

ORDINANCE 2006-11

AN ORDINANCE OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, AMENDING THE 1995 ZONING ORDINANCE TO PERMIT A SECOND RESIDENCE AS AN ACCESSORY STRUCTURE WITHIN THE R-1 ZONING DISTRICT UNDER CERTAIN CIRCUMSTANCES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of St. Lucie Village's 1995 Zoning Ordinance includes various regulations in relation to accessory structures;

WHEREAS, Section 3.5.3(C)(1)(B)(v) provides that, "no accessory structure may be used as a temporary or permanent residence";

WHEREAS, item 1 on Table 1 of said Ordinance reflects that "accessory dwelling units" are prohibited in all zoning districts;

WHEREAS, the Board of Aldermen has, on occasion, been asked to approve the placement of two residences on a single lot, but has denied such requests based on the foregoing provisions;

WHEREAS, accessory residential structures on a lot zoned for single family residential use would be appropriate and desirable provided that the same are in fact used by one "family" as defined under the Zoning Ordinance even if there are two rather than "a single housekeeping unit" as referenced in said definition; and,

WHEREAS, the 1995 Zoning Ordinance permits a single lot to be split into two lots without complying with the Subdivision Ordinance, provided that both lots meet the size, dimensional and other requirements of the Zoning Ordinance and further provided that only one such lot split is allowed after the adoption of the Zoning Ordinance;

WHEREAS, it is not in the public interest to increase the permitted density in the R-1 zoning district but, if a given lot could be split under the Zoning Ordinance, allowing a family to put a second home on that lot for the family's use would not allow an increase in density that wasn't already permitted;

WHEREAS, the Board of Aldermen, sitting as the local planning agency, has determined that such a use and change in the Zoning Ordinance are consistent with the St. Lucie Village Comprehensive Plan.

NOW, THEREFORE, the Board of Aldermen of the Town of St. Lucie Village, Florida hereby ordains:

1. The 1995 Zoning Ordinance is hereby amended to delete the current language from Section 3.5.3(C)(1)(B)(v) and replace it with the following language:

Accessory structures in the R-1 Zoning District may include a second residence, provided that both residential structures on a lot are occupied by the same "family" as defined by the 1995 Zoning Ordinance, but without regard to the definition's reference to "a single housekeeping unit". Temporary guest use is permitted but an accessory residential structure shall not be used as a rental or to establish a multi-family use on a lot in the R-1 zoning district.

Placement of a second residence on a lot is subject to site plan review and may be permitted only if:

- (a) the lot is at least one acre;
- (b) the lot has not been involved in a lot split since the adoption of the 1995 Zoning Ordinance;
- (c) the lot is capable of being divided into two lots which each comply with the Zoning Ordinance's size, dimensional and other requirements;
- (d) each lot has the required frontage on a public road or access to a public road via private easement.
- (e) any access via private easement must be sufficient to accommodate emergency vehicles;
- (f) each house must be served by its own water and septic system; and
- (g) each application for site plan review must be accompanied by a survey showing how the lot will be divided in the event of a sale of one residence to a party outside the family and reflecting compliance with the foregoing. Additionally, the applicant shall provide an agreement, in recordable form acceptable to the Board of Aldermen, which commits the applicant and successors and/or assigns to so divide the property in the event of a sale of one residence to a party outside the family, and which attaches a reduced size copy of that survey.

In the event that such an accessory structure has been permitted and either the primary structure or the accessory structure passes into use by persons other than "family" or temporary guests, whether rented or not, the property shall be divided by the owner via recorded deed consistent with the application, including survey.

2. The permitted use table in the 1995 Zoning Ordinance (Table 1 of said Ordinance) is amended to reflect that "accessory dwelling units" are permitted upon site plan review in the R-1 zoning district, but otherwise prohibited in all other zoning districts.

3. This Ordinance shall be effective immediately upon passage or as soon thereafter as is permissible by law.

PASSED AND APPROVED by the Board of Aldermen of the Town of St. Lucie Village on this 5th day of December, 2006.

APPROVED:
BOARD OF ALDERMEN OF THE TOWN OF
ST. LUCIE VILLAGE, FLORIDA

By: William G. Thiess
William G. Thiess, Mayor

ATTESTED:

By: Diane C. Orme
Diane C. Orme, Clerk

I, DIANE C. ORME, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, do hereby certify that this is a true and accurate copy of Ordinance 2006-11 which was duly introduced, read and adopted at the regular meeting of the Board of Aldermen of the TOWN OF ST. LUCIE VILLAGE, FLORIDA, held this 5th day of December 2006.

Diane C. Orme
DIANE C. ORME, CLERK