

ORDINANCE 19-

AN ORDINANCE AMENDING TITLE XV “LAND USAGE”, CHAPTER 158, “ZONING CODE”, SECTION 158.213, “WIRELESS COMMUNICATION ANTENNAS AND TOWERS” OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE (P19-102); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida adopted amendments to the City of Port St. Lucie Comprehensive Plan by Ordinance 12-19 (the “Comprehensive Plan”); and

WHEREAS, Section 163.3202, Florida Statutes, provides for the amendment and enforcement of land development regulations that are consistent with and implement the adopted comprehensive plan; and

WHEREAS, Section 163.3174, Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to the consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

WHEREAS, the City received an application from Robert Holland with LCS Communications, LLC, for a zoning text amendment to Section 158.213 of the Zoning Code to amend section 158.213(D) to add Planned Unit Developments (PUDs) in excess of 250 acres, amend Section 158.213(F) to add a requirement that the property have a future land use designation consistent with Policy 1.1.7.7 of the Comprehensive Plan and specify a height limitation in PUDs to 100 feet, and add Section 158.213(Q) specifying architectural and aesthetic design requirements for towers in Planned Unit Developments (PUDs) with a future land use designation of Institutional (I); 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, Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Code of Ordinances (P19-102) 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 found and determined that the adoption of an amendment to

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section 158.213(D), adding provisions to (F)(1) and adding a new Section 158.213(Q) will foster and preserve the public health, safety and welfare; improve and protect the environment and value and character of the community; and implement the adopted comprehensive plan.

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

Section 1. **Ratification of Recitals.** The City Council of the City of Port St. Lucie, Florida, hereby adopts and ratifies those matters as set forth in the foregoing recitals.

Section 2. **Section 158.213 (Wireless Communication Antennas and Towers; Standards (Zoning Code), Title XV (Land Usage) of the Code of Ordinances of the City of Port St. Lucie is amended as follows:**

Sec. 158.213. - Wireless Communication Antennas and Towers.

Wireless communication antennas and towers shall comply with all applicable structural and safety standards of the Federal Communications Commission (FCC), Edison Electrical Institute (EEI) and/or Electronic Industries Association (EIA), and Federal Aviation Authority (FAA). Commercial wireless communication antennas and towers are considered structures and shall be installed in accordance with all applicable provisions of the building code, plus all conditions of this section.

- (A) **Monopole Towers.** Monopole towers are single upright poles, engineered to be self-supporting and do not require lateral cross supports or guys.
- (B) **Guyed Towers and Antennas.** Guyed towers and antennas shall be set back from all property lines a minimum distance of the break points as verified by a certified engineer on the site plan or a distance equal to one-half its height to allow for proper guying and maintenance. All tower supports and peripheral anchors shall be located entirely within the boundary of the property.
- (C) **Self-Supporting Towers and Antennas.** Self-supporting towers and antennas shall meet the setback requirements of the applicable zoning district.
- (D) **Special Exception Use.** Wireless communication antennas and towers shall be considered a special exception use in the following zoning districts and shall meet all requirements of sections 158.255 through 158.262:
 - (1) GU (General Use);
 - (2) OSR (Open Space Recreational);
 - (3) OSC (Open Space Conservation);
 - (4) I (Institutional);
 - (5) CS (Service Commercial);

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- (6) WI (Warehouse Industrial);
- (7) IN (Industrial);
- (8) U (Utility);
- (9) Neighborhood Village/Commercial, Town Center, Resort, Employment Center, Mixed Use and designated park or school sites within Residential land use sub-categories in MPUD's (Master Planned Unit Development) in NCD (New Community Development District) future land use areas;
- (10) PUD (Planned Unit Development) in excess of 250 acres.

(E) **Wind Load.** Certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans is required. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of a Category 3 hurricane intensity.

(F) **Height Limits.**

- (1) Wireless communication towers:
 - (a) Located in CS, WI, IN, GU, and U zoning districts; Mixed Use, and Employment Center Sub-Districts in MPUD's in NCD future land use areas: up to three hundred (300) feet.
 - (b) Located in OSR, OSC, and I zoning districts, and Town Center Sub-District in MPUD's in NCD future land use areas, and greater than five (5) acres: up to two hundred (200) feet.
 - (c) Located in OSR, and OSC zoning districts; and Neighborhood Village/Commercial Areas, and Resort, Sub-Districts in MPUD's in NCD future land use areas, and less than five acres: up to one hundred (100) feet.
 - (d) Located in PUDs in excess of 250 acres; up to one hundred (100) feet with an underlying future land use designation consistent with Policy 1.1.7.7. of the Comprehensive Plan. Not permitted in residential land use areas.
 - (e) Not permitted in residential land use areas.
- (2) A waiver to these height limits can be requested as a part of the special exception review. The applicant must provide documentation as to why the height limits are inappropriate to the proposed site.

(G) **Co-Location.** To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. As part of special exception applications, applicants shall be required to verify that they have attempted to co-locate any proposed antenna on an existing tower within the proposed service area prior to

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approval of new towers. Applicants shall also provide evidence that they have mailed a "notice of intent" letter to all known telecommunication providers within the city to determine if any providers can co-locate on the proposed tower.

- (H) **Fencing.** A chain-link fence, with or without barbed wire, or solid wood or masonry wall at least six (6) feet in height, shall be constructed and maintained around the perimeter of the tower and associated structures and equipment. Access shall be through a locked gate.
- (I) **Landscaping.** Landscaping for sites either in or adjacent to residential land use areas shall be as follows: a row of trees a minimum of eight (8) feet tall set twenty (20) feet apart shall be planted around the outside perimeter of the fence, plus a hedge a minimum of three (3) feet in height and spaced three (3) feet apart shall be planted on the outside of the fence and tree row. Plantings shall be from the approved list in the landscaping code. Landscaping for sites in commercial and industrial areas shall follow the city's landscaping code for those land uses.
- (J) **Signs.** No advertising signage of any type is permitted on a wireless communication antenna, tower, or equipment storage area. Safety and cautionary signs shall be attached to the fence or structure for those facilities using more than 220 voltage. The following signage shall be in large bold letters: "HIGH VOLTAGE - DANGER".
- (K) **Lighting.** For the placement and use of any lights on such towers or antennas, the applicant shall submit a lighting plan which includes methods for shielding adjacent properties from glare.
- (L) **Site Plan Review.** All proposals for towers are required to follow the site plan review regulations set forth under sections 158.235 through 158.245. Site plan reviews are to be processed as a part of the special exception application.
- (M) **Obsolete and Unused Towers.**
 - (1) Any obsolete or unused tower shall be removed after twelve (12) months of non-use. A removal bond or irrevocable letter of credit equal to the following shall be required prior to obtaining final site development permits:
 - (a) Towers up to (150) feet in height: Fifteen thousand dollars (\$15,000.00).
 - (b) Towers one hundred fifty-one (151) to two hundred (200) feet in height: twenty thousand dollars (\$20,000.00).
 - (c) Towers two hundred one (201) to three hundred (300) feet in height: twenty-five thousand dollars (\$25,000.00).
 - (d) Towers three hundred (300) feet and above: Thirty thousand dollars (\$30,000.00).
 - (2) Tower height shall be measured from the base of the structure.
- (N) **Separation.**
 - (1) Separation distance guidelines between towers shall be as follows:

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- (a) Towers less than one hundred (100) feet in height shall locate a minimum of one thousand (1,000) feet apart;
 - (b) Towers greater than one hundred (100) feet in height shall locate a minimum of one thousand five hundred (1,500.00) feet apart;
 - (c) Guyed and self-supporting towers shall locate at least two thousand (2,000) feet away from other guyed or self-supporting towers.
- (2) Applicants shall provide documentation of the distance of the nearest tower to the proposed site as part of the application.
 - (3) No separation is required for towers located in CS (Service Commercial), WI (Warehouse Industrial), LI (Light Industrial), and HI (Heavy Industrial) zoning districts.
 - (4) A waiver to separation distance requirements may be considered as a part of the application, provided that the applicant can sufficiently justify why such separation is not appropriate.

(O) Interference (Bleed Over).

- (1) As a condition of approval, any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception.
- (2) Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.

(P) Lease Agreements. For city-owned property, a lease agreement shall be included as a part of the special exception application.

(Q) Towers in PUD. All towers within a PUD with an underlying future land use designation of Institutional (I) must be a stealth tower with architectural and aesthetic design to mimic a clock tower, bell tower, or match the architecture of the proposed or existing development within the PUD.

Section 3. All remaining provisions of section 158.213 shall remain in full force and effect.

Section 4. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 5. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or

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unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 6. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2019.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney