

## **ORDINANCE 24-12**

**AN ORDINANCE TO REZONE APPROXIMATELY FORTY-ONE (41) ACRES OF PROPERTY LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF SW VILLAGE PARKWAY AND BECKER ROAD FOR A PARCEL OF LAND LEGALLY DESCRIBED IN EXHIBIT 7 OF THE ATTACHED COMPOSITE EXHIBIT “A” FROM THE ZONING DESIGNATION OF AG-5 (SLC AGRICULTURE-5) TO THE CITY’S MPUD (MASTER PLANNED UNIT DEVELOPMENT) ZONING DISTRICT FOR A PROJECT KNOWN AS SOUTHERN GROVE 8 MPUD (P23-107); PROVIDING FOR THE APPROVAL AND ADOPTION OF A MPUD CONCEPTUAL MASTER PLAN AND REGULATION BOOK; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (P23-107).**

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**WHEREAS**, Steve Garrett, of Lucido and Associates, acting as agent for Mattamy Palm Beach, LLC, the owner, seeks to rezone approximately forty-one (41) acres of property, located in the northwest quadrant of the intersection of SW Village Parkway and SW Becker Road and more particularly described in Exhibit “A”, from St. Lucie County AG-5 (Agricultural – one dwelling unit per five acres) Zoning District to an MPUD (Master Planned Unit Development) Zoning District; and

**WHEREAS**, the proposed zoning is consistent with all applicable elements of the City’s adopted Comprehensive Plan and complies with the City’s Code of Ordinances, including Section 158.190, et seq.; and

**WHEREAS**, Lucido and Associates has submitted the Southern Grove 8 MPUD Conceptual Master Plan and Regulation Book to the City; and

**WHEREAS**, the Southern Grove 8 MPUD Conceptual Master Plan and Regulation Book is consistent with all applicable elements of the City’s adopted Comprehensive Plan and complies with the City’s Code of Ordinances, including Section 158.190, et seq.; and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board held a public hearing on March 5, 2024 to consider the rezoning application (P23-107), notice of said hearing to adjoining property owners

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for a radius of seven hundred fifty (750) feet having been given and advertising of public hearing having been made; and

**WHEREAS**, Mattamy Palm Beach, LLC, as the developer of the Southern Grove DRI is a party to a Traffic Signal Agreement among the City of Port St. Lucie, Mattamy Palm Beach, LLC, and the Port St. Lucie Governmental Finance Corporation (GFC) (“Agreement”) for the land within the Southern Grove DRI, including the property that is the subject of this MPUD rezoning application; and

**WHEREAS**, approval of this MPUD will result in the Trigger Point for the construction of a required traffic signal pursuant to the Agreement executed by Mattamy Palm Beach, LLC, on February 14, 2023; and

**WHEREAS**, the City Council held a public hearing on March 25, 2024 to consider the rezoning application (P23-107), advertising of the public hearing having been made; and

**WHEREAS**, the City Council has considered the rezoning application (P23-107) based on substantial and competent evidence, including the recommendations of the Planning and Zoning Board, and the City Council has determined to rezone the property legally described in Exhibit 7 of the attached composite Exhibit “A” as provided herein and approve the Southern Grove 8 MPUD Conceptual Master Plan and Regulation Book, attached as composite Exhibit “A” subject to the conditions of approval listed under Section 3 of this ordinance.

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

**Section 1. Ratifications 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 Ordinance.

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**Section 2.** That the property legally described in Exhibit 7 of composite Exhibit “A” is rezoned from St. Lucie County’s zoning district of AG-5 (SLC Agriculture-5) to the City’s MPUD (Master Planned Unit Development) zoning district, as described in the Southern Grove 8 MPUD Conceptual Master Plan and Regulation Book, which are hereby formally adopted and attached as composite Exhibit “A” subject to the Conditions of approval listed under Section 3.

**Section 3. Conditions of Approval:**

1. The traffic signal at the intersection of Southwest Village Parkway and Legacy Park Drive must be constructed and completed as follows:
  - a. Construction shall commence within twelve (12) months of the MPUD’s approval by City Council; and
  - b. Certification of signal shall be completed within eighteen (18) months of the MPUD’s approval by City Council.
2. Upon submittal of the signal construction plans to the City of Port St. Lucie, monthly updates shall be submitted to the Public Works Department on the progress and status of the signal design, permitting, and construction progress by Mattamy Palm Beach, LLC.
3. The City may withhold Public Works engineering permits within the MPUD if the obligations set forth in Condition one (1) are not met within the timeframes stated above, subject to Force Majeure Events or Weather Days, as defined in the Agreement, if applicable. This condition is intended to supplement and is not intended to supersede rights or remedies the City may have regarding the Agreement; and the City reserves all of its rights and remedies.

**Section 4.** The Southern Grove 8 MPUD Regulation Book shall be the internal MPUD design standard for the subject property.

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**Section 5. 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 6. 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 7. Effective Date.** This Ordinance shall become effective ten (10) days after its final adoption.

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

\_\_\_\_\_ day of \_\_\_\_\_ 2024.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

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

ATTEST:

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

APPROVED AS TO FORM: \_\_\_\_\_  
Richard Berrios, Interim City Attorney