



## AGENDA REQUEST

10.G.4.

2023-61934

CONSENT AGENDA - PLANNING &  
DEVELOPMENT SERVICES

DATE: **10/3/2023**

\*ACTION ITEM - PERMISSION TO  
ADVERTISE

QUASI-JUDICIAL ITEM? No

**TO:** Board of County Commissioners

**PRESENTED BY:** Benjamin Balcer, Planning & Development Services Director

**SUBMITTED BY:** Planning & Development Services

**SUBJECT:** Permission to Advertise - County initiated Land Development Code Text Amendment to Allow for Increased Height of Accessory Structures and the Allowance for Increased Height for Non-habitable Architectural Features and Mechanical Equipment

### **BACKGROUND:**

At the September 12, 2023 informal Board of County Commissioners meeting, Planning & Development Services staff presented draft language, which if adopted, would allow for non-habitable architectural and mechanical components, such as parapets, chimneys, steeples, spires and elevator machinery and shafts to extend over the maximum allowable building height by not more than 5 ft. Additionally, staff presented recommendations to allow accessory structures within residential zoning districts, such as detached garages, carports, and enclosed storage structures, to extend higher than the primary structure, with a maximum height of 20 ft. as long as the accessory structure is located behind the front facade of the primary structure. Similarly, staff presented a recommendation to allow accessory structures within agricultural zoning districts, such as detached garages, carports, enclosed storage structures and pole barns, to extend higher than the primary structure, with a maximum height of 25 ft. as long as the accessory structure is located behind the front facade of the primary structure.

### **PREVIOUS ACTION:**

Staff's recommended language was presented to the Board of County Commissioners at the September 12, 2023 informal BOCC meeting.

### **FINANCIAL IMPACT:**

N/A

### **RECOMMENDATION:**

Staff recommends the Board approve the permission to advertise the County initiated Land Development Code Text Amendment and schedule the Draft Ordinance for three public hearings, beginning with the Planning & Zoning Commission hearing.

**COMMISSION ACTION:**

**RESULT:**

**MOVER:** None

**SECONDER:** None

**AYES:** None

**NAYS:** None

**EXCUSED:** None

**Coordination/Signatures**



\_\_\_\_\_  
Daniel McIntyre, County Attorney

Date: September 26, 2023



\_\_\_\_\_  
Mayte Santamaria, Deputy County Administrator

Date: September 26, 2023

**ORDINANCE NO. 2023-XX  
FILE NO.: TLDC-XXXX-XXXXXX**

**AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 2.00.00, DEFINITIONS, TO CLARIFY PROVISIONS FOR ACCESSORY USE AND STRUCTURES; ADD ALLOWANCES FOR NONHABITABLE ARCHITECTURAL AND MECHANICAL FEATURES TO EXTEND ABOVE THE MAXIMUM FINISHED MAIN ROOF HEIGHT; AMENDING SECTION 8.00.02 TO ALLOW THE HEIGHT OF CERTAIN ACCESSORY STRUCTURES WITHIN RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS TO EXTEND PAST THE MAXIMUM HEIGHT OF THE PRIMARY STRUCTURE WHEN CERTAIN PROVISIONS ARE MET; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR ADOPTION.**

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**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125 – County Government, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, pursuant to Article 8 of the Florida Constitution and Section 125.66, Florida Statutes, St. Lucie County possesses the police powers to enact ordinances in order to protect the health, safety, and welfare of the County’s citizens; and

**WHEREAS**, on August 1, 1990, the Board of County Commissioners adopted the St. Lucie County Land Development Code; and

**WHEREAS**, the Board of County Commissioners is authorized by Section 125.01(1)(h), Florida Statutes, to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

**WHEREAS**, the Board of County Commissioners is authorized by Section 125.01(1)(t), Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers and to prescribe fines and penalties for the violations of ordinances in accordance with law; and

**WHEREAS**, on October XX, 2023, the Planning and Zoning Commission held a public hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune on October XX, 2023. The Planning and Zoning Commission recommended to the Board to approve the proposed text amendment to the St. Lucie County Land Development Code; and

**WHEREAS**, on November XX, 2023, the Board of County Commissioners held its first public hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune on November XX, 2023; and

**WHEREAS**, on December XX, 2023, the Board of County Commissioners held its second Public Hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune on November XX, 2023; and

**WHEREAS**, the Board has determined that the proposed amendments to the St. Lucie County Land Development Code are consistent with the general purpose, goals, objectives, and standards of the County’s Comprehensive Plan, and are in the best interest of the health, safety, and public welfare of the citizens of the County.

**NOW, THEREFORE, BE IT ORDAINED** by the St. Lucie County Board of County Commissioners that the St. Lucie County Land Development is amended as set forth in the following amendments, as shown in ~~strike through~~ and underline format in Section 2.

**SECTION 1. RATIFICATION OF RECITALS.** The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

**SECTION 2.** This ordinance specifically amends St. Lucie County Land Development Code, as follows:

Words in ~~strike through~~ type are deletions from existing text.  
Words in underlined type are additions to existing text.  
Asterisks (\*\*\*) indicate existing text not shown.

**Section 2.00.00. - DEFINITIONS**

\* \* \* \* \*

*Accessory Use:* A structure or use that:

- (1) Is subordinate to and serves the principal building or principal use;
- (2) Unless specified in Section 8.00.02, ~~is~~ subordinate in area, extent, and purpose to the principal structure or principal use served;
- (3) Contributes to the comfort, convenience, or necessity of the occupant, business, or industry in the principal structure or use; and
- (4) Is located on the same lot as the principal structure or use.

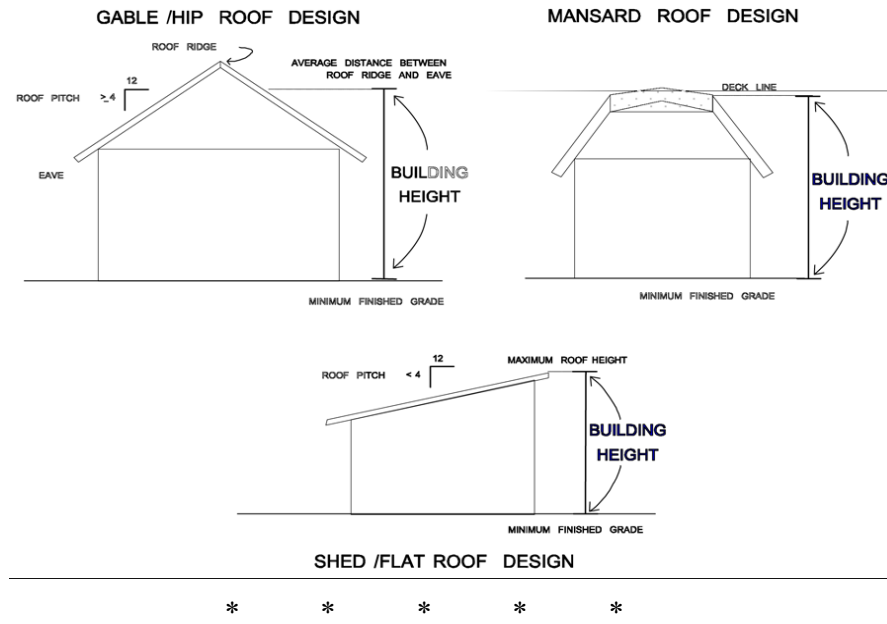
\* \* \* \* \*

*Height:* The vertical distance between the minimum finished grade and the highest finished main roof surface in the case of flat roofs or shed roofs, the deck line of a mansard roof and the average distance between the eaves and the ridge of sloped roof with a pitch greater than a 4:12 ratio. For the purpose of this Code, minimum finished grade shall be that elevation, for both residential and nonresidential uses, required to meet minimum flood protection regulations. For the purposes of this Code, roof mounted solar energy panels are exempt from the building height limitations and non-habitable architectural features and mechanical equipment along with corresponding enclosures,

including but not limited to, parapets, chimneys, steeples, spires, elevator machinery and shafts, shall be allowed to exceed the maximum building height limitation by not more than five (5) feet.

FIGURE 2.11

### BUILDING HEIGHT EXAMPLES



#### Section 8.00.02. - DIMENSION AND LOCATION REGULATIONS.

- A. No accessory use or structure except for fences, walls, and hedges as described in Section 8.00.04 shall be located in any required front yard in any residential zoning district.
- B. No accessory structure or use in any residential zoning district shall occupy more than thirty-five percent (35%) of the maximum permitted building area of the entire lot.
- C. Non-commercial garages, carports, and enclosed storage structures located within residential zoning districts may exceed the height of the primary structure but shall then be limited to twenty (20) feet in height and located behind the front façade of the primary structure.
- D. Non-commercial garages, carports, pole barns, and enclosed storage structures within agricultural zoning districts may exceed the height of the primary structure but shall then be limited to twenty-five (25) feet in height and located behind the front façade of the primary structure.

**SECTION 3. CONFLICTING PROVISIONS.** Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, and adopted prior to January 1, 1969, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 4. SEVERABILITY AND APPLICABILITY.** If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be

held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**SECTION 5. FILING WITH THE DEPARTMENT OF STATE.** The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Department of State.

**SECTION 6. EFFECTIVE DATE.** A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners of St. Lucie County within ten days after enactment by the Board, and this ordinance shall take effect upon filing with the Department of State.

**SECTION 7. CODIFICATION.** Provisions of this ordinance shall be incorporated in the St. Lucie County Land Development Code, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

**SECTION 8. ADOPTION.** After motion and second, the vote on this ordinance was as follows:

Cathy Townsend, Chair	XXX
Linda Bartz, Vice Chair	XXX
Chris Dzadovsky, Commissioner	XXX
Jamie Fowler, Commissioner	XXX
Larry Leet, Commissioner	XXX

**PASSED AND DULY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA**

\_\_\_\_\_  
**Deputy Clerk**

**BY:** \_\_\_\_\_  
**Chair**

**APPROVED AS TO FORM AND  
CORRECTNESS:**

**BY:** \_\_\_\_\_  
**County Attorney**