

ORDINANCE 2022-3

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ST. LUCIE VILLAGE, FLORIDA, AMENDING THE ST. LUCIE VILLAGE LAND DEVELOPMENT CODE AND THE CODIFICATION THEREOF ATTACHED TO ORDINANCE 2022-1, TO UPDATE THE COVER PAGE OF THE ST. LUCIE VILLAGE LAND DEVELOPMENT CODE; TO REFERENCE ZONING "MAP" OR "MAPS" RATHER THAN ZONING "ATLAS" IN THE TABLE OF CONTENTS, IN THE DEFINITION OF "DENSITY, GROSS", IN SECTION 3.3.0, IN SECTION 4.1.0 (A) AND (F), IN SECTIONS 5.1.0, 5.2.0, AND 5.3.0, IN THE TITLE TO SECTION 7, IN SECTIONS 7.1.0 AND 7.2.0, AND IN THE COVERSHEET TO APPENDIX A; TO RELABEL AND TO REFERENCE FIGURES A, B AND C ADOPTED IN ORDINANCE 2018-6 AS FIGURES 1, 2 AND 3 IN THE TABLE OF CONTENTS (AND RENUMBER IT ACCORDINGLY), AND TO CORRECT REFERENCES ACCORDINGLY IN SECTION 3.5.3 (C) (1), AND IN SECTION 3.5.7 (A) (1) (I); TO CORRECT REFERENCES TO THE ST LUCIE VILLAGE LAND DEVELOPMENT CODE IN SECTIONS 1.1.0 AND 1.3.0, AND IN THE COVERSHEET TO APPENDIX A; TO UPDATE SECTION 1.2.0 TO REFERENCE ALL AMENDMENTS TO DATE; TO CLARIFY THAT THE "EFFECTIVE DATE" IS APRIL 18, 1995, UNLESS OTHERWISE SPECIFIED; TO CORRECT/CLARIFY THE DEFINITION OF "BERM"; TO CORRECT A REFERENCE TO "THOROUGHFARE" IN THE DEFINITION OF "DIRECTIONAL SIGN, PUBLIC"; TO LIMIT THE DEFINITION OF "MOBILE FOOD DISPENSING VEHICLE" TO THE FIRST PARAGRAPH OF THE EXISTING DEFINITION AND TO MOVE THE REMAINDER TO NEW SECTION 3.12.10; TO CORRECT PUNCTUATION IN THE DEFINITION OF "STRUCTURE"; TO CLARIFY, IN THE DEFINITION OF "SUBDIVISION", THAT THE DATE AFTER WHICH NEWLY DIVIDED PARCELS ARE SUBJECT TO THE SUBDIVISION ORDINANCE IS THE "EFFECTIVE DATE"; TO SPECIFY IN SECTION 3.2.1 (B) (4) THAT THE MAXIMUM IMPERVIOUS SURFACE AREA IN THE R-1 ZONING DISTRICT IS 40%; TO CORRECT A REFERENCES IN SECTIONS 3.5.2 (A) (3) AND 3.12.4 (A) FROM "INSURE" TO "ENSURE"; TO ADD A SENTENCE INTO THE NOTE AT THE BOTTOM OF EACH PAGE OF TABLE 1 INDICATING THAT NO DESIGNATION MEANS THE USE IS NOT PERMITTED; TO CORRECT THE REFERENCE IN SECTION 3.5.3 (C) (1) (B) TO "GENERAL REQUIREMENTS"; TO CORRECT THE PUNCTUATION AND DELETE THE WORD "RECEPTION" AT SECTION 3.5.3 (C) (24) AND SECTION 3.5.3 (C) (25), TO REFERENCE "SATELLITE DISH ANTENNA" OR "ANTENNAS"; TO DELETE THE PROHIBITION ON ROOFTOP SATELLITE DISH ANTENNAS; TO CLARIFY THE WORDING OF SECTION 3.5.5 (A) TO CLARIFY THE WORDING RELATED TO ACCESSORY STRUCTURES WHICH MAY BE ALLOWED IN A FRONT YARD; TO DELETE THE PROVISIONS CURRENTLY AT SECTION 3.5.6 (D) AND TO REPLACE THEM WITH THOSE CURRENTLY AT SECTION 3.5.6 (E); TO INCLUDE IN TABLE 2 A REFERENCE TO A 50-FOOT SET BACK FROM CENTERLINE OF ROADWAY FOR STRUCTURES ON NORTH INDIAN RIVER DRIVE; TO CLARIFY SECTION 3.5.7 (A) (1) (G) (V) SO THAT THE 35-FOOT LENGTH LIMITATION APPLIES TO BOATS BUT NOT RECREATIONAL VEHICLES; TO CLARIFY THAT SECTION 3.6.5 (D) IS EFFECTIVE FROM FEBRUARY 21, 2012; TO CORRECT THE NUMBERING AT SECTIONS 3.9.1 AND 3.9.2 SO THAT THE INITIAL SUBPARAGRAPH IS "(A)" RATHER THAN "(1)" AND THE SUBPARTS ARE

RENUMBERED AND REFORMATTED ACCORDINGLY; TO RENUMBER THE FIGURES AND REFERENCES IN SECTIONS 3.9.2 FROM REFERENCES TO FIGURES 1, 2 AND 3, TO REFER TO FIGURE 4, 5 AND 6, RESPECTIVELY; TO DELETE SPECIFIED MISCELLANEOUS, MISPLACED LANGUAGE AT THE END OF SECTION 3.12.9 IN THE CODIFICATION ATTACHED TO RESOLUTION 2022-1; AND, SPECIFYING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the Town St. Lucie Village, Florida, was adopted pursuant to Ordinance 95-3 and subsequently amended including by Ordinance 2018-6 which retitles the Ordinance as the Town of St. Lucie Village Land Development Code ("Land Development Code") and more recently by Ordinance 2022-2;

WHEREAS, the Board of Aldermen has previously codified the amendments to the Land Development Code and, in reviewing the codification, errors and inconsistencies have been noted;

WHEREAS, the Board of Aldermen desires to address such issues by amendment to the Land Development Code and codification, and such amendments harmonize or are not in conflict with the other provisions of the Land Development Code;

WHEREAS, the amendments herein are consistent with all Elements of the St. Lucie Village Comprehensive Plan;

WHEREAS, the amendments are consistent with existing and proposed land uses in the respective zoning districts;

WHEREAS, the proposed amendments will not result in additional demands on public facilities or have significantly adverse impacts on the natural environment;

WHEREAS, the proposed amendments will not adversely affect property values in the area;

WHEREAS, the proposed amendments are consistent with orderly and logical development;

WHEREAS, the amendments are not in conflict with the public interest and is in harmony with the Land Development Code; and

WHEREAS, the Board of Aldermen has considered the information and concepts presented for review and consideration on the proposed amendment.

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

2. In the Table of Contents, the references to Section 3.3.0 and Section 7 are amended as follows:

Section 3.3.0 Official Zoning ~~Atlas~~ Maps

SECTION 7 AMENDMENTS TO THE ORDINANCE AND OFFICIAL
ZONING ~~ATLAS~~ MAPS

3. In the Table of Contents, the List of Figures is amended as follows:

FIGURE 1 Allowable area for small accessory structures (<150 sf) on small (<1 acre) lots.

FIGURE 2 Allowable area for large accessory structures (>=150 sf) on small (<1 acre) lots, and for all accessory structures on large (>= 1 acre) lots.

FIGURE 3 Allowable area for outdoor storage on all residential lots.

FIGURE ~~4~~ 4 Parking Design Standards - Two way Aisles

FIGURE ~~2~~ 5 Parking Design Standards - One way Aisles

FIGURE ~~3~~ 6 Off-Street Loading Area Dimensional Requirements

4. Section 1.1.0 is amended as follows:

This Ordinance shall be known, referred to and recited as the St. Lucie Village ~~2018~~ Land Development Code or the Town of St. Lucie Village Land Development Code.

5. Section 1.2.0 is amended as follows:

This ordinance ~~is~~ was adopted pursuant to Ordinance 95-3 and the Florida Statutes and amended pursuant to ~~Ordinance 96-3 and the Florida Statutes~~ and the following ordinances: 96-3, 2005-1, 2006-11, 2012-3, 2012-4, 2013-8, 2015-1, 2018-6, 2022-2 and 2022-3.

6. Section 1.3.0 is amended as follows:

The Town of St. Lucie Village ~~2018~~ Land Development Code is related to, based on, consistent with, and adopted to effectuate and implement the policies of the most recent version of the Town of St. Lucie Village Comprehensive Plan as adopted by Ordinance 2011-8, and as may be amended or restated thereafter. In any case where there is a difference between the Zoning Ordinance and the Comprehensive Plan, the Comprehensive Plan shall prevail.

7. Section 1.6.0 is amended as follows:

This Ordinance shall ~~become~~ effective ~~on "insert date"~~ from the date(s) adopted. As used herein, "effective date" shall mean April 18, 1995 unless otherwise specified.

8. The definition of "Berm" is amended as follows:

BERM Mounding of soil, which is planted with living plant material designed as a natural landscape feature or buffer to screen incompatible land uses or to absorb or otherwise reduce undesirable impacts such as noise, smoke, uncontrolled runoff, ~~or~~ glare, or other similar nuisances.

9. The definition of "Density, Gross" is amended as follows:

DENSITY, GROSS The number of dwelling units located on an area of land divided by the entire area of the development including lots, streets, and other development associated with the dwelling units. In calculating density, only those lands that lie above the elevation of mean high water (MHW) shall be considered. In determining the elevations above or below MHW, man made changes in the topography, subsequent to the effective date of this Ordinance shall be ignored. If a parcel of land is divided by a public right of way or zoning ~~atlas~~ map boundary, it may, at the owner's discretion, be considered to be one (1) parcel for the purpose of determining gross density.

10. The definition of "Directional Sign" is amended as follows:

DIRECTIONAL SIGN, PUBLIC A sign erected by a governmental agency, to denote the name of any ~~thoroughfare~~ thoroughfare; to point out the route to any city, educational institution, public building, public place, historic place, hospital, or park; to direct and regulate traffic; or to denote any railroad crossing, bridge, or other transportation facility.

11. The definition of "Mobile Food Dispensing Vehicle" is amended to retain the first paragraph, as follows, but move the remainder to new section 3.12.10 (as per Section 38 below):

MOBILE FOOD DISPENSING VEHICLE (MFDV) is classified as a vehicle-mounted public food service establishment that is self-propelled or otherwise movable from place to place, having all required State and Health Department permits, licenses, and approval. Such vehicles must be self-sufficient for utilities (e.g., gas, water, electricity, and liquid waste disposal). Each MFDV is required to have a state-approved commissary that they report to at least once a day. MFDVs may also be referred to as Mobile Food Establishments.

12. The definition of "Structure" is amended as follows:

STRUCTURE Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, towers, walls, fences, billboards, signs, poster panels, recreational facilities, and swimming pools. Structures must meet Florida Building Code requirement and be permanently affixed.

13. The initial sentence of the definition of subdivision is amended as follows:

SUBDIVISION The term "Subdivision" as used herein means the division of a parcel of land whether improved or unimproved, into three (3) or more contiguous lots or parcels of land, designated by reference to the number or symbol of the lot or parcel contained in the plat of such subdivision, for the purpose, whether immediate or future, of transfer of ownership or, if the establishment of a new street is involved, any division of such parcel. The term includes a resubdivision and any resubdivision of a parcel of land that was subdivided in any manner subsequent to the ~~adoption~~ effective date of this ordinance into two (2) or more parcels shall be subject to the provisions of the St. Lucie Village Subdivision Ordinance (currently Ordinance 62-8). The following shall be exempt and not subject to the provisions prescribed by the St. Lucie Village Subdivision Ordinance:

14. Section 3.2.1(B) (4) is amended to read:

(4) Maximum Impervious Surface Area: ~~50~~40%

15. The heading and text of Section 3.3.0 are amended as follows:

Section 3.3.0 OFFICIAL ZONING ~~ATLAS~~ MAPS

(A) The Official Zoning ~~Atlas~~ Maps ~~is~~ are included in this ordinance as Appendix A.

(B) The Board of Aldermen shall have authority to interpret any uncertainties that may exist in the

Official Zoning ~~Atlas~~ Map in determining the intended boundaries of any zoning district.

(C) The Official Zoning ~~Atlas~~ Map shall be amended in accordance with the provisions of this Ordinance.

16. The first sentence of Section 3.5.2 (A) (3) is amended as follows:

Uses which are permitted by right, but because of their size, intensity or potential impact require additional review to ~~insure~~ ensure the area in which they are located is not adversely affected.

17. The first note at the bottom of each page of Table 1 is amended as follows:

P - Permitted Use; SPR - Site Plan Review; AR - Administrative Review; CU - Conditional Use; X - Prohibited in all zoning districts. Where no designation is included for a use in a given zoning district, the use is not permitted in that district.

18. The heading at Section 3.5.3 (C) (1) (b) is amended to read "General Requirements".

19. The reference to "Figure A" in Section 3.5.3 (C) (1) (c) (i) is amended to reference "Figure 1".

20. The references to "Figure B" in Section 3.5.3 (C) (1) (c) (ii) and in Section 3.5.3 (C) (1) (d) (iv) are amended to reference "Figure 2".

21. Figures A, B and C adopted in Ordinance 2018-6 are amended so as to be relabeled Figures 1, 2 and 3, respectively.

22. Section 3.5.3 (C) (24) is amended as follows:

(24) Satellite Dish, Antennas, Principal or Accessory use in Residential Districts

(a) Additional Application Standards: None.

(b) Additional Standards:

(i) A satellite ~~reception~~ dish, antennas shall not be placed in a required or unrequired front setback or in a required side or rear setback ~~and shall not be placed on the rooftop of a principal or accessory residential structure.~~

(ii) A satellite ~~reception~~ dish antennas located in an unrequired side or rear setback or yard shall be screened from any off premise view through the use of landscaping, opaque walls, or similar techniques.

23. The title of Section 3.5.3 (C) (25) is amended as follows:

(25) Satellite Dish, Antennas, Principal or Accessory Use in Nonresidential Districts

24. Section 3.5.5 (A) is amended as follows:

(A) No accessory use or structure except for fences, walls, and hedges as described in Section 3.5.4, or swimming pools, and Garden Structures as defined in Definitions, shall be located in any required front yard in any residential zoning district.

25. Section 3.5.6 (D) is amended by deleting the current text:

~~(D) Any structures erected on lots where the street or private road providing access lies in between the residence and the water shall have at least a 35-foot setback from the west edge of the public right-of-way or, if access is by a private road, a 35-foot setback from the west edge of the pavement or other maintained road surface.~~

26. Section 3.5.6 (E) is renumbered as 3.5.6 (D).

27. Table 2 is amended to notate each front yard dimension with "****" and to add the following note below:

**** Subject to increased front yard requirement of 50' from centerline of roadway for any structures fronting on Indian River Drive.

28. Section 3.5.7 (A) (1) (g) (v) is amended as follows:

(v) The recreational vehicle or boat does not exceed ~~35 feet in length or~~ 14 feet in height and the boat does not exceed 35 feet in length.

29. Section 3.6.5 (D) is amended as follows:

~~After the effective date of the above permitting requirements,~~ February 21, 2012, any tree removal, land clearing or grubbing that is done without a permit shall be remedied by mitigation approved by the Village before any affected property may be used for any purpose or granted site plan or other approval for development or construction. Any mitigation approved shall be pursuant to a plan which must be shown to alleviate any impacts upon, or loss of, protected trees and native vegetation and also remedy any impact, including in relation to erosion or drainage, upon adjacent or other impacted non-owned properties.

30. The reference "Figure C" in Section 3.5.7 (A) (1) (i) is amended to reference "Figure 3"; and, the label on Figure C, itself, is similarly amended.

31. Section 3.9.1 (1) is amended to be "Section 3.9.1 (A)" and the remainder of Section 3.9.1 is amended to be renumbered and reformatted accordingly.

32. Section 3.9.2 (1) is amended to be "Section 3.9.2 (A)" and the remainder of Section 3.9.2 is amended to be renumbered and reformatted accordingly.

33. Figure 1 in Section 3.9.2 is amended to be labeled as "Figure 4" and references to the figure are similarly amended.

34. Figure 2 in Section 3.9.2 is amended to be labeled as "Figure 5" and references to the figure are similarly amended.

35. Figure 3 in Section 3.9.3 is amended to be labeled as "Figure 6" and references to the figure are similarly amended.

36. Section 3.12.4 (A) is amended as follows:

The purpose of this section is to ~~insure~~ ensure the minimum distance between any multiple family, hotel, or motel buildings and any other building or any property line shall be regulated according to the length and height of such multiple family, hotel, or motel building.

37. The following misplaced language which appears at the end of Section 3.12.9 in the codification attached to Resolution 2022-1 is deleted:

~~(A)~~

~~(B) The exterior of every structure or building shall be so~~

~~(C) All landscaping shall be well-maintained so that lawns,~~

~~(B) Exemptions - the restrictions contained in this subsection~~

~~(A) That there do currently exist public bi-directional rights-~~

~~(C)~~

~~(A) General Prohibition - It shall be unlawful for any person to~~

~~(2) Obstructions Allowed by Permit - Obstructions proposed~~

~~(a) Linear distance of the proposed obstruction from~~

~~(b) The relative size of the proposed obstruction as~~

a

~~(c) The spacing between the proposed obstruction and~~

- ~~(d) The permanent or temporary nature of the proposed~~
- ~~(e) The estimated effect of the proposed obstruction~~
- ~~(f) The visibility of the proposed obstruction at~~
- ~~(g) The character of the proposed obstruction as it~~
- ~~(h) Other factors that the building official may~~
- ~~(1) Within six months from the effective date of this~~
- ~~(a) Comprehensive drawings showing the location of the~~
- ~~(b) Additional drawings showing the location of~~
- ~~(d) Proof that all required taxes have been paid and~~
- ~~(3) The building official's determination of grandfather~~
- ~~(4) Any grandfather rights granted pursuant to this~~
- ~~(5) The sale of property entitled to grandfather rights~~
- ~~(6) Properties granted grandfather rights under this~~

38. Section 3.12.10 Mobile Food Dispensing Vehicles, incorporating the text removed from the definition, is added to the St. Lucie Village Land Development Code as follows:

3.12.10 Mobile Food Dispensing Vehicles

(A) No MFDV may operate in St. Lucie Village without a permit and occupational license approved by the Board of Aldermen.

(B) No permit or occupational license may issue for a MFDV without submittal of a sworn application meeting the following standards:

- (1) Name of the applicant.
- (2) Permanent home address and a valid telephone number.

- (3) A brief description of the nature of the business and the goods to be sold.
- (4) Copy of the approved license from the State of Florida/ Department of Business & Professional Regulations or Department of Agriculture.
- (5) Copy of the vehicle plans as submitted to the State of Florida/Department of Business & Professional Regulations or Department of Agriculture.
- (6) Copy of a valid vehicle registration for any motorized unit.
- (7) Copy of the notarized Commissary Agreement.
- (8) A site plan including:
 - (a) Plot plan of the lot showing existing structures and accessory structures or any other significant feature.
 - (b) Diagram of available parking.
 - (c) Identify set-backs from right of way line and structures.
- (9) A statement of the hours of operation (which may not start earlier than 6:00 a.m. or extend later than 8:00 p.m.).
- (10) Notarized affidavit of permission to vend from the property owner, if different from the applicant.
- (11) A photograph of the MFDV or Mobile Merchant Vehicle showing a side view of the vehicle from both front and back sides.

(C) No MFDV may operate or continue to operate in St. Lucie Village without complying with the following standards:

- (1) The telephone number included on the permit application must remain valid and active at all times. The vendor is responsible for notifying the Town of any changes to their contact information.
- (2) Mobile vending units must comply with the following minimum distance requirements, which shall be measured from the approved vending location to the nearest point of an established property line:
 - (a) 500 feet from a non-mobile business selling similar food,
 - (b) 1000 feet from the nearest permitted MFDV location.
- (3) May not block the ingress / egress to any property, sidewalk or street.
- (4) May not block or impede pedestrian or vehicular traffic.
- (5) May only operate at the approved location, clearly identified on the permit, and may only operate as described in the application submitted for the permit and license.
- (6) May have one (1) advertisement sign with a maximum size of sixteen (16) sq. feet. Such sign may not be free standing (unless removed and secured when the business is closed), illuminated, moving, flashing or utilizing neon color typically reserved for emergency services.

- (7) May have one (1) menu sign with a maximum size of nine (9) sq. feet.
- (8) No amplified sounds, music or other loud noises.
- (9) A trash receptacle must be provided and must be removed by the operator daily. Trash may not be placed within public street side trash receptacles.
- (10) Mobile vendors are responsible for picking up all litter and waste within twenty-five (25) feet of their unit.
- (11) No wastewater leakage or any other leakage is allowed.
- (12) A single attached or anchored umbrella/awning is permitted for the service area, provided it is maintained in good condition and does not impede traffic or block clear vision areas.
- (13) It shall be unlawful to place any further personality or fixtures at the location, except that two tables, with associated chairs or benches to allow seating for no more than twelve, and an umbrella for each table, will be permitted to provide an area for eating.
- (14) No mobile vending unit is to be left open and unattended at any time and must be secured, including all personality and fixtures, when not in operation.

39. Section 4.1.0 (A) and (F) are amended as follows:

(A) The powers to initiate, review, and adopt amendments to the ~~official zoning atlas~~ Official Zoning Maps.

(F) The powers to interpret boundaries of the various zoning districts on the Official Zoning ~~Atlas~~ Maps.

40. The references to "Zoning Atlas" in Section 5.1.0 (B) (1) and (2), and (D) (1) and (2) are amended to read "Zoning Maps"

41. The reference to "Zoning Atlas" in Section 5.2.0 (A) is amended to reference "Zoning Maps"

42. The references to "Zoning Atlas" at Section 5.3.0 (D) (1) (a) (v) and (D) (1) (b) (v) are amended to "Zoning Map"

43. The reference to "ZONING ATLAS" in the title to Section 7 is amended to be "ZONING MAPS".

44. The references to "Zoning Atlas" in Sections 7.1.0 (A), 7.1.0 (B) (2), and 7.1.0 (C) are amended to be "Zoning Maps".

45. The references to "Zoning Atlas" in Section 7.2.0 (A), (B) (7), and (C) are amended to be "Zoning Maps"

46. The coversheet of Appendix A is amended to read:

APPENDIX A TO THE ST. LUCIE VILLAGE ~~1995 ZONING ORDINANCE~~ LAND

DEVELOPMENT CODE

OFFICIAL ZONING ~~ATLAS~~ MAPS

47. The Mayor, Village Attorney and staff may correct formatting errors in the codification.

48. This ordinance shall become effective immediately upon passage or soon thereafter as is permissible by law.

49. Except as amended hereby, the Town of St. Lucie Village Land Development Code shall remain in full force and effect.

PASSED AND APPROVED by the Board of Aldermen of the Town of St.
Lucie Village, Florida, on this _____ day of _____, 2022.

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

By: _____
William G. Thiess, Mayor

ATTESTED:

By: _____
Mary Fowler, Clerk

I, Mary Fowler, Clerk of the TOWN OF ST. LUCIE VILLAGE, FLORIDA,
do hereby certify that this is a true and accurate copy of Ordinance
2022-3 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 _____ day of _____, 2022.

Mary Fowler, CLERK