

**ORDINANCE 11- 78**

COUNCIL ITEM 10A  
DATE 10/24/11

**AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE BY AMENDING POLICY 1.1.8.6 OF THE FUTURE LAND USE ELEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie, Florida, has adopted a comprehensive plan known as the City of Port St. Lucie Comprehensive Plan adopted by Ordinance 97-50, as subsequently amended; and

**WHEREAS**, this City initiated comprehensive plan text amendment, P11-112, proposes to amend the Future Land Use Element by amending Policy 1.1.8.6 as outlined in Exhibit "A" with additions shown as underlined and deletions shown as ~~strikethrough~~; and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174 et seq., Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment (P11-112) to the Comprehensive Plan and submitted its recommendations thereon to the City Council; and

**WHEREAS**, the City has received objections, recommendations, and comments from the Florida Department of Community Affairs with regard to the proposed amendment, P11-112, and has responded to same; and

**WHEREAS**, having considered the recommendations of the Planning and Zoning Board and the Florida Department of Community Affairs, the Port St. Lucie City Council

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has prepared this amendment to the City's Comprehensive Plan as a Large Scale Amendment in accordance with Section 163.3184, Florida Statutes, and the proposed amendment has been reviewed by the Department of Community Affairs; and

**WHEREAS**, two (2) public hearings with due notice have been held by the City Council to inform the public and receive comments and objections; and

**WHEREAS**, the Port St. Lucie City Council desires to hereby formally adopt this amendment (P11-112) to the City's Comprehensive Plan.

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

Section 1. The Comprehensive Plan of the City of Port St. Lucie is hereby amended in the following respect:

1. Policy 1.1.8.6 of the Future Land Use Element is hereby amended as shown in Exhibit "A", attached hereto and incorporated by reference herein.

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

Section 3. The effective date of this comprehensive plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration

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Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY: \_\_\_\_\_  
JoAnn M. Faiella, Mayor

ATTEST:

\_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Roger G. Orr, City Attorney

Ordinance 11-78  
Exhibit A

City of Port St. Lucie Comprehensive Plan – Future Land Use Element

Objective 1.1.8: The City shall initiate and utilize planning and development controls to discourage the proliferation of urban sprawl, encourage innovative development, greater diversity of land uses, and to improve community appearance.

Policy 1.1.8.1: The City shall encourage developers to build mixed-use projects which integrate several land uses within the same project.

- a. The City may establish mixed-use areas on specific property where appropriate and compatible with adjacent properties. Such mixed-use development shall allow for a variety of land uses, either individually or in combination, to provide greater flexibility for development as well as to decrease reliance on motor vehicles, increase pedestrian and non-vehicular use, or promote the synergy of uses through the co-location of complimentary uses within a single development.
- b. Each mixed-use area shall be established by an amendment to the Future Land Use Map and be established within the text of the City's Comprehensive Plan by name and with sub-area policies. The Future Land Use Map amendment and the sub-area policies shall provide a general location and allowable mix or combination of future land use designations and establish the following development criteria:
  - i. the types of uses proposed; and
  - ii. the density or intensity proposed for each use.

Policy 1.1.8.2: For large scale projects, utilize PUD zoning, and design and architectural controls to better integrate mixed uses into neighborhoods.

Policy 1.1.8.3: Develop a neighborhood planning program to help build citizen consensus on zoning, diversify land uses, enhance neighborhoods, promote infill and redevelopment, and integrate open space and development.

Policy 1.1.8.4: Expand and define commercial nodes where appropriate and utilize urban design standards and techniques to beautify and enhance community appearance along major corridors.

Policy 1.1.8.5: Discourage the issuance of single family building permits in land use conversion areas with a non-residential land use designations.

Policy 1.1.8.6: Permit telecommunication towers only in land use categories with HI, LI, CS, I, OSR, OSC, U and NCD designations in accordance with the land development standards adopted in the zoning code.

**CITY OF PORT ST. LUCIE, FL - CITY COUNCIL**

**AGENDA ITEM REQUEST**

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**MEETING:**                      **REGULAR X**                      **SPECIAL**

**DATE:** October 24, 2011 - Large Scale Comprehensive Plan Transmittal Hearing. Early 2012 Anticipated Final Adoption Hearing

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**ORDINANCE X RESOLUTION     MOTION     PUBLIC HEARING X**

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**ITEM:**                      **P11-112 - City of Port St. Lucie Large Scale Comprehensive Plan Text Amendment to the Future Land Use Element**

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**RECOMMENDED ACTION:**

On October 4, 2011, the Planning and Zoning Board voted unanimously to recommend approval of the petition based on the recommendations contained in the staff report.

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**EXHIBITS:**

- A. Ordinance
- B. Staff Report
- C. Support Materials

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**SUMMARY EXPLANATION/BACKGROUND INFORMATION:**

A City initiated text amendment to Policy 1.1.8.6 of the of Future Land use Element of the Comprehensive Plan. The proposal will add the U (Utility) Future Land Use classification to the list of land uses that permit telecommunications towers.

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**IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?**

None.

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**SUBMITTING DEPARTMENT: PLANNING and ZONING**

**DATE:** October 12, 2011



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

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**TO:** PLANNING AND ZONING BOARD - MEETING OF OCTOBER 4, 2011

**FROM:** BRIDGET KEAN, PRINCIPAL PLANNER BK

**RE:** P11-112 - CITY OF PORT ST. LUCIE LARGE SCALE  
COMPREHENSIVE PLAN TEXT AMENDMENT TO THE FUTURE LAND  
USE ELEMENT

**DATE:** SEPTEMBER 22, 2011

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**BACKGROUND:**

This is a City initiated text amendment to Policy 1.1.8.6 of the of Future Land use Element of the Comprehensive Plan. The revision is being proposed to address a discrepancy between the Future Land Use Element of the Comprehensive Plan and Chapter 158: Zoning Code of the city's land development regulations. Policy 1.1.8.6 of the Future Land Use Element identifies the land use classifications that permit telecommunication towers. Policy 1.1.8.6 permits telecommunication towers in the HI (Heavy Industrial), LI (Light Industrial), CS (Service Commercial), I (Institutional), OSR (Open Space Recreation), Open Space Conservation (OSC), and NCD (New Community Development District) future land use designations in accordance with the land development standards adopted in the Zoning Code. The list does not include the U (Utility) land use classification. Section 158.137 of the Zoning Code establishes the Utility Zoning District. Subsection 158.137(C)(3) lists wireless communication towers and antennas as a special exception use.

Section 163.3194, F.S., requires all land development regulations to be consistent with the adopted comprehensive plan. As stated in the Future Land Use Element, the Utility land use category is intended for lands accommodating major public and private utilities, including, but not limited to public and private stormwater systems, water and wastewater plants, electrical substations and transmission, and stormwater rights-of-way, telephone switching stations and similar, compatible facilities with extensive land

needs. The allowance of wireless communication towers as a special exception use in the Utility Zoning District is consistent with the Utility land use category. Therefore, the Planning and Zoning Department is proposing the amendment of Policy 1.1.8.6 of the Future Land Use Element to add the utility future land use classification to the list of land use classifications that permit telecommunication towers. A copy of Policy 1.1.8.6 of the Future Land Use Element is attached as Exhibit 1 of the staff report and a copy of Section 158.137 of the Zoning Code is attached as Exhibit 2 for the Planning and Zoning Board's review.

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**STAFF RECOMMENDATION:**

The Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval of the proposed amendment based on the analysis and findings as noted in the staff report.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

On October 4, 2011, the Planning and Zoning Board voted unanimously to recommend approval of the petition.

EXHIBIT 1

Each mixed-use area shall be established by an amendment to the Future Land Use Map and be established within the text of the City's Comprehensive Plan by name and with sub-area policies. The Future Land Use Map amendment and the sub-area policies shall provide a general location and allowable mix or combination of future land use designations and establish the following development criteria:

- i. the types of uses proposed; and
- ii. the density or intensity proposed for each use.

Policy 1.1.8.2: For large scale projects, utilize PUD zoning, and design and architectural controls to better integrate mixed uses into neighborhoods.

Policy 1.1.8.3: Develop a neighborhood planning program to help build citizen consensus on zoning, diversify land uses, enhance neighborhoods, promote infill and redevelopment, and integrate open space and development.

Policy 1.1.8.4: Expand and define commercial nodes where appropriate and utilize urban design standards and techniques to beautify and enhance community appearance along major corridors.

Policy 1.1.8.5: Discourage the issuance of single family building permits in land use conversion areas with a non-residential land use designations.

\* Policy 1.1.8.6: Permit telecommunication towers only in land use categories with HI, LI, CS, I, OSR, OSC and NCD designations in accordance with land development standards adopted in the zoning code.

**GOAL 1.2: TO CREATE LARGE-SCALE, SUSTAINABLE NEW COMMUNITIES WITH MIXED-USES.**

Objective 1.2.1: Adopt a New Community Development District (NCD District) Future Land Use designation, which will facilitate the development of a mixed-use community.

Policy 1.2.1.1: The New Community Development District shall be planned to incorporate a mixture of land uses, consistent with the densities and intensities authorized by the overall land use designation. At the option of the landowner(s), the NCD District may be broken into defined sub-districts; however each sub-district shall be included in or approved as part of a Development of Regional Impact as provided for in Policy 1.2.7.1.

Policy 1.2.1.2: The density and intensity of the NCD District, or any sub-districts, shall be indicated in the Future Land Use Element. The transfer of dwelling units, hotel rooms, and non-residential square footage shall be permitted between any designated sub-district areas. A Comprehensive Plan Amendment shall not be required for the transfer of dwelling units, hotel rooms, and non-residential square footage between any designated sub-district areas provided that the transfer does not exceed 50% of the receiving sub-district's allocation of a particular use. Transfers shall also require consent from the affected property owners of any property from and to which the density is transferred and an amendment of any zoning adopted pursuant to Policies 1.2.6.2 and 1.2.6.3.

§ 158.137 UTILITY ZONING DISTRICT (U)

(A) The purpose of the Utility Zoning District (U) shall be to locate and establish areas within the city which are deemed to be uniquely suited for the accommodation of major public and private utilities, including but not limited to public and private stormwater systems, water and wastewater plants, electrical substations and transmission facilities, and stormwater right-of-ways, telephone switching stations and similar, compatible facilities with extensive land needs.

(B) Permitted Principal Uses and Structures. The following principal uses and structures are permitted:

- (1) Utilities facilities;
- (2) Stormwater systems, including canals, lakes, retention areas, control structures;
- (3) Water and wastewater plants;
- (4) Electrical substations and transmission facilities;
- (5) Telephone, cable television, and similar communication facilities.

(C) Special Exception Uses. The following uses may be permitted following the review and, specifically, approval thereof by the City Council:

- (1) Billboards as allowed under § 155.08(N);
- (2) Power generating facilities.
- (3) Wireless Communication Antennas and Towers.
- (4) Solar generation station subject to the requirements of § 158.230.

(D) Accessory Uses. As set forth within § 158.217.

- (1) Crop raising; poultry, livestock or cattle production; dairy farming; goats; fruit growing; flower and shrub growing; plant nursery (wholesale only); bee keeping; fish hatchery; forestry; and including accessory uses or structures on lots or parcels that are a minimum of 100 compact acres.

(E) Minimum Lot Requirements. 10,000 square feet and a minimum width of 80 feet. More than one permitted or special exception use may be located upon the lot. Billboards, transmission towers, pumping and relay facilities may be located on lots smaller than 10,000 square feet.

(F) Maximum Building Coverage. (50%) fifty percent, provided that the combined area coverage of all impervious surfaces shall not exceed (80%) eighty percent.

(G) Maximum Building Height. (50) fifty feet, except for transmission and broadcast towers. Exceptions to the height limit may be considered through the variance application process.

(H) Minimum Living Area. For use by a manager or security guard only, mobile home or apartment: 600 square feet.

(I) Setback Requirements and Buffering:

(1) Front, side and rear setbacks. Each lot shall have front side and rear building setbacks of (10) ten feet provided that no setback is required from a railroad or limited access highway right-of-way.

(2) Setbacks shall not apply to stormwater facilities including lakes, canals, and control structures which may have a (0) zero setback.

(3) Buffering. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier. Buffering shall be provided in accordance with the landscaping requirements of § 153.04(G). All open storage areas shall be screened from view from public right-of-ways and residentially zoned property. Said screening shall be an opaque fence or wall at least (8) eight feet tall, with no material placed as to be visible beyond the height of said fence or wall.

(J) Off-Street Parking and Service Requirements. As set forth in § 158.221.

(K) Site Plan Review. All permitted and special exception uses shall be subject to the provisions of §§ 158.235 and 158.245.

**§ 158.138 RESERVED**

**§ 158.155 LIMITED MIXED USE ZONING DISTRICT (LMD)**

(A) Purpose. It is the intent and purpose of the Limited Mixed Use Zoning District (LMD) to allow, upon specific application, the conversion of single-family residential lots of record to multi-family, institutional, professional/business office or limited retail uses in a planned manner consistent with the Comprehensive Plan. This district sets specific requirements for land assembly, off-street parking, drainage setbacks, access and buffering to insure a planned development which provides for the efficient and economical use of land, appropriate or harmonious variety in physical development, a high compatibility with adjacent existing and future development and which provides for safe and efficient access to major transportation facilities.

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## CITY OF PORT ST. LUCIE PLANNING AND ZONING DEPARTMENT NOTICE OF PUBLIC MEETING

THE CITY OF PORT ST. LUCIE proposes to amend its Comprehensive Plan with text changes to the Future Land Use Element as shown in this advertisement listed below. THE CITY COUNCIL of the CITY OF PORT ST. LUCIE will hold a PUBLIC HEARING on this item (File #P11-112./Ordinance #11-78) on **October 24, 2011 at 7:00 PM** in the CITY COUNCIL CHAMBERS in the City Hall Building A, located at 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida.

P11-112. CITY OF PORT ST. LUCIE - FUTURE LAND USE ELEMENT - LARGE SCALE COMPREHENSIVE PLAN "TEXT" AMENDMENT. A request to amend the text of the Future Land Use Element of the City's Comprehensive Plan. This is a city initiated comprehensive plan amendment to amend Policy 1.1.8.6 of the Future Land Use Element to add the Utility (U) future land use classification to the list of future land use classifications that permit telecommunication towers.

NOTICE: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

Planning and Zoning Department

PUBLISH: October 10, 2011