



TO: Technical Review Committee
FROM: Kev Freeman, Planning Director
RE: Technical Review Project: #22-42900001
TRC DATE: November 17th, 2022

STAFF REPORT

Requested Action: Review DRAFT Code
Site Location: Port of Fort Pierce (see attached map).

Background: City Staff have been directed to create a Future Land Use Designation and an associated Zoning Code to attract and facilitate development activity within the Port area.

Summary of Request:

The proposed amendments include:

1. New Marine-Commercial Future Land Use category.
2. New Maritime Planned Development Zoning District.

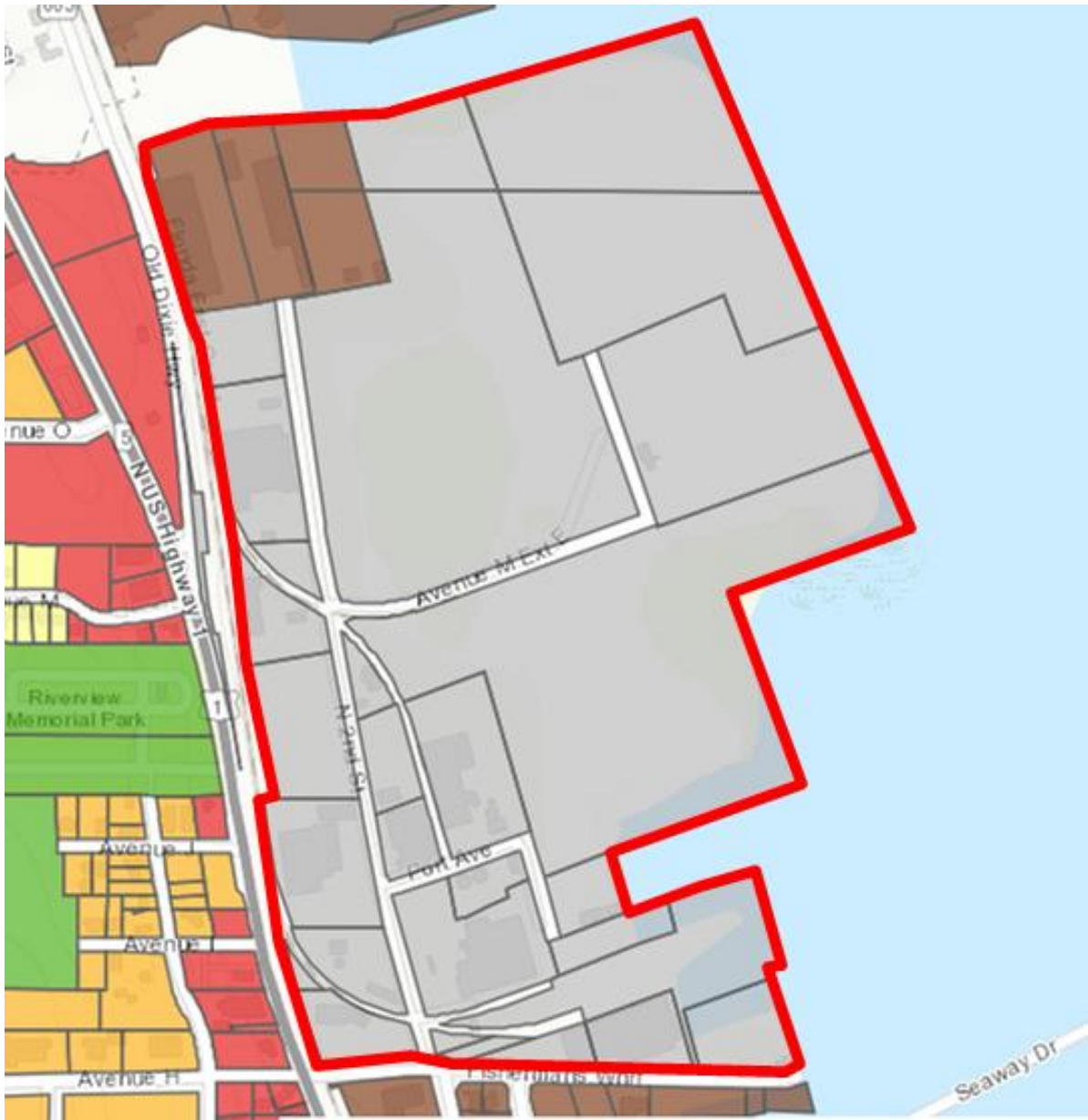


Fig 1: Port of Fort Pierce: Proposed Marine Commercial Boundary

Proposed Future Land Use Designation

Marine Commercial (MC): The Marine Commercial designation is intended to promote commercial and industrial uses with a focus on marine related establishments along the waterfront. Uses allowed within this designation include marine-related light industrial activities and tourist activities, marinas, boat stores/boat repair, restaurants, retail shops, hotels, and offices. This land use designation allows a maximum density of 15 dwelling units per acre and a maximum FAR of 1.5. Residential uses may comprise up to 20 percent of the total building floor area of the Marine Commercial future land use designation.

Proposed Zoning Text Amendment

Sec. 125-214. - Planned Maritime Development Zone (PMD).

(a) Purpose. The PMD zone is intended to preserve deep-water access for port and maritime uses consistent with the objectives of the Port of Fort Pierce Master Plan (Port Master Plan) which need or use deep-water access, particularly port and marine-related operations, and other water dependent or related uses. The PMD zone is intended to protect these resources by regulating the types of industrial, commercial, institutional, recreational, and limited corporate residential uses allowed within the zone. Uses within a PMD should be considered against the concepts outlined and contained in the adopted Port of Fort Pierce Master Plan.

(b) Basic Use Standards. Uses allowed within this zone are intended to promote flexibility of design and allow 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 PMD zone is designed to:

- (1) Provide for the planning, review, and approval of one or a combination of parcels consistent with an approved site plan that may include industrial, commercial, public, institutional, recreational, and limited corporate residential uses designed to foster maritime-oriented development.
- (2) Provide an organized and compatible development pattern within the PMD zone.
- (3) Allow flexibility and efficiency in site design through the arrangement of structures, utilities, and on-site circulation that promotes multi-modal transportation,

interconnectivity into and throughout the overall PMD and the adjacent properties that is more efficient than is permitted under conventional zoning.

- (4) Promote development that is adapted to natural features, and protects the integrity of the shoreline, wetlands, trees and other vegetation and habitat, and which supports the natural drainage patterns.
- (5) Expand coastal edges for working and recreational waterfront activities that stabilize and bolster the surrounding land uses.
- (6) Organize upland areas for flexibility and adaptability for marine commerce and light-industry uses.
- (7) Promote environmental education and restoration.
- (8) Permit the incorporation of unique characteristics which are consistent with the intent of the approved Port Master Plan.
- (9) Provide site specific limitations, where necessary, to protect public health, safety, and welfare, and the protection and preservation of lands either internal or external to the PMD.

(b) Definitions and allowed uses. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The definitions also pertain to the use allowed within the Maritime PD Zoning District.

Coastwide shipping means the movement of cargo and passengers by sea along a coast, without crossing an ocean.

Corporate residential means housing provided on-site to workers employed in connection with uses in and around the Port of Fort Pierce and available to rent on a temporary and flexible basis.

Education facility means land, buildings, or structures used for providing academic, commercial, or curriculum-based educational services

Environmental and cultural resource means a use which encompasses natural habitats, sensitive species, sensitive habitat lands, wetlands, floodplains, any product of human activity or any object or place given significance by human action or belief, including landforms and archaeological sites.

Export operations, means an activity where resources, intermediate goods, or final goods or services that a buyer in one country purchases from a seller in another country.

Fuel Storage and Distribution, means activities and processes associated with storing, handling, and transporting fuel from the fuel production facility to and at the fueling station.

Import operations, means an activity where resources, goods, or services that producers in one country sell to buyers in another country.

High and dry boat storage means structures or racks located landward of the high watermark that provide dry places and easy access for removing and returning boats, kayaks, Jet Skis, etc., from the water via a lift or hoist.

Hotel means a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting spaces, entertainment, and recreational facilities.

Light Industrial means an industrial use that does not include uses which may be obnoxious by reason or emission of odors, dust, noise, smoke, or vibrations.

Marinas means facilities which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial fishing and charter fishing vessels. They are differentiated from docks/moorages by their larger scale, the provision of significant landside services and/or the use of a solid breakwater (rock, bulkheading, etc.).

Marine industrial means the assembly, production, or storage of finished or semi- finished materials or components into a finished or semi-finished marine product and includes the production or sale of fishing equipment and supplies, boat construction and dry land boat storage, sales of fisheries products for human consumption, and commercial fishing operations.

Marine related retail means sales of boat and marine accessories and parts and related supplies, fishing equipment, and fishing licenses. But excludes motorized watercraft sales and rentals.

Passenger vessel a day trip or cabin vessel constructed and equipped to carry more than 12 passengers.

Passive Park and Recreation means passive recreation, greenway, and stormwater recharge uses, and public facilities necessary to support development on nearby buildable lands and water-related development.

Rail means the rails, ties, ballasts, spur and all related apparatus or appurtenances attached thereto which are necessary for the operation of a railroad.

Resort hotel means a tourist-oriented destination resort facility offering transient lodging accommodations with sleeping units available to the general public in conjunction with marine, aquatic, golf or other recreational amenities, including, but not limited to, organized programs, activities, camps and excursions for both adults and/or children, fitness and spa facilities, as well as other services and amenities including restaurants, meeting, conference and/or banquet facilities as well as entertainment where such sleeping units are intended for the exclusive use as transient lodging accommodations.

Restaurant means a use where food and beverages are offered for sale to the public for consumption at tables or counters either inside or outside the building on the lot.

Shipyard means a yard, place, or enclosure where ships are built or repaired.

Terminal facilities means one or more structures comprising a terminal unit, which include, but are not limited to, wharves, warehouses, covered and/ or open storage spaces, cold storage plants, cranes, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations, used for the transmission, care and convenience of cargo and/or passengers in the interchange of same between land and water carriers or between two water carriers.

Vessel Repair means use for repair and construction of vessels, or work on the underwater bodies of vessels, and uses which are ancillary, accessory, or incidental to vessel repair or construction, including use of a drydock or ship lift.

Water-dependent use means a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, or float plane facilities.

Water-related use means a use which provides goods and/or services that are directly associated with water-dependent uses (supplying materials to, using products of or offering commercial or personal services to water-dependent uses)

(c) *General standards for approval.* The PMD zone 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.*

- a. A PMD shall only be allowed within the City's Marine Commercial Future Land Use designation.
- b. The site plan shall be consistent with the objectives of the Port of Fort Pierce Master Plan and with the goals, objectives, and policies of the comprehensive plan.

(2) *The maximum intensity and density shall be as follows:*

1. *Intensity:* The PMD zone allows a maximum FAR of 1.5.
2. *Floor Area.* Residential uses, limited to corporate residential uses, may comprise up to 20 percent of the total (gross) floor area of a development within the PMD, consistent with the Marine Commercial future land use designation.
3. *Density.* The PMD allows a maximum density of 15 dwelling units per acre, limited to corporate residential uses.

(3) *Access and Interconnectivity and Multi-mobility.*

- a. All site plans shall provide, when feasible:
 1. Cross-access to the property line of all adjoining parcels,
 2. Safe pedestrian connectivity,

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3. Alternative means of transportation to adjoining properties and public rights-of-way.

(4) *Basic use standards. Uses in a PMD zone must meet the requirements of this section.*

- a. *Lot coverage.* Building shall not cover more than 80 percent of the lot area.
- b. *Yards.* The minimum yard depth for portions of the property abutting a public right-of-way or nonindustrial district shall be 15 feet.
- c. *Outside Storage.*
 1. Outside storage shall be positioned in an organized manner and not within the required setback.
 2. Outside storage shall not be located within any required open space area.
 3. The top of the highest cargo or stacked storage container shall not exceed a height of 40 feet.
 4. All other storage materials shall not exceed a height of 30 feet.
- d. *Impervious.* The maximum impervious area for a site plan shall be limited to 80 percent of the total lot area.
- e. *Accessory buildings.* Accessory buildings shall comply with all yard, lot coverage and building requirements of this chapter.
- f. All uses will comply with applicable access, parking and loading standards of this chapter.
- g. Signs will comply with standards referred to in chapter 117.

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- (d) *Applicability to other code of ordinances not in conflict herein.*** All building code, and other land use regulations of the city not directly in conflict herewith are applicable to the PMD zone.
- (e) *Easements.*** Easements necessary for the orderly extension and maintenance of public utilities, roads and/or other special needs which may be required shall be provided.
- (f) *Applicable to Phasing.*** Each phase of development must be planned and related to previous and future development phasing, surrounding properties, and available public facilities and services, to ensure all phases of development will not adversely impact drainage, utilities, access, parking or the traffic flow of the completed phases.
- (g) *Additional requirements.*** The city commission may establish additional requirements which it considers necessary to ensure that a PMD conforms to the intent of this section.
- (h) *Variances are not necessary.*** The specific development standards of the PMD zone are contained in the approved site plan for each planned development listed within the development order which normally considers those matters which might otherwise be the subject of variance review by the board of adjustment.
- (i) *Application requirements.*** When an application for a PMD site plan is submitted, the following items shall be provided:
- (1) *Written documents.*
 - a. *Project narrative: a statement describing the PMD.* This statement shall include a description of the character of the proposed development as it relates to the development objectives and consistency with the Port Master Plan, city code and the city's comprehensive plan.

- b. *Phasing*: The number of phases in which the project will be built and a timetable of development outlining when construction of each phase can be expected to begin and finish.
- c. Traffic and parking analysis.
- d. A description of the buildings and streetscapes including proposed height, building coverage, parking areas, outside storage, and public improvements proposed for each phase of the development.
- e. Any 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.
- f. A statement describing any endangered or threatened species that may be located on the site and potential environmental impacts on flora and fauna.
- g. A statement of provisions as required to control water and wind erosion during and after construction associated with the development. Runoff from impervious surfaces or other potential polluting sources in the development area shall be managed to reduce the adverse water quality impacts to the extent possible.

(2) *Site plans*. Plans with the following information shall be submitted:

- a. The existing site conditions, shorelines, flood plains, unique natural features, and forest cover.
- b. Conceptual grading and stormwater plan.
- c. A landscape and irrigation plan consistent with Chapter 123.

- d. Proposed lot lines and other divisions of land for management, use or allocation purposes.
- e. The location, size and height of present and proposed buildings, *outdoor storage*, and structures.
- f. The location and size of all areas proposed to be conveyed, dedicated, or reserved for streets, parks, 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 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 (consistent with Chapter 123) shall be provided that includes the location for refuse stations, storage areas, and 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. The total square footage of non-residential development and/or quantity and type of dwelling units, if applicable.
- m. The parcel sizes; proposed lot coverage of buildings and structures; impervious area, residential gross densities; total amount of open space; and the total

amount of non-residential acreage (including a separate figure for commercial and industrial acreage).

(k) *Transportation.*

- (1) A suitable site layout shall 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 PMD shall not be connected to streets outside in such a way as to encourage their use by through traffic.
- (3) Streets in a PMD may be dedicated to public use or retained in private ownership, except the city commission may require collector and similar streets to be dedicated to the public. When considered appropriate by the city commission, city codes concerning rights-of-way and street pavement widths may be reduced and those requiring curbs and gutters may be waived.

(l) *Planned Maritime Development review procedures.*

- (1) *Pre-application conference.* The applicant is required 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 to the adopted Port Master Plan.

(2) *Site plan.* Shall include all information specified in this section. The procedure for reviewing the site plan is the procedure set forth in section 125-133, amendment procedures, and section 125-313, site plan review. If the proposed PMD site plan also involves the subdividing of land which is regulated by the city, the plat shall be reviewed concurrently with the site plan as specified in chapter 121. Approval of a site plan or approval of the plan with conditions shall occur concurrently with a change in zoning for the property.

(m) *Adherence to approved site plan.* Building permits for construction shall be issued only if consistent with an approved site 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.

(n) *Adherence to approved site plan. Modification of an approved PMD site plan.* Changes to approved PMD 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 director (or designee).

(1) *Modification review criteria.* Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved PMD site 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 PMD site plans may require a revised PMD site 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 director (or designee) to adequately review the proposed modification. The following alterations shall be considered a major modification, and reapplication as a new site plan will be required:

- a. Increase or decrease in intensity of use. A change of 10 percent or more of usable floor area, or a change of 10 percent or more in the number of dwelling units, or a change of five percent or more of outside land area affecting landscaping or shoreline. 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, or a change of ten percent or more in the number of spaces provided.
- c. Structural alterations significantly affecting the basic size and form of the building as shown on the approved site plan including increase in building height of more than one story or 12 feet.
- d. Any reduction in the amount of open space by 10 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 percent.
- g. Any deviation exceeding 12 inches from the setbacks or lot dimensional standards approved as part of the site plan.

- h. A change to the buffering material that negatively impacts the surrounding properties.
- i. Any change in the design and/or location of the stormwater facility that negatively impacts the surrounding properties.
- j. Any addition or reduction to the area of a PMD planned development.
- k. Changes proposed to three or more of the criteria that do not meet the threshold individually to be considered a major modification.
- l. 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 PMD 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 PMD plan are considered minor modifications. Upon determination that the proposed modification is a minor modification, the planning director (or designee) shall render a decision to the applicant within 15 working days after submission of a completed modification application. Applications for a modification shall include an updated, revised PMD site plan indicating the effect of the proposed change and a narrative description of the modification and the reasons why such a change is necessary.

- (o) Extensions to the approved timetable of development attached to the site plan approval may be granted by city staff in two-year increments. Any request for an extension to the timetable of development shall be submitted in writing to the planning department for review no later than the three weeks prior to the expiration date of the PMD site plan approval. If the PMD site plan expires,

the land will retain the PMD zoning designation; however, the site plan approved with the PMD rezoning will be null and void.