

## ORDINANCE 22-

**AN ORDINANCE AMENDING TITLE XV “LAND USAGE”, CHAPTER 158, “ZONING CODE”, ARTICLE X.5 “MASTER PLANNED UNIT (MPUD) ZONING DISTRICT” OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE BY AMENDING SECTION 158.187 “STANDARDS FOR DISTRICT ESTABLISHMENT”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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**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**, GL Homes proposes a Code Amendment, P22-038, to amend Section 158.187(A) of the Zoning Code by amending the minimum size requirement for the establishment of a Master Planned Unit Development Zoning District (MPUD).; 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 (P22-038) 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 section 158.187(A) 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 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.** Section 158.187 (A) of the City of Port St. Lucie Code of Ordinances is amended as follows:

### **Sec. 158.187. - Standards for District Establishment.**

In reaching recommendations and decisions as to rezoning land to MPUD classification, the Planning and Zoning Board and the City Council shall apply the following standards in addition to the standards and procedures of sections 158.315 through 158.322 applicable to the rezoning of land generally:

(A) **Area Requirement.** ~~The minimum size of a MPUD district to be considered for establishment shall be fifty (50) acres~~ The City shall allow the establishment of a MPUD zoning district for land within the New Community Development (NCD) Future Land Use designation and under a specific NCD sub-district to be consistent with those minimum size requirements established for each such sub-district; except the establishment of a MPUD for the Residential sub-district shall require a minimum area of fifty (50) acres. Boundaries of the area shall be identified and established.

(B) **Relation to Major Transportation Facilities.** MPUD districts shall be so located with respect to arterial or major streets, highways, collector streets, or other transportation facilities as to provide suitable access to those districts.

(C) **Relation to Utilities, Public Facilities, and Services.** MPUD districts shall be required to obtain developers agreements regarding provision of utilities, public facilities and services as applicable.

(D) **Development of Regional Impact (DRI).** The proposed MPUD district shall be located within an approved DRI and be consistent with all applicable conditions of the approved DRI development order.

(E) **Consistency with the City Comprehensive Plan.** To be eligible for consideration, a MPUD rezoning proposal must be found to be consistent with all applicable elements of the City's adopted Comprehensive Plan with respect to both its proposed internal design and its relationship to adjacent areas and the City as a whole.

**Section 3.** All remaining provisions of section 158.187 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 unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

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**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 APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

BY: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney