

ORDINANCE 22-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, ESTABLISHING THE VERANDA LANDING COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; PROVIDING BOUNDARIES; DESIGNATING INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; PROVIDING POWERS; PROVIDING FOR NOTICE OF SPECIAL ASSESSMENTS; PROVIDING FOR EXCEPTIONS AND INTERLOCAL AGREEMENTS WITH THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Port St. Lucie (the “City”) has determined that it is authorized pursuant to Section 190.005, Florida Statutes, to establish community development districts that are less than 2,500 acres in size and located within the corporate boundaries of the City; and

WHEREAS, Lennar Homes, LLC, a Florida limited liability company (the “Petitioner), has petitioned the City to grant the establishment of the Veranda Landing Community Development District (the “District”), which petition contains the information required by sections 190.005(1)(a) and 190.005(2)(a), Florida Statutes; and

WHEREAS, a public hearing has been conducted by the City Council in accordance with the requirements and procedures of section 190.005(1)(d), Florida Statutes; and

WHEREAS, the City Council has taken testimony and considered the record of the public hearing and the factors set forth in Section 190.005(1)(d), Florida Statutes; and

WHEREAS, all statements contained in the petition have been found to be true and correct; and

WHEREAS, the establishment of the District is not inconsistent with any applicable element or portion of the City’s Comprehensive Plan; and

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the proposed services and facilities to be provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the area that will be served by the District is amenable to separate special district government; and

WHEREAS, the District anticipates levying of special assessments on benefited land within the District to pay for infrastructure constructed an/or acquired by the District; and

WHEREAS, the applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the District; and

WHEREAS, the City Council finds that the District shall have the general powers described in section 190.011, Florida Statutes, and the special powers described in sections 190.012(1), (2)(a) and (2)(d), Florida Statutes; and

WHEREAS, the District's exercise of special powers pursuant to section 190.012(2)(d), Florida Statutes, may not impede the public's access to public roadways; and

WHEREAS, the exercise by the District of any powers other than the powers set forth in sections 190.011 and 190.012(1), (2)(a) and (d), Florida Statutes, shall require consent by the City Council by ordinance or resolution

NOW, THEREFORE, CITY OF PORT ST. LUCIE HERBY ORDAINS:

SECTION 1: Ratification of Recitals. The foregoing findings, which are expressly set forth herein, are adopted and made a part hereof.

SECTION 2: Establishment; Name. The Veranda Landing Community Development District (the "District") is hereby established.

SECTION 3. Boundaries. The external boundaries of the District are set forth in the legal description contained in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 4. Initial Board of Supervisors. The following five (5) persons are hereby designated as the initial members of the Board of Supervisors of the District: Gregory Pettibon, Jeffrey Alexander, Matthew Pisciotta, Kayla Aaronson and Jared Shaver.

SECTION 5: District Powers. The District shall have all the power and authority to construct, operate and maintain District facilities and services as authorized

by Chapter 190, Florida Statutes, as amended from time to time. The City consents to the Board's exercise of the special powers set forth in sections 190.012(1), (2)(a) and (2)(b), Florida Statutes, which includes the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, including but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; provided, however, that the District may not exercise any police power, but may contract with the appropriate local general purpose government agencies for an increased level of service within the District boundaries. . Said powers shall be discharged in accordance with Chapter 190, Florida Statutes. The District's exercise of special powers pursuant to section 190.012(2)(d), Florida Statutes, may not impede the public's access to public roadways. The District shall not impose special assessments of any kind for whatsoever on real property to be dedicated or owned by the City.

SECTION 6: District Charter. Pursuant to section 190.004(4), Florida Statutes, the charter for the District shall be sections 190.006 through 190.041, Florida Statutes, including the special powers provided by sections 190.012(1), (2)(a) and (d), Florida Statutes. The exercise by the District of powers set forth in section 190.012(2)(b), (c), (e) and (f), Florida Statutes, shall require prior consent by the City Council, which consent shall only be provided by resolution or ordinance after specific petition to the City Council.

SECTION 7. Notice of Special Assessments. The District is solely responsible for the implementation of special assessments upon benefited property within the District's internal boundaries. The Petitioner, its successors and assignees, shall provide notice of said special assessments to all prospective purchasers of said property, in accordance with the requirements of section 190.048, Florida Statutes, as amended, and shall be included in every contract for purchase and sale of property within the District. The District shall also record a notice of assessments in the Public Records upon any bond issuance.

SECTION 8. Conditions. The District shall be subject to the following conditions:

- a) The Petitioner and all future property owners and persons within the District shall be subject to call City ordinances including, but not limited to, site plan approval, all permitting and review requirements and processes;
- b) All construction shall be subject to City inspections and requirements;
- c) The construction of all utility infrastructure relating to ponds, landscaping, hardscaping and walls, sanitary sewer, stormwater management (including ponds and retention and transmission facilities), roads and paving, sidewalks and water supply and distribution shall be built to City standards;

SECTION 9. Exceptions and Interlocal Agreements. The District shall have all of the authority and power contained in chapter 190, Florida Statutes, as set forth in this Ordinance. Although the District may construct potable water or wastewater facilities, the District shall not operate such facilities unless, pursuant to Chapter 163, Florida Statutes, an interlocal agreement is promulgated between the City and the District; provided, however, that following construction the District will dedicate such facilities to the City.

SECTION 10 Severability. That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 11: Conflicting Provisions. In the event this Ordinance, or parts of sections of this Ordinance conflicts with any other ordinance of the City, this Ordinance, this Ordinance shall govern and conflicting ordinance(s) shall be repealed to the extent of such conflict.

SECTION 12: Effective Date. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

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:

James D. Stokes, City Attorney

EXHIBIT "A"