

## RESOLUTION 21-R

### **A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, MAKING FINDINGS OF FACT AND DETERMINING CONCLUSIONS OF LAW PERTAINING TO THE RIVERLAND/KENNEDY APPLICATION FOR DEVELOPMENT APPROVAL, A DEVELOPMENT OF REGIONAL IMPACT, AND CONSTITUTING THIS RESOLUTION AS AN AMENDED AND RESTATED DEVELOPMENT ORDER BY THE CITY OF PORT ST. LUCIE IN COMPLIANCE WITH LAW; AND PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE.**

WHEREAS, on July 19, 2004, the City of Port St. Lucie, Florida (“City”), entered into that certain Annexation Agreement to establish the terms and conditions upon which approximately 9,451 acres of agricultural land in unincorporated St. Lucie County, Florida (“Western Annexation Area”), would be annexed into the City for the purpose of urban development; and

WHEREAS, the signatories to the Annexation Agreement included St. Lucie Associates II, LLP, and St. Lucie Associates III, LLP, the owners of 2,550 acres known as Riverland Groves; and Horizons Acquisition 2, LLC, owner of 1,295 acres known as Kennedy Groves, both located in the Western Annexation Area; and

WHEREAS, Riverland/Kennedy, LLP, (“Developer”) is a Florida limited liability partnership with its principal place of business in Sunrise, Florida, and is the successor in interest of Horizons Acquisition 2, LLC, and St. Lucie Associates II, LLP, and St. Lucie Associates III, LLP, for purposes of this development order and authorized by the current landowners of the DRI Property (as hereinafter defined); and

WHEREAS, the Riverland/Kennedy Development of Regional Impact (“Project”) is a proposed mixed-use development of regional impact to be located on approximately 3,845 acres located in the Western Annexation Area, as more particularly described in Composite Exhibit “A” (“DRI Property”); and

WHEREAS, on August 16, 2004, the Treasure Coast Regional Planning Council (“TCRPC”) convened a pre-application conference at which the predecessors in interest to the Developer and various agencies addressed methodology issues and other preliminary matters concerning the Project; and

WHEREAS, on September 13, 2005, pursuant to section 380.06, F.S., the predecessors in interest to the Developer filed an Application for Development Approval for the Project, to be located on the DRI Property, and supplemented it with two sufficiency responses (dated February 28, and May 18, 2006) and,

WHEREAS, on June 7, 2006, the predecessors in interest to the Developer submitted a revised Application for Development Approval, which incorporated and

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reflected the original Application for Development Approval and the sufficiency responses; and

WHEREAS, complete copies of these submissions and other review materials were provided to the City of Port St. Lucie ("City"); the Florida Department of Community Affairs ("DCA"); TCRPC, and other review agencies; and

WHEREAS, under contract to the City, the TCRPC prepared the Western Annexation Traffic Study (dated January 2006) ("WATS") for the Project and other proposed developments within the Western Annexation Area, and

WHEREAS, on May 24, 2006, the application and supporting materials were determined to be sufficient for purposes of review; and

WHEREAS, notice regarding public hearings for the Application for Development Approval was provided by publication in the Port St. Lucie News on June 16, 2006; and

WHEREAS, on August 18, 2006, the TCRPC recommended approval of the Application for Development Approval with conditions; and

WHEREAS, on September 6, 2006, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on the Application for Development Approval and recommended approval with conditions; and

WHEREAS, on September 25, 2006, the City Council of the City of Port St. Lucie ("City Council") held a public hearing to consider the Project, the TCRPC regional report, and comments upon the record made at said public hearing, afforded all interested persons an opportunity to be heard and present evidence, and adopted Resolution No. 06-R78, approving the Project subject to conditions; and

WHEREAS, on May 16, 2007, the Developer submitted Notification of Proposed Change No. 1 ("NOPC No. 1") to TCRPC to amend certain conditions of approval for the Project regarding transportation and affordable housing, with complete copies to the City, DCA and other review agencies; and

WHEREAS, the Legislature has enacted and the Governor has signed into law Chapter 2007-204, Laws of Florida, which provides that "all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension, and such extensions are not a substantial deviation and may not be considered when determining whether a subsequent extension is a substantial deviation; and

WHEREAS, on August 7, 2007, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on NOPC No. 1 and recommended approval; and

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WHEREAS, on August 27, 2007, the City Council held a public hearing to consider NOPC No. 1, the TCRPC regional report, and comments upon the record made at said public hearing, afforded all interested persons an opportunity to be heard and present evidence, and adopted Resolution No. 07-R70, approving the Project subject to conditions; and

WHEREAS, on March 8, 2011, the Developer submitted Notification of Proposed Change No. 2 (“NOPC No. 2”) to TCRPC to amend certain conditions of approval for the Project regarding the phasing, buildout and expiration dates; transportation; environmental and natural resources; and human resource issues, with complete copies to the City, DCA and other review agencies; and

WHEREAS, the 3 year extension provided by Chapter 2007-204, Laws of Florida for all phase dates was inadvertently not reflected in the phasing of the Transportation Conditions in Resolution No. 07-R70 and is now being applied to Tables 3, 4 and 5; and

WHEREAS, on June 2, 2011, Governor Scott signed into law House Bill 7202, which extends for 4 years all commencement, phase, buildout and expiration dates (including associated mitigation requirements) for projects that are currently valid developments of regional impact, regardless of any previous extension. HB 7207 further provides that the 4-year extension is not a substantial deviation; and

WHEREAS, on June 13, 2011, by virtue of Executive Order 11-128, Governor Scott declared a state of emergency for the entire State of Florida due to the ongoing danger of wildfires. Governor Scott subsequently extended Executive order 11-128 two times – once for 60 days (to October 4, 2011) by virtue of Executive Order 11-172 issued on August 5, 2011 and then for an additional 30 days (to November 3, 2011) by virtue of Executive Order 11-202 issued on October 4, 2011. The duration of the emergency declaration was thus 126 days (i.e., from July 1, 2011 to November 3, 2011).

Chapter 2011-142, Laws of Florida, provides that a declaration of state of emergency by the Governor tolls specified permits and authorizations, including development orders and build-out dates, for the duration of the emergency declaration, and extends such permits and authorizations for 6 months in addition to the tolling period.

WHEREAS, on June 5, 2012, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on NOPC No. 2 and recommended approval; and

WHEREAS, On June 25, 2012, by virtue of Executive Order 12-140, Governor Scott declared a state of emergency for the entire State of Florida due to Tropical Storm Debby. The duration of this executive order is 60 days which together with an additional 6 month tolling as provided under Florida Statute Section 252.363 allows for a total of an

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8 month extension to development orders and build out dates for Developments of Regional Impact; and

WHEREAS, on July 9, 2012, the City Council held a public hearing to consider NOPC No. 2, the TCRPC letter, and comments upon the record made at said public hearing, and afforded all interested persons an opportunity to be heard and present evidence; and

WHEREAS, on July 9, 2012 the public hearing was continued until August 13, 2012; and

WHEREAS, on August 13, 2012 the public hearing was continued until September 10, 2012; and

WHEREAS, on August 25, 2012, by virtue of Executive order 12-199, Governor Scott declared a state of emergency for the entire State of Florida due to Tropical Storm Isaac. On October 22, 2012, by virtue of Executive Order 12240, Governor Scott extended Executive Order 12-199 until November 21, 2012 for certain counties, including St. Lucie County. The duration of the emergency declaration for Tropical Storm Isaac for St. Lucie County was thus 88 days, which together with an additional 6 months tolling as provided under Florida Statute section 252.363 allows for a total of a 9 month extension to development orders and build-out dates for Developments of Regional Impact, and

WHEREAS, on September 10, 2012 the public hearing was continued until October 8, 2012, and

WHEREAS, on October 8, 2012 the public hearing was continued until December 10, 2012, and

WHEREAS, on December 10, 2012 the public hearing was continued until January 14, 2013, and

WHEREAS, on January 14, 2013 the public hearing was continued until February 11, 2013.

WHEREAS, on February 11, 2013 Resolution 12-R69 was tabled to a date not certain.

WHEREAS, on January 26, 2015, the City Council held a public hearing to consider NOPC No. 2 and adopted Resolution No. 12-R69, approving the Project subject to conditions; and

WHEREAS, on August 28, 2015, by virtue of Executive Order 15-173, Governor Scott declared a state of emergency for the entire State of Florida due to Tropical Storm

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Erika. The duration of the emergency declaration for Tropical Storm Erika for St. Lucie County was thus 60 days, which together with an additional 6 months tolling as provided under Florida Statute Section 252.363 allows for a total of a 8 month extension to development orders and build-out dates for Developments of Regional Impact, and

WHEREAS, on February 26, 2016, by virtue of Executive Order 16-59, Governor Scott declared a state of emergency for certain counties, including St. Lucie County, due to discharges of harmful water from Lake Okeechobee. The duration of the emergency declaration was thus 60 days, which together with an additional 6 months tolling as provided under Florida Statute Section 252.363 allows for a total of a 8 month extension to development orders and build-out dates for Developments of Regional Impact, and

WHEREAS, on April 26, 2016, the Developer submitted Notification of Proposed Change No. 3 (“NOPC No. 3”) to the TCRPC to amend the phasing, buildout, and expiration dates and Map H, the Master Development Plan, with complete copies to the City, DEO and other review agencies; and

WHEREAS, on June 7, 2016, the Planning and Zoning Board of the City of Port St. Lucie held a public hearing on NOPC No. 3 and recommended approval; and

WHEREAS, on June 29, 2016, by virtue of Executive Order 16-155, Governor Scott declared a state of emergency for certain counties, including St. Lucie County, for 60 days for the increase of discharges of harmful water from Lake Okeechobee to the St. Lucie River and Estuary. Governor Scott issued on June 30, 2016 Executive Order 16-156 to expand the state of emergency to include additional counties that were affected by algae blooms from the Lake Okeechobee discharges of harmful water. Governor Scott subsequently extended Executive Order 16-155 and Executive Order 16-156 two times – each time being for 60 days with the first extension to October 28, 2016 by virtue of Executive Order 16-204 issued on August 29, 2016, and then the second extension for an additional 60 days was to December 27, 2016 by virtue of Executive Order 16-235 issued on October 28, 2016. The duration of the emergency declaration was 182 days (i.e., from June 29, 2016 to December 27, 2016), which together with an additional 6 months tolling as provided under Florida Statute Section 252.363 allows for a total of a 12-month extension to development order and build-out dates for Developments of Regional Impacts, and

WHEREAS, on September 12, 2016, the City Council held a public hearing to consider NOPC No. 3 and adopted Resolution No. 16-R52, approving the Project subject to conditions. Additionally, the 3-year extension provided by Chapter 2007-204, Laws of Florida, for all phase dates was inadvertently not reflected in the phasing of the Transportation Conditions in City Resolution No. 07-R70 and was applied to Tables 3, 4, and 5 in Resolution No. 16-R52; and

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WHEREAS, on October 3, 2016, by virtue of Executive Order 16-230, Governor Scott declared a state of emergency for the entire State of Florida due to the threat Hurricane Matthew posed as a major disaster. Governor Scott subsequently extended Executive Order 16-230 three times – each time being for 60 days with the first extension (to January 26, 2017) by virtue of Executive Order 16-274 issued on December 1, 2016, then a second extension (to March 3, 2017) by virtue of Executive Order 17-16 issued on January 26, 2017, and the third (to May 23, 2017) by virtue of Executive Order 17-67 issued on March 24, 2017. The duration of the emergency declaration was 233 days (i.e., from October 3, 2016 to May 23, 2017), of which 148 days are eligible non-overlapping tolling days, which together with an additional 6 months tolling as provided under Florida Statute Section 252.363 allows for a total of a 11-month extension to development order and build-out dates for Developments of Regional Impact, and

WHEREAS, on April 11, 2017, by virtue of Executive Order 17-120, Governor Scott declared a state of emergency for the entire State of Florida due to the threat Wildfires posed as a major disaster. Governor Scott subsequently extended Executive Order 17-120 for 60 days (to August 8, 2017) by virtue of Executive Order 17-174 issued on June 9, 2017. The duration of the emergency declaration was 120 days (i.e., from April 11, 2017 to August 8, 2017), of which 78 days are eligible non-overlapping tolling days, which together with an additional 6 months of tolling as provided under Florida Statute Section 252.363 allows for a total of an 8-month extension to development order and build-out dates for Developments of Regional Impact, and

WHEREAS, on May 3, 2017, by virtue of Executive Order 17-146, Governor Scott declared a state of emergency for the entire State of Florida due to the threat the national Opioid Epidemic posed as a statewide health emergency. Governor Scott subsequently extended Executive Order 17-146 eleven times – each for a period of 60 days with the first extension by virtue of Executive Order 17-1777 issued on June 29, 2017, the second extension by virtue of Executive Order 17-230 issued on August 28, 2017, the third extension by virtue of Executive Order 17-285 issued on October 27, 2017, the fourth extension by virtue of Executive Order 17-329 issued on December 22, 2017, the fifth extension by virtue of Executive Order 18-47 issued on February 19, 2018, the sixth extension by virtue of Executive Order 18-110 issued on April 19, 2018, the seventh extension by virtue of Executive Order 18-177 issued on June 20, 2018, which served as a renewal of Executive Order 17-146, the eighth extension by virtue of Executive Order 18-235 issued on August 17, 2018, the ninth extension by virtue of Executive Order 18-279 issued on October 16, 2018, the tenth extension by virtue of Executive Order 18-362 issued on December 5, 2018, and the eleventh and final extension by virtue of Executive Order 19-36 issued by Governor DeSantis on February 1, 2019, and

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WHEREAS, on July 31, 2017, by virtue of Executive Order 17-204, Governor Scott declared a state of emergency for the entire State of Florida due to the severe threat posed by Tropical Storm Emily. Governor Scott subsequently terminated Executive Order 17-204, effective immediately, by virtue of Executive Order 17-220 issued on August 15, 2017. The duration of the emergency declaration was 15 days (i.e., from July 31, 2017 to August 15, 2017), of which 8 days are eligible non-overlapping tolling days, which together with an additional 6 months of tolling as provided under Florida Statute Section 252.363 allows for a total of a 6-month extension to development order and build-out dates for Developments of Regional Impact, and

WHEREAS, on September 4, 2017, by virtue of Executive Order 17-235, Governor Scott declared a state of emergency for the entire State of Florida due to the threat Hurricane Irma posed as a major disaster. Governor Scott subsequently extended Executive Order 17-235 three times – each for 60 days and two of which continued to include St. Lucie County with the first extension by virtue of Executive Order 17-287 issued on November 2, 2017 and the second extension by virtue of Executive Order 17-330 issued on December 29, 2017. The applicable duration of the emergency declaration was 177 days (i.e., from September 4, 2017 to February 27, 2018), of which 177 days are eligible non-overlapping tolling days, which together with an additional 6 months of tolling as provided under Florida Statute Section 252.363 allows for a total of a 12-month extension to development order and build-out dates for Developments of Regional Impact, and

WHEREAS, on October 2, 2017, by virtue of Executive Order 17-259, Governor Scott declared a state of emergency for the entire State of Florida due to Florida's need to stand ready to provide resources and support services to Puerto Rico as a result of the damage caused by Hurricane Maria. Governor Scott subsequently extended Executive Order 17-259 seven times – each for 60 days with one exception with the first 60-day extension by virtue of Executive Order 17-304 issued on November 28, 2017, the second 60-day extension by virtue of Executive Order 18-17 issued on January 25, 2018, the third 60-day extension by virtue of Executive Order 18-80 issued on March 23, 2018, the fourth 60-day extension by virtue of Executive Order 18-135 issued on May 22, 2018, the fifth extension being a 30-day extension by virtue of Executive Order 18-214 issued on July 20, 2018, the sixth extension being a 60-day extension by virtue of Executive Order 18-236 issued on August 17, 2018, and the seventh and final 60-day extension by virtue of Executive Order 18-281 issued on October 16, 2018. The duration of the emergency declaration was 440 days (i.e., from October 2, 2017 to December 15, 2018), of which 292 days are eligible non-overlapping tolling days, which together with an additional 6 months of tolling as provided under Florida Statute Section 252.363 allows for a total of a 15-month extension to development order and build-out dates for Developments of Regional Impact, and

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WHEREAS, effective April 6, 2018, the Legislature has enacted and the Governor has signed into law Chapter 2018-158, Laws of Florida, which eliminated the review process regarding changes to existing developments of regional impact (DRIs). Amendments to existing DRIs will be considered by the local government that issued the development order, without state and regional review, pursuant to established development review procedures.

WHEREAS, the City Council is the governing body with legal jurisdiction over the DRI Property and is authorized and empowered by Chapter 2018-158, Laws of Florida, to approve further amendments to the DRI, without state or regional review; and

WHEREAS, on May 26, 2018, by virtue of Executive Order 18-150, Governor Scott declared a state of emergency for the entire State of Florida due to the sever threat posed by Subtropical Storm Alberto. Governor Scott subsequently terminated Executive Order 18-150, effective immediately, by virtue of Executive Order 18-157 issued on June 8, 2018, and

WHEREAS, on July 9, 2018, by virtue of Executive Order 18-191, Governor Scott declared a state of emergency for certain counties, including St. Lucie County, due to the Toxic Algae Blooms caused by the continued release of harmful water from Lake Okeechobee and its impacts. Governor Scott subsequently extended Executive Order 18-191 two times – each for 60 days with the first extension by virtue of Executive Order 18-249 issued on September 6, 2018 and the second extension by virtue of Executive Order 18-311 issued on November 5, 2018. The duration of the emergency declaration was 180 days (i.e., from July 9, 2018 to January 4, 2019), of which 21 days are eligible non-overlapping tolling days, which together with an additional 6 months of tolling as provided under Florida Statute Section 252.363 allows for a total of a 7-month extension to development order and build-out dates for Developments of Regional Impact, and

WHEREAS, on September 14, 2018, by virtue of Executive Order 18-253, Governor Scott declared a state of emergency for the entire State of Florida due to the need to provide resources and support services to North Carolina and South Carolina as a result of the landfall made by Hurricane Florence, and

WHEREAS, on October 4, 2018, by virtue of Executive Order 18-275, Governor Scott amended previously issued Executive Order 18-221 to expand the declaration of a state of emergency to additional counties, including St. Lucie County, due to the Red Tide Algal Blooms. Governor Scott subsequently extended Executive Order 18-275 by virtue of Executive Order 18-282 issued on October 17, 2018, and

WHEREAS, on August 28, 2019, by virtue of Executive Order 19-189, Governor DeSantis declared a state of emergency for certain counties, including St. Lucie County,



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due to the threat Hurricane Dorian posed as a major storm disaster. Governor DeSantis subsequently extended Executive Order 19-189 six times – each for 60 days with the first extension by virtue of Executive Order 19-190 issued on August 29, 2019 which also served to amend the declaration to include the entire State of Florida, the second extension by virtue of Executive Order 19-206 issued on September 20, 2019 which also served to amend the declaration to include a limited number of counties, of which St. Lucie County was included, the third extension by virtue of Executive Order 19-234 issued on October 25, 2019, the fourth extension by virtue of Executive Order 19-281 issued on December 19, 2019, the fifth extension by virtue of Executive Order 20-43 issued on February 17, 2020, and the sixth and final extension by virtue of Executive Order 20-106 issued on April 17, 2020. The duration of the emergency declaration was 294 days (i.e., from August 28, 2019 to June 16, 2020), which together with an additional 6 months of tolling as provided under Florida Statute Section 252.363 allows for a total of a 16-month extension to development order and build-out dates for Developments of Regional Impact, and

WHEREAS, on March 9, 2020, by virtue of Executive Order 20-52, as amended by Executive Order 20-112 on April 29, 2020 and later by Executive Order 20-129 on June 3, 2020, Governor DeSantis declared a state of emergency for the entire State of Florida due to the COVID-19 Pandemic. Governor DeSantis subsequently extended Executive Order 20-52, as amended, five times – each by 60 days with the first extension by virtue of Executive Order 20-114 issued on May 8, 2020, the second extension by virtue of Executive Order 20-166 issued on July 7, 2020, the third extension by virtue of Executive Order 20-213 issued on September 4, 2020, the fourth extension by virtue of Executive Order 20-276 issued on November 3, 2020, and the fifth extension by virtue of Executive Order 20-316 issued of December 29, 2020 (to February 27, 2021). The duration of the emergency declaration, unless otherwise extended on or before February 27, 2021, was 356 days (i.e., from March 9, 2020 to February 27, 2021), of which 257 days are eligible non-overlapping days, together with an additional 6 months of tolling as provided under Florida Statute Section 252.363, allows for a total extension of 257 days and 6 months to development order and build-out dates for Developments of Regional Impact, and

WHEREAS, on July 31, 2020, by virtue of Executive Order 20-181, Governor DeSantis declared a state of emergency for certain counties, including St. Lucie County, due to the threat Hurricane Isaias posed as a major storm event. Governor DeSantis subsequently terminated Executive Order 20-181, effective immediately, by virtue of Executive Order 20-195 issued on August 11, 2020. The duration of the emergency declaration was 11 days (i.e., from July 31, 2020 to August 11, 2020), of which 0 days are eligible non-overlapping tolling days, which together with an additional 6 months of tolling as provided under Florida Statute Section 252.363 allows for a total of a 6-month extension to development order and build-out dates for Developments of Regional Impact, and

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WHEREAS, on August 31, 2020, the Developer submitted a request to modify this DRI Development Order to amend certain conditions of approval for the Project regarding the extension of the phasing, buildout, and expiration dates, and revisions to Map H, the Master Development Plan, with complete copies to the City; and

WHEREAS, on January 5, 2021, the Planning and Zoning Board of the City of Port St. Lucie held a duly noticed public hearing on the Developer's application for Amendment to the Riverland/Kennedy Development of Regional Impact Development Order (hereinafter the "Amendment"); and

WHEREAS, on January 25, 2021, the City Council held a duly noticed public hearing to consider the Amendment, supporting documentation, and any comments or other evidence or testimony presented and taken thereat and made a part of the record at said public hearing; and

WHEREAS, on February 8, 2021, the City Council has made the FINDINGS OF FACT and CONCLUSIONS OF LAW set forth below with regard to the Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:**

### **FINDINGS OF FACT**

The City Council, having considered all the documents, comments, testimony and evidence presented to it, finds as follows:

1. The above recitals are true and correct and are incorporated into this Development Order by this reference.
2. The Project as modified is consistent with the Port St. Lucie Comprehensive Plan and the Port St. Lucie Land Development Regulations.
3. The Project is not located in an area of critical state concern designated pursuant to section 380.05, F.S.
4. This Development Order includes adequate provisions for the public facilities needed to accommodate the impacts of the proposed development pursuant to the requirements of Section 380.06, F.S.
5. The amendment and its supporting documentation were reviewed as required by Chapter 380, F.S., and the local land development regulations and are incorporated into this Development Order by this reference.

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6. This Resolution 20-R , the Development Order for the Riverland/Kennedy DRI, as amended and restated, hereby supersedes and replaces Resolution 16-R52 approved by the City of Port St. Lucie for the Riverland/Kennedy DRI on September 12, 2016.

### **CONCLUSIONS OF LAW**

The City Council, having made the findings of fact set forth above, makes the following conclusions of law:

7. The City Council is the governing body with legal jurisdiction over the DRI Property and is authorized and empowered by Chapter 380, F.S., to issue this Development Order.
8. The Project as modified is approved for development pursuant to section 380.06, F.S., on the DRI Property attached as Composite Exhibit "A", subject to the conditions of approval set forth in Exhibit "B" of this Development Order and the Equivalency Matrix attached as Exhibit "C", both of which are incorporated into this Development Order by this reference.
9. Development shall be located substantially as depicted on the Master Development Plan (Map H) attached as Exhibit "D", which is incorporated into this Development Order by reference.
10. Development shall be consistent with the Port St. Lucie Comprehensive Plan, the Port St. Lucie Land Development Regulations and this Development Order.
11. Within 10 days after adoption of this Development Order, the City Clerk shall render copies of this Development Order with all attachments, certified as complete and accurate, by certified mail (return receipt requested) to the Developer, the Department of Economic Opportunity and TCRPC.
12. Notice of the adoption of this Development Order or any amendment shall be recorded by the Developer, within 30 days after its effective date, in accordance with sections 28.222 F.S., with the Clerk of the Circuit Court of St. Lucie County, Florida. The notice shall specify that this Development Order runs with the land and is binding on the Developer, its agents, lessees, successors or assigns. A copy of such notice shall be forwarded to the Port St. Lucie Planning and Zoning Department within seven days after recordation.
13. The Project as modified shall not be subject to down-zoning, unit density reduction or intensity reduction or other reduction of approved land uses before the expiration date of this Development Order, unless either (a) the Developer consents to such a change, or (b) the City demonstrates that a substantial change

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in the conditions underlying the approval of the Development Order has occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City as essential to the public health, safety or welfare.

14. This Development Order shall not preclude the City from requiring the payment of impact fees and/or other fees for development or construction within the Project, provided such fees are assessed in accordance with a duly adopted ordinance and are charged to all other similarly situated developers for the same activities within all other areas of the City.
15. In the event that the Developer violates any condition of this Development Order, or otherwise fails to act in substantial compliance with this Development Order, the City may stay the effectiveness of this Development Order on the identifiable tract or parcel, or portion of the tract or parcel owned by the person or entity violating the condition, and within the DRI Property described in Exhibit "A", after a stated compliance date. The Developer shall be given a written notice of violation by the City and a reasonable period of time to cure the violation. The Developer may petition the City Council for review of the notice of violation, prior to the stated compliance date, and said review shall be conducted at a public hearing. Filing of a petition for review shall delay the effectiveness of the notice of violation until the review has been conducted. If the violation has not been cured or corrected by the stated compliance date, all further development permits, approvals and services for the development said tract or parcel, or portion of tract or parcel, shall be withheld until the violation is corrected. For purposes of this condition, the terms "tract" and "parcel" shall mean "any quantity of land capable of being described with such definiteness that its boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit, located within the DRI Property legally described in Exhibit 'A' attached hereto and the Master Development Plan (Map H) attached as Exhibit "D".
16. Upon request, and in accordance with the City's adopted certificate of concurrency fee, in the development review fee schedule, the City shall provide to the Developer a letter stating whether the portion of the Project at issue is in compliance with applicable conditions of this Development Order.
17. Pursuant to Section 380.06(5)(c), F.S., the Project shall be bound by the rules adopted pursuant to Chapters 373 and 403, F.S., in effect at the time of issuance of this Development Order.
18. Compliance with this Development Order shall be monitored through normal City permitting procedures, the procedures listed in the specific conditions of approval,

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and review of the biennial report. The local official responsible for assuring compliance with this Development Order is the Director of Planning and Zoning.

19. This Developer Order shall be binding upon the Developer and its assigns or successors in interest. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.
  
20. It is declared to be the City's intent that, if any section, subsection, sentence, clause, condition or provision of this Development Order is held to be invalid by a court of competent jurisdiction, the remainder of this Development Order shall be construed as not having contained said section, subsection, sentence, clause, condition or provision and shall not be affected by such holding.

PASSED AND ADOPTED on this            day of            , 2021.

CITY COUNCIL OF THE CITY OF  
PORT ST. LUCIE, FLORIDA

\_\_\_\_\_  
Gregory J. Oravec, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney