

ORDINANCE 26 -

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING ORDINANCE 05-180, ADOPTED JUNE 13, 2006 FOR PROPERTY LOCATED EAST OF MCCARTY ROAD AND APPROXIMATELY 1.25 MILES SOUTH OF MIDWAY ROAD (MCCARTY ROAD, LLC) TO MODIFY CERTAIN CONDITIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (P26-058).

WHEREAS, the City of Port St. Lucie, Florida, (“City”) has adopted a comprehensive plan known as the City of Port St. Lucie Comprehensive Plan adopted by Ordinance 97-50, as subsequently amended; and

WHEREAS, the City is committed to planning and managing the growth of the City; and

WHEREAS, on June 13, 2006, the City adopted Ordinance 05-180 designating approximately 71.52 acres (Property) owned by MCCARTY ROAD, LLC (“McCarty”) as (RM) Medium Density Residential on the Comprehensive Plan Future Land Use Map (“FLUM Amendment”), subject to specified conditions in Section 1 of Ordinance 05-180 (“Conditions”); and

WHEREAS, the Conditions constitute data and analysis of the availability of facilities and services to support the FLUM Amendment, pursuant to Section 163.3177(6)(a)8, F.S.; and

WHEREAS, the City and McCarty agree it is appropriate to amend the Conditions within Ordinance 05-180 to reflect updated data and analysis regarding the availability of facilities and services to serve the FLUM Amendment Property based on the Annexation Agreement for the Property and Amendment to the Annexation Agreement (P26-044) (collectively “Annexation Amendment”) this property is subject to that requires McCarty to provide certain facilities;¹ and

¹ The City reserves the right to impose new or additional conditions on future land use amendments for the Property that may be submitted in the future and

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WHEREAS, as the Conditions constitute data and analysis, any updates to align Ordinance 05-180 with existing circumstances and commitments are not subject to the comprehensive plan amendment compliance review process under Section 163.3184, F.S.; and

WHEREAS, all conditions required for adoption of this Ordinance have been met, including the necessary hearings and public notices.

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

Section 1. Ratification of Recitals. The City Council of the City of Port St. Lucie, Florida, hereby adopts and ratifies those matters as set forth in the foregoing recitals.

Section 2. Amendments. Ordinance 05-180 is hereby modified and amended as follows:

a. Condition 2 is hereby deleted in its entirety.

~~2. ——— McCarty Road LLC agrees to participate in a special assessment district or other similar funding mechanism for the improvement of Midway Road from 1-95 west to Okeechobee Road and to pay its fair share of the cost of such improvements.~~

b. Condition 3 is replaced in its entirety as follows:

~~3. McCarty Road LLC agrees to pay its fair share costs for the improvements to McCarty Road.~~

Construct McCarty Road as a stabilized chip and seal surfaced road to connect from the currently stabilized portion of the road in the vicinity of The Meadows PUD² northern property line just north of Williams Road south to the proposed secondary emergency access driveway.

c. Condition 6 is hereby amended as follows:

is not limited the requirements of the Annexation Amendment.

² The Property is the subject of The Meadows Planned Unit Development (“PUD”) rezoning application which has been filed to modify the McCarty Road PUD approved on August 24, 2009 (Ordinance 09-70)

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6. The payment of a fee to the City of Port St. Lucie, ~~in an amount to be determined by the City of Port St. Lucie,~~ in accordance with the City of Port St. Lucie's Cash Contribution in Lieu of Parks requirements and in accordance with the Annexation Amendment, to address the development's impact on the city's park and recreation system.

d. Condition 7 is hereby amended as follows:

7. Dedication to the City of Port St. Lucie of ~~75~~ 120 feet for a public right-of-way running along the southern boundary of the property where it borders the North Pointe Community (LTC Ranch) for a proposed roadway.

Section 4. Conflict. If any ordinances, or parts of ordinances, or if any sections or parts of sections of the ordinances of the City of Port St. Lucie, Florida, are in conflict herewith, this Ordinance shall control to the extent of 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.

Section 6. Effective Date. This Ordinance shall become effective immediately after its final adoption on second reading or after the "Effective Date" of the Annexation Amendment, whichever occurs last.

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PASSED AND APPROVED by the City Council of the City of Port St. Lucie,
Florida, this _____ day of _____, 2026.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney