

**ORDINANCE 21-**

**AN ORDINANCE REZONING PROPERTY LOCATED SOUTH OF DISCOVERY WAY AND WEST OF COMMUNITY BOULEVARD FROM ST. LUCIE COUNTY AG-5 (AGRICULTURE – ONE DWELLING UNIT PER FIVE ACRES) ZONING DISTRICT TO CITY OF PORT ST. LUCIE MPUD (MASTER PLANNED UNIT DEVELOPMENT) ZONING DISTRICT FOR A PROJECT KNOWN AS RIVERLAND/KENNEDY PARCEL B (P20-175); PROVIDING FOR THE APPROVAL AND ADOPTION OF A MPUD CONCEPTUAL MASTER PLAN AND REGULATION BOOK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, Kevin Ratteree, agent for Riverland/Kennedy II, LLC, hereinafter referred to as the Applicant, requested the rezoning of certain land located south of the Discovery Way right-of-way and west of the Community Boulevard right-of-way, within the City of Port St. Lucie, and more particularly described in Exhibit 8 of composite Exhibit “A”, attached hereto and by reference incorporated herein, from St. Lucie County zoning district AG-5 (Agricultural – one dwelling unit per five acres) to Port St. Lucie’s MPUD (Master Planned Unit Development) zoning district; and

**WHEREAS**, the Applicant has presented firm evidence of unified control of the subject property; and

**WHEREAS**, the subject property is of such a size to permit its design and development as a cohesive unit fulfilling the purpose of an MPUD District; and

**WHEREAS**, the subject property is located near arterial and collector streets to provide suitable access; and

**WHEREAS**, the proposed MPUD district is located within an approved Development of Regional Impact (“DRI”) and shall be consistent with all applicable conditions of the approved DRI development order; and

**WHEREAS**, the proposed MPUD zoning is consistent with all applicable elements of the City's adopted Comprehensive Plan and MPUD zoning regulations, including but not limited to sections 158.187-158.190 of the City’s Code; and

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**WHEREAS**, the Applicant has agreed to (1) proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the rezoning of the land to MPUD; (2) provide agreements, contracts, deed restrictions and sureties acceptable to the City for completion of the development according to the plans approved at the time of rezoning to MPUD, and for continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense; and (3) bind all successors in title to any commitments made under (1) and (2) preceding (see Exhibit 9 to composite Exhibit “A”); and

**WHEREAS**, an MPUD Conceptual Master Plan and Regulation Book has been submitted consistent with the requirements of Section 158.189, et seq., Port St. Lucie City Code; and

**WHEREAS**, a surface water drainage system will be constructed at no cost to the City; and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the 5th day of January 2021, to consider the rezoning application, notice of said hearing to adjoining property owners for a radius of seven hundred and fifty (750) feet having been given and advertising of the public hearing having been made; and

**WHEREAS**, the City Council held a public hearing on the 8<sup>th</sup> day of February 2021, to consider the rezoning application, advertising of the public hearing having been made; and

**WHEREAS**, the City Council has considered the rezoning application (P20-175) based on substantial and competent evidence, including the recommendations of the Planning and Zoning Board, and the City Council has determined to rezone the property legally described in Exhibit 8 of the attached composite Exhibit “A” as provided herein and approve the Riverland/Kennedy Parcel B MPUD Conceptual Master Plan and Regulation Book, attached as composite Exhibit “A”.

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

**Section 1. Ratifications of Recitals.** The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

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**Section 2.** That the property legally described in Exhibit 8 of composite Exhibit “A”, is rezoned from AG-5 (Agricultural – one dwelling unit per five acres) to an MPUD (Master Planned Unit Development) zoning district, as described in the Riverland/Kennedy Parcel B MPUD Conceptual Master Plan and Regulation Book, which are hereby formally adopted and attached as composite Exhibit “A”.

**Section 3. Conflict.** If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

**Section 4. 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 unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section 5. Effective Date.** This Ordinance shall become effective after its final adoption and upon City Ordinance 20-57 and City Resolution 21-R07 becoming effective.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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