

CITY OF PORT ST. LUCIE, FLORIDA

ORDINANCE NO. 20-28

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING THE TEXT OF THE COMPREHENSIVE PLAN IN ACCORDANCE WITH THE EVALUATION AND APPRAISAL REVIEW (EAR) BASED AMENDMENTS; PROVIDING FINDINGS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION.

WHEREAS, the Florida Legislature intends that local planning be continuous process, and the Florida Statutes encourage local governments to comprehensively evaluate and, as necessary, update comprehensive plans to reflect changes in local conditions; and

WHEREAS, Section 163.3161-163.3215, Florida Statutes, empowers and requires the City Council of the City of Port St. Lucie to prepare, implement and enforce the Comprehensive Plan and Land Development Regulations for the regulation of development within the City; and

WHEREAS, the City of Port St. Lucie has adopted the Port St. Lucie Comprehensive Plan; and

WHEREAS, Sections 163.3184 and 163.3191, Florida Statutes, provides for the amendment of the Comprehensive Plan to implement the recommendations of the Evaluation and Appraisal Report, commonly referred to as EAR-based amendments; and

WHEREAS, the City sent an Evaluation and Appraisal Notification Letter to the State Land Planning Agency which indicated that the EAR-based amendments were necessary to address changes in requirements in State Statutes; and

WHEREAS, the City held a Planning and Zoning Board Workshop to provide an overview of the upcoming EAR-based amendments on May 5, 2020; and

WHEREAS, the Planning and Zoning Board acting as the designated Local Planning Agency has reviewed the EAR-based amendments, held an advertised public hearing on June 23, 2020, provided for participation by the public in the process; and

WHEREAS, the City Council held an advertised public hearing on July 13, 2020, provided for public comment and public participation in accordance with the requirements of state law and the procedures adopted for public participation in the planning process, to transmit proposed EAR-based comprehensive plan amendments to the State Land Planning Agency and Reviewing Agencies as defined in Section 163.3184, Florida Statutes for review and comment; and

WHEREAS, on September 21, 2020, the State Land Planning Agency issued its Objections, Recommendations, and Comments (ORC) report; and

WHEREAS, the City Council has reviewed and addressed the State Land Planning Agency (Department of Economic Opportunity) issued Objections, Recommendations and Comments report, and held a second advertised public hearing while providing for comments and public participation; and

WHEREAS, the City Council has reviewed the Evaluation and Appraisal Review Based Amendments, held an advertised public hearing on October 26, 2020, while providing for comments and public participation and approved the adoption and transmittal of the amendments to the State Land Planning Agency (Department of Economic Opportunity) for a compliance review.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Port St. Lucie, Florida:

Section 1. Adoption of the Amendments. The City Council does hereby adopt the Evaluation and Appraisal Review (EAR) Based Amendments to the Port St. Lucie Comprehensive Plan, attached herein as Composite Exhibit “A”.

Section 2. Changes to the Comprehensive Plan. The City Council does hereby state its intention to amend the Port St. Lucie Comprehensive Plan in accordance with the Evaluation and Appraisal Review (EAR) Based Amendments.

Section 3. Conflict. All ordinances or resolutions, or parts thereof, previously adopted or entered by the City in conflict with this Ordinance are repealed to the extent inconsistent herewith.

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. Applicability of Ordinance. This Ordinance shall be applicable as stated in Sections 1 and 2.

Section 6. Filing with All Appropriate Agencies. The Long-Range Planning Administrator shall send a copy of this Ordinance to all agencies identified by the Department of Economic Opportunity.

Section 7. Filing with the State Land Planning Agency. The Long-Range Planning Administrator shall send a certified copy of this Ordinance to the Department of Economic Opportunity, Community Planning and Development Programs, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32399-4120.

Section 8. Effective Date. Unless timely challenged, the EAR-based amendments adopted herein shall go into effect pursuant to the Florida Department of Economic Opportunity's Notice of Intent, issued and published by the Department of Economic Opportunity, in accordance with section 163.3184, Florida Statutes.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida,
this ____ day of _____, 2020.

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