



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

TO: Members of the City of Fort Pierce Planning Board
FROM: Rebecca Grohall, AICP, Planning Manager
SUBJECT: Proposed Tweaks to the PD Zoning District
DATE: April 7, 2015

At the February 17, 2015 City Commission meeting Planning Department staff brought forward Ordinance 15-004, which represented a completely revised Section 22-40, Planned Unit Development, from the Fort Pierce Land Development Code. The following are responses to items that were brought to light as questions, comments or suggestions. The current PD language is in the box, followed by the proposed additions or changes in strikeout/underline format, and an explanation of each.

1. A tiered process for those smaller proposed PDs vs. larger PDs

A suggestion was made to create a “tiered process” whereby smaller PD projects do not need to provide the onerous amount of data and reports, such as an environmental report or transportation/traffic studies, as may be required of a larger project that encompasses acreage.

Currently, the City utilizes such a system in Site Plan Review, where a principal structure which does not exceed four thousand (4,000) square feet of gross floor area is relieved from many of these items. It would be prudent to follow through with this concept in the PD process; a PD project which encompasses less than four thousand (4,000) square feet of gross floor area can be relieved of onerous amount of data and reports as well. Because the PD process also includes rezoning, the City Commission will review and approve these smaller PD projects as part of establishing the PD zoning through an Ordinance.

2. Density per Section 22-40(b)(1)a.

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

By definition, “density” or more specifically, “gross density” is the number of dwelling units per gross acre of land, determined by dividing the total acreage within the lot or parcel excluding aquatic areas but including portions of the property which are or are proposed to be streets, sites dedicated to a governmental body for public use and other common areas. This term applies explicitly to residential developments and the appropriate amount must be adhered to in order to maintain compliance with the City’s Comprehensive Plan.

A Comprehensive Plan Land Use Designation, such as Low Density Residential (RL), or General Commercial (GC), as adopted, governs what a density will be for any parcel within the City. For example, Low Density Residential (RL) allows for 1-6.5 dwelling units per gross acre. Commercial and industrial development, however, does not use density as a measuring stick for development, but instead it uses “intensity” typically established through a floor area ration (FAR).

3. Perimeter Setbacks per Section 22-40(b)(2).

(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.

c. The perimeter setback may be reduced from the required distance by providing a landscape strip in lieu of the perimeter setback, except where driveways are located, meeting these requirements:

1. The strip shall be no less than five (5) feet wide and include at least one tree for every two-hundred (200) square feet of required landscaped strip and contain a hedge of landscape material which shall be installed and maintained so as to form a forty-eight-inch (48") or higher, continuous, unbroken, solid, visual screen within one-year (maximum) after installation, except in clear vision areas required in Section 22-53. The remainder of the required landscaped strip shall be completely covered with groundcover or grass.

2. A wall, berm, or other durable, non-wood privacy fence may be included as part of the landscape strip, but not replace it.

d. The perimeter setback may be reduced from the required distance by no more than ½ if the abutting property is similar in use, and intensity or density.

It was suggested to allow for additional alternatives to the perimeter setback requirement as stipulated in Section 22-40(b)(2); this would allow for a landscape screening buffer in lieu of the required perimeter distance or a project abutting property of similar use and intensity/density be allowed to reduce the perimeter setback. The alternative language is shown in items c and d, above.

4. Open Space definition per Section 22-40(b)(3).

(3) *Open space.* In all Planned Developments at least twenty (20%) per cent of the site shall be devoted to open space, regardless of project size or intended use; it may include vegetated areas or urban areas unencumbered by an impervious surface, but shall exclude aquatic areas.

(3) *Open space.* In all Planned Developments at least twenty (20%) per cent of the site shall be devoted to open space, regardless of project size or intended use; ~~it may include vegetated areas or urban areas unencumbered by an impervious surface,~~ open space shall be land devoid of any above-ground structures or buildings, except pergolas, gazebos, pavilions or other open-air structures; or landscape structures such as terraces, planters, walls or retaining walls. Open space may include natural areas, buffer areas, upland habitats, including those areas of on-site preservation required by the other provisions of this Code; recreation areas, but not including swimming pools, tennis courts or other impervious activity areas; but may include parks, golf courses, sports fields; bicycle, pedestrian or equestrian paths and facilities; common open space, common landscaping or planting areas; stormwater detention and retention facilities providing that no more than thirty percent (30%) of the overall open space requirement shall be satisfied in this manner; water features, conservation areas or other areas intended for public purposes other than street or road rights-of-way, but shall exclude aquatic areas.

A discussion ensued about the definition of open space. Without an absolute definition it could be viewed as arbitrary and varying interpretations could create compliance problems in the future. The revised Section 22-40(b)(3) would then read as shown above.

5. Applicability to Other LDRs per Section 22-40(b)(4).

(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.

(4) *Applicability to Other LDRs Code of Ordinances Not in Conflict Herein.* All building code, housing code, and other land use regulations of the City of Fort Pierce are applicable to the PD district.

There was some discussion as to why this requirement was part of the revised Planned Development zoning district. First, it must be pointed out that while PDs do include site plan review, it is still a zoning designation, one that must provide standards for all the usual zoning regulated items such as; lot size, setbacks (front, side and rear), building coverage, building height, accessory use and setbacks, and allowable uses. In any PD, it is the applicant who gets to decide and create these unique parameters for his/her proposed project as part of the PD rezoning process. This offers a lot of flexibility to otherwise very stringent standards found in conventional zoning designations (SFR, MFR, CG, etc.) which may not work for their particular project. However, becoming a PD does not automatically allow the applicant to waive or be excused from other Land Development Regulations found in the City's Code of Ordinances.

However, because "variance type" allowances are recognized as part of the PD process, an applicant is allowed to request changes, variations, or deletions to parts of the Code they are otherwise required to meet. This is evidence by **Section 22-40(c)(1)e. A list of any exceptions from the standard zoning ordinance and land development code for any features of the proposed development plan**, whereby an applicant must provide in writing all those items that would otherwise be subject to variance review by the Board of Adjustment. Like a variance request, because it is requested does not necessarily grant approval; it can be denied. The applicant would then need to revise the request, or comply with the Code requirement on that particular item. Parking and landscaping requirements are two examples that often utilize this procedure.

However, to strengthen the language and prevent interpretative issues in the future, it is recommended that Section 22-40(b)(4) be revised as shown above.

6. Unified Control per Section 22-40(c)(1)b.

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.

b. Unified Control and Property Ownership: All land intended to be included in the Planned 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. Material which presents firm evidence of unified control, such as Unity of Title shall be submitted with the application. Material which presents firm evidence of ownership may include a copy of the recorded deed(s), a title policy or an opinion of title.

It was requested that the PD revision offer means to better define unified control and owner of record. The underlined section is recommended language that clearly defines what the City is looking for in terms of unified control and what material evidence is acceptable.

7. Modification of an approved PD per Section 22-40(e)(1).

(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.

(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 may require an updated, revised PD site development plan, or portions thereof 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.

It was suggested that reducing the strict application of submitting new plans “shall” be required, to a lighter, “may” be required will help reduce the costs to the applicant depending on the nature of the PD modification. Further, it was pointed out that possibly only a portion of the plans need be resubmitted rather than the complete plans, again, based on the nature of the modification. The revised text is in “underlined” to reflect those suggestions.

Consistency with the Comprehensive Plan

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.

The Technical Review Committee reviewed the proposed changes at their meeting of March 19, 2015.

Staff Recommendation:

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