



CITY OF PORT ST LUCIE

COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10D
Meeting Date: 6/27/2016 &
7/11/2016

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager *JB*

THRU: Daniel Holbrook, Assistant City Manager-Community Development ~~Director~~ *DH*

FROM: Patricia A. Tobin, AICP, Planning & Zoning Director *P.T.*

Agenda Item: Ordinance: *16-38* Code Text Amendment
Chapter 163 Model Homes (P16-031)

Submittal Date: 6/16/2016

STRATEGIC PLAN LINK: This item is consistent with Goal 3: Balanced and Responsible Sustainable Growth.

BACKGROUND: On October 12, 2015, the City Council approved the Chapter 163 Model Home Code by Ordinance 15-076. Since then staff found some ambiguities and inconsistencies. This text amendment will rectify these issues. The proposed changes are shown in the attached Exhibit A to the ordinance with additions shown as underlined and deletions as ~~strike through~~.

ANALYSIS: See attached staff report.

FINANCIAL INFORMATION: NA

LEGAL INFORMATION: The resolution has been approved as to form by Attorney Tom Mullin on 6/15/16.

RECOMMENDATION: The Planning and Zoning Board unanimously recommended approval of the Code text amendment at their meeting on June 7, 2016.

SPECIAL CONSIDERATION: NA

PRESENTATION INFORMATION: Staff may provide a short presentation on the application.

REQUESTED MEETING DATE: 6/27/2016

LOCATION OF PROJECT: NA

ATTACHMENTS: Staff report, ordinance and Exhibit A (proposed changes with additions shown as underlined and deletions as ~~striketthrough~~).

PT/TK

RECEIVED

JUN 16 2016

CITY MANAGER'S OFFICE

ORDINANCE 16-38

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING THE PORT ST. LUCIE CODE OF ORDINANCES BY PROVIDING AMENDMENT TO CHAPTER 163 – MODEL HOMES; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida adopted amendments to the City of Port St. Lucie Comprehensive Plan by Ordinance 12-19, and

WHEREAS, Section 163.3202, Florida Statutes, provides for the amendment and enforcement of land development regulations that are consistent with and implement the adopted comprehensive plan; and

WHEREAS, Section 163.3174(4)(C), Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to the consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

WHEREAS, this City initiated zoning text amendment, P16-031, to the existing Chapter 163 - Model Homes as outlined in Exhibit "A" with deletions shown as ~~strikethrough~~ and additions shown as underlined; and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174(4)(C), Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Code of Ordinances and submitted its recommendations thereon to the City Council; and

ORDINANCE 16-38

WHEREAS, having considered the recommendations of the Planning and Zoning Board, The Port St. Lucie City Council has found and determined that the adoption of zoning text amendment to Chapter 163 – Model Homes will foster and preserve the public health, safety and welfare; value and character of the community; and implement the adopted comprehensive plan.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. The City of Port St. Lucie Chapter - 163 - Model Homes, is hereby adopted for zoning text amendment into the Code of Ordinances as shown in Exhibit "A" attached hereto and incorporated by reference herein.

Section 2. The provisions of the Ordinance are severable and, if any section, sentence, clause or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

Section 3. This ordinance shall become effective on July 21, 2016.

ORDINANCE 16-38

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2016.

CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

Interim City Attorney



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: PLANNING & ZONING BOARD - MEETING OF JUNE 7, 2016

FROM: THRESIAMMA KURUVILLA, PLANNER *JK*

RE: CHAPTER 163 – MODEL HOMES
 CITY CODE TEXT AMENDMENT
 PROJECT NO. P16-031

DATE: MAY 31, 2016

BACKGROUND:

On October 12, 2015, the City Council approved the Chapter 163 Model Home Code by Ordinance 15-076. Since then staff found some ambiguities and inconsistencies. This text amendment will rectify these issues.

SUMMARY OF PROPOSED AMENDMENTS TO MODEL HOMES CODE:

The proposed changes are shown in the attached Exhibit A to the ordinance with additions shown as underlined and deletions as ~~strikethrough~~.

STAFF RECOMMENDATION:

The Planning and Zoning Department finds the proposed update to the Model Homes ordinance to be consistent with the City's Comprehensive Plan adopted in 2012 and recommends approval.

EXHIBIT "A"

CHAPTER 163. - MODEL HOMES

ARTICLE I – GENERAL PROVISIONS

Sec. 163.01. - Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. The contractor or qualified company submitting an application for a model home permit.

CONTRACTOR. Any person engaged in the business of contracting and who is currently registered with the state department of professional regulation, as a general contractor, building contractor, or residential contractor or who has a current certificate issued by the state department of professional regulation as a contractor, building contractor, or residential contractor.

DISPLAY. The exhibition of an unoccupied dwelling as a sample of a contractor's product, to solicit sales, to quote construction or sales price or otherwise operate a sales office.

DRIVEWAY APRON. Area of the driveway located within the road right-of-way extending from the right-of-way line to the edge of the road pavement.

MODEL HOME LOT. A lot zoned for residential use, located adjacent to an arterial or collector roadway ~~specified in Table A and specifically listed by the planning and zoning department and engineering department,~~ limited to a depth of four (4) contiguous lots from the arterial or collector roadway. ~~with each lot under the ownership of one or more builders intending to use the lots as model home sites or ancillary parking. Provided, however, any lot located on Airoso Boulevard, Floresta Boulevard, Thornhill Boulevard east of Burman Lane, Westmoreland Boulevard, Gwin Drive and Southbend Drive shall not be considered a model home lot.~~

EXAMPLE: Model Home Lot

Note—Actual parking and home configurations will vary.

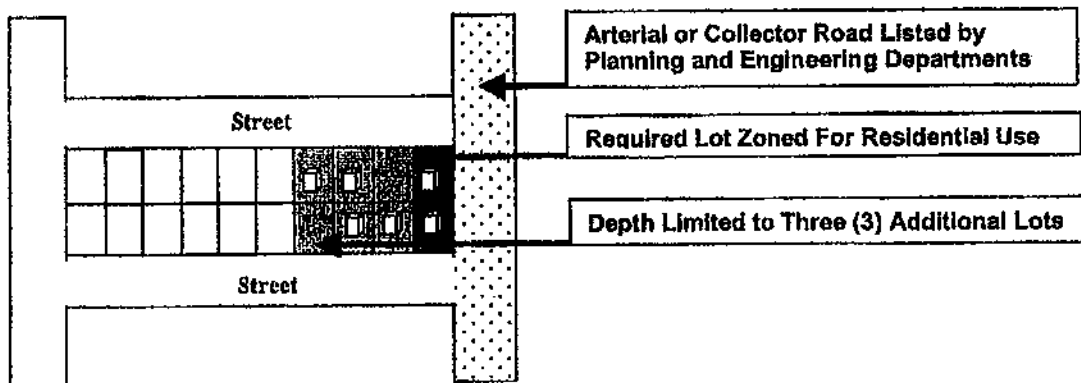


Exhibit "A" Table "A" Model Home Arterial and Collector Roadways

Roadway	From	To
Alcantarra Blvd.	Savona Blvd.	PSL Blvd.
Bayshore Blvd.	Prima Vista Blvd.	PSL Blvd.
Bayshore Blvd.	St. James Dr.	Prima Vista Blvd.
Cameo Blvd.	Janette Ave.	PSL Blvd.
Darwin Blvd.	Becker Road	PSL Blvd.
Del Rio Blvd.	Cashmere Blvd.	PSL Blvd.
Paar Drive	Rosser Blvd.	Darwin Blvd
Rosser Blvd.	Becker Road	Gatlin Blvd.
Savage Blvd.	Import Drive	Gatlin Blvd.
Savona Blvd.	Becker Road	California Blvd.
Tulip Blvd.	PSL Blvd.	PSL Blvd.

MODEL HOME. An unoccupied dwelling constructed upon a model home lot zoned for residential use and located on one of four contiguous lots from the arterial or collector roadway, with each lot under the ownership of one or more builders intending to use the lots as model home sites or ancillary parking, for display purposes, price quoting and consummation of sales contracts.

PERMIT. Model home permit.

QUALIFIED COMPANY. Any business organization engaged in the business of contracting and having a qualifying agent.

QUALIFYING AGENT. The person in whose name a business organization has obtained from the state department of professional regulation, a certificate or registration to engage in the business of contracting.

Sec. 16364.02. - Permitted Uses; Contents.

Use of model home. A model home may be used by the permit holder and his agents for display purposes and sales purposes only. Price quoting may be given and sales contracts may be consummated on the premises.

Contents. A model home may be furnished only with standard household furnishings. Office space and equipment related to the sales of model homes is permitted within the garage area or up to a maximum of four hundred (400) square feet if located outside of the garage.

Sec. 163.03. - Prohibited Uses; Contents.

(A) The permit holder shall not use the model home as his principal place of business.

(B) The permit holder is expressly prohibited from using the model home as a place to accept construction bids and proposals from suppliers and subcontractors, using the model home as a place to issue work orders and give

instructions to suppliers and subcontractors for work under construction and from using the model home as a place from which payments are made to employees, subcontractors, or suppliers for work performed or materials supplied.

(C) A model home shall not be used for the storage of construction materials.

(D) A model home shall not be occupied as a residence.

(E) The following items shall not be permitted in or at a model home:

1. ~~Blue print machine.~~

2. Mail receptacles boxes.

Sec. 163.04. – Site Requirements and Accessibility.

The Site shall be designed based on the following standards:

(A) The permit holder must submit an application to the zoning administrator on standard forms as provided by the planning and zoning department.

(B) The handicapped parking stalls and access ways from the parking area to the entrance shall be paved.

(C) Each model home shall include a paved driveway not less than twenty (20) feet or more than twenty-four (24) feet in width. The secondary portion of a circular driveway shall not exceed sixteen (16) feet except as otherwise provided for in Section 158.222. ~~A driveway culvert shall be provided at swale crossings.~~ Model homes with parking on separate lots are not required to have driveways to each model home.

(D) The number of contiguous lots shall not exceed four (4) from the arterial or collector roadway. For three (3) or more contiguous model homes under the same ownership or application, a separate lot shall be used for parking. This parking area shall include paved handicapped parking space that meets accessibility design standards. The driveway apron shall be paved. The parking area shall be unpaved or paved in accordance with the Engineering Standards for Land Development.

(E) Designated parking areas of three or more spaces or on separate lots shall include landscaping along the perimeter next to residential streets and adjacent to residential lots. This shall include a continuous hedge along the exterior of the parking area with shrubs that are at least twenty-four (24) inches in height at the time of planting. Parking areas on separate lots shall also include eight (8) trees along the perimeter of the parking area. Landscaping shall comply with the approved list of landscape material as provided for in Chapter 154, City Landscaping Code.

(F) Model home construction shall meet all accessibility requirements as specified in the Florida Building Code. The building department shall review all building permits for model homes for compliance with these provisions.

(G) An amended site plan will be required when on site improvements or additional model homes are proposed in connection with an existing model home.

(H) An appropriately designed stormwater detention area shall be provided for separate parking areas.

Sec. 163.05. - Hours of Operation.

The model home may only be open to the public between the hours of 9:00 a.m. and ~~6:00 p.m.~~ 8:00 p.m. on all days of the week.

Sec. 163.06. - Model Home Signs.

Model home signs shall be consistent with the adopted Sign Code, Chapter 155 of the City Code of Ordinances, and all pertinent sections related to certain prohibited and permitted signs. Sign permits are processed separately from the model home permit

Secs. 163.07—163.19. - Reserved.

ARTICLE II – GENERAL PROVISIONS

Sec. 163.20. - Model Home Permit; Eligibility.

No model home permit may be issued except as otherwise provided in Section 163.25 unless the applicant therefor has proved compliance with the following conditions:

(A) The applicant must be a contractor or qualified company.

(B) The applicant or qualifying company must be the owner or lessee of the property upon which the model home is to be built.

(C) The dwelling for which the model home permit is sought must be constructed upon a building permit ~~reflecting the applicant as the~~ pulled by the contractor therefor.

(D) The property must be zoned for single-family residential use. However, model home sales centers in PUD's are allowed. Model homes in PUDs are subject to review as a commercial site plan but need not be constructed to commercial building standards. The model row site plan in PUDs with residential lot/lots and parking lot shall be reviewed by SPRC (Site Plan Review Committee) and approved by the City Council.

(E) Model home permits shall not be issued in areas designated for conversion from single-family residential as identified in the adopted Zoning Conversion Area Manual. However, model home sales centers in ROI land use areas with compatible office zoning that comply with all site plan, office building design and land development regulations are permitted in those areas.

Sec. 163.21. - Application for Permit.

(A) Except as otherwise provided in Section 163.25, the application for the model home permit must be filed with the zoning administrator, and the site inspected and plan approved prior to issuance of the certificate of occupancy for the dwelling for which the permit is sought.

(B) The application for permit shall contain:

1. The name of the applicant.
2. The registration or certificate number of the applicant or, if the applicant is a qualified company, the registration or certificate number of the qualifying agent.
3. The legal description of the property upon which the model home will be located and the parking lot if applicable.
4. Proof that the applicant or qualifying company is the owner or lessee of the property upon which the model home will be located.
5. A copy of the current certificate of competency issued by city to the applicant allowing the applicant to engage in the business of contracting.
6. A site drawing that includes dimensions of the location of the model home site, designated office/sales area location within the home, parking, access or sidewalk areas and landscape design.
7. Registration and administrative review fee.

Sec. 163.22. - Registration and Administrative Review Fee.

A fee shall be established by the Planning and Zoning Department as a part of their development review fee structure as prescribed for issuance of a model home permit pursuant to section 163.02.

Sec. 163.23. - Duration and Renewal.

A model home permit shall be issued for a period of ten (10) years ~~one hundred twenty (120) months~~. Renewal of the model home permit may be permitted through application for a new permit. The removal and replacement of a house on an existing approved model home site shall require a new application for a model home permit.

Sec. 163.24. - Expiration.

(A) **Sale.** The model home permit shall automatically expire upon the sale or transfer of the model home provided however that if ownership of the model home is transferred to a qualified company, the model home permit may be transferred to the new owner. In the event the model home is sold and the permit holder leases the model home from the purchaser, the permit holder may continue to operate the model home for the remainder of the permitted term, provided the permit holder is otherwise in compliance with this chapter.

(B) **Automatic expiration.** If the qualified company is not the original permit holder and the qualifying agent resigns or otherwise ceases to serve as the qualifying agent, the permit shall automatically expire and shall not be renewed.

Sec. 163.25. ~~Transition Schedule.~~

~~The provisions of this section apply only to those model homes with valid permits on the effective date of this chapter. The intention of this transition schedule is to protect those model home permit holders who have made substantial investment in reliance on the predecessor model home ordinance.~~

~~(A) **Renewal.** Model home permits issued prior to the effective date of this chapter may obtain renewal thereof as follows:~~

- ~~1. Application for renewal must be made prior to the expiration of the existing permit.~~
- ~~2. The applicant must be a contractor or qualified company.~~
- ~~3. The applicant must be the owner of the property upon which the model home is built or have been the owner at the time the model home was built and have a lease on the property from its present owner.~~
- ~~4. The dwelling for which the permit renewal is sought must have been constructed upon a building permit reflecting the applicant as the contractor therefor. Only the contractor or original owner that originally built the model home may obtain a renewal of the model home permit.~~
- ~~5. The applicant shall otherwise provide the information required of applications for new permits.~~
- ~~6. Model homes shall be eligible for renewal under the provision of this section per the following criteria:
 - ~~a. Existing model homes located adjacent or contiguous to collector or arterial roads may qualify for renewal of no more than ten (10) years total from the date of the first permit unless the request includes replacing the house.~~
 - ~~b. Existing model home permits on local streets may qualify for renewal for a total of five (5) years from the date of the first permit and are not renewable after that time at those locations.~~
 - ~~c. In order to receive an extension of a permit for an existing model home, the applicant shall demonstrate that the model home is in compliance with the handicapped accessibility standards of this ordinance.~~
 - ~~d. Applications for new homes including those that replace the house will require compliance with all provisions of this code.~~~~

Sec. 163.26. - Appeal.

In the event the Zoning Administrator denies the application for a permit or a renewal thereof, the applicant shall have a right of appeal to the City Council. The City Council shall review the application together with any additional information provided by the applicant and may, in its discretion, direct the Zoning Administrator to issue the permit or renewal.

Secs. 163.27—163.34. - Reserved.

ARTICLE III. - ENFORCEMENT

Sec. 163.35. - Violation and Enforcement Procedures.

Violations of this chapter shall be cited by the Code Compliance Division pursuant to procedures set forth in Chapter 37 of the Code of Ordinances

Sec. 163.99. - Penalty.

Any owner or lessee failing to comply with any part of this chapter shall, upon conviction, be punished as provided for in Chapter 37 of the Code of Ordinances.