

ORDINANCE 11- 78

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.

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, having considered the recommendations of the Planning and Zoning Board, The Port St. Lucie City Council 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 State Land Planning Agency; and

ORDINANCE 11- 78

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 remaining portions of the City of Port St. Lucie Comprehensive Plan which are not in conflict with the provisions of this Ordinance remain in full force and effect.

Section 3. 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 4. The effective date of this comprehensive plan amendment shall be the date a final order is issued by the State Land Planning Agency or Administration Commission finding the amendment in compliance in accordance with Section 163.3184,

ORDINANCE 11- 78

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 State Land Planning Agency.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 23rd day of January, 2012.

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.

Ordinance 11- 78

Exhibit A

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

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

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CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

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

DATE: January 9, 2012 - Large Scale Comprehensive Plan Adoption Hearing. Transmittal hearing was held on October 24, 2011.

ORDINANCE X RESOLUTION MOTION PUBLIC HEARING X

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

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. There were no comments on the proposed amendment from the State Land Planning Agency or from any of the other agencies authorized to review comprehensive plan amendments.

EXHIBITS:

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

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.

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: January 3, 2012

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR

RECEIVED

DEC 09 2011

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

December 7, 2011

The Honorable JoAnn Faiella
Mayor, City of Port St. Lucie
121 South West Port St. Lucie Boulevard
Port St. Lucie, Florida 34984-5099

Dear Mayor Faiella:

The State Land Planning Agency (the Agency) has completed its review of the proposed comprehensive plan amendment for the City of Port St. Lucie (Amendment No. 11-2ESR) which was received on November 7, 2011. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Agency's authorized scope of review that will be adversely impacted by the amendment if it is adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City regarding these proposed amendments. These reviewing agency comments could form the basis for a challenge by this Agency.

If other reviewing agencies provide comments, we recommend that the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments may form the basis for a challenge to the amendment after adoption. The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have attached procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please call Laura Regalado, at (850)717-8508, or by email at laura.regalado@deo.myflorida.com.

Sincerely,

James D. Stansbury
Regional Planning Administrator

JDS/lmr

cc: Mr. Daniel Holbrook, AICP, Director of Planning and Zoning, City of Port St. Lucie
Mr. Michael Busha, AICP, Executive Director, Treasure Coast Regional Planning Council

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org



TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 5I

From: Staff

Date: December 9, 2011 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of Port St. Lucie Comprehensive Plan
Amendment No. 11-2ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. TCRPC comments are limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any local government within the Region. TCRPC must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the State Land Planning Agency.

Background

The City is proposing one text amendment to the Future Land Use Element (FLUE) of the City's comprehensive plan.

Evaluation

The proposed amendment addresses a discrepancy between the FLUE of the City comprehensive plan and the Zoning Code. Currently, the Zoning Code allows for telecommunications towers in the Utility Zoning District. Policy 1.1.8.6 in the FLUE specifies the land use designations that allow telecommunications towers. However, Policy 1.1.8.6 currently does not include the Utility designation. The proposed amendment will add the Utility land use designation to the list of land uses that permit telecommunications towers in Policy 1.1.8.6.

Extrajurisdictional Impacts

Under the informal agreement facilitated by the TCRPC, local governments in the northern three counties of the region are to provide copies of amendment materials to other local governments

and agencies that have expressed an interest in receiving such materials. On November 9, 2011, the TCRPC requested comments from these local governments and organizations regarding any conflicts with the proposed amendments. As of the date of the preparation of this report, no correspondence has been received.

Effects on Significant Regional Resources and Facilities

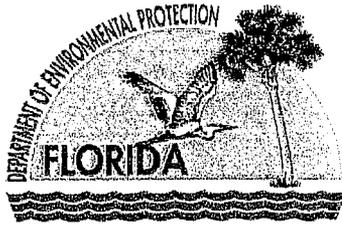
No adverse effects on significant regional resources and facilities have been identified.

Conclusion

The proposed amendment is not in conflict or inconsistent with the SRPP.

Recommendation

Council should approve this report and authorize its transmittal to the City of Port St. Lucie and the Florida Department of Economic Opportunity.



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

November 28, 2011

Ms. Bridget Kean
Principle Planner
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984-5099

Re: Port St. Lucie 11-2ESR; Proposed Comprehensive Plan Amendment Review

Dear Ms. Kean:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (DEP) has reviewed the above-referenced amendment proposal under the procedures of Chapter 163, *Florida Statutes (F.S.)*. The Department's review focused on potential adverse impacts to important state resources and facilities. Based on our review of the proposed amendment, the Department has found no provision that requires comment under laws that form the basis of the Department's jurisdiction.

Thank you for the opportunity to comment on the proposed amendment package. Should you have any questions or require further assistance, please call me at (850) 245-2169.

Sincerely,

A handwritten signature in cursive that reads 'Chris Stahl'.

Chris Stahl
Office of Intergovernmental Programs

/cjs

Bridget Kean

From: Riddle, Andrew [Andrew.Riddle@dot.state.fl.us]
Sent: Thursday, December 01, 2011 10:38 AM
To: DCPexternalagencycomments@deo.myflorida.com; Bridget Kean
Cc: james.stansbury@deo.myflorida.com; Peter Merritt; Bush, Lois
Subject: Port St. Lucie 11-2ESR - FDOT District Four Review

I am writing to advise you that the department will not be issuing comments for the City of Port St. Lucie comprehensive plan amendments (DEO ref. #11-2ESR).

The department would like to request one copy, which may be on CD ROM in Portable Document Format (PDF), of all adopted amendment materials, including graphic and textual materials and support documents.

Thank you.

Andrew Riddle, AICP
Office of Modal Development
FDOT - District Four
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309
TEL: 954-777-4605 FAX: 954-677-7892
Email: andrew.riddle@dot.state.fl.us

12/1/2011



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RECEIVED

NOV 21 2011

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

November 17, 2011

Mr. Daniel Holbrook, AICP
City of Port St. Lucie
Planning & Zoning Department
121 SW Port St. Lucie Blvd
Port St. Lucie, FL 34984-5099

Dear Mr. Daniel Holbrook:

**Subject: City of Port St. Lucie, Department of Economic Opportunity #11-2ESR
Comments on Proposed Comprehensive Plan Amendment Package**

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the City of Port St. Lucie (City). The proposed amendment changes the Future Land Use Element to include telecommunication towers in the Utility Land Use classification, as is currently allowed in the City's zoning code. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the City and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the City's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendment to the District. For assistance or additional information, please contact Deborah Oblaczynski at (561) 682-2544 or doblaczy@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod A. Braun".

Rod A. Braun
Director
Office of Intergovernmental Programs

RB/do

c: Michael J. Busha, TCRPC
Ray Eubanks, DEO
Bridget Kean, Port St. Lucie
Deborah Oblaczynski, SFWMD
James Stansbury, DEO

a) ORDINANCE 11-77, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A THIRD AMENDMENT TO SITE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND STC FIVE, LLC; PROVIDING AN EFFECTIVE DATE

ACTION: Motion passed unanimously to approve Ordinance 11-77.

9. OTHER PUBLIC HEARINGS

a) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #261, NW VOLUCIA DRIVE

ACTION: Motion passed unanimously to approve Residential Street Lighting Assessment Area, Boundary #261, NW Volucia Drive.

b) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #262, NW WESLEY ROAD

OTHER: After Mr. Jessie Wannan voiced concerns about the drainage in his neighborhood, Councilwoman Berger said that she has been speaking to residents about the drainage issue, and the Engineering Department is dealing with the two connection pieces. She said that she will make sure Mr. Wannan gets a follow-up phone call this week.

ACTION: Motion passed unanimously to approve Residential Street Lighting Assessment Area, Boundary #262, NW Wesley Road.

c) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #263, NW ZENITH DRIVE

ACTION: Motion passed unanimously to approve Residential Street Lighting Assessment Area, Boundary #263, NW Zenith Drive.

10. FIRST READING OF ORDINANCES

a) ORDINANCE 11-78, PUBLIC HEARING, 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

ACTION: Motion passed unanimously to approve Ordinance 11-78.

b) ORDINANCE 11-79, AMENDING THE CODE OF ORDINANCES OF THE CITY PORT ST. LUCIE, FLORIDA: AMENDING THE ZONING CODE SECTION 158.006-155; PROVIDING NEW DEFINITIONS FOR BARS, LOUNGES, AND NIGHT CLUBS AND ENCLOSED ASSEMBLY AREA AND AMENDING THE DEFINITION FOR RECREATION AMUSEMENT FACILITY; TO PROVIDE THAT SUCH USES BE

alcohol license. The last two revisions pertain to the Developments of Regional Impact. We are proposing a reduction in the fee for a review from \$14,280 to \$12,280. The current fee for review of a Notice of Proposed Change is \$6,995. We propose to reduce that to \$4,995. The Planning and Zoning Department staff recommends approval of the proposed revisions to the Fee Schedule and Development Review Policy as presented in the staff report." Mr. Gardner asked if the alcoholic beverage permit is being reduced from \$145 to \$35. Ms. Kean replied that that is for temporary permits for special events, since the applicants are usually non-profits.

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing and said, "I think it is wonderful that we are reducing the fees. I'm surprised the land developers aren't here to applaud the substantial reduction. It's nice to see the non-profits get a break, as well." Vice Chair Rooksberry **moved** to approve P11-107. Mr. Gardner **seconded** the motion, which **passed unanimously** by voice vote.

E. P1-112 CITY OF PORT ST. LUCIE - FUTURE LAND USE ELEMENT - LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT

Ms. Kean said, "This is a City initiated text amendment to Policy 1.1.8.6 of the Future Land Use Element of the Comprehensive Plan. The revision is proposed to address a discrepancy between the Future Land Use Element and the Zoning Code. The Zoning Code allows for a telecommunications tower in the Utility Zoning District, but Policy 1.1.8.6 permits them in the land uses and does not include Utility. It does include Heavy Industrial, Light Industrial, Service Commercial, Institutional, Open Space Recreation, Open Space Conservation, and New Community Development District. This is adding Utility land use to Policy 1.1.8.6. We would have taken care of it with the update to the Comprehensive Plan that will be completed in the summer of 2012, but there have been requests and inquiries about it. The Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the Comprehensive Plan and recommends approval."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Mr. Blazak **moved** to approve P11-112. Vice Chair Rooksberry **seconded** the motion, which **passed unanimously** by roll call vote.

F. P11-116 STUART RECYCLING DROP-OFF - SPECIAL EXCEPTION USE

Mr. Finizio stated, "The applicant is Joseph T. Friscia, Friscia Engineering. The owners are Jeffrey Hartdorn, and Edward and

Increased oxygen from one of Procter AVH's natural ingredients - Vinpocetine - AVH for a

evaluated by the FDA.

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



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

TO: CITY COUNCIL - MEETING OF JANUARY 9, 2012

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: JANUARY 3, 2011

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.

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.

TRANSMITTAL HEARING:

The City Council held a transmittal hearing on the proposed amendment on October 24, 2011.

REGIONAL AND STATE AGENCY REVIEW: The Treasure Coast Regional Planning Council reviewed the request at their meeting on December 9, 2011, and found that the amendment was not in conflict or inconsistent with the Strategic Regional Policy Plan. The State Land Planning Agency, the Florida Department of Economic Opportunity, reviewed the proposed amendment and identified no comments related to important state resources and facilities within the agency's authorized scope of review. There were no comments on the proposed amendment from any of the state agencies authorized to review comprehensive plan amendments.

FINAL 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.

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.

LOCAL/NATION

Arson suspect also faces German fire investigation

The Associated Press

LOS ANGELES — The man who allegedly ignited more than 50 fires that terrorized Los Angeles last week also is under investigation in Germany for a house fire near Frankfurt.

U.S. investigators also disclosed Wednesday that a search of Harry Burkhardt's Hollywood apartment turned up news articles about the Los Angeles fires and a series of car blazes in Germany last year.

The disclosures came on a day when Burkhardt made an awkward first court appearance in Los Angeles, where he appeared dazed with his long hair matted on the front of his face.

The ponytailed Burkhardt was arrested Monday near the Sunset

Strip in a van with Canadian license plates loaded with fire-starting materials, and he has stonewalled investigators while being placed on a suicide watch. His mother, Dorothee Burkhardt, appeared disoriented in federal court Tuesday after being arrested on a fraud warrant from Germany, where she referred to Nazis and questioned if her son had died.

Their family history remains murky, but documents reveal both mother and son struggled with mental illness. They had a vagabond lifestyle, with addresses at various times in Germany, the U.S. and Canada, and the son holds a German passport but authorities say he was born in Chechnya.

Medical records dated March 2010 and submit-

ted in a lengthy dispute over commercial space the mother rented in Vancouver say she suffered from depression, anxiety, severe post-traumatic stress disorder and panic attacks.

A separate note, also dated March 2010, says Harry Burkhardt suffered from autistic spectrum disorder since his childhood, and he has severe anxiety, post-traumatic stress disorder, depression and "is not stable mentally because of increase stress due to fear."

Harry Burkhardt was charged Wednesday with 37 counts of arson as part of a rash of fires that caused more than \$3 million in damage, while his mother was being held without bail after being detained on 19 counts of fraud from Germany.

and transcripts of a videotaped news conference Cabrera held with reporters following his arrest.

According to St. Lucie County Sheriff's Office reports, before Cabrera's arrest, he became angry when he was refused service and threatened an officer and manager at Cowboy's Bar-B-Q & Steak Co. at 5000 Okeechobee Road. By the time Fort Pierce police arrived, the ballplayer drove around the back of the building and got out of the parking lot undetected.

About 11 p.m., a deputy spotted Cabrera's black Land Rover with smoke coming from the engine compartment on Okeechobee Road, reports show. Cabrera, whose eyes were bloodshot and watery and speech heavily slurred, was handcuffed after not following orders.

A deputy reported that Cabrera grabbed a bottle

of Scotch and started drinking before his arrest for DUI.

Braun said Cabrera accepted the same plea offer that is routinely extended to first-time DUI offenders and he received the minimum mandatory sanctions.

"We are pleased that he accepted responsibility and pleaded to the charge," she said. "DUI is a serious charge and I definitely think the outcome is satisfactory."

Kessler said he wasn't sure if Cabrera would perform the 50 hours of community service or pay it off at a rate of \$10 per hour.

"He has the entire period of probation to pay the fine and do the community service," he said.

Cabrera can petition to end his probation in six months, Kessler noted, and all sanctions must be satisfied before it's terminated.

NOTICE OF COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

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 the adoption of this item (File #P11-112./Ordinance #11-78) on **January 23, 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.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office at 772-871-5157 for assistance.

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: January 6, 2012

A Free Cell Phone And Free Monthly

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.

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 ~~striketrough~~; 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

ORDINANCE 11- 78

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

ORDINANCE 11- 78

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

MEETING: REGULAR X SPECIAL

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

ORDINANCE X RESOLUTION MOTION PUBLIC HEARING X

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

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.

EXHIBITS:

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

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.

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: October 12, 2011



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

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

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.

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.

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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.

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Increased oxygen from one of Proceva AVH's natural ingredients - Vinpocetine - AVH for a [] evaluated by the FDA.

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

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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.

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Planning and Zoning Department

PUBLISH: October 10, 2011