

## **ORDINANCE 19-??**

**AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO INCLUDE A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP FOR THE LENNAR HOMES, LLC PROPERTY (P19-147) TO CHANGE THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY .20-ACRES FROM RL (LOW DENSITY RESIDENTIAL)/CG (COMMERCIAL GENERAL) TO INSTITUTIONAL (I) FOR A PARCEL LEGALLY DESCRIBED IN EXHIBIT “A” AND GENERALLY LOCATED ON THE SOUTH SIDE OF BURNSIDE STREET AND WEST OF GLADES CUTOFF ROAD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie, Florida, has adopted a comprehensive plan known as the City of Port St. Lucie Comprehensive Plan adopted by Ordinance 97-50 and Ordinance 12-19, as subsequently amended; and

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

**WHEREAS**, the City has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the City Council of the City of Port St. Lucie desires to amend the Future Land Use Map portion of the Comprehensive Plan to guide and control the future development of the City and to preserve, promote and protect the public’s health, safety and welfare; and

**WHEREAS**, the City of Port St. Lucie has received a small-scale amendment (P19-147) from Lennar Homes, LLC, for property legally described in Exhibit “A” and located on the south side of Burnside Street and west of Glades Cutoff Road to amend the Future Land Use Map of the City of Port St. Lucie Comprehensive Plan in accordance with Section 163.3187, Florida Statutes, to change approximately .20 acres from the future land use designations of RL (Low Density Residential)/CG (Commercial General) to I (Institutional) future land use designation as reflected on Exhibit “B”; and

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**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board has been duly designated as the local planning agency pursuant to Section 163.3174 et. seq., Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board met on October 1, 2019, at a duly noticed public meeting, and pursuant to the procedures of Chapter 163, Florida Statutes, Part II, reviewed and heard testimony concerning the proposed amendment (P19-147) to the City's Comprehensive Plan, and submitted its recommendations thereon to the City Council; and

**WHEREAS**, the City Council held a public hearing on November \_\_, 2019 to consider the proposed small-scale amendment, advertising of the public hearing having been made; and

**WHEREAS**, the City Council has considered to the testimony and evidence, as well as the recommendation of staff and the Planning and Zoning Board, the City Council has determined that the proposed amendment is consistent with the intent and direction of the City's Comprehensive Plan and wishes to amend the Comprehensive Plan Future Land Use Map as provided herein; and

**WHEREAS**, all the necessary hearings and public notices, in conformity with procedural and substantive requirements of Florida Statutes and the Comprehensive Plan have been complied with.

**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.** The Comprehensive Plan of the City of Port St. Lucie is hereby amended in the following respect:

The Future Land Use Map is hereby amended to designate approximately .20-acres of land legally described in Exhibit "A" (attached) and located on the south side of Burnside Street and west of Glades

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Cutoff Road from the future land use designation of RL (Low Density Residential)/CG (Commercial General) to I (Institutional) future land use designation as reflected on Exhibit “B”, which said amendment consists of modifications to the Future Land Use Map as provided in this amendment.

**Section 3.**     **Future Land Use Map Adopted.** The Future Land Use Map of the City of Port St. Lucie is hereby amended as depicted in Exhibit “B” (attached hereto and incorporated herein by this reference). The official Future Land Use Map of the City of Port St. Lucie Comprehensive Plan shall be conformed as set forth by this Comprehensive Plan Amendment.

**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 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.

**Section 6.**   **Effective Date.** The effective date of this plan amendment shall be thirty-one (31) days after adoption, pursuant to Section 163.3187(5)(c), Florida Statutes. If challenged within thirty-one (31) days after adoption, this amendment may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY: \_\_\_\_\_  
Gregory J. Oravec, Mayor

ATTEST:

\_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

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James D. Stokes, City Attorney

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### **EXHIBIT A**

#### **LEGAL DESCRIPTION OF 7,500 SQ FT FEE PARCEL**

A PORTION OF TRACT OST-1, COPPER CREEK PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 54, PAGE 4, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING CONCRETE MONUMENT FOUND ON THE NORTHERN RIGHT OF WAY OF GLADES CUTOFF ROAD, HAVING FLORIDA EAST STATE PLANE COORDINATES OF NORTHING = 1,086,163.82', AND EASTING = 833,709.12'; THENCE, FROM THE POINT OF COMMENCEMENT, NORTH 43°30'20" EAST A DISTANCE OF 3,523.20 FEET TO A POINT ON THE SOUTHERN CORNER OF THE HEREIN DESCRIBED 7,500 SQ FT FEE PARCEL, SAID POINT BEING THE TRUE POINT OF BEGINNING AND HAVING FLORIDA EAST STATE PLANE COORDINATES OF NORTHING = 1,088,719.22', AND EASTING = 836,134.58'; THENCE, FROM THE POINT OF BEGINNING, NORTH 23°00'33" WEST A DISTANCE OF 108.02 FEET TO A POINT; THENCE NORTH 44°46'00" EAST A DISTANCE OF 55.00 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF BURNSIDE ROAD; THENCE, ALONG SAID RIGHT OF WAY, SOUTH 44°44'32" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE, LEAVING SAID RIGHT OF WAY, SOUTH 44°46'00" EAST A DISTANCE OF 95.00 FEET TO THE POINT OF BEGINNING.

SAID FEE PARCEL CONTAINING 7,500 SQUARE FEET OR 0.17 ACRES MORE OR LESS.

#### **LEGAL DESCRIPTION OF 1210 SQ FT NON-EXCLUSIVE PERPETUAL ACCESS & UTILITY EASEMENT**

A PORTION OF TRACT OST-1, COPPER CREEK PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 54, PAGE 4, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING CONCRETE MONUMENT FOUND ON THE NORTHERN RIGHT OF WAY OF GLADES CUTOFF ROAD, HAVING FLORIDA EAST STATE PLANE COORDINATES OF NORTHING = 1,086,163.82', AND EASTING = 833,709.12'; THENCE, FROM THE POINT OF COMMENCEMENT, NORTH 41°57'27" EAST, A DISTANCE OF 3,622.56 FEET TO A POINT ON THE EASTERN CORNER OF THE HEREIN DESCRIBED 1,210 SQ FT NON-EXCLUSIVE PERPETUAL ACCESS & UTILITY EASEMENT, THE WESTERN RIGHT OF WAY OF BURNSIDE STREET AND THE NORTHERN CORNER OF THE AFORE DESCRIBED 7,500 SQ FT FEE PARCEL, SAID POINT BEING THE TRUE POINT OF BEGINNING AND HAVING FLORIDA EAST STATE PLANE COORDINATES OF NORTHING = 1,088,857.70', AND EASTING = 836,131.09'; THENCE, FROM THE POINT OF BEGINNING, LEAVING SAID RIGHT OF WAY, AND WITH THE NORTHWESTERN LIMITS OF THE AFORE DESCRIBED 7,500 SQ FT FEE SIMPLE PARCEL, SOUTH 44°46'00" WEST A DISTANCE OF 38.79 FEET TO A POINT; THENCE, LEAVING SAID LIMITS, NORTH 44°44'32" WEST, A DISTANCE OF 16.32 FEET TO A POINT; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 28.41 FEET TO A POINT; THENCE NORTH 44°46'00" EAST A DISTANCE OF 18.79 FEET TO A POINT ON THE WESTERN RIGHT OF WAY OF BURNSIDE STREET; THENCE, WITH SAID RIGHT OF WAY, SOUTH 44°44'32" WEST A DISTANCE OF 36.33 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT AREA CONTAINING 1,210 SQUARE FEET OR 0.028 ACRES MORE OR LESS.

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