

Planning Board Minutes

**OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, August 10, 2010, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.**

Chairman Dannahower called the meeting to order 6:08 PM.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mr. Lloyd, Mr. Harris, Mr. Hayek, Mr. Weaver, Ms. Yates, Ms. Baker, Mr. Burdge, Ms. Cumings, Mr. Rains and Chairman Dannahower.

Those absent: Mr. Poitier (Called In), Mr. Johnson

Staff Present: Matt Margotta, Director of Planning; David Carlin, Assistant Director of Planning; Jim Walker, Board Attorney; Erica Ehly, Comprehensive Planner.

The next item considered - **#3. Consideration of Absences**

Chairman Dannahower requested that the consideration of absences be moved to the end of the agenda in order to give Mr. Johnson a chance to arrive.

The next item considered - **# 4. Certification of Alternate Members**

Ms. Cumings and Mr. Rains were invited to stay for the remainder of the meeting and vote if Mr. Johnson did not arrive.

The next item considered – **# 5. Approval of the minutes for July 13, 2010**

**A motion was made by Mr. Burdge and seconded by Mr. Hayek** to approve the minutes for July 13, 2010.

A voice vote was taken.

The motion passed unanimously.

The next item considered - **#6 Annexation:** A group of 10 annexations via agreement generally located in the northern section of the Urban Service Boundary of Fort Pierce that have been identified as being contiguous to the municipal boundaries of Fort Pierce. The parcel identification numbers are 2434-801-0031-000/4; 1433-701-0001-000/2; 1433-701-0190-000/3; 1433-701-0175-000/2; 1433-420-0016-00/8; 1433-420-0008-000/9; 1433-420-0011-010/6; 1433-4200007-000/2; 1433-420-0009-000/6; 1433-701-0396-000-7; 1433-701-0494-000/4 and 1433-701-0396-000/7.

Ms. Ehly presented the staff report.

All parcels had annexation agreements signed with the FPUA.

Ms. Baker suggested that on number ten, that the address be redacted from all of the material brought before the City Commission and the minutes.

Ms. Ehly stated are you talking about -----.

Ms. Baker stated yes, that address should be eliminated from the minutes. This is a law enforcement officer and all of his records are redacted in the assessor's office so his address should not be made public.

Mr. Carlin asked for more clarification from the City Attorney.

Mr. Walker stated that they would be happy to look at it prior to the commission meeting.

Mr. Weaver stated that these are by no means voluntary annexations, the City is exercising its authority via the pre-annexation agreements they signed with FPUA.

Ms. Ehly stated these are considered voluntary annexations because they are initiated by something other than the City.

Mr. Weaver stated then they signed the agreement previously when they got utilities.

Ms. Ehly stated right, and that agreement stays with the land.

Mr. Weaver inquired about the fiscal impacts from the assessed values.

Ms. Ehly stated it is \$16,662 for these ten parcels.

Chairman Dannahower inquired if there was anyone from the public that was present to comment, seeing none, Chairman Dannahower returned to the Board for a motion.

**A motion was made by Ms. Yates and seconded by Ms. Baker** to approve the annexations.

A roll call vote was taken.

Those in favor: Mr. Lloyd, Mr. Harris, Mr. Hayek, Mr. Weaver, Ms. Yates, Ms. Baker, Mr. Burdge, Ms. Cumings, Mr. Rains, and Chairman Dannahower.

Those opposed: None.

The next item considered - **#7. EAR Based Amendments: (Public Hearing)**: The Planning Board, as the Local Planning Agency, to review and submit a recommendation for approval of the EAR Based Amendments to the City's Comprehensive Plan.

Mr. Carlin reminded the Board that they have now seen this document many times and that we are now at a point where we have incorporated and made some substantial changes in terms of addressing new statutory requirements as part of the EAR based amendments required every 7 years. We received a letter from the State Department of Community Affairs (DCA) that identifies and states yes, go forward with your EAR based amendments and the letter is a sufficiency letter. From the clock's standpoint we have 18 months to process those amendments and we have certainly shortened that down to a much shorter time period, but as you all know that was in anticipation of the passage of amendment 4, which will be on the ballot of November 2<sup>nd</sup> elections. That amendment will have some wide-ranging implications if passed as it relates to the Comprehensive Plan. So staff has worked diligently with all of the different departments and entities to review this document. We are now at the point that we have included the amendments in this documents and or consultants, Kimely-Horn have also done a tremendous job. The consultants and the staff had a 50/50 share of work.

Mr. Carlin turned the presentation over to Tim Stillings of Kimley-Horn & Associates.

Tim Stillings presented the report in the form of a Power-Point.

Chairman Dannahower asked if this goes to the Commission and they approve it, and then it goes to DCA and it comes back with objections or comments or something would that then procedurally have to come to us.

Mr. Stillings stated typically it does not have to come back to the LPA, it can come back, but generally it just needs to come back to the Commission.

Ms. Baker stated first off I wanted to commend you with the current report, I was very unhappy with the prior one because the material was dated and inaccurate in many cases and yours was as up to date as possible.

Ms. Baker inquired about the items that require that the LDR be amended by December 2010 to coincide with the requirements in this and she wanted to know if those have all been followed up with in the LDR.

Ms. Ehly stated we haven't tackled that yet, but they will be completed by December.

Mr. Weaver inquired about floor area ratios (FARs) and if there were allusions to FARs in the Comp. Plan prior to these amendments.

Mr. Stillings stated no sir. Mr. Stillings stated it was a percentage of building coverage and height. So we tried to translate that into a reasonable FAR.

Mr. Weaver stated well that goes to the heart of my question, I would say all of the FARs seem rather low, from my perspective. I could give you an example in the general commercial zone, there this a maximum FAR of 1.0 that would

mean to me on one acre of land that I can only develop 40,000 square feet or so of usable space and in our general commercial zone, where you can build a five or six story building and you currently of 60% lot coverage, you are talking about reducing by nearly 75% the buildable area within the building envelope. I feel that is very low and they don't correspond to the existing building envelope whatsoever.

Mr. Stillings stated that if take a one acre site and calculate 60% times 65 feet that is almost a 3.5 FAR.

Mr. Weaver stated that many of our downtown buildings are built to that standard and that is typically what a downtown area would look like. You are not going to get people to pay millions of dollars for an acre only to be limited to maybe 50% lot coverage and four story building because that's what this implies.

Mr. Stillings explained that they looked at several existing parcels and stated that he did not believe any of them were at the 60% lot coverage, they may have been 65 feet height but they were not at the lot coverage.

Mr. Weaver stated lets go back to the existing regulations, even in the tourist commercial zone, you've got 60% lot coverage and four or five stories and going back to the acre as an example again, 40,000 square feet, 60% of that is 24,000 square feet times four stories, that is 98,000 square feet which would give a FAR of 2.5 or so and this is at 1.0. Mr. Weaver asked who gave you the direction for this and if there was none then I really must protest.

Mr. Stillings stated if you feel that they should be higher, I am not going to dig my heels in on those numbers, those are just what we felt were translating the height and the building coverages to what was on the ground today.

Ms. Ehly explained that it also takes into consideration, what is realistic buildout of the City considering parking requirements and open space requirements. We have had situations were a piece of land where you could actually buildout say 4,000,000 square feet of commercial by the land use, but realistically that would never be able to be built out like that.

Mr. Weaver stated he could see a parallel where these FARs work on 5 acre parcel perhaps or more but as you get into the downtown environment or the tourist commercial environment, they just don't work anymore. An acre parcel on South Beach that could be used for a hotel, you are limiting them to 24,000 square feet or at the most 40,000 square feet.

Mr. Carlin stated, well keep in mind that South Beach is a different animal because you have height limitations that are overlaid.

Mr. Weaver stated all that being said, tourist commercial with the South Beach overlay is still 60% lot coverage and four stories, that still amounts to 98,000 square feet per acre and that still equals a FAR of 2.5 and you are proposing a FAR of 1.5. This is actually taking away nearly half of the economic incentive and probably the profitable portion to make it economic viable to pursue something.

Mr. Carlin explained that 60% is a maximum and that doesn't mean 60% is going to fit because you have all of these other requirements... stormwater, landscaping, parking, but putting that aside, if you all feel collectively that the FARs should be increased, we can do that.

Mr. Lloyd asked why would you hand cuff yourself though, if there are these other requirements that would not make a project feasible for other reasons, then what does it hurt, because there might be that special project that does come along...

Ms. Ehly stated that there are density bonuses that are built into the code. However, when you look at the FLUM and the capacity for the City to serve and provide public facilities for maximum buildout, you want to keep maximum buildout realistic or else we are going to be in a situation where capacity has to be provided for huge amounts of development that are never going to occur. I mean 3,000,000 square feet of commercial is not going to occur on a two acre parcel, it's just not going to happen.

Mr. Lloyd stated you are right it is not going to happen if you pass this.

Ms. Ehly stated but providing for that in the Comp. Plan and the future land use designations does nothing to serve anyone. We can't do long range planning with those numbers, we can't do capacity analysis with those numbers and it really is a useless number. These numbers are more useful.

Mr. Carlin stated but certainly you threw out a lot of numbers in a short barrage, we can go back and do some math with different scenarios and see what other options are available and identify that to the commission.

Mr. Weaver stated that my concern only goes to the commercial environment, your residential densities they are conservative and that's good, but we all recognize problems with our downtown not having critical mass, we all recognize

having this reduction in the building envelope will decrease property values and there are a lot of factors and this is a taking. This is a taking of the building envelope and people's property rights.

Ms. Ehly stated that the building envelope is defined by the form and the intensity and the performance standards that are defined in the LDR so I would agree that it is a taking. I believe that the building envelope still remains the same. We can compare what was allowed under the old land use with our code and what would be allowed under the proposed new numbers, you would probably get a similar build out.

Mr. Weaver stated in most cases I would agree, but in this one, as you know I have run a few things through the planning exercise with parcels on Seaway and the building envelope is the thing that the developer comes and tries to evaluate, to see what they can do and whether they can do it at a profit.

Chairman Dannahower opened the floor to a public hearing. Seeing none the public hearing was closed.

Mr. Weaver made a request to ask staff before the Board recommends approval to give a couple of working examples to the Commission for their review in regards to the FAR numbers because these are arbitrary numbers, you have thought them through, but you have thought them through on the ultra conservative side that work against property values and incentive to redevelop our downtown. I don't know how I word that in the form of a motion.

Chairman Dannahower suggested perhaps a motion for approval with these examples that you like to have forwarded to the City Commission.

**A motion was made by Mr. Weaver and seconded by Mr. Hayek** to recommend approval with the condition that staff present an example in both the general commercial and office commercial environments of buildout capability under present code and under these FAR requirements.

Ms. Baker stated I understand Mr. Weaver's point and I certainly agree with his premises as to it discouraging developers who wish to purchase property or acquire property and then shop it and re-sell it as a potential development because there is a high potential buildout on it, however in the past what has happened is that because of the potential buildout under the old rules, that speculators have come in with unreasonable plans and never have been able to bring them to fruition because they could not be reasonably built under the existing code. I think that having a more conservative position as to what can be built on property will discourage those who are just flipping properties for speculative purposes.

Mr. Hayek stated I can appreciate what you are saying Ms. Baker, however, what about an existing property owner, you are sort of stepping on his rights that he might have to build whatever he had in mind and if we restrict it even more, you are taking away his rights in that property.

Ms. Baker stated Mr. Hayek I understand the point and I understand Mr. Weaver's point that it is a taking, however the existing property owners who have submitted plans already and are renewed or not renewed are going to still have the availability and any existing property owner who comes in with a plan that does not meet... who meets the old requirements, it would not come to fruition anyways because of the other requirements that we have for parking and open space and all of the other requirements. So you are talking about substituting an unrealistic expectation for realistic possibilities.

Mr. Lloyd stated these people know how to read the code, when you buy a piece of property you know what you can do and what you can't.

Mr. Weaver stated I would still like to maintain my motion as it is in play.

Mr. Stillings stated in the interest of trying to tackle that, could I request that the motion be to modify the FAR based upon the current height and coverage within the plan. The only reason I say that is because if we try to show you a working example, there are so many moving parts that it is going to be tough to make that bulletproof and to do that within less than a week's time I think is a bit challenging even for a strong design professional.

Mr. Weaver stated based upon your thoughts there sir, and believe me if your FARs were at 6 or 7 and they were disproportionately high and they didn't make since with what... You know there is nobody beating down the doors to build here under our existing code, making it more restrictive doesn't seem to be what the intent of the City is right now. I understand what you're saying, so given the existing lot coverage and building height regulations that perhaps the FAR numbers are revised to reflect somewhat of that box that is created by existing regulations.

Mr. Stillings stated correct so for example general commercial which is at 60% building coverage and a height of 65 feet is roughly a 3.6 FAR, that is what we would modify this FAR to reflect.

Mr. Weaver stated and as we know that leads to a difficulty in your comprehensive planning but there is a balance there

and if anybody starts building to these magnitudes then maybe worry about that.

Mr. Stillings stated that I think our defense is that those are currently the limits within the adopted plan now, so I don't think even DCA could object to modifying the framework of the definition of intensity.

Mr. Weaver stated that he would like to restate his motion.

**A motion was made by Mr. Weaver and seconded by Mr. Hayek** to approve with a modification to the FARs within the commercial areas to reflect a more accurate correlation with the existing building envelop.

Ms. Yates inquired if Mr. Weaver needs to rescind his first motion.

Chairman Dannahower stated well I think he just did.

Mr. Weaver stated that if I didn't do it by intent, then I do so literally, I rescind my first motion and restate.

Mr. Burdge stated it is simply called a withdraw.

Mr. Walker provided clarification.

Ms. Ehly stated when we are talking about FARs if you are talking about like a 3.6 FAR and we do future land use map amendments, which will be reviewed by DCA, the City will have to show that they can meet the capacity of that FAR. That means FPUA needs to be able to provide water and wastewater... all the trips that a 3.6 would provide... so that's going to limit our ability to do land use changes, that is just something to consider because it is a lot of capacity at a high FAR there for a city of our size.

Ms. Yates asked staff to describe a little more about the ramifications of the capacity and who bears the cost of FPUA having to have that capacity, would it be the rate payers?

Ms. Ehly stated as far as I understand they do pass it on to the rate payers yes.

Ms. Yates asked and that would be the current residents who are customers of FPUA would bear the burden of having that capacity available for future development, is that correct.

Ms. Ehly stated I can't say 100 percent because I am not an authority on that, but as far as I am aware they do pass it on to the rate payers.

Ms. Yates stated I am just throwing it out there because we are talking about a decrease in property value and then a subsequent decrease in taxes available to the City, but if FPUA is going to have to provide more capacity that is going to be passed on to the current rate payers.

Ms. Ehly stated well I think what would happen would be that we wouldn't be able to provide capacity for these large FARs, but then you wouldn't be able to do the land use change.

Mr. Weaver asked would the outcome of that thought process that our current land use building envelopes aren't consistent with the Comp. Plan. So you can't provide capacity as the current zoning district map suggests.

Ms. Ehly stated well no the zoning and limitations in the zoning code and also the limitations in the Conservation Element... those would limit the buildout of the property.

Mr. Weaver stated I guess what I am saying is that if everybody in downtown Ft. Pierce took advantage of their existing building envelop you would fail.

Ms. Ehly stated they wouldn't be able to take advantage of that because they still have to meet the requirements of the Code, nobody can buildout at the levels that you are talking about and even at the levels... we had a land use change two years ago and actually Kimley-Horn processed that on Jenkins Road, it went from low density residential to general commercial. The analysis that would be required for what was allowed on that property was huge capacity for something that wasn't realistic to be built so in our communication with DCA we were allowed to show that our zoning code and other limitations on the property wouldn't allow for full buildout. So that's also when the TCRPC started recommending FARs for the Comp. Plan.

Mr. Stillings explained that the difference between a future land use plan amendment and the Comp. Plan itself is that the Comp. Plan has the luxury of looking long term as well as not necessarily assuming full buildout at the end of that period of time. So you can look at projections... a future land use plan amendment, unfortunately has to look at maximum

development potential within the planning period. Unless you can otherwise show that there will not be a need for that capacity.

Ms. Baker asked a hypothetical question about Mr. Weaver's motion and the increase of the FARs and a property owner that is beyond the sewer and water lines that has been annexed into the City and they want to develop on the property. Would the fact that this larger capacity is in the Comprehensive Plan hinder or help that developer.

Mr. Weaver stated that he is willing to restrict this increase in FARs to the downtown and tourist commercial areas. I understand what you are saying, it becomes a monster with millions of square feet, but in the downtown environment and the tourist commercial environment it is different.

Ms. Baker stated I appreciate that the downtown area is a separate situation, however for new commercial developments that are coming out west of town on larger parcels, if you pass a Comp. Plan that has a larger buildout you cannot say it is ok in one area and not ok in another area. It's going to be citywide and as the City grows and more property is annexed the peripheral areas are going to be the ones that suffer the consequences of this larger demand for services.

Mr. Weaver stated that there are separate zoning districts for the downtown and tourist commercial that upon discussion, I would be willing to amend my motion again.

Ms. Baker stated you want to limit these increases to just the tourist commercial area.

Mr. Weaver stated and the downtown area.

Ms. Baker asked if that was possible.

Mr. Stillings stated yes mam.

Ms. Baker stated that is something that is reasonable, but certainly not everywhere else.

Ms. Yates asked Ms. Ehly how she feels about Mr. Weaver's proposal.

Ms. Ehly stated well, we have a 2.0 FAR in the district that he is talking about now, and I think I would agree that we could go to a higher FAR in the downtown.

Chairman Dannahower asked if Mr. Weaver would like to restate his motion.

Mr. Weaver rescinded his second motion.

**A motion was made by Mr. Weaver and seconded by Mr. Hayek** to approve with the floor area ratios in the downtown and the tourist commercial area to be increased to 3.0.

Ms. Baker asked what are they now.

Mr. Stillings stated in the CBD it is 3.6 and ...

Ms. Ehly stated that tourist commercial is a zoning classification and that is why there is a little bit of confusion. The tourist commercial will fall under the South Beach overlay, so that is going to be a different issue as far as the FARs out on the beach and those are quite limited right now.

Mr. Weaver stated there is no allusion to FARs in the current code or the Comp. Plan.

Ms. Ehly stated in the Comp. Plan we had an Mxd land use that had an FAR.

Mr. Weaver stated when he responded 3.6; I don't know where that came from.

Mr. Stillings stated I was translating the 60% building coverage times six stories to get a rough estimate of FAR.

Ms. Baker stated so that would be the downtown area, where 65 feet is allowed is now at a 3.6 equivalent.

Mr. Stillings stated yes if you converted this it would basically be a 3.6.

Ms. Baker asked and Mr. Weaver's motion is to have it at 3.0?

Mr. Weaver stated well when you do use the definition of gross floor area and subtract out all the interior spaces, it does

get to be down around 3.0, so that's fine.

Mr. Carlin stated these types of policy decisions will be made by the Commission, what we will do is we will identify your wishes to have a FAR of x and we will present a couple of examples showing the differences between what we have now and what the new plan is proposing.

Chairman Dannahower stated right now we have a motion and a second, any more discussion.

A roll call vote was taken.

Those in favor: Mr. Rains, Ms. Cummings, Mr. Burdge, Ms. Yates, Mr. Weaver, Mr. Hayek, Mr. Harris, Mr. Lloyd and Chairman Dannahower.

Those opposed: Ms. Baker.

The motion passed.

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The next item considered - **#8. LDR Rewrite - Final Draft**: Discuss and solicit feedback on changes to the final draft of the Land Development Regulations.

Mr. Carlin provided the staff report.

Mr. Carlin stated that he wanted to focus the discussion on one particular area of the draft and that focus should be on the overall layout and organization of the different districts and classifications.

Mr. Carlin provided an explanation and background information regarding the new "modular zoning" approach that is being proposed in the new land development regulations (LDRs).

Mr. Carlin asked the Planning Board to pay special attention to make sure that all of the existing uses that are permitted in the current LDRs are carried forward in some manner to the new LDRs.

Ms. Baker inquired what happened to nursing homes.

Mr. Carlin explained how the old and new ordinances would define and categorize a nursing home type use.

Ms. Baker inquired about how the new ordinance would handle a nursing home type facility being built in the CHHA.

Mr. Weaver inquired about the chart on 5.4 and how it allows for agricultural crop use in any zoning district. Mr. Weaver asked is the ambiguity of that use to the point where anyone could entirely cover their property with a crop and you wouldn't be able to do anything about it or am I reading too much into that.

Mr. Carlin stated that I think that is a valid concern. As I look at agriculture I would probably consider that a use. What is a little complicated when we are trying to find definitions within this draft as it stands today, is that the consultant has broken down the definitions of things into two categories. One is just basic definitions and the other is more of a use, so you can find yourself flipping back and forth. And for better or for worse, agricultural crop has a definition. Mr. Carlin read the definition for agricultural crop.

Mr. Weaver wanted to know if that was the intent or was this an oversight, because farm stands are permitted in every zoning classification and it would seem to me that at least one of my neighbors might show up for an occupational license by use, by right and start selling tomatoes out of their front yard.

Mr. Carlin stated that this is most certainly not the final product and so we will look further into that issue.

Mr. Weaver stated so this is not our last opportunity to provide comments on this.

Mr. Carlin stated absolutely not, we will be coming back to you every meeting talking to you about this document, so you are fully aware of all of the issues that are associated with these new LDRs.

Mr. Carlin elaborated on the process of how the new LDRs will be reviewed from this point forward until it is finally adopted by City Commission.

Mr. Weaver inquired about the body of work that has been put forth over the recent years from sub committees and different interests in the community and stated that a lot of that direction has not made it into the new LDRs. For example

the details of the South Beach overlay have been lost in translation. The duplex as a special exception is not brought forward. There was the effort to put parking in the R4-A zone, subject to a conditional use. There is a great loss of the work and the effort that was put forth by many individuals.

Mr. Carlin reminded the Board that this is still a draft and it is not going to be perfect the first time. Mr. Carlin stated it is difficult to carry over everything from the old LDR and put it into this new format and get it right the first time, however, most of these issues are easily remedied.

Ms. Baker inquired about the text change amendments, including the parking in the R4-A zone, something which I strongly opposed and still do. When these changes come through with the LDRs and the classification of a piece of property has changed the effect of a text based amendment that has not been rescinded is still there. So if a piece of property is R4-A now and the text amendment affected it, five years later when it is called R3-5, it is still considered covered under the text change amendment. Am I correct?

Mr. Carlin stated that the Commission has the ability to modify this as they see fit and so that could certainly be a policy change, if they choose not to have the R4-A because the FPRA does not pursue the initiative to put parking in there anymore, then they may be a policy issue for them.

Ms. Baker is asking if the piece of property is under a current text change amendment, does that text change amendment go with the property in the future.

Ms. Ehly stated that generally when the ordinance is passed by City Commission, it usually has a conflict clause in there that if there are conflicting parts of the code then they are rescinded.

Mr. Walker provided clarification to the Planning Board and stated that the zoning change is supposed to follow the plan change. The zoning change would ultimately be conforming to the plan change. So I believe that the plan change would stay in place but the code change, if it did not conform to that plan change, would itself have to be changed.

Ms. Baker inquired that if a text change amendment was made to a particular zone and the new zoning classification did not bring with it the substance of the text change amendment then that change is gone.

Mr. Walker stated well it wouldn't be gone automatically, but it would be subject to some question if it were found to be inconsistent with the adopted Comprehensive Plan.

Ms. Baker stated for example we had a text change amendment come in for student housing that was to be permitted on all R-4 properties throughout the City and now those R-4 properties are going to be considered something else... R3-something. So you take the same property owner who attempted to have the student housing under the existing text change amendment and it is two years from now and now the property is designated R3-5 and student housing is not permitted hypothetically, he is no longer covered under the previous text change amendment that affected his property.

Mr. Walker stated under that hypothetical situation, I believe the answer is yes.

Mr. Carlin stated that there are only a few examples of these special cases and these will be the types of things that will be policy decisions made by the City Commission.

Mr. Weaver inquired if it would be more appropriate to include the directives that have come up in the last five years and ask if the Commission would like to reconsider them, rather than not carrying them over and then asking the Commission do we want to do these things again.

Mr. Carlin stated that this is the time to have these types of discussions and by no means should we preclude any of these issues from being discussed. But certainly we can make sure our consultant has the list and includes these special directives.

Ms. Baker inquired about a change in zoning due to a re-write and how that affects the use of the property.

Mr. Walker provided clarification in regards to a change in zoning.

Ms. Baker inquired about the potential for an increase in non-conforming lots.

Mr. Walker provided further clarification.

Mr. Carlin explained that the non-conforming section of the code is being changed substantially and that is something we will look into further.



Mr. Carlin provided additional information and staff analysis on the intensity portion of the modular zoning approach.

Mr. Carlin provided several examples of how density and intensity calculations would change under the new approach. Mr. Weaver inquired about the graph for the conversion from the old ordinance to the new ordinance and then the chart for the new ordinance and if staff could just combine the two so one could see exactly where things differ.

Mr. Carlin stated that is one of the recommendations that have already been suggested.

Mr. Weaver stated yea it is easier for referencing back to the existing ordinance.

Ms. Baker stated that she likes the new format and has a question in regards to the amount of usable acreage on residential property. She said I know on in planned unit developments that they do not count land that is not usable for building, for example wetlands or aquatic areas. What qualifications do you have for the percentage categories if a person owns an acre of land but only 25% of it is usable is there any determination made on that?

Mr. Carlin stated under the current ordinance it is very simple, it is simply dwelling units per acre for gross acres of land minus aquatic areas.

Mr. Carlin stated that the last thing he wanted to look at was the setbacks and several other tables.

Mr. Carlin provided additional analysis in regards to contextual setbacks and design review guidelines.

Mr. Carlin asked the Board to focus on how the new LDRs are going to implement the policies of the comprehensive plan for next meeting.

Ms. Baker inquired about overlay zoning boundaries and the existing zoning map. Ms. Baker specifically wanted to know about the existing provision that automatically adjusts the zoning boundaries of a zoning overlay district when new properties are annexed adjacent to the zoning overlay.

Mr. Carlin stated that he would have to look more into this particular issue.

Mr. Weaver provided an example of several subdivisions located on South Beach that currently have County permitted heights that would exceed the South Beach overlay.

Mr. Burdge inquired about recreational vehicle parks and where they are permitted in the current and new LDRs.

Mr. Carlin stated that in the current LDRs they are listed as a conditional use in the C-3 zoning district.

Ms. Baker indicated where RV parks were permitted in the new LDRs.

Mr. Burdge said that's fine.

Chairman Dannahower offered an opportunity to anyone from the public to speak on this issue. Seeing none, Chairman Dannahower moved to the next item.

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The next item considered - **#9. Discussion:**

Mr. Weaver stated that he was approached by some folks that have been active in many of the different county and state efforts and other municipalities regarding energy efficiency and the "green mile" that we are starting to work on. Mr. Lawrence Davenport has been working with Doug Coward and others on many other initiatives and asked for an opportunity to speak to our Board just briefly.

Mr. Lawrence Davenport addressed the Board and began a discussion about HB 697 and energy efficiency and building standards. Mr. Davenport indicated that his firm was the firm that worked with Doug Coward and initiated the solar loan program. Mr. Davenport indicated that as St. Lucie County moves forward with energy efficiency, the municipalities within the County need to work on their own efficiency and conservation plans. Mr. Davenport discussed energy being the second largest cost for most local governments and the lack of policy for such a large cost item, especially during recent budget cuts. Mr. Davenport provided additional information regarding how the Department of Energy grants work and what they were intended to be spent on. Mr. Davenport commented on how promoting energy efficiency can create jobs.

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Return to **#3. Consideration of Absences:**

Chairman Dannahower indicated that Mr. Poitier had already called in and the Mr. Johnson had not.

**A motion was made by Mr. Weaver and seconded by Mr. Hayek** to excuse Mr. Poitier and wait until next month's meeting to address Mr. Johnson's absence.

A voice vote was taken.

The motion passed unanimously.

The next item considered - **#10. Adjournment:** Being no further business, the meeting was adjourned at 8:02.