysis accordingly. It is noted that the figures have experienced minimal changes, with the exception of the V/C ratio.

Planning Board

7. b.

Meeting Date: 01/13/2015

Information

REQUESTED ACTION

Proposed amendment to the LDC Section 22-420 - Impact Fee Mitigation Program

LOCATION

City wide

RESPONSIBLE STAFF

Kori Benton, Historic Preservation Officer

Linda W. Cox, City Clerk

RECOMMENDATION

Recommend approval to the City Commission for the establishment of an impact fee mitigation program.

Attachments

Staff Report

Ordinance

Comparison

Targeted Industries

SLC Ordinance

Impact Fee Collections

Form Review

Form Started By: Linda Cox

Started On: 12/30/2014 09:07 AM

Final Approval Date: 12/30/2014



Interoffice Memorandum

City Clerk's Office

TO: Members of the City of Fort Pierce Planning Board

THROUGH: Rebecca Grohall, Planning Manager

FROM: Linda W. Cox, City Clerk

RE: Establishment of Impact Fee Mitigation Program

DATE: December 30, 2014

STAFF REPORT

At their March 10, 2014 Conference Agenda meeting, the Mayor and City Commission directed the City Manager to evaluate various incentive programs to accelerate development and attract businesses to Fort Pierce, specifically a qualified target industry (QTI) impact fee mitigation program similar to that adopted by St. Lucie County.

At the December 8, 2014 Conference Agenda meeting, the Economic Development Team presented a final draft ordinance of an Economic Development Impact Fee Mitigation Program. Consensus was to move forward with adoption of the Ordinance as presented.

It is the recommendation of the Economic Development Team to adopt a program similar to our neighboring communities, particularly St. Lucie County. It is likely, that any business locating within our City will seek incentives from the County as well, much like with our ad valorem tax exemption. In order to simplify the application, monitoring and enforcement of the ordinance, the economic development team recommends that we utilize a "total capital investment" threshold rather calculating a percentage of private sector wage.

The following scenario is offered for illustration.

Company XYZ makes application to construct a 500,000 sq. ft. warehouse facility with a capital investment of \$95,000,000.00. They will be hiring 300 individuals at an average rate of pay of \$16.78 per hour and will have 750,000 sq. ft. of impervious surface.

Total impact fees due are as follows:

Parks & Recreation:	\$0.00	(applies to residential only)
Transportation:	\$155,940.00	
Government Bldgs:	\$81,880.00	
Solid Waste:	\$90,100.00	
Stormwater:	\$30,000.00	
Total Impact Fees:	\$327,920.00	

Under the proposed ordinance, Company XYZ would owe \$131,168.00 for impact fees and enjoy a waiver of \$196,752.00.

Attachments:

Draft Ordinance
Summary of other Florida Programs
Qualified Targeted Industries for Incentives (Enterprise Florida)
Copy of St. Lucie County Impact Fee Mitigation Ordinance

ORDINANCE NO. 15-002

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA; CREATING SECTION 22-420 **ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION PROGRAM** WITHIN CHAPTER 22 – ZONING, ARTICLE XVI – IMPACT FEES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commissioners of the City of Fort Pierce, Florida, have determined there is a need to establish an economic development impact fee mitigation program in the City because the imposition of the impact fees herein may place the City in a non-competitive position with other communities that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the City and the community to encourage economic development opportunities within the City and to create permanent employment expansion opportunities for the City's citizens; and

WHEREAS, Section 166.021, Florida Statutes, provides the City with the power to enhance and expand economic activity in the City including the authority to expend and use public funds toward achievement of the City's economic development goals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 22 – ZONING, Article XVI – IMPACT FEES, is hereby amended by creating Sec. 22-240 "ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION PROGRAM"

Sec. 22-420. Economic Development Impact Fee Mitigation Program

(a) For the purpose of this section, the term "Qualified Target Industry Business" shall mean a new or expanding business in the City that has a positive economic and fiscal impact on the City and meets the requirements of Section 288.106 Florida Statutes, or its statutory successor in function, as a Qualified Target Industry Business. For the purpose of this section, the term "Applicant" shall include any person, company, research institute or business park developer that will house Qualified Target Industry Businesses.

(b) Because the imposition of the Impact Fees herein may place the City of

Fort Pierce in a non-competitive position with other local governments that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the City and the community to encourage economic development opportunities within the City and to create permanent employment expansion opportunities for the City's citizens, there is hereby created an Economic Development Impact Fee Mitigation Program for certain Qualified Target Industry Businesses to mitigate any real or perceived disadvantage occurring from the imposition of the Impact Fees.

(c) This program is not intended as an entitlement program. The program is intended to provide the Fort Pierce City Commission the opportunity in its sole discretion to grant impact fee mitigation to Qualified Target Industry Businesses.

(d) To be eligible for an Economic Development Impact Fee waiver, an Applicant must meet the following requirements:

(1) Qualify as a Qualified Target Industry Business and create a minimum of ten (10) new jobs or a ten (10) percent increase in existing employment (whichever is greater) with an average private sector wage (excluding benefits) of one hundred (100) percent of St. Lucie County's average private sector wage (excluding the top two executive salaries) and make a capital investment in the City of \$5 million or greater in construction, renovations, equipment purchases, or other major capital investment items and remain in the City for a minimum of ten (10) years; and

(2) Enter into an agreement with the City wherein the Applicant agrees to locate or expand its business operations to/within the City of Fort Pierce for a period of at least ten (10) years. The Agreement will also require the Applicant to provide the City with the Applicant's Quarterly Report (UCT-6) and all other documentation to demonstrate that the job creation and salary level commitments were achieved.

(e) Any Applicant seeking an Economic Development Impact Fee waiver shall file an application for waiver with the City Manager prior to the issuance of the Building Permit for the subject Capital Facilities Impact Construction. The application shall contain:

(1) A designation of the Capital Facilities Impact Construction for which the application is being submitted, including a current and complete legal description of the property upon which the Qualified Target Industry Business is proposed to be located;

(2) The name and address of the owner of the property upon which the Qualified Target Industry Business is proposed to be located;

(3) Proof that the Capital Facilities Impact Construction will be a Qualified Target Industry Business;

(4) A notarized affidavit and all necessary supporting evidence affirming that the requirements of subsection (d)(1) or subsection (d)(2) above will be met within one (1) year of the date the Certificate of Occupancy is issued which term may be extended by the City Commissioner upon good cause shown; and

(5) Other necessary information as determined by the City Manager.

(f) Any Applicant who submits an application for Economic Development Impact Fee Mitigation pursuant to this Section and desires the immediate issuance of a Building Permit prior to approval of the application shall pay the Impact Fees imposed herein. Should the City Commission approve and accept the mitigation application, the mitigation amount shall be refunded to the Applicant or Owner.

(g) If the Applicant meets the requirements provided above for mitigation, the applicant shall be eligible for the following:

(1) If the Applicant qualifies under subsection (d)(1) above, it shall be eligible to receive an Economic Development Impact Fee Mitigation in the following amounts, provided, however that the City Commission may increase these mitigation amounts in the event the Applicant exceeds these requirements:

<u>Number of Jobs Created</u>	<u>Total Capital Investment</u>	<u>Waiver Amount</u>
<u>Minimum of 10</u>	<u>\$5,000,000 to \$9,999,999.99</u>	<u>40% of total City Impact Fees</u>
<u>Minimum of 10</u>	<u>\$10,000,000 to \$14,999,999.99</u>	<u>50% of total City Impact Fees</u>
<u>Minimum of 10</u>	<u>\$15,000,000 or more</u>	<u>60% of total City Impact Fees</u>

(h) If the City Manager finds that the Applicant meets the requirements provided herein for mitigation, the City Manager shall agenda an Impact Fee Mitigation Agreement before the City Commission which shall contain, but not be limited to, the City of Fort Pierce Impact Fee Mitigation Application for Qualified Target Industries and any other documents as requested by the City Manager. Because this program is not an entitlement program, the City Commission may reject the request for mitigation without cause.

(i) Any incentive approved pursuant to the Economic Development Impact Fee Mitigation Program shall be paid from other legally available funds (other than impact fees).

(j) Any request for Economic Development Impact Fee Mitigation must be

submitted to the City by the Applicant prior to the Applicant deciding whether or not they will expand or locate in the City of Fort Pierce.

SECTION 2. Provisions of this Ordinance are severable; and if any section, subsection, sentence or clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

ROBERT V. SCHWERER, ESQ.
CITY ATTORNEY

STATE OF FLORIDA
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. 14-_____ was duly advertised by title only in the St. Lucie News Tribune on _____, 2014; 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 _____, 2014; and was duly introduced, read by title only, and passed on second and final reading on _____, 2014 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 _____ day of _____, 2014.

LINDA HUDSON, MAYOR COMMISSIONER

LINDA W. COX, CITY CLERK

(CITY SEAL)

St. Lucie County

<u>Number of Jobs Created</u>	<u>% of Average Private Sector Wage</u>	<u>Waiver Amount</u>
Minimum of 10	107 % plus benefits	\$3500 per job created
Minimum of 10	150 % plus benefits	\$5000 per job created
Minimum of 10	200 % plus benefits	\$7500 per job created

<u>Number of Jobs Created</u>	<u>Total Capital Investment</u>	<u>Waiver Amount</u>
Minimum of 10	\$10,000,000 to \$14,499,999.99	40% of total County Impact Fees
Minimum of 10	\$15,000,000 to \$19,999,999.99	50% of total County Impact Fees
Minimum of 10	\$20,000,000 or more	60% of total County Impact Fees

Martin County

<u>Number of Jobs Created</u>	<u>% of Average Private Sector Wage</u>	<u>Waiver Amount</u>
Minimum of 10	115 % plus benefits	\$3500 per job created
Minimum of 10	150 % plus benefits	\$5000 per job created
Minimum of 10	200 % plus benefits	\$7500 per job created

<u>Number of Jobs Created</u>	<u>Total Capital Investment</u>	<u>Waiver Amount</u>
Minimum of 10	\$10,000,000 to \$14,499,999.99	40% of total County Impact Fees
Minimum of 10	\$15,000,000 to \$19,999,999.99	50% of total County Impact Fees
Minimum of 10	\$20,000,000 or more	60% of total County Impact Fees

Clay County – Applies to Road Impact Fees Only

<u>Number of Jobs Created</u>	<u>% of Average Private Sector Wage</u>	<u>Waiver Amount</u>
Minimum of 10	115 %	100% of Road Impact Fee
Minimum of 10	100 % plus \$5M capital investment	80% of Road Impact Fee
Minimum of 25	100 %	80% of Road Impact Fee
Minimum of 10	100 % for Road Impact Const on Brownfield	80% of Road Impact Fee

City of Lakeland

<u>High Wage Job Creation</u>	<u>% of Average Private Sector Wage</u>	<u>Waiver Amount</u>
Minimum of 10-50	115 %	50%
Minimum of 51-100	115 %	70%
Minimum of 101	115 %	90%

<u>Industrial Job Creation</u>	<u>% of Average Private Sector Wage</u>	<u>Waiver Amount</u>
Minimum of 100-199	n/a	50%
Minimum of 200-299	n/a	70%
Minimum of 300+	n/a	90%

Osceola County

<u>Job Creation</u>	<u>% of Average Private Sector Wage</u>	<u>Waiver Amount</u>
Minimum of 10 plus \$10 M capital investment	115 %	50% of transportation impact fee

Fort Pierce currently has the following impact fees:

- Parks and Recreation (Residential Only)
- Government Buildings
- Solid Waste
- Stormwater
- Transportation

QUALIFIED TARGETED INDUSTRIES FOR INCENTIVES



CLEANTECH



LIFE SCIENCES




INFOTECH



AVIATION / AEROSPACE



HOMELAND SECURITY / DEFENSE



FINANCIAL / PROFESSIONAL SERVICES

**MANUFACTURING
CORPORATE HEADQUARTERS
RESEARCH & DEVELOPMENT**

Biomass & Biofuels Processing
Energy Equipment Manufacturing
Energy Storage Technologies
Photovoltaic
Environmental Consulting

Biotechnology
Pharmaceuticals

MEDICAL DEVICES:
Laboratory and Surgical Instruments
Diagnostic Testing

Modeling, Simulation and Training
Optics and Photonics
Digital Media
Software
Electronics
Telecommunications

AVIATION:
Aircraft and Aircraft Parts Manufacturing
Maintenance Repair and Overhaul of Aircrafts
Navigation Instrument Manufacturing
Flight Simulator Training

AEROSPACE:
Space Vehicles and Guided Missile Manufacturing
Satellite Communications
Space Technologies
Launch Operations

EQUIPMENT:
Optical Instruments
Navigation Aids
Ammunition
Electronics

TRANSPORTATION:
Military Vehicles
Shipbuilding and Repair

TECHNOLOGY:
Computer Systems Design
Simulation and Training

FINANCIAL SERVICES:
Banking
Insurance
Securities and Investments

PROFESSIONAL SERVICES:
Corporate Headquarters
Engineering
Legal
Accounting
Consulting

EMERGING TECHNOLOGIES

Global Logistics
Marine Sciences
Materials Science
Nanotechnology

OTHER MANUFACTURING

Food and Beverage
Automotive and Marine
Plastics and Rubber
Machine Tooling

Businesses able to locate in other states and serving multi-state and/or international markets are targeted. Call Centers and Shared Service Centers may qualify for incentives if certain economic criteria are met. Retail activities, utilities, mining and other extraction or processing businesses, and activities regulated by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation are statutorily excluded from consideration. All projects are evaluated on an individual basis and therefore operating in a target industry does not automatically indicate eligibility.

For additional information about Florida's business advantages, please visit Enterprise Florida's website at www.eflorida.com or call 407.956.5600.

ORDINANCE NO. 08-007

AN ORDINANCE CREATING CHAPTER 1-7.5 "ECONOMIC DEVELOPMENT" OF THE CODE OF ORDINANCES; FURTHER CREATING SECTION 1-7.5-1 "ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION PROGRAM"; PROVIDING FOR SEVERABILITY, ALTERNATE METHOD, EFFECTIVE DATE AND FILING

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. There is a need to establish an economic development impact fee mitigation program in the County because the imposition of the impact fees herein may place the County in a non-competitive position with other communities that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the County and the community to encourage economic development opportunities within the County and to create permanent employment expansion opportunities for the County's citizens.

2. Section 125.045, Florida Statutes, provides the County with the power to enhance and expand economic activity in the County including the authority to expend and use public funds toward achievement of the County's economic development goals.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA:

PART A. CHAPTER 1-7.5 "ECONOMIC DEVELOPMENT" IS HEREBY CREATED IN THE CODE OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY" BY CREATING PART A "ECONOMIC DEVELOPMENT IMPACT FEE MITIGATION PROGRAM" AS FOLLOWS:

Sec. 1-7.5-1. Economic Development Impact Fee Mitigation Program

(a) For the purpose of this section, the term "Qualified Target Industry Business" shall mean a new or expanding business in the County that has a positive economic and fiscal impact on the County and meets the requirements of Section 288.106, Florida Statutes, or its statutory successor in function, as a Qualified Target Industry Business. For the purpose of this section, the term "Applicant" shall include any person, company, research institute or business park developer that will house Qualified Target Industry Businesses.

(b) Because the imposition of the Impact Fees herein may place St. Lucie County in a non-competitive position with other local governments that have chosen not to require growth to pay its fair share of needed capital facilities, thus hindering efforts by the County and the community to encourage economic development opportunities within the County and to create permanent employment expansion opportunities for the County's citizens, there is hereby created an Economic Development Impact Fee Mitigation Program for certain Qualified Target Industry Businesses to mitigate any real or perceived disadvantage occurring from the imposition of the Impact Fees.

(c) This program is not intended as an entitlement program. The program is intended to provide the Board of County Commissioners the opportunity in its sole discretion, to grant impact fee mitigation to Qualified Target Industry Businesses.

(d) To be eligible for an Economic Development Impact Fee waiver, an Applicant must meet the following requirements:

(1) Qualify as a Qualified Target Industry Business and create a minimum of ten (10) new jobs or a 10% increase in existing employment (whichever is greater) with an average private sector wage (excluding benefits) of at least 107% of St. Lucie County's average private sector wage (excluding the top two executive salaries) and provide a benefit package that includes health insurance and remain in the County for a minimum of ten (10) years; or

(2) Qualify as a Qualified Target Industry Business and create a minimum of ten (10) new jobs or a 10% increase in existing employment (whichever is greater) with an average private sector wage (excluding benefits) of 100% of St. Lucie County's average private sector wage (excluding the top two executive salaries) and make a capital investment in the County of \$10 million or greater in construction, renovations, equipment purchases, or other major capital investment items and remain in the County for a minimum of ten (10) years; and

(3) Enter into an agreement with the County wherein the Applicant agrees to locate or expand its business operations to/within St. Lucie County for a period of at least ten (10) years. The Agreement will also require the Applicant to provide the County with the Applicant's Quarterly Report (UCT-6) and all other documentation to demonstrate that the job creation and salary level commitments were achieved.

(e) Any Applicant seeking an Economic Development Impact Fee waiver shall file an application for waiver with the County Administrator prior to the issuance of the Building Permit for the subject Capital Facilities Impact Construction. The application shall contain:

(1) a designation of the Capital Facilities Impact Construction for which the application is being submitted, including a current and complete legal description of the property upon which the Qualified Target Industry Business is proposed to be located;

(2) the name and address of the owner of the property upon which the Qualified Target Industry Business is proposed to be located;

(3) proof that the Capital Facilities Impact Construction will be a Qualified Target Industry Business;

(4) a notarized affidavit and all necessary supporting evidence affirming that the requirements of subsection (d)(1) or subsection (d)(2) above will be met within one (1) year of the date the Certificate of Occupancy is issued which term may be extended by the Board of County Commissioners upon good cause shown; and

(5) other necessary information as determined by the County Administrator.

(f) Any Applicant who submits an application for Economic Development Impact Fee Mitigation pursuant to this Section and desires the immediate issuance of a Building Permit prior to approval of the application shall pay the Impact Fees imposed herein. Should the Board of County Commissioners approve and accept the mitigation application, the mitigation amount shall be refunded to the Applicant or Owner.

(g) If the Applicant meets the requirements provided above for mitigation, the Applicant shall be eligible for the following:

(1) If the Applicant qualifies under subsection (d)(1) above, it shall be eligible to receive an Economic Development Impact Fee Mitigation in the following amounts; provided, however, that the Board may increase these waiver amounts in the event the Applicant exceeds these requirements:

<u>Number of Jobs Created</u>	<u>% of Average Private Sector Wage</u>	<u>Waiver Amount</u>
<u>Minimum of 10</u>	<u>107% plus benefits</u>	<u>\$3,500 per job created</u>
<u>Minimum of 10</u>	<u>150% plus benefits</u>	<u>\$5,000 per job created</u>
<u>Minimum of 10</u>	<u>200% plus benefits</u>	<u>\$7,500 per job created</u>

(2) If the Applicant qualifies under subsection (d)(2) above, it shall be eligible to receive an Economic Development Impact Fee Mitigation in the following amounts; provided, however that the Board may increase these mitigation amounts in the event the Applicant exceeds these requirements:

<u>Number of Jobs Created</u>	<u>Total Capital Investment</u>	<u>Waiver Amount</u>
<u>Minimum of 10</u>	<u>\$10,000,000 to \$14,999,999.99</u>	<u>40% of total County Impact Fees</u>
<u>Minimum of 10</u>	<u>\$15,000,000 to \$19,999,999.99</u>	<u>50% of total County Impact Fees</u>
<u>Minimum of 10</u>	<u>\$20,000,000 or more</u>	<u>60% of total County Impact Fees</u>

(3) Each Applicant shall only be eligible for mitigation under either subsection (C)(1) or subsection (C)(2), but not both.

(h) If the County Administrator finds that the Applicant meets the requirements provided herein for mitigation, the County Administrator shall agenda an Impact Fee Mitigation Agreement before the Board of County Commissioners, which shall contain, but not be limited to, the St. Lucie County Impact Fee Mitigation Application for Qualified Target Industries and any other documents as requested by the County Administrator. Because this Program is not an entitlement program, the Board may reject the request for mitigation without cause.

(i) Any incentive approved pursuant to the Economic Development Impact Fee Mitigation Program shall be paid from other legally available funds (other than impact fees).

(j) Any request for Economic Development Impact Fee Mitigation must be submitted to the County by the Applicant prior to the Applicant deciding whether or not they will expand or locate in St. Lucie County.

PART B. SEVERABILITY.

Provisions of this Ordinance are severable; and if any section, subsection, sentence or clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby.

PART C. ALTERNATIVE METHOD.

This Ordinance shall be deemed to provide an additional and alternative method for the implementation of the purpose authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as derogation or diminishment of any powers now existing or which may hereafter come into existence. This ordinance, being necessary for the Public Health, Safety, and Welfare of the inhabitants of the County, shall be liberally construed to affect the purposes hereof.

PARK D. EFFECTIVE DATE.

A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners of St. Lucie County within ten days after enactment by the Board, and this ordinance shall take effect on upon filing with the Department of State.

PART E. FILING WITH DEPARTMENT OF STATE.

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

PART F. ADOPTION.

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

Chairman Joseph E. Smith	AYE
Vice Chairman Paula A. Lewis	AYE
Commissioner Doug Coward	AYE
Commissioner Chris Craft	AYE
Commissioner Charles Grande	AYE

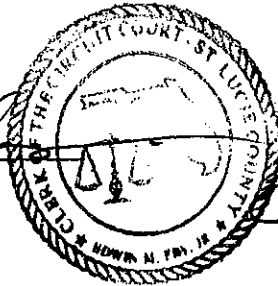
PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code and the word "ordinance" may be changed to "section," "article" or other appropriate word and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B to G shall not be codified.

PASSED AND DULY ADOPTED this 15th day of January, 2008.

ATTEST:



Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

By: 
Chair

APPROVED AS TO FORM AND
CORRECTNESS:


County Attorney

RESTRICTED REVENUE RECONCILIATION
 THRU 12/31/2014

	Receipts Budget 2008-2009	Receipts Budget 2009-2010	Receipts Budget 2010-2011	Receipts Budget 2011-2012	Receipts Budget 2012-2013	Receipts Budget 2013-2014	Receipts Budget 2014-2015	Total Receipts
							3-months	
Storm Water Utility Fee		12,339.88	1,457.48	8,721.37	3,658.52	1,920.97	237.52	28,335.74
Road Impact Fees		124,853.37	96,502.32	18,849.72	28,067.65	87,390.57	6,539.15	362,202.78
Park Impact Fees		104,994.45	44,744.65	12,337.36	4,649.71	23,628.91	3,783.26	194,138.34
Building Impact Fees		46,715.85	15,837.34	5,091.32	3,036.49	8,318.30	1,021.51	80,020.81
Solid Waste		13,201.05	3,220.51	1,972.46	839.84	2,056.73	296.26	21,586.85
		302,104.60	161,762.30	46,972.23	40,252.21	123,315.48	11,877.70	686,284.52
								686,284.52

Planning Board

7. c.

Meeting Date: 01/13/2015

Information

REQUESTED ACTION

Proposed amendment to LDC Section 22-40, Planned Unit Development zone (PUD)

LOCATION

Citywide

RESPONSIBLE STAFF

Sandy Ramseth, AICP, Senior Planner

RECOMMENDATION

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

Attachments

Staff Report

Revised Section 22-40: Strikeout/Underline

Revised Section 22-40: Clean Version

Existing Section 22-40

Form Review

Form Started By: Sandra Ramseth

Started On: 01/06/2015 02:09 PM

Final Approval Date: 01/07/2015



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: January 6, 2015

***Introduction to Revision #2:** The following Staff Report and accompanying PUD/PD Zoning District rewrite were reviewed for a second time at the October 14, 2014 Planning Board meeting. At this meeting, the Planning Board unanimously approved the PD rewrite and recommended it go forward for City Commission review and approval. Following the meeting, practitioners from the private sector, who will eventually be utilizing this revised PD process, came forward with questions and concerns requiring clarity on three sections of the rewrite. Those items have been clarified and addressed to everyone's satisfaction and incorporated into a revised FINAL draft of the PUD/PD rewrite as now presented for your review and approval.*

STAFF REPORT – Revised

While the following section was written with the best of intention to allow the developer extreme flexibility in providing open space, this allowance could ultimately become problematic or misconstrued. With no real guideline for how much is enough “open space” to be approved, the burden lies with the applicant to make that decision and not knowing whether their decision is good enough, potentially would cause significant redesign of a site plan if it were not. Surveying many municipalities around the State, it was found that the open space requirement is all over the board, with the percentages as shown in the following revision most commonly found.

OLD:

(3) Open space. Open space shall be provided; it may include vegetated areas, or urban areas unencumbered by an impervious surface. The amount of open space is a product of the design, and should be factored in as part of the overall design, and not merely “leftover”, unused land.

The revised open space requirement is as follows:

NEW:

(3) Open space. Shall be provided within all planned developments; it may include vegetated areas or urban areas unencumbered by an impervious surface, but exclude aquatic areas. The amount of open space shall be provided based on the following ratios:

a. Residential: 25%.

b. Mixed Use: 20%.

c. Commercial/Office: 20%.

e. Industrial: 15%.

The following section addresses the modification process to the PD; however, it only addresses what happens after the site has been developed at more than 50%. It is silent on what should happen prior to 50% of PD site development.

OLD:

(3) 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

Clarity was needed here as follows:

NEW:

(3) Prior to build-out of fifty percent (50%) of the land in a Planned Development, the property owner shall have the right to initiate any amendments to any developed or undeveloped portions of the Planned Development. After fifty percent (50%) or more of the land in the Planned Development has been built-out, the property owner may initiate any amendments to undeveloped portions of the Planned Development, however, amendments to developed portions of the Planned Development may only be initiated by:

a The property owner, for an amendment to the Planned Development which is not applicable to all developed portions of the Planned Development; or

From a municipality perspective we needed to tighten up this section on expiration to prevent developers from pulling permits to just pave a road or two or provide retention and do nothing further. By specifying vertical construction we are making the developer more accountable for their project as it will be further along in the development phase and hopefully nearer completion. Plus clarity was needed as to who and how a PD extension may be granted.

OLD:

(h) Expiration of an Approved PD Plan. Any active Planned Development project which has failed to commence by securing a building permit, 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.

Clarity is provided here as follows:

NEW:

(h) Expiration of an Approved PD Plan. Any Planned Development approval for a project which has failed to commence by securing a building permit for a vertical improvement in accordance with the approved PD plans within two (2) years of final approval of the Planned Development, shall be considered expired. However, if the property owner obtains a building permit for a vertical improvement in accordance with the approved PD plans within two (2) years after final approval of the Planned Development, the property owner's development rights under the PD approval shall be deemed vested and shall not expire. Extensions to the expiration date of the PD approval may be granted by the City Commission in 2-year increments. Any request for an extension to the expiration date of the PD approval must be submitted in writing to the Planning Manager for review no later than the expiration date of the PD approval.

STAFF REPORT

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.

The following changes are being proposed, with items in **RED** being revisions from the last version:

- **To change the nomenclature from Planned Unit Development (PUD) to Planned Development (PD);**
- **Expanding and clarifying the purpose and intent 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 existing zoning district;**
- **Density allowed only as consistent with Comprehensive Plan;**
- **Decrease the minimum size of a PD from 5 acres to any City property, regardless of size;**
- **Reduce the amount of required open space from 40% of the site to a defined amount determined by the ultimate use: from 25% for residential, to 20% for mixed use, commercial and office, to 15% for industrial;**

- **Gives freedom of design to the developer rather than follow set rules 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 a mandatory "concept plan" as previously required, however the concept plan is still an option of applicant's choosing;**
- **A procedure to modify PD plans, with minor modifications being done administratively, and major modifications 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.

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.

Staff Recommendation:

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

ORDINANCE NO. 14-034

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; REPEALING CHAPTER 22, ARTICLE THREE, PLANNED UNIT DEVELOPMENT ZONE (PUD), SECTION 22-40; AND CREATING A NEW **CHAPTER 22, ARTICLE THREE, PLANNED DEVELOPMENT ZONE (PD) SECTION 22-40**; CREATING THE PURPOSE, GENERAL STANDARDS FOR APPROVAL, APPLICATION REQUIREMENTS, PLANNED DEVELOPMENT REVIEW PROCEDURES, ADHERENCE TO APPROVED PLANNED DEVELOPMENT, MODIFICATIONS OF AN APPROVED PD SITE PLAN, STATUS OF PREVIOUSLY APPROVED PUD PLANS, EXPIRATION OF AN APPROVED PD PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS on June 15, 1981, the City adopted Ordinance No. H-186 which established the Planned Unit Development (PUD) Zoning District, with subsequent amendments following in 2004 and 2012; and

WHEREAS the City of Fort Pierce would like to promote and provide greater flexibility for design and diversification of uses within the Planned Unit Development Zoning District by eliminating the requirement for a residential component and allowing for any combination of uses;

WHEREAS the City of Fort Pierce would like to repeal Chapter 22, Article Three, Section 22-40, Planned Unit Development Zone (PUD), of the Code of Ordinances, and create a new Chapter 22, Article Three, Section 22-40, Planned Development Zone (PD), of the Code of Ordinances;

WHEREAS the City of Fort Pierce finds the created Planned Development (PD) Zoning District consistent with the Comprehensive Plan of the City of Fort Pierce; and

WHEREAS the City of Fort Pierce finds the created Planned Development (PD) Zoning District satisfies the following standards specified in Section 22-131 of the City Code:

- (1) The amendment will not have an adverse effect 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;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Section 22-40, of the Code of Ordinances of the City of Fort Pierce, Florida is hereby repealed so that the same shall be of no further force or effect whatsoever:

~~**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.—~~

~~(7) *Unified control.*—(8) *Utility easements.* Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.—~~

~~(10) 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 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 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 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; 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, signage and public improvements proposed for each section of the development, and whether the applicant has proposed an exception from the standard zoning ordinance, land development code, or subdivision regulations for these and other features of the development site.~~

~~g. A statement indicating the justification for a gross density in excess of twelve (12) units~~

~~per acre if such a density is being proposed.~~

~~h. 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 in at least three (3) phases—a 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 staff of the department of planning and development on the proposed planned 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 development will~~

~~be submitted along with written material mentioned in this section in (c)(1)(a), (c)(1)(c), (c)(1)(d) and (c)(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 (b)4 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 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 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 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 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.~~

~~(f) Modification of Planned Development plans. All Planned Development plans submitted for building permit approval shall be reviewed by the planning department to determine whether any modification~~

~~from previously approved Planned Development plans or conditions has occurred. If such a variation has occurred, the applicant shall apply for a modification of Planned Development plans. The applicant may also initiate an application for modification of Planned Development plans to propose changes to the Planned Development.~~

~~The Director of Planning is authorized to approve minor changes in the approved Planned Development plan, as long as they are in harmony with the originally approved Planned Development 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, and shall be handled as a new application.~~

~~(1) *Minor modification.* Any modification to an approved Planned Development 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 Planned Development 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 Planned Development 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 Planned Development 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 Planned Development plans shall require:~~

~~a — A narrative description of the modification and reasons such a change is necessary;~~

~~b — An updated, revised Planned Development 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 Planned Development 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 Planned Development 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 Planned Development Plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify the approved Planned Development 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 Planned Development district.~~

SECTION 2. 22-40 of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby created so that the same shall read hereinafter as follows:

Sec. 22-40. – Planned Development Zone (PD).

(a) Purpose. The PD District is intended to provide a process for the evaluation of 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 not otherwise allowed under general zoning districts.
- (2) Encourage structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.
- (3) Allow flexibility 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) Encourage the preservation of environmental assets and natural amenities as scenic and functional open-space areas.
- (5) Encourage usable open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.
- (6) Encourage innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment while preserving onsite natural elements and cultural resources.
- (7) Promote flexibility and efficiency in site design for more desirable living and working environments.
- (8) 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.
- (9) Permit site specific requirements based on the unique characteristics of the individual site.
- (10) Permit site specific limitations where necessary to protect 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 use or any mixture of uses. The approval of Planned Development rezoning rests with the City Commission. However, no rezoning or development plan may be approved unless the following conditions are met:

- (1) 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 density granted exceed the maximum gross density permitted under the underlying land use in the Comprehensive Plan.

(2) Perimeter Setbacks. 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 perimeter setbacks would be appropriate. Conditions under which alternate perimeter setbacks may be considered include, but are not limited to, the following:

a 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;

b. 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. Shall be provided within all planned developments; it may include vegetated areas or urban areas unencumbered by an impervious surface, but exclude aquatic areas. The amount of open space shall be provided based on the following ratios:

a. Residential: 25%.

b. Mixed Use: 20%.

c. Commercial/Office: 20%.

e. Industrial: 15%.

(4) 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.

(5) 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.

(6) 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 failure to proceed with subsequent phases will not adversely impact drainage, utilities, parking or the traffic flow of the completed phases.

(7) 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,

(8) Additional requirements. 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.

(9) Variances are Not Necessary. The specific development standards of the PD district are contained in the approved development plan for each Planned Development which normally takes into account those matters which might otherwise be the subject of variance review by the Board of Adjustment.

(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. Project Narrative: A statement describing the Planned Development. This statement should include a description of the character of the proposed development as it relates to the development objectives of the City and the City's Comprehensive Plan as well as 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.

b. Unified Control: Material which presents firm evidence of unified control of the entire area within the proposed Planned Development in a manner approved by the City Attorney.

c. Phasing: A development phasing schedule indicating:

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

2. The number of phases in which the project will be built and the approximate date when construction of each phase can be expected to begin and completed.

3. A general description of the buildings and streetscapes including standards for height, building coverage, parking areas, and public improvements proposed for each phase of the development.

d. 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; and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).

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

f. 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. A site plan with the following information must be submitted:

a. The existing site conditions, shorelines, flood plains, unique natural features and forest cover.

b. A landscape and irrigation plan per Chapter 22-59 LDC.

c. Proposed lot lines and other divisions of land for management, use or allocation purposes.

d. The location, size and height of present and proposed buildings and structures.

e. 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.

f. The existing and proposed vehicular circulation system, including off-street parking and loading areas.

g. The pedestrian circulation system, including its interrelationships with the vehicular circulation system, within the development to adjacent streets, showing all curb cuts and sidewalks.

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

i. Information on land areas adjacent to the proposed Planned Development, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.

j. The proposed buffering treatment of the perimeter of the Planned Development, refuse stations, storage areas, or loading areas, including materials and techniques used such as screens, fences and walls.

k. The location of existing wetlands, proposed preservation and conservation areas.

l. A statement describing any endangered or threatened species that may be located on the site and potential environmental impacts on flora and fauna.

(d) Planned Development review procedures.

(1) Pre-application conference. The pre-application conference is an informal discussion between the applicant and the staff of any department that will be involved with the technical review of the proposed Planned Development. The applicant is encouraged to provide the following information related to the proposed development at the meeting.

a. Consistency with the adopted Comprehensive Plan.

b. Adequacy of utilities and other public facilities to serve the proposed development.

c. Relationship with the surrounding neighborhood.

d. Compliance concerns.

(2) Site 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 an Approved PD Site plans. Changes to approved PD site plans are either major modifications or minor modifications. A major modification shall require the approval of the City Commission, while a minor modification may be done administratively by the Planning Manager (or designee)

(1) Modification review criteria. 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 an updated, revised PD site development plan indicating the effect of the proposed change, a narrative description of the modification and reasons such a change is necessary, and additional information as required by the Planning Manager (or designee) to adequately review the proposed modification.

The following alterations shall be considered a major modification, and reapplication as a new development plan will be required:

a Increase or decrease in intensity of use. A change of five (5) percent or more of usable floor area, or a change of five (5) percent or more in the number of dwelling units, or a change of five (5) percent or more of outside land area devoted to sales, displays, or demonstrations. In no case shall the intensity or density be increased over the maximum allowed by the Future Land Use Element of the Comprehensive Plan.

b Any change in the location of the parking area(s), or a change 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 including increase in building height of more than one story or twelve (12) feet.

d Any reduction in the amount of open space by five (5) percent or more, or a 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 an increase in density within five hundred (500) feet of the PD boundaries, or within two hundred (200) feet of any part of the Planned Development 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, area, or dimensional standards approved as part of the site development plan.

i. A change to the buffering material that negatively impacts the surrounding neighborhood.

j. Any change in the design and/or location of the stormwater facility that negatively impacts the surrounding neighborhood.

k. Any addition or reduction to the area of a Planned Development.

l. Changes proposed to three (3) or more of the criteria that do not meet the threshold individually to be considered a major modification.

m. Any change in a condition specifically required by the City Commissioners as part of the Planned Development approval.

(2) *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 Planning Manager (or designee) shall render a decision to the applicant within fifteen (15) working days after submission of a completed modification application. Applications for a modification shall include an updated, revised PD site development plan indicating the effect of the proposed change and a narrative description of the modification and the reasons why such a change is necessary.

(3) Prior to build-out of fifty percent (50%) of the land in a Planned Development, the property owner shall have the right to initiate any amendments to any developed or undeveloped portions of the Planned Development. After fifty percent (50%) or more of the land in the Planned Development has been built-out, the property owner may initiate any amendments to undeveloped portions of the Planned Development, however, amendments to developed portions of the Planned Development may only be initiated by:

a The property owner, for an amendment to the Planned Development which is not applicable to all developed portions of the Planned Development; 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 PUD (Planned Unit Development zone) Plans.* Any active or completed Planned Development project approved prior to the adoption of this ordinance shall continue to be governed by the approved PUD 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 PUD plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify (see major modification), the approved PUD 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 Planned Development approval for a project which has failed to commence by securing a building permit for a vertical improvement in accordance with the approved PD plans within two (2) years of final approval of the Planned Development, shall be considered expired. However, if the property owner obtains a building permit for a vertical

improvement in accordance with the approved PD plans within two (2) years after final approval of the Planned Development, the property owner's development rights under the PD approval shall be deemed vested and shall not expire. Extensions to the expiration date of the PD approval may be granted by the City Commission in 2-year increments. Any request for an extension to the expiration date of the PD approval must be submitted in writing to the Planning Manager for review no later than the expiration date of the PD approval.

If the PD expires, the land will retain the PD zoning designation; however the Site Development Plan approved with the PD rezoning will be null and void. Either the previously approved or a new Site Development Plan can be used to reapply.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall no further force of effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage.

APPROVED AS TO FORM AND CORRECTNESS:

Robert V. Schwerer, Esq.

City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

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. 14-034 was duly advertised by title only in the St. Lucie News Tribune on October 27, 2014, and on November 12; 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 November 3, 2014; and was duly introduced, read by title only, and passed on second and final reading on November 17, 2014,

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 _____ day of November, 2014.

Linda Hudson,
Mayor Commissioner

ATTEST:

Linda W. Cox, City Clerk

(City Seal)

ORDINANCE NO. 14-034

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; REPEALING CHAPTER 22, ARTICLE THREE, PLANNED UNIT DEVELOPMENT ZONE (PUD), SECTION 22-40; AND CREATING A NEW **CHAPTER 22, ARTICLE THREE, PLANNED DEVELOPMENT ZONE (PD) SECTION 22-40**; CREATING THE PURPOSE, GENERAL STANDARDS FOR APPROVAL, APPLICATION REQUIREMENTS, PLANNED DEVELOPMENT REVIEW PROCEDURES, ADHERENCE TO APPROVED PLANNED DEVELOPMENT, MODIFICATIONS OF AN APPROVED PD SITE PLAN, STATUS OF PREVIOUSLY APPROVED PUD PLANS, EXPIRATION OF AN APPROVED PD PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS on June 15, 1981, the City adopted Ordinance No. H-186 which established the Planned Unit Development (PUD) Zoning District, with subsequent amendments following in 2004 and 2012; and

WHEREAS the City of Fort Pierce would like to promote and provide greater flexibility for design and diversification of uses within the Planned Unit Development Zoning District by eliminating the requirement for a residential component and allowing for any combination of uses;

WHEREAS the City of Fort Pierce would like to repeal Chapter 22, Article Three, Section 22-40, Planned Unit Development Zone (PUD), of the Code of Ordinances, and create a new Chapter 22, Article Three, Section 22-40, Planned Development Zone (PD), of the Code of Ordinances;

WHEREAS the City of Fort Pierce finds the created Planned Development (PD) Zoning District consistent with the Comprehensive Plan of the City of Fort Pierce; and

WHEREAS the City of Fort Pierce finds the created Planned Development (PD) Zoning District satisfies the following standards specified in Section 22-131 of the City Code:

(1) The amendment will not have an adverse effect 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;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort

Pierce, Florida as follows:

SECTION 1. Section 22-40, of the Code of Ordinances of the City of Fort Pierce, Florida is hereby repealed so that the same shall be of no further force or effect whatsoever:

SECTION 2. 22-40 of the Code of Ordinances of the City of Fort Pierce, Florida, is hereby created so that the same shall read thereafter as follows:

Sec. 22-40. – Planned Development Zone (PD).

(a) *Purpose.* The PD District is intended to provide a process for the evaluation of 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 not otherwise allowed under general zoning districts.
- (2) Encourage structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.
- (3) Allow flexibility 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) Encourage the preservation of environmental assets and natural amenities as scenic and functional open-space areas.
- (5) Encourage usable open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.
- (6) Encourage innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment while preserving onsite natural elements and cultural resources.

- (7) Promote flexibility and efficiency in site design for more desirable living and working environments.
- (8) 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.
- (9) Permit site specific requirements based on the unique characteristics of the individual site.
- (10) Permit site specific limitations where necessary to protect 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 use or any mixture of uses, The approval of Planned Development rezoning rests with the City Commission. However, no rezoning or development plan may be approved unless the following conditions are met:

(1) *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 density granted exceed the maximum gross density permitted under the underlying land use in the Comprehensive Plan.

(2) *Perimeter Setbacks.* 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 perimeter setbacks would be appropriate. Conditions under which alternate perimeter setbacks may be considered include, but are not limited to, the following:

a 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;

b. 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.* Shall be provided within all planned developments; it may include vegetated areas or urban areas unencumbered by an impervious surface, but exclude aquatic areas. The amount of open space shall be provided based on the following ratios:

a. Residential: 25%.

b. Mixed Use: 20%.

c. Commercial/Office: 20%.

e. Industrial: 15%,

(4) *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.

(5) *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.

(6) *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 failure to proceed with subsequent phases will not adversely impact drainage, utilities, parking or the traffic flow of the completed phases.

(7) *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,

(8) *Additional requirements.* 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.

(9) *Variances are Not Necessary.* The specific development standards of the PD district are contained in the approved development plan for each Planned Development which normally takes into account those matters which might otherwise be the subject of variance review by the Board of Adjustment.

(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. *Project Narrative:* A statement describing the Planned Development. This statement should include a description of the character of the proposed development as it relates to the development objectives of the City and the City's Comprehensive Plan as well as 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.

b. *Unified Control:* Material which presents firm evidence of unified control of the entire area within the proposed Planned Development in a manner approved by the City Attorney.

c. *Phasing:* A development phasing schedule indicating:

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

2. The number of phases in which the project will be built and the approximate date when construction of each phase can be expected to begin and completed.

3. A general description of the buildings and streetscapes including standards for height, building coverage, parking areas, and public improvements proposed for each phase of the development.

d. *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; and the total amount of nonresidential acreage (including a separate figure for commercial and industrial acreage).

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

f. 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*. A site plan with the following information must be submitted:

a. The existing site conditions, shorelines, flood plains, unique natural features and forest cover.

b. A landscape and irrigation plan per Chapter 22-59 LDC.

c. Proposed lot lines and other divisions of land for management, use or allocation purposes.

d. The location, size and height of present and proposed buildings and structures.

e. 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.

f. The existing and proposed vehicular circulation system, including off-street parking and loading areas.

g. The pedestrian circulation system, including its interrelationships with the vehicular circulation system, within the development to adjacent streets, showing all curb cuts and sidewalks.

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

i. Information on land areas adjacent to the proposed Planned Development, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.

j. The proposed buffering treatment of the perimeter of the Planned Development, refuse stations, storage areas, or loading areas, including materials and techniques used such as screens, fences and walls.

k. The location of existing wetlands, proposed preservation and conservation areas.

l. A statement describing any endangered or threatened species that may be located on the site and potential environmental impacts on flora and fauna.

(d) *Planned Development review procedures*.

(1) Pre-application conference. The pre-application conference is an informal discussion between the applicant and the staff of any department that will be involved with the technical review of the proposed Planned Development. The applicant is encouraged to provide the following information related to the proposed development at the meeting.

- a. Consistency with the adopted Comprehensive Plan.
- b. Adequacy of utilities and other public facilities to serve the proposed development.
- c. Relationship with the surrounding neighborhood.
- d. Compliance concerns.

(2) Site 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 an Approved PD Site plans.* Changes to approved PD site plans are either major modifications or minor modifications. A major modification shall require the approval of the City Commission, while a minor modification may be done administratively by the Planning Manager (or designee)

(1) *Modification review criteria.* 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 an updated, revised PD site development plan indicating the effect of the proposed change, a narrative description of the modification and reasons such a change is necessary, and additional information as required by the Planning Manager (or designee) to adequately review the proposed modification.

The following alterations shall be considered a major modification, and reapplication as a new development plan will be required:

- a Increase or decrease in intensity of use. A change of five (5) percent or more of usable floor area, or a change of five (5) percent or more in the number of dwelling units, or a change of five (5) percent or more of outside land area devoted to sales, displays, or demonstrations. In no case shall the intensity or density be increased over the maximum allowed by the Future Land Use Element of the Comprehensive Plan.
- b Any change in the location of the parking area(s), or a change 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 including increase in building height of more than one story or

twelve (12) feet.

d Any reduction in the amount of open space by five (5) percent or more, or a 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 an increase in density within five hundred (500) feet of the PD boundaries, or within two hundred (200) feet of any part of the Planned Development 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, area, or dimensional standards approved as part of the site development plan.

i. A change to the buffering material that negatively impacts the surrounding neighborhood.

j. Any change in the design and/or location of the stormwater facility that negatively impacts the surrounding neighborhood.

k. Any addition or reduction to the area of a Planned Development.

l. Changes proposed to three (3) or more of the criteria that do not meet the threshold individually to be considered a major modification.

m. Any change in a condition specifically required by the City Commissioners as part of the Planned Development approval.

(2) *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 Planning Manager (or designee) shall render a decision to the applicant within fifteen (15) working days after submission of a completed modification application. Applications for a modification shall include an updated, revised PD site development plan indicating the effect of the proposed change and a narrative description of the modification and the reasons why such a change is necessary.

(3) Prior to build-out of fifty percent (50%) of the land in a Planned Development, the property owner shall have the right to initiate any amendments to any developed or undeveloped portions of the Planned Development. After fifty percent (50%) or more of the land in the Planned Development has been built-out, the property owner may initiate any amendments to undeveloped portions of the Planned Development, however, amendments to developed portions of the Planned Development may only be initiated by:

a The property owner, for an amendment to the Planned Development which is not applicable to all developed portions of the Planned Development; 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 PUD (Planned Unit Development zone) Plans.* Any active or completed Planned Development project approved prior to the adoption of this ordinance shall continue to be governed by the approved PUD 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 PUD plan may be subject shall also continue to apply. However, whenever any application is made to substantially modify (see major modification), the approved PUD 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 Planned Development approval for a project which has failed to commence by securing a building permit for a vertical improvement in accordance with the approved PD plans within two (2) years of final approval of the Planned Development, shall be considered expired. However, if the property owner obtains a building permit for a vertical improvement in accordance with the approved PD plans within two (2) years after final approval of the Planned Development, the property owner's development rights under the PD approval shall be deemed vested and shall not expire. Extensions to the expiration date of the PD approval may be granted by the City Commission in 2-year increments. Any request for an extension to the expiration date of the PD approval must be submitted in writing to the Planning Manager for review no later than the expiration date of the PD approval.

If the PD expires, the land will retain the PD zoning designation; however the Site Development Plan approved with the PD rezoning will be null and void. Either the previously approved or a new Site Development Plan can be used to reapply.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall no further force of effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage.

APPROVED AS TO FORM AND CORRECTNESS:

Robert V. Schwerer, Esq.

City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

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. 14-034 was duly advertised by title only in the St. Lucie News Tribune on October 27, 2014, and on November 12; 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 November 3, 2014; and was duly introduced, read by title only, and passed on second and final reading on November 17, 2014, 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 _____ day of November, 2014.

Linda Hudson,
Mayor Commissioner

ATTEST:

Linda W. Cox, City Clerk

(City Seal)

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. d.

Meeting Date: 01/13/2015

Information

REQUESTED ACTION

Discussion of Section 2-223 with emphasis on (1) and (8) and discussion of Section 2-225.
Requested by Chairman Burdge.

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Section 2-223 & 2-225

Form Review

Form Started By: Alicia Rosenthal
Final Approval Date: 01/07/2015

Started On: 01/07/2015 12:35 PM

Sec. 2-223. - Powers and duties.

The board shall have the following powers and duties:

- (1) *Personnel.* The board is authorized to employ personnel necessary to make surveys and compile data essential to the preparation of a plan for municipal improvements and otherwise to assist the board in the execution of its powers and duties under this article. The employment of such personnel and the amount of salary to be paid shall be approved by the city commission. The board shall not in any manner obligate the city commission without prior approval of the city commission.
- (2) *Officers.* Elect its own chairman, vice-chairman and secretary.
- (3) *Rules and regulations.* Adopt rules and regulations for its guidance, provided the same are consistent with the ordinances of the city and applicable state laws.
- (4) *Disposal of city property.* No real property shall be leased by or disposed of by the city until proposal for the leasing or disposition of the same is submitted to the board for its recommendation, provided, however, the city commission shall have authority to overrule the disapproval of the board on any such proposal.
- (5) *Official city map.* Draft an official map of the city with the assistance of the director of public works.
- (6) *Neighborhoods.* Make and adopt plans for the improvement and development of neighborhoods.
- (7) *Public relations.* Promote public interest in and understanding of the master plan and other proposals submitted by the board.
- (8) *Budget.* Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements which the board considers necessary or desirable to be constructed during the next ensuing three-year period and establish a priority of such recommended improvements for such period of time.
- (9) *Recommend public buildings and lands.* Recommend the erection and use of a building or the use of premises in any zoning district when found to be necessary for the public health, convenience, safety or welfare for the following purposes: A public utility; any municipal purpose; community center; cemetery; golf course; educational, philanthropic, charitable or religious use; public or private school (except child nurseries and kindergartens); public or private parks or playgrounds.
- (10) *Voting.* All recommendations from the planning board, for either approval or disapproval of any measure, petition, plan, program or proposal of any nature, shall be by a majority of the members serving on said board. Such recommendations from the board shall be in writing and shall indicate thereon the names of the members of the board present at the meeting where the recommendations were made and the disposition of the votes of the members of the board, which writing can consist of a copy of the minutes of said board's meeting. If the board is unable to arrive at or make any recommendation hereunder then such inaction shall also be reported in writing in the same manner above prescribed.
- (11) *Annexation.* Review applications for voluntary annexation to city and make recommendation to city commission.

(Code 1960, § 2-12; Ord. No. I-103, § 1, 3-4-85)

Charter reference— Powers and duties of planning board, § 49.

Cross reference— Parks and recreation, Ch. 12.

State law reference— Local Government Comprehensive Planning Act of 1975, F.S. § 163.3161 et seq.; elements of comprehensive plan, studies and surveys, F.S. § 163.3177; adoption of comprehensive plan, F.S. § 163.3184; legal status of comprehensive plan, F.S. § 163.3194.

Sec. 2-225. - Compensation of members.

Members of the city planning board shall each receive compensation in the amount of ten dollars (\$10.00) per month, contingent upon attendance at a minimum of one meeting per month, payable on a quarterly basis. Responsibility for reporting attendance to receive compensation shall be placed with the board's staff coordinator.

(Ord. No. I-13, § 1, 6-6-83)

Editor's note—

Ord. No. I-13, § 1, adopted June 6, 1983, amended the 1960 Code by addition of a new § 2-14, which provisions have been included herein as § 2-225