



AGENDA REQUEST

11.B.1.
ORD-2025-14
PUBLIC HEARINGS -
PLANNING &
DEVELOPMENT
SERVICES
DATE: **7/1/2025**
*ORDINANCE ITEM -
LAND DEVELOPMENT
CODE TEXT
AMENDMENT
QUASI-JUDICIAL ITEM?
NO

TO: Board of County Commissioners

PRESENTED BY: Benjamin Balcer, Planning & Development Services Director

SUBMITTED BY: Planning & Development Services

SUBJECT: Land Development Code Text Amendment to Require Community Participation Meetings for Certain Types of Development Applications and Allow Certain Permitted As-of-right Uses in Conformity with the Comprehensive Plan and Land Development Code, as well as Development Applications that are in Substantial Conformity with an Approved Preliminary Planned Development Plan, and any Live Local Affordable Housing Applications Meeting the Provisions of Section 125.01055, F.S. to be Processed as a Minor Site Plan - **ADOPTION HEARING**

BACKGROUND:

The Board of County Commissioners have expressed the desire to increase public participation in the planning process and has recommended requiring community participation meetings for certain development applications, prior to the application being heard at a Public Hearing.

The proposed Ordinance ensures community participation in the development review process for certain development application types and establishes requirements for public participation meetings within the Land Development Code. The Planning & Zoning Commission recommended the mailed notice for the required Community Meeting be expanded to all owners within 1,000 ft. if the petition site is inside the Urban Service Boundary and 1,500 ft. if the petition site is outside the Urban Service Boundary. During the 1st Reading of the Draft Ordinance, the BOCC accepted the P&Z Commission's recommendation and the Ordinance has been updated to reflect the expanded mailed notice distances.

The proposed Ordinance also establishes that uses which are permitted as-of-right, which do not require special permits or variances, can proceed as a minor site plan and are therefore eligible for administrative approval. Also, the proposal seeks to allow development applications that are in substantial conformity with a Preliminary Planned Development Plan approved by the Board of County Commissioners to be processed as a

minor site plan.

This proposal also recognizes the Live Local Act, which was approved by the Florida Legislature in 2023 (Ch. 2023-17, LOF) and further refined in 2024 (Ch. 2024-188, LOF) to increase the availability of affordable housing options. The Live Local Act preempts local regulations for certain housing developments in areas zoned for commercial, industrial, or mixed use and requires administrative approval and no action by the Board. This proposal looks to update our Land Development Code accordingly by recognizing Live Local projects meeting the provisions of Section 125.01055, F.S. are to be reviewed and approved administratively through a Minor Site Plan.

The proposal also includes deleting provisions pertaining to the Development of Regional Impact provisions that are no longer consistent with Florida Statutes and updates obsolete department names and titles in Sections 11.02.04, 11.02.06, 11.02.08 and 11.02.09.

PREVIOUS ACTION:

On April 22, 2025, the St. Lucie County Board of County Commissioners granted permission to advertise this County-initiated Land Development Code Amendment.

On May 15, 2025, the St. Lucie County Planning and Zoning Commission heard this item and voted to recommend approval to the Board of County Commissioners, with a recommendation that notices for the required Community meetings be expanded to 1,000 ft. for projects inside the USB and 1,500 ft. for projects outside the USB.

On June 3, 2025, the St. Lucie County Board of County Commissioners passed a motion to amend the Draft Ordinance to account for the Planning and Zoning Commission's recommendation of expanding the required mailed notices and scheduling the 2nd Reading of the Draft Ordinance on July 1, 2025, beginning at 6:00 P.M. or as soon thereafter as may be heard.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the Board vote to adopt Ordinance No. 2025-14 and allow the Chair to sign documents as approved by the County Attorney.

COMMISSION ACTION:

RESULT:

MOVER: None

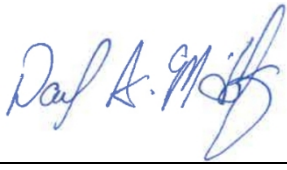
SECONDER: None

AYES: None

NAYS: None

EXCUSED: None

Coordination/Signatures



Daniel McIntyre, County Attorney

Date: June 23, 2025



Mayte Santamaria, Deputy County Administrator

Date: June 23, 2025



Planning and Development
Services Department
Planning Division
MEMORANDUM

TO: Board of County Commissioners

FROM: Ben Balcer, AICP, Planning & Development Services Director

DATE: June 11, 2025

SUBJECT: Text Amendment to the Land Development Code
LDC Sections 11.02.01, 11.02.02, 11.02.04, 11.02.06, 11.02.08, & 11.02.09
File Number: TLDC-2505-000040

The County initiated a Text Amendment to the Land Development Code (LDC) proposing to require community participation meetings for certain types of development applications and allow certain permitted as-of-right uses in conformity with the Comprehensive Plan and Land Development Code, as well as development applications that are in substantial conformity with an approved Preliminary Planned Development Plan, and any Live Local Affordable Housing applications meeting the provisions of Section 125.01055, F.S. to be processed as a Minor Site Plan. The proposal includes deleting provisions pertaining to Developments of Regional Impact that are no longer consistent with Florida Statutes and updating obsolete department names and titles in Sections 11.02.04, 11.02.06, 11.02.08 and 11.02.09.

BACKGROUND

The Board of County Commissioners have expressed the desire to increase public participation in the planning process and has recommended requiring community participation meetings for certain development applications, prior to the application being heard at a Public Hearing. The Board previously provided direction to PDS staff on drafting an Ordinance requiring community participation meetings at their March 11, 2025 Informal Board meeting. At the meeting, the Board determined community participation meetings were appropriate for all Planned Development, Conditional Use Permit, and Development Agreement applications. These applications generally require a site plan identifying conceptual design details that are ultimately considered by the Board through quasi-judicial public hearings. At these hearings, the Board can hear from the applicants and residents and provide input and adopt conditions of approval to improve the project's compatibility and design. These application types differ from a straight rezoning application, as a site plan is not required at that stage and is not subject to the review. The recommended application types also differ from major site plans, which are reviewed for compliance with the standards in the Land Development Code and heard as a regular agenda item before the Board.

The Draft Ordinance shall apply to applicable development applications submitted after the effective date of the Ordinance and it includes the following standards for noticing and hosting these required meetings including the following:

- The applicant shall coordinate with the Planning and Development Services Director or designee regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site or a County facility if a location does not exist nearby, between 20 and 120 days prior to the first of any public hearings required for development application approval.

Additional community meetings may be held by the applicant or their authorized representative but are not required.

- The community meeting shall be noticed at least 15 days prior to the meeting date by mailing of notice to surrounding property owners within 1,000 feet if the petition site is within the Urban Service Boundary and 1,500 feet if the petition site is located outside of the Urban Service Boundary. The Planning and Development Services Department shall provide the applicant with a mailing list. The applicant shall mail these notices with proper postage a minimum of fifteen (15) days before the community meeting.
- New public notice consistent with the subsection above shall be provided for any rescheduled community meeting.
- The applicant shall pay the cost of the mailed notice for the community meeting and provide proof of proper notice to the Planning and Development Services Director or designee.
- The community meeting shall be facilitated by the applicant or their authorized representative and Planning and Development Services staff shall be notified to attend. The applicant shall provide Planning and Development Services staff with a summary of the materials presented at the community meeting, the issues or suggestions raised by those in attendance, and a copy of the sign-in sheet.
- If an applicant fails to hold a required community meeting, the Planning and Development Services Department shall not proceed with scheduling for a public hearing for the development application.

The Draft Ordinance looks to allow certain permitted as-of-right uses, which do not require special permits or variances, as well as development applications that are in substantial conformity with an approved Preliminary Planned Development Plan, and a Live Local Affordable Housing application meeting the provisions of Section 125.01055, F.S. to be processed as a Minor Site Plan. These amendments look to streamline the development approval process. Additionally, the Live Local Act, which was approved by the Florida Legislature in 2023 (Ch. 2023-17, LOF) and further refined in 2024 (Ch. 2024-188, LOF) to increase the availability of affordable housing options. The Live Local Act preempts local regulations for certain housing developments in areas zoned for commercial, industrial, or mixed use and requires administrative approval and no further action by the Board. Therefore, this proposal looks to update the Land Development Code accordingly by allowing all Live Local projects meeting the provisions of Section 125.01055, F.S. to be reviewed and approved administratively through a Minor Site Plan.

Lastly, the proposal includes deleting provisions pertaining to Developments of Regional Impact that are no longer consistent with Florida Statutes and updating obsolete department names and titles in Sections 11.02.04, 11.02.06, 11.02.08 and 11.02.09.

**TEXT AMENDMENT STANDARDS OF REVIEW
AS SET FORTH IN SECTION 11.06.03,
ST. LUCIE COUNTY LAND DEVELOPMENT CODE**

Pursuant to St. Lucie County Land Development Code (LDC) Section 11.06.03, the Development Review Committee (DRC) has reviewed the proposed Text Amendment to LDC Sections 11.02.01, 11.02.02, 11.02.04, 11.02.06, 11.02.08, & 11.02.09, and found it to meet the technical requirements and standards of review. In reviewing this application for a text amendment to the LDC, the Planning and Zoning Commission shall consider and make the following determinations:

A. Whether the proposed amendment is in conflict with any applicable portions of the St. Lucie County Land Development Code;

The proposed text amendment is internally consistent with the Land Development Code. The amendment will streamline the regulatory process and increase public participation in the planning process. The draft ordinance is consistent with the following LDC Section.

Land Development Code Section 12.03.04 – All meetings of the Local Planning Agency shall be public meetings and all agency records shall be public records. The Local Planning Agency shall encourage public participation.

B. Whether the proposed amendment is in conflict with all elements of the St. Lucie County Comprehensive Plan;

The proposed text amendment is consistent with all elements of the St. Lucie County Comprehensive Plan. The following specific goals, objectives, and policies from the Comprehensive Plan support the proposed Land Development Code Text Amendment:

The proposed amendments are consistent with the St. Lucie County Comprehensive Plan. The following specific goals, objectives, and policies from the Comprehensive Plan support the proposed Land Development Code Text Amendment:

***Goal 1.1:** Ensure the highest quality living environment possible, through a mixture of land uses reflecting the needs and desires of the local residents and how they want their community to develop. The goal shall be implemented by strictly enforced building, zoning and development codes based on objectives and policies that will enhance St. Lucie County's natural and man-made resources while minimizing any damage or threat of degradation to the health, safety and welfare of the county's citizens, native wildlife and environment, through incompatible land uses.*

***Objective 1.1.4:** Implementing Land Development Code. Review and amend, as required, the County's Land Development Code which support the implementation of the Future Land Use Element, and the other components of the St. Lucie County Comprehensive Plan.*

C. Whether and the extent to which the proposed amendment is inconsistent with the existing and proposed land uses;

The proposed text amendment is consistent with existing or proposed land uses.

The proposed Land Development Code Text Amendment streamlines the regulatory process and is consistent with Florida Statutes.

D. Whether there have been changed conditions that require an amendment;

The proposed Land Development Code Text Amendment is drafted to provide a streamlined development review process and increase the ability for public participation in the planning process. Over the years, the County has experienced an increase in development applications, necessitating more public outreach for certain types of development proposals.

The text amendment looks to eliminate outdated references to the Development of Regional Impact (DRI) process, which was eliminated in 2015 by the Florida legislature. Further changes to DRI's occurred in 2018 with the legislature removing state and regional review of DRI's, transferring the responsibility for reviewing and amending DRI development orders to local governments.

E. Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether or to the extent to which the proposed amendment would exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit, and emergency medical facilities;

The proposed text amendment will not result in additional demands on public facilities. Site specific facility impacts are addressed at the time of development application, with applicable permitting requirements remaining in-place. All development is required to adhere to the adopted Level of Service (LOS) and concurrency standards.

F. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;

The proposed text amendment would not result in adverse impacts on the natural environment. The proposed text amendment is not expected to increase development pressures on natural areas and does not modify or exempt improvements from any of the County's natural resource protection standards.

G. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;

The proposed amendment is not anticipated to have an adverse impact on property values in the area.

H. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern specifically identifying any negative effects of such patterns;

The proposed ordinance does not request an amendment to the Official Zoning Atlas and will maintain an orderly and logical development pattern. Pursuant to LDC Section 7.04.00. – Area, Yard, Height, and Open Space Requirements specifically, Table 7-10 addresses the maximum density and lot overage and minimum lot width and yard requirement (i.e. setbacks) for each zoning district for accessory uses.

I. Whether the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and intent of this code;

The proposed amendment is not in conflict with the public interest and is in harmony with the purpose and intent of this code.

J. Any other matters that may be deemed appropriate by the Planning and Zoning Commission or the Board of County Commissioners, in review and consideration of the proposed amendment.

The Planning and Zoning Commission and the Board of County Commissioners may raise other matters regarding the proposed Land Development Code Text Amendment.

PLANNING & ZONING COMMISSION & BOCC 1st Reading

The Planning & Zoning Commissioner held a public hearing on this proposed ordinance on May 15, 2025. The Commission voted unanimously to recommend the Board of County Commissioners approve the subject text amendments.

The Planning and Zoning Commission expressed support for Draft Ordinance and recommended that the BOCC consider expanding the requirement for the applicant to provide mailed notice of the community participation meeting to property owners within 1,000 ft if the project is within the Urban Service Boundary and 1,500 ft. if the project is located outside of the Urban Service Boundary.

The Board of County Commissioners held the 1st reading of the proposed ordinance on June 3, 2025. The Board passed a motion including the Planning and Zoning Commission's recommendation to expand the mailed notice requirement to 1,000 ft. if the petition site is located within the Urban Service Boundary and 1,500 ft. if the petition site is located outside the Urban Service Boundary. The Board also voted to hold the 2nd reading to adopt the proposed ordinance at their July 1, 2025 regularly scheduled meeting, beginning at 6:00 P.M. or as soon thereafter as may be heard.

STAFF RECOMMENDATION:

Staff finds this petition to meet the standards of review as set forth in Section 11.06.03 of the St. Lucie County Land Development Code, and is not in conflict with the goals, objectives, and policies of the St. Lucie County Comprehensive Plan.

Staff recommends the Board of County Commissioners vote to adopt the proposed draft ordinance No. 2025-14 as drafted by staff.

ORDINANCE No. 2025-14
FILE NO.: TLDC-2505-000040

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 11.02.01 TO ESTABLISH THE REQUIREMENTS FOR COMMUNITY PARTICIPATION MEETINGS; SECTION 11.02.02 TO ALLOW CERTAIN PERMITTED AS-OF-RIGHT USES IN CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AND DEVELOPMENT APPLICATIONS THAT ARE IN SUBSTANTIAL CONFORMITY WITH A PRELIMINARY PLANNED DEVELOPMENT PLAN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS TO BE PROCESSED AS A MINOR SITE PLAN AND TO INCLUDE LIVE LOCAL AFFORDABLE HOUSING APPLICATIONS MEETING THE PROVISIONS OF SECTION 125.01055, F.S. AS A MINOR SITE PLAN AND TO DELETE PROVISIONS PERTAINING TO DEVELOPMENTS OF REGIONAL IMPACT THAT ARE NO LONGER CONSISTENT WITH FLORIDA STATUTES; AND SECTIONS 11.02.04, 11.02.06, 11.02.08 AND 11.02.09 TO UPDATE OBSOLETE DEPARTMENT NAMES AND TITLES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR ADOPTION.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida has made the following determinations:

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, Chapters 125, and 163, F.S., provide for the adoption and enforcement of the comprehensive plan and codes; and enforcement to ensure development undertaken is consistent with the plan and codes; and

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

WHEREAS, to ensure community participation in the development review process and streamline the regulatory procedures by incorporating public input early in the process, the ordinance includes requirements for public participation through mandatory community meetings for applicable development applications submitted after the effective date of this ordinance; and

WHEREAS, permitted as-of-right uses are land uses allowed under the local zoning ordinance without needing special permits or variances, subject to conformity with development standards; and

WHEREAS, permitted as-of-right uses are generally development proposals that strictly conform to zoning codes and may receive approval and qualify for construction without requiring discretionary approval and it is proposed that these development applications are processed as a minor site plan; and

WHEREAS, Preliminary Planned Development Plan (PPDP) development applications require review by the Development Review Committee, and review and public hearings before the Planning and Zoning Commission and the Board of County Commissioners (Board) to determine whether the proposal satisfies the requirements of the Comprehensive Plan and Code; and

WHEREAS, development applications that have been reviewed and approved by the Board and that are in substantial conformity with an approved PPDP are proposed to be processed as a minor site plan; and

WHEREAS, in 2023, the Florida Legislature adopted the Live Local Act (Ch. 2023-17, LOF) and in 2024, further refined some provisions (Ch. 2024-188, LOF) to increase the availability of affordable housing options, including preempting local regulations for certain housing developments in areas zoned for commercial, industrial, or mixed use and requiring that such applications be administratively approved with no review by the Planning and Zoning Commission or the Board; and

WHEREAS, on May 15, 2025, the Local Planning Agency/Planning and Zoning Commission held a public hearing on this proposed ordinance after publishing due notice in the St. Lucie News Tribune and recommended that the proposed ordinance be forwarded with a recommendation for approval; and

WHEREAS, on June 3, 2025, this Board held the first public hearing on this proposed ordinance, after publishing due notice in the St. Lucie News Tribune; and

WHEREAS, on July 1, 2025, this Board held its second public hearing on this proposed ordinance, after publishing due notice in the St. Lucie News Tribune; 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 St. Lucie County Comprehensive Plan, are internally consistent with the remainder of the Land Development Code and are in the best interest of the health, safety and public welfare of the citizens of St. Lucie County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

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.

11.02.01. Pre-Application Conferences and Community Participation Meetings.

- A. Prior to filing for site plan a development application review, the applicant is encouraged to meet with the Growth Management Director request a pre-application meeting with the St. Lucie County Development Review Committee by submitting an application and applicable fee. The applicant shall provide a written description of the existing and proposed development, including its character, location and magnitude in the application submission. The purpose of this meeting is to discuss the development review process and to be informed of which staff members to confer with about the application. Staff will provide the applicant with information about the potential Land Development Code and Comprehensive Plan requirements, as well as may provide initial comments about the proposal and recommend specific items to address prior to submitting a development application.
- B. Applicants requesting a rezoning to a Planned Development Zoning District, a Conditional Use Permit, a Future Land Use Map Amendment to a Mixed Use or Special District, or a Development Agreement pursuant to this Section shall provide for public participation through a community meeting. The purpose of a community meeting is to ensure citizen participation in an informal forum and to provide an applicant with the opportunity to understand scope of the development application and any potential impact it may have on an affected community.
1. The applicant shall coordinate with the Planning and Development Services Director or designee regarding the date, time and location of the community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site or at a County facility if a location does not exist nearby. The community meeting shall be held between 20 and 120 days prior to the first of any public hearings required for application approval. Additional community meetings may be held by the applicant or their authorized representative but are not required.
 2. The applicant is responsible for noticing the community meeting at least 15 days prior to the meeting date by mailed notice to the Planning and Development Services Director or designee and to all surrounding property owners within 1,000 feet if the petition site is within the Urban Service Boundary and 1,500 feet if the petition site is outside of the Urban Service Boundary. The Planning and Development Services Department shall provide the applicant with a mailing list. The applicant shall mail the notices with proper postage a minimum of fifteen (15) days before the community meeting.
 3. The applicant is responsible for providing new public notice consistent with the subsection above for any rescheduled community meeting.
 4. The applicant shall pay the cost of the mailed notice for the community meeting and provide proof of proper notice to the Planning and Development Services Director or designee.
 5. The community meeting shall be facilitated by the applicant, or their authorized representative and Planning and Development Services staff shall be notified to attend. The applicant shall provide Planning and Development Services staff with a summary of the materials presented at the community meeting, the issues or suggestions raised by those in attendance, and a copy of the sign-in sheet.
 6. If an applicant fails to hold a required community meeting, the Planning and Development Services Department shall not proceed with scheduling for a public hearing for the application.

11.02.02. Designation of Minor Site Plan, Major Site Plan, or Preliminary Planned Development Plan.

- A. *Generally.* For purposes of these review procedures, all site plans shall be designated as either a Minor Site Plan, a Major Site Plan, or a Preliminary Planned Development Plan according to the criteria below.
- B. *Minor Site Plan.* A proposed development shall be designated as a Minor Site Plan if it is:

1. Any use permitted as-of-right with proposed drive-through services or buildings between six thousand (6,000) and one hundred thousand (100,000) square feet, or between three (3) and ninety-nine dwelling units that does not involve platting residential lots, provided the use is developed in conformity with the Comprehensive Plan and Land Development Code.
 - 1-2. Any division of land located outside of the Urban Service Boundaries into more than two (2) parcels but less than ten (10) parcels ~~but more than two (2) parcels~~ in accordance with the provisions of Section 11.03.00.
 - 2-3. Any division of land located within the Urban Service Boundary into more than two (2) parcels but less than fifty (50) parcels ~~but more than two (2) parcels~~ in accordance with the provisions of Section 11.03.00.
 3. ~~Any multi-family residential development of less than one hundred (100) units, that does not involve platting.~~
 4. Any development application that is in substantial conformity with a Preliminary Planned Development Plan approved by the Board of County Commissioners after August 1, 2025.
 - 4-5. Any nonresidential use, including additions to existing structures of six thousand (6,000) to one hundred thousand (100,000) square feet.
 5. ~~Any non-residential use, less than fifty thousand (50,000) square feet, that provides drive through or walk-up services.~~
 6. ~~Any nonresidential use, less than fifty thousand (50,000) square feet, that provides drive through or walk-up services.~~
 - 7-6. Any non-residential use, including additions to existing structures up to five hundred thousand (500,000) square feet for development included within the St. Lucie County Targeted Industry List.
 - 8-7. Any commercial lodging establishments having less than six (6) units for rent or lease.
 8. Live local affordable housing applications meeting the provisions of Section 125.01055, F.S.
- C. *Major Site Plan.* A proposed development shall be designated as a Major Development Site Plan if it is:
1. Any division of land located outside the Urban Service Boundary into ten (10) or more parcels, in accordance with the provisions of Section 11.03.00.
 2. Any division of land located within the Urban Service Boundary into fifty (50) or more parcels, in accordance with the provisions of Section 11.03.00.
 3. Any multi-family residential development of one hundred (100) or more dwelling units.
 4. Any nonresidential use, of One hundred thousand and one (100,001) or more square feet of non-residential floor space.
 5. Any nonresidential use, of Five hundred thousand and one (500,001) or more square feet of non-residential floor space for any development included within the St. Lucie County Targeted Industry List.
 6. All commercial lodging establishments including six (6) or more units available for rent or lease.
 7. Any development of land, including a Final Planned Development Site Plan, ~~a. Where the proposed development should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources, and public safety. The Planning and Development Services Director or designee shall make this determination.~~
- D. *Preliminary Planned Development Plan.* A proposed development shall be designated as a Planned Development Site Plan if it is:

1. A Planned Unit Development (Per Section 7.01.00);
2. A Planned Non-Residential Development (Per Section 7.02.00);
3. A Planned Mixed-Use Development (Per Section 7.03.00).
4. A Planned Town or Village (Per Section 3.01.03(FF));
5. A Planned Country Subdivision (Per Section 3.01.03(GG));
6. A Planned Retail/Workplace (Per Section 3.01.03(HH));
7. ~~A Development of Regional Impact, as defined in F.S. § 380.06, and in accordance with Section 11.02.02(E).~~

E. *Developments of Regional Impact.*

1. A Development of Regional Impact (DRI) must meet the definition of, and the provisions provided in Section 380.06, F.S.

~~Application for a binding letter of determination from Department of Community Affairs required. A developer shall be required to submit an application to and receive a determination from the Department of Community Affairs as to whether or not such development is a development of regional impact as defined in F.S. § 380.06, under the following circumstances:~~

- a. ~~If the development is at a presumptive numerical threshold or up to twenty percent (20%) above a numerical threshold in the guidelines and standards in F.S. Ch. 380, or administrative rules promulgated thereunder; or~~
- b. ~~The development is between a presumptive numerical threshold and twenty percent (20%) below the numerical threshold, and St. Lucie County is in doubt as to whether the character or magnitude of the development at the proposed location creates a likelihood that the development will have a substantial effect on the health, safety or welfare of the citizens of more than one (1) county.~~
 1. ~~In the event that a development is between a presumptive numerical threshold and twenty percent (20%) below the numerical threshold, the developer shall submit a request in writing to the Growth Management Director for a determination as to whether or not St. Lucie County will require that an application for a binding letter of interpretation will be required to be submitted in regard to such development. The procedure for processing such requests in St. Lucie County shall be as follows:~~
 2. ~~Within thirty (30) days after receipt of the developer's written request, the Growth Management Director shall make a determination in writing as to whether the County will require that the developer submit an application for a binding letter of interpretation. The Director shall provide by mail (certified, return receipt) or hand delivery, copies of the written determination to the developer and to the Board of County Commissioners. Any person may appeal the determination of the Director to the Board of County Commissioners by filing a written notice of intent to appeal with the County Director within fifteen (15) days of the date of receipt of the Director's written determination.~~

2. ~~Application Requirements.~~

- a. ~~As to any development which is required by the provisions of Section 11.02.02(E) to submit for a binding letter of interpretation or for which the developer for any reason has submitted for a binding letter of interpretation, the application to St. Lucie County for any of the following:~~
 1. ~~Comprehensive plan amendment;~~
 2. ~~Rezoning;~~

3. — Planned Unit Development approval;
4. — Site Plan approval;
5. — Conditional Use approval;
6. — Special Exception; or
7. — for any other development permit, as defined in F.S. § 380.031,

shall be accompanied by a certified copy of the final determination by the Department of Community Affairs or any court judgment which constitutes a final judgment entered as a result of an appeal from a final order of the Department of Community Affairs making a determination on the Development of Regional Impact status of the project. St. Lucie County shall not receive or process any applications for Development Permits for any project or portion thereof, for which a binding letter of interpretation is required or is actually sought by the developer, until a final binding determination has been made as to the Development of Regional Impact status of the project.

- b. — In any application for a Development Permit to St. Lucie County for a proposed development as to which a final binding determination has been made that the proposed development is not a Development of Regional Impact and that determination has been made in part or in whole based upon various commitments or limitations as to development made in the applicant's request for a binding letter, agreed to by the applicant, or otherwise imposed by the Department of Community Affairs to restrict the development in a way that it shall not constitute a Development of Regional Impact, such commitments, limitations or conditions shall be incorporated as conditions into all Development Permits issued by St. Lucie County, as if such conditions were fully set out in each Development Permit.
3. — *Filing Requirements.* If a proposed development has been determined to be a Development of Regional Impact or if the developer has waived the right to request a binding letter of interpretation or otherwise agreed to the Development of Regional Impact status of a proposed development, then, as to such proposed development, any application to St. Lucie County as to the first Development Permit sought from St. Lucie County for such development shall be accompanied by, and there shall be filed simultaneously with it, an application for development approval seeking Development of Regional Impact review and approval as required in F.S. § 380.06. No final action will be taken by St. Lucie County on any St. Lucie County Development Permit application as to a project for which Development of Regional Impact approval is being sought, until St. Lucie County is in a position to concurrently act upon the application for development approval.
 4. — *Proposed Modification to a Development.* In the event of a proposed modification to a development for which a binding letter of interpretation has been received by St. Lucie County indicating that the development was not a Development of Regional Impact, the following shall apply:
 - a. — In the event that the modification increases the size or scope of the development so that when the proposed modification is aggregated with the prior approved development that was determined not to be a Development of Regional Impact, that the aggregated development is at a presumptive numerical threshold or up to twenty percent (20%) above a numerical threshold in the guidelines and standards of F.S. Ch. 380.06, or administrative rules promulgated thereunder, then the developer shall be required to submit an application for a binding letter of interpretation.
 - b. — In the event that the modification increases the size or scope of the development so that when the proposed modification is aggregated with the prior approved development that was previously determined not to be a Development of Regional Impact, that the aggregated development is at a presumptive numerical threshold or twenty percent (20%) below the numerical threshold, then the provisions of Section 11.02.02(E)(1)(b) shall apply.

- c. ~~The provisions of Sections 11.02.02(E)(2) and (3) shall also apply in the event of a modification to a development which falls within the parameters of subparagraphs a and b above.~~

* * * * *

11.02.04. Review of Applications for Major Site Plans.

A. General Procedures.

1. An application for a Major Site Plan shall be submitted to the Growth Management Planning and Development Services Director in a form established by the Director along with an applicable fee as established in Section 11.12.00.
2. An application shall be determined to be complete only if the required submittals of Section 11.02.09 are provided. Within twenty (20) working days of receipt of the Site Plan, the Director shall:
 - a. Determine that the application is complete and direct the application to the Development Review Committee for further review; or,
 - b. Determine that the application is incomplete and inform the applicant in writing of the missing components. The applicant may submit a revised plan within thirty (30) working days without payment of any additional processing fee, but, if more than thirty (30) days have elapsed since notice of incompleteness, must thereafter reinitiate the review process and pay additional fees as identified in Section 11.12.00.

~~An application shall be determined to be complete only if the required submittals of Section 11.02.09 are provided.~~

3. The Development Review Committee shall review the application for Site Plan and determine whether ~~the application proposal~~ it complies with the requirements of this Code within twenty (20) working days. In reviewing the application and making a determination of compliance, the Development Review Committee shall use the standards in Section 11.02.07.
4. After the completion of the review by the Development Review Committee, the Chairman of the Development Review Committee shall:
 - a. Recommend that the Growth Management Planning and Development Services Director determine that the application complies with the standards of Section 11.02.07;
 - b. Inform the applicant and the Growth Management Planning and Development Services Director in writing of the deficiencies of the application.

The applicant shall notify the Growth Management Planning and Development Services Director within thirty (30) working days of this notice of deficiency of his/her intent to address the cited deficiencies. The applicant shall have a maximum of one hundred twenty (120) days to respond to the cited deficiencies without payment of any additional processing fee. Upon the applicant's response to the cited deficiencies the revised application shall be reviewed by the Development Review Committee pursuant to Section 11.02.03(A)(3) and (4). If the applicant fails to respond to the cited deficiencies within one hundred twenty (120) days the applicant must thereafter reinitiate the review process and pay an additional fee, as identified in Section 11.12.00 of this Code.

5. The Chairman of the Development Review Committee shall notify the Growth Management Planning and Development Services Director that the Site Plan is ready for presentation to the Board of County Commissioners and request that this application for major site plan approval be placed on the next available regular County Commission agenda.

6. The Chairman of the Development Review Committee shall issue a written report to the ~~Growth Management Planning and Development Services~~ Director setting forth findings and conclusions supporting a recommendation to the Board of County Commissioners for approval, approval with conditions, or denial of the Site Plan.
7. The ~~Growth Management Planning and Development Services~~ Director shall issue a report to the Board of County Commissioners citing the recommendations of the Development Review Committee and provide a recommendation of approval, approval with conditions or denial of the site plan.
8. The Board of County Commissioners shall consider the Site Plan at a regularly scheduled public meeting. In reviewing the application for site plan approval, the Board of County Commissioners shall consider the report of the ~~Growth Management Planning and Development Services~~ Director and shall determine whether the proposed development specified in the application meets the provisions of this Code, and in particular the standards and criteria of Section 11.02.09; the St. Lucie County Comprehensive Plan; and any other applicable County ordinances. Within a reasonable time of the conclusion of its review, the Board of County Commissioners will approve, approve with conditions or deny the application. The decision on the application shall be by resolution setting forth the findings of the Board of County Commissioners and any condition, limitation, or requirement of such decision.
9. ~~Notification of the Board of County Commissioners' decision shall be mailed to the applicant and filed with the Office of the Department of Community Development in accordance with Section 11.00.04(F).~~

B. *Appeals.* Any final action by the Board of County Commissioners made in accordance with the provisions of this Section may be appealed as provided in Section 11.11.00.

C. *Minor Adjustment to Major Site Plans:*

1. The Planning and Development Services Director may authorize minor adjustments to the approved Major Site Plan. Such minor adjustments shall be consistent with the intent and purpose of the St. Lucie County Comprehensive Plan, the standards and requirements of this Code, and the development as approved, and shall be the minimum necessary to overcome the particular difficulty. Such minor adjustments shall be limited to the following:
 - a. Increasing any dimension of any one (1) structure by not more than twenty-five percent (25%); or
 - b. Altering the location of any one (1) structure or group of structures by not more than one hundred (100) feet; or
 - c. Altering the net density of any one (1) stage or phase by not more than ten percent (10%); or
 - d. Altering the location of any circulation element by not more than fifty (50) feet. Relocation of any circulation element by more than fifty (50) feet will be considered a major adjustment unless the relocation results in a reduction in impervious surface area; or
 - e. Altering the location of any open space by not more than fifty (50) feet; or
 - f. Reducing the total amount of open space by not more than five percent (5%) or reducing the yard area or open space associated with any single structure by not more than five percent (5%); or
 - g. Altering the location, type, or quality of landscaping elements.
 - h. The addition or relocation of any accessory structure or use so long as the proposed addition or relocation does not conflict with any portion of any required open space, building separation requirements or other provisions of this Code.

- i. The Planning and Development Services Director may approve other proposed alterations that do not exceed any of the thresholds listed above as a Minor Adjustment.
 - 2. A Development Permit may be issued for the following without submitting a formal application for Minor Adjustment to a Major Development Site Plan issued pursuant to this Code:
 - a. The alteration of or addition to an existing structure or impervious surface area less than one thousand (1,000) square feet that is otherwise in compliance with the applicable provisions of this Code.
 - b. The erection of a sign on a previously developed site independent of any other development activity on the site.
 - c. The re-surfacing of a vehicular use area that conforms to all requirements of this Code.
 - d. Development activity on existing, previously approved developments for the sole purpose of complying with F.S. ch. 553, pt. II, Accessibility by Handicapped Persons, so long as the improvements do not contravene the Land Development Code.
 - 3. Notice of the authorization of such minor adjustments shall be provided to the Board of County Commissioners.
- D. *Major Adjustments to Major Development Site Plans.* Any other adjustment to the approved site plan shall be considered a Major Adjustment and shall be granted only upon application to and approval by the Board of County Commissioners. The review and processing procedures for the major adjustment review shall be consistent with Section 11.02.04(A).

* * * * *

11.02.06. Expiration of Final Site Plan Approval.

A. *Effective Approval Period for a Site Plan:*

- 1. Except as provided in this Section, a Minor Site Plan approval or a Major Site Plan approval shall be valid for purposes of securing a building permit for twenty four (24) months from the date of approval. Unless a building permit is secured within twenty four (24) months, the site plan shall expire automatically.

A Minor Site Plan approval or a Major Site Plan approval may be conditioned so that the period of validity is less than twenty four (24) months, if it is demonstrated through the issuance of a Certificate of Capacity that necessary public services required for that development are not guaranteed by the service provider for more than the identified period of time.

- 2. A Preliminary Planned Development Site Plan approval issued consistent with Section 11.02.05(A) shall be valid for a period of twenty four (24) months from the date of approval. Failure to obtain a Final Planned Development Site Plan approval within twenty four (24) months of the Preliminary Planned Development Site Plan approval shall void the Preliminary Planned Development Site Plan approval or an extension of Preliminary Planned Development Site Plan approval according to the provisions of Section 11.02.06(B)(3)(a) of this Code.

A Preliminary Planned Development Site Plan approval may be conditioned so that the period of validity is less than twenty four (24) months, if it is demonstrated through the issuance of the elective Certificate of Capacity that necessary public services required for that development are not guaranteed by the service provider for more than the identified period of time.

- 3. Except as provided in this Section, a Final Planned Development Site Plan approval shall be valid for purposes of securing a building permit for twenty four (24) months from the date of approval.

Unless a building permit is secured within twenty four (24) months, the Final Planned Development Site Plan shall expire automatically.

A Final Planned Development Site Plan approval may be conditioned so that the period of validity is less than twenty four (24) months, if it is demonstrated through the issuance of a Certificate of Capacity that necessary public services required for that development are not guaranteed by the service provider for more than the identified period of time.

B. *Site Plan Extensions:*

1. Minor Site Plan Extensions:

- a. Notwithstanding the other provisions of this Code, a Minor Site Plan approval may be extended by the ~~Growth Management Planning and Development Services~~ Director, for periods of up to twelve (12) months, from its date of expiration. Any request for site plan extension shall be submitted in writing to the Director at least two weeks prior to the date of site plan expiration. All requests for site plan extension shall be accompanied by a complete explanation of the reasons ~~that the site plan~~ extension is necessary.
- b. No Minor Site Plan shall be extended for any period beyond 12 months of the date of original expiration as set forth in the Final Development Order ~~for that Minor Site Plan~~ without undergoing a complete re-review in accordance with the provisions of Section 11.02.00 and demonstration of compliance with all applicable codes in effect at that time.

2. Major Site Plan Extensions:

- a. Notwithstanding the other provisions of this Code, a Major Site Plan approval may be extended by the Board of County Commissioners, for periods of up to twelve (12) months, from its date of expiration. Any request for site plan extension shall be submitted in writing to the ~~Growth Management Planning and Development Services~~ Director at least two weeks prior to the date of site plan expiration. All requests for site plan extension shall be accompanied by a complete explanation of the reasons ~~that the site plan~~ extension is necessary.
- b. No Major Site Plan shall be extended for any period beyond 24 months of the date of original expiration as set forth in the Final Development Order ~~for that Major Site Plan~~ without undergoing a complete re-review and demonstration of compliance with all applicable codes in effect at that time.

* * * * *

11.02.08. Conditions on Site Plan Approval.

- A. *Minor Site Plan Approvals.* The ~~Growth Management Planning and Development Services~~ Director shall attach any reasonable condition, limitation, or requirement to a Minor Site Plan approval as is necessary to effectuate the purposes of this Section and to carry out the spirit and purpose of this Code and the St. Lucie County Comprehensive Plan. Such conditions shall be set forth expressly in the Final Development Order approving the site plan and ~~shall~~ may include the following:

1. *Traffic Control Devices.* Whenever, as the result of additional traffic generated by a proposed development, it is determined based on the Manual on Uniform Traffic Control Devices that there is a need for installation of traffic control devices (including traffic signals, signing, and pavement markings) to ensure safe traffic circulation onto and off of the site, the site plan shall not be approved except upon the condition that the applicant be responsible for installing all said devices and signs, or make an equitable contribution toward such installation. In the case of those developments accessing onto any portion of the State Highway system, concurring approval, in the form of a Notice of Intent or other authorized conceptual approval, from the Florida Department of Transportation

about any signals or other regulatory devices is required to be obtained before any Final Development Order is issued.

2. *Access Improvements.* A site plan shall not be approved except upon the condition that the applicant provide the access (ingress and egress) improvements determined to be necessary as a result of traffic generated by the development.
3. *Water and Sewer Dry Line Improvements.* If the proposed development is within a water or sewer utility's five (5) year service area, the developer shall construct and dedicate to the County, or at the County's discretion, the applicable service provider, dry water and sewer lines in accordance with standards and specifications of the County and the applicable service provider
4. *Connected to Regional Utility Systems.* A site plan shall not be approved except upon the condition that the development connect to a regional potable water distribution and/or wastewater collection system when the system becomes available to service the development.
5. *Right-of-Way Dedications.* A site plan shall not be approved that does not provide for dedication of the necessary right-of-way as required in Section 7.05.02.
6. *Projects Requiring Other Regulatory Approval.*
 - a. For developments requiring any permit from the United States Army Corps of Engineers, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, or any other state or federal regulatory authority, the Growth Management Planning and Development Services Director shall not approve unconditionally a Minor Site Plan until it has received from such agency notice of either issuance of or intent to issue the required regulatory permit.
 - b. The Growth Management Planning and Development Services Director may approve a Minor Site Plan conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit if ~~it~~ the Director can make, on a tentative basis and subject to confirmation, the findings required in Section 11.02.07(E). A site plan approval conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit shall not preclude the Board of County Commissioners, after reviewing the regulatory permit application and other information, from revoking such conditional site plan approval based solely upon an inability to confirm the findings required in Section 11.02.07(F) or from protesting the permit application.
7. *Comprehensive Plan and Code.* The Growth Management Planning and Development Services Director may add any condition deemed necessary to ensure compliance with the provisions of this Code, the St. Lucie County Comprehensive Plan and the St. Lucie County Code and Compiled Laws.

B. *Major Site Plan Approvals.* The Board of County Commissioners shall attach any reasonable condition, limitation, or requirement to a site plan approval as is necessary to effectuate the purposes of this Section and to carry out the spirit and purpose of this Code and the St. Lucie County Comprehensive Plan. Such conditions shall be set forth expressly in the Final Development Order approving the site plan and shall include the following:

1. *Traffic Control Devices.* Whenever, as the result of additional traffic generated by a proposed development, it is determined based on the Manual on Uniform Traffic Control Devices that there is a need for installation of traffic control devices (including traffic signals, signing, and pavement markings) to ensure safe traffic circulation onto and off of the site, the site plan shall not be approved except upon the condition that the applicant be responsible for installing all said devices and signs, or make an equitable contribution toward such installation. In the case of those developments accessing onto any portion of the State Highway System, concurring approval, in the form of a Notice of Intent or other authorized conceptual approval, from the Florida Department of Transportation

about any signals or other regulatory devices is required to be obtained before any Final Development Order is issued.

2. *Access Improvements.* A site plan shall not be approved except upon the condition that the applicant provide the access (ingress and egress) improvements determined to be necessary as a result of traffic generated by the development.
3. *Water and Sewer Dry Line Improvements.* If the proposed development is within a water or sewer utility's five (5) year service area, the developer shall construct and dedicate to the County, or at the County's discretion, the applicable service provider, dry water and sewer lines in accordance with standards and specifications of the County and the applicable service provider.
4. *Connected to Regional Utility Systems.* A site plan shall not be approved except upon the condition that the development connect to a regional potable water distribution and/or wastewater collection system when the system becomes available to service the development.
5. *Right-of-Way Dedications.* A site plan shall not be approved that does not provide for dedication of the necessary right-of-way as required in Section 7.05.02.
6. *Projects Requiring Other Regulatory Approval.*
 - a. For developments requiring any permit from the United States Army Corps of Engineers, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, or any other state or federal regulatory authority, the Board of County Commissioners shall not approve unconditionally a site plan until it has received from such agency notice of either issuance of or intent to issue the required regulatory permit.
 - b. The Board of County Commissioners may approve a site plan conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit if it can make, on a tentative basis and subject to confirmation, the findings required in Section 11.02.07(E). A site plan approval conditioned upon receiving notice of either issuance of or intent to issue any required regulatory permit shall not preclude the Board of County Commissioners, after reviewing the regulatory permit application and other information, from revoking such conditional site plan approval based solely upon an inability to confirm the findings required in Section 11.02.07(F) or from protesting the permit application.
7. *Reduction In Maximum Residential Density.* The Board of County Commissioners shall require a reduction from the maximum density permitted in the zoning district in which a proposed development is to be located when such allowable maximum residential density:
 - a. Would impose an excessive burden, as determined by recognized engineering or other professional standards, on public facilities that would serve the proposed development; or
 - b. Would contravene any goal, objective, or policy of the St. Lucie County Comprehensive Plan, or of Chapter VIII, "Natural Environment Analysis", of the St. Lucie County Barrier Island Study Analysis of Growth Management Policy Plan, Kimley-Horn and Associates, Inc. (August, 1982).
8. *Comprehensive Plan and Code.* The Board of County Commissioners may add any condition deemed necessary to ensure compliance with the provisions of this Code, the St. Lucie County Comprehensive Plan and the St. Lucie County Code and Compiled Laws.

11.02.09. Submittals for Minor and Major Site Plans.

- A. *Minor and Major Site Plan Requirements.* Site Plan submittals shall include the following materials:
 1. General Information:
 - a. The applicant's name and address.

- b. The applicant's interest in the subject property.
 - c. The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the application.
 - d. The street address and a legal description of the property.
 - e. The present zoning classification and existing uses of the subject property proposed to be reclassified.
 - f. Information on land areas adjacent to the proposed development and an indication of the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the land.
 - g. A development schedule indicating the approximate date construction of the development or stages of the development can be expected to begin and be completed.
 - h. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the development, such as land areas, dwelling units, and commercial facilities.
 - i. A statement describing whether the project will utilize existing water and sewer facilities and if so a letter from the service provider stating capacity will be available for the project.
2. Existing Conditions:
- a. An aerial photograph of the property on which the development activity is to take place. The aerial photograph used to satisfy this requirement may be obtained from the St. Lucie County Property Appraiser.
 - b. Detailed location sketch of the proposed development designating the section, township and range.
 - c. A topographic survey of the entire project site, prepared in accordance with the current standards of Chapter 61G17-6 FAC. All topographic surveys shall be submitted on a sheet size twenty-four (24") by thirty-six (36") inches and shall be the same scale as the project site plan. All topographic surveys shall have been prepared within the 24 months prior to the application for site plan and reflect current property conditions. The topographic survey, which shall include, at a minimum: the project boundaries, a north arrow, a scale indicator, benchmark information (NGVD) and;
 - 1. One (1) foot contours shall be shown and shall extend at least 50 feet around the project site, except that the Growth Management Planning and Development Services Director may authorize partial relief from this standard when the following conditions exist:
 - a. Existing grade conditions, throughout the site are such that one foot contours would not be discernable. In these instances, contours at two (2) foot intervals may be provided; and/or,
 - b. Existing grade conditions, over the entire site, vary less than two feet above base elevation.
 - 2. A sufficient number of spot elevations shall be shown to support the contour information and to accurately reflect the site topography.

~~All topographic surveys shall be submitted on a sheet size twenty-four (24") by thirty-six (36") inches and shall be the same scale as the project site plan.~~

~~All topographic surveys shall have been prepared within the 24 months prior to the application for site plan being filed and shall reflect current property conditions.~~

- d. A boundary survey and legal description prepared in accordance with the current standards of Chapter 61G17-6 FAC. All boundary surveys shall be submitted on a sheet size twenty-four (24) inches by thirty-six (36) inches and shall be the same scale as the project site plan. All boundary surveys shall have been prepared within the 12 months prior to the application for site plan being filed and shall contain at a minimum the following information, as applicable:
 1. location of the Coastal Construction Control Line, along with all necessary recording data,
 2. The location of the Mean highwater, or safe upland line, along with a description of how these lines were determined,
 3. The location of all submerged lands,
 4. The limits and elevations of any jurisdictional wetlands, which shall contain bearing and distance information used in determining the extent of these areas, along with the identification of the agency or agencies claiming jurisdiction.
 5. The location of all existing improvements.
 6. Acreage certifications of all lands lying above mean high water or the safe upland line; and,
 7. All boundary surveys are to be tied to a monumented section line or the nearest 1/4 section line, and shall be so noted on the boundary survey.
 - e. Identification of legal positive outfall, if applicable.
 - f. The boundaries of the one hundred (100)-year floodplain, including all sub-zones within the one hundred (100)-year floodplain and an identification of the minimum required first floor elevations for all parts of the proposed development site.
 - g. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
 - h. Available preliminary drainage information that is to be submitted to the South Florida Water Management District intended to serve as the basis for issuance of its permit under Chapter 62-330 F.A.C., if applicable.
 - i. An illustrative plan of the existing vegetative conditions on the project site, including an identification of what areas will be impacted by the proposed development activity and what areas are proposed for protection/preservation. All vegetative survey information shall be submitted on a sheet size twenty-four (24) inch by thirty-six (36) inch and shall be the same scale as the project site plan.
3. Proposed Development Activity and Design. All site detail sheets shall be submitted on a sheet size twenty-four (24) by thirty-six (36) inches and at a scale no smaller than one (1) inch equals fifty (50) feet, all dimensions in decimals, unless otherwise approved in writing by the Growth Management Planning and Development Services Director during the pre-application conference. For large projects, a smaller scale generalized plot plan may be submitted as a cover sheet to the detail sheets. Detail sheets shall include the following information:
- a. The location of the property by lot number, block number, and street address, if any.
 - b. The boundary lines of the property, the dimensions of the property, existing subdivision easements, roadways, rail lines, and public rights-of-way.
 - c. The location and dimensions, including height, of all buildings and structures. This shall include types of uses, density per type of structure and the type of construction as indicated in Table 600 of the Standard Building Code, 1994 ed.

- d. The identification of the maximum buildable area of each lot or parcel within the proposed development, based upon the minimum building setbacks of the particular zoning district in which the development is located.
- e. The location and dimension of parking and loading areas.

Fire Lanes shall be required for all buildings that are set back more than one hundred and fifty (150) feet from any roadway (public or private) or any structure more than thirty feet (30) in height, which is setback fifty feet (50) or more feet from any roadway. Variations to this requirement may only be approved by the St. Lucie County - Fort Pierce Fire Bureau of Fire Prevention.

All fire lanes shall be a minimum of twenty (20) feet in width and shall be located a minimum of ten (10) feet from any exterior building wall.

All fire lanes shall be appropriately marked and shall be posted as no parking areas.

Dead end fire lanes exceeding three hundred (300) feet or more shall be provided with a cul-de-sac, to the requirements of the St. Lucie County-Ft. Pierce Fire Prevention Bureau.
- f. The location of water disposal and water supply facilities. The site plan shall indicate the size and location of all water distribution lines, (existing and proposed) and shall identify the location of all fire hydrants (existing and proposed) on the proposed development site and within one thousand (1000) feet of the proposed development site.
- g. The locations of existing (site plans and subdivisions) and proposed (subdivision only) easements for utility systems, including sewage facilities and water supply facilities, electric, gas, and telephone lines.
- h. The location of all drainage retention areas and major drainage improvements.
- i. The location and configuration of all public and private roadways for a distance of one hundred fifty (150) feet from all project access points.
- j. The location of the existing and proposed circulation system of arterial and collector streets and any other transportation improvements.
- k. The location and size of all areas to be conveyed, dedicated or reserved as common open space, parks, recreational areas, school sites, rights of way and other public uses.
- l. The pedestrian circulation system, including its interrelationship with the vehicular circulation system.
- m. Proposed landscaping, including the types, location, and quantity of all plants or materials, and the location of fences or screen plantings.
- n. The location, size, and arrangement of all existing or proposed signs or lighting.
- o. Boundaries depicting construction phases, if applicable.
- p. The approximate location and dimension of all proposed lots and all yard requirements, if applicable.
- q. The location and dimension all paved areas within one hundred (100) feet of the outside property boundaries.
- r. The location, dimension and type of construction of all buildings or structures within one hundred (100) feet of the outside property boundaries.
- s. A transportation impact report in accordance with the requirements of Section 11.02.09(A)(4), if applicable.

- t. An environmental impact report in accordance with the requirements of Section 11.02.09(A)(5), if applicable.
 - u. A location map, which shall delineate the project boundaries on the St. Lucie County Tax Assessment Maps.
 - v. ~~A driveway location which shall show~~ The location of all existing and proposed driveways, public streets and private drives within six hundred and sixty (660) feet of the development, along any private or public street that will serve the project.
 - w. Any other information deemed necessary by the ~~Growth Management Planning and Development Services~~ Director for the reasonable review of the proposed development.
4. Transportation Impact Report:
- a. Applicability:
 - 1. Whenever submission of a site plan is required, a transportation impact study shall be provided for any project not categorized as having a de minimis impact, or any proposed development on North or South Hutchinson Island.
 - 2. Project with de minimis impact: In order for a project to be classified as de minimis, the Planning and Development Services Director must determine whether the trips generated ~~would not affect~~ will consume more than one percent (1%) of the adopted level of service (LOS) capacity. No impact will be de minimis if the sum of existing roadway volumes and the trips generated from the project would exceed one hundred ten percent (110%) of the adopted level of service capacity of the affected road facility. A Traffic Statement, prepared with published and acceptable transportation impact data shall be provided, with appropriate distribution assumptions to provide for a de minimis impact determination.
 - b. Contents. The transportation impact report shall demonstrate conformance with the latest version of the "STANDARDIZED TRANSPORTATION IMPACT STUDIES METHODOLOGY AND PROCEDURES," as adopted by the St. Lucie County Transportation Planning Organization.
5. Environmental Impact Report:
- a. Applicability:
 - 1. Whenever a submission of a site plan is required, an environmental impact report shall be provided if the proposed development meets any of the following:
 - a. The property is ten (10) acres or over;
 - b. The property, regardless of size, contains any wetland, or;
 - c. The property is identified on the "Inventory of Native Ecosystems for St. Lucie County," or;
 - d. The proposed development is located in whole or part within the One Hundred (100) Year Flood Plain, or;
 - e. The property is located anywhere on North or South Hutchinson Island.
 - 2. The Environmental Resources Director may authorize total or partial relief from the requirement of an Environmental Impact Report (EIR). Documentation shall be provided by the applicant requesting relief from the EIR. The applicant shall demonstrate that based on conditions unique to the proposed development all of the information foregone by such relief is not needed to determine environmental impact of the proposed development.
 - b. Contents. The environmental impact report shall contain the following information:

1. A vegetation and substrate survey including:
 - a. Extent and acreage of any areas in which vegetation typical of the primary dune extends landward of the Coastal Construction Control Line.
 - b. Extent and acreage of all marsh and mangrove forest areas, including substrate conditions.
 - c. Extent and acreage of all upland hammock forests.
 - d. Extent and acreage of wetlands.
2. The required first floor elevation, and whether all floor elevations will be above this level.
3. The identification of any area that has experienced overwash of the primary dune.
4. The identification of any area subject to breach during storm conditions.
5. An assessment of the impacts upon onsite vegetation and wildlife, and onsite and off-site natural resources; a description of the planned approach that will be used to minimize these impacts; a description of the proposed alterations or disturbances to any of the areas identified in response to Sections 11.02.09(A)(5)(b)(1)(c) and (d) above; and the mitigation that will be provided.
6. In addition to the requirements of Section 11.02.09(5)(b) above, the following information shall be required for development within the unincorporated areas of Hutchinson Island in St. Lucie County.
 - a. A vegetation and landscape plan and written assessment which demonstrates consistency with the appropriate policies set out in this Code for all areas of the subject parcel of land, including a description of the techniques to protect the existing onsite native vegetation. Recommendations should be obtained from the St. Lucie County Soil and Water Conservation District or the St. Lucie County Urban Forester.
 - b. A soil and water conservation plan and written assessment which outlines a system of best management practices to control soil erosion, reduce sediment loss, and protect the water quality on the subject parcel of land during all phases of development. These best management practices shall consider the impacts of onsite development activity on adjacent parcels of land, so as to avoid soil erosion, sediment loss, and degraded water quality on the adjacent parcels of land. Recommendations should be obtained from the St. Lucie County Soil and Water Conservation District.
 - c. A plant and animal survey for onsite federal and state protected species as defined in Chapter II. A compiled list of these plants and animals shall be maintained by the ~~Growth Management~~ Environmental Resources Director. Locations of all identified species shall be depicted on a map.
 - d. A surface water management plan and written assessment which demonstrates consistency with the appropriate policies set out in this Code, including a description of the techniques to be used to prevent both the potential degradation of surface water resources and an increase in flood hazard damage.
 - e. A shoreline stabilization plan and assessment which demonstrates consistency with the appropriate policies set out in this Code, including beach or dune restoration and maintenance or Indian River Lagoon shoreline stabilization to reduce or control erosion.

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:

Jamie Fowler, Chair	_____
Larry Leet, Vice Chair	_____
Commissioner James Clasby	_____
Commissioner Erin Lowry	_____
Commissioner Cathy Townsend	_____

PASSED AND DULY ADOPTED this ____ day of _____, 2025.

ATTEST:

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

Deputy Clerk

BY: _____
Chair

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: _____
County Attorney



BUSINESS IMPACT ESTIMATE

Before the enactment of a proposed ordinance, the County shall prepare or cause to be prepared a business impact estimate in accordance with Section 125.66(3), Florida Statutes.

BOCC Meeting Dates: permission to advertise 4/22/2025 1st hearing 6/3/2025 2nd hearing 7/1/2025

Proposed Ordinance Title/Reference:

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 11.02.01 TO ESTABLISH THE REQUIREMENTS FOR COMMUNITY PARTICIPATION MEETINGS; SECTION 11.02.02 TO ALLOW CERTAIN PERMITTED AS-OF-RIGHT USES IN CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AND DEVELOPMENT APPLICATIONS THAT ARE IN SUBSTANTIAL CONFORMITY WITH A PRELIMINARY PLANNED DEVELOPMENT PLAN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS TO BE PROCESSED AS A MINOR SITE PLAN AND TO INCLUDE LIVE LOCAL AFFORDABLE HOUSING APPLICATIONS MEETING THE PROVISIONS OF SECTION 125.01055, F.S. AS A MINOR SITE PLAN AND TO DELETE PROVISIONS PERTAINING TO DEVELOPMENTS OF REGIONAL IMPACT THAT ARE NO LONGER CONSISTENT WITH FLORIDA STATUTES; AND SECTIONS 11.02.04, 11.02.06, 11.02.08 AND 11.02.09 TO UPDATE OBSOLETE DEPARTMENT NAMES AND TITLES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR ADOPTION.

The Proposed Ordinance ☐ does ☒ does not fall under one of the following enumerated exceptions:¹

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the county government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the county;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

A business impact estimate is not required for the above exceptions.

The County initiated a Text Amendment to the Land Development Code (LDC) proposing to require community participation meetings for certain types of development applications and allow certain permitted as-of-right uses in conformity with the Comprehensive Plan and Land Development Code, as well as development applications that are in substantial conformity with an approved Preliminary Planned Development Plan, and any Live Local Affordable Housing applications meeting the provisions of Section 125.01055, F.S. to be processed as a Minor Site Plan. The proposal includes deleting provisions pertaining to Developments of Regional Impact that are no longer consistent with Florida Statutes and updating obsolete department names and titles in Sections 11.02.04, 11.02.06, 11.02.08 and 11.02.09.

¹ F.S. 125.66(3)(c)(2023)

Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. Estimate of Direct Business Compliance Costs: The amended regulations will require the applicants of certain development applications to conduct mandatory public outreach meetings with surrounding property owners. There is a direct cost to planning and engineering firms, who generally host these meetings, which will ultimately be transferred to the applicant.
- b. New Charges/Fees on Businesses Impacted: None, the amendments do not impose new fees or charges on existing businesses. The amendment increases the number of development permit applications that could be processed as minor site plans, instead of major site plans, providing for a cost savings to the applicant.
- c. Estimate of Regulatory Costs: None

Good Faith Estimate of Number of Businesses Likely Impacted: None.

Any Additional Information: None

ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING AGENDA

Tuesday, July 1, 2025

NOTICE OF 2nd READING TO ADOPT PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE

The St. Lucie County Board of County Commissioners is scheduled to review and consider the following County initiated proposal for adoption by Ordinance:

ORDINANCE

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 11.02.01 TO ESTABLISH THE REQUIREMENTS FOR COMMUNITY PARTICIPATION MEETINGS; SECTION 11.02.02 TO ALLOW CERTAIN PERMITTED AS-OF-RIGHT USES IN CONFORMITY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AND DEVELOPMENT APPLICATIONS THAT ARE IN SUBSTANTIAL CONFORMITY WITH A PRELIMINARY PLANNED DEVELOPMENT PLAN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS TO BE PROCESSED AS A MINOR SITE PLAN AND TO INCLUDE LIVE LOCAL AFFORDABLE HOUSING APPLICATIONS MEETING THE PROVISIONS OF SECTION 125.01055, F.S. AS A MINOR SITE PLAN AND TO DELETE PROVISIONS PERTAINING TO DEVELOPMENTS OF REGIONAL IMPACT THAT ARE NO LONGER CONSISTENT WITH FLORIDA STATUTES; AND SECTIONS 11.02.04, 11.02.06, 11.02.08 AND 11.02.09 TO UPDATE OBSOLETE DEPARTMENT NAMES AND TITLES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR ADOPTION.

APPLICANT: ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS

PURPOSE: Land Development Code Text Amendment to require community participation meetings for certain types of development applications and allow certain permitted as-of-right uses in conformity with the Comprehensive Plan and Land Development Code, as well as development applications that are in substantial conformity with an approved Preliminary Planned Development Plan, and any Live Local Affordable Housing applications meeting the provisions of Section 125.01055, F.S. to be processed as a Minor Site Plan.

The **PUBLIC HEARING** on this item will be held in the Commission Chambers, Roger Poitras Annex, 3rd Floor, 2300 Virginia Avenue, Fort Pierce, FL on **Tuesday, July 1, 2025, beginning at 6:00 pm** or as soon thereafter as possible.

All interested persons will be given an opportunity to be heard. Written comments received in advance of the public hearings will also be considered. Written comments to the Board should be received by the Planning and Development Services Department - Planning Division at least three (3) days prior to the scheduled hearing. Comments will be distributed to the Board members in advance of the meeting and included in the record provided the comments comply with the County's rules. The petition files are available for review at the Planning and Development Services Department – Planning offices located at 2300 Virginia Avenue, Fort Pierce, FL during regular business hours. Please call (772) 462-1562 or TDD (772) 462-1428 if you have any questions or require additional information about these petitions.

The St. Lucie County Board of County Commissioners has the power to review and enact land development code regulations within St. Lucie County's jurisdiction.

The proceedings of the Board of County Commissioners are electronically recorded. **PURSUANT TO Section 286.0105, Florida Statutes**, if a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Upon the request of any party to the proceeding, individuals testifying during a hearing will be sworn in. Any party to the proceeding will be granted an opportunity to cross-examine any individual testifying during a hearing upon request. If it becomes necessary, a public hearing may be continued to a date certain.

Anyone with a disability requiring accommodation to attend this meeting should contact the St. Lucie County Community Risk Manager at least forty-eight (48) hours prior to the meeting at (772) 462-1546 or T.D.D. (772) 462-1428. Any questions about this agenda may be referred to St. Lucie County Planning Division at (772) 462-2822.

BOARD OF COUNTY COMMISSIONERS/
ST. LUCIE COUNTY, FLORIDA
/S/ JAMIE FOWLER, CHAIR

PUBLISH DATE: Thursday, June 19, 2025

TR-42038178