

**ORDINANCE 97-50**

**AN ORDINANCE PROVIDING FOR THE REPEAL OF THE CITY OF PORT ST. LUCIE COMPREHENSIVE PLAN, AS AMENDED; PROVIDING FOR THE ADOPTION OF THE REVISED AND UPDATED CITY OF PORT ST. LUCIE COMPREHENSIVE PLAN; ADOPTING THE GOALS, OBJECTIVES AND POLICIES OF THE VARIOUS ELEMENTS OF THE COMPREHENSIVE PLAN; AMENDING THE DATA AND ANALYSIS OF THE PLAN; ADOPTING THE FUTURE LAND USE MAP; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie possesses certain governmental, corporate and proprietary powers to conduct and perform municipal functions; and

**WHEREAS**, the City of Port St. Lucie, pursuant to its Home Rule Powers, possesses full governmental authority to manage and determine growth within its corporate limits subject to and only limited by applicable law; and

**WHEREAS**, the Legislature of the State of Florida has enacted the County and Municipal Planning and Land Development Regulation Act, commonly referred to as Chapter 163, (Part II, Sections 163.3161 through 163.3243, Florida Statutes); and

**WHEREAS**, the City of Port St. Lucie, pursuant to its governmental and proprietary powers, and Home Rule Powers and pursuant to Chapter 163, Florida Statutes, has prepared a Comprehensive Plan together with certain elements and maps; and

**WHEREAS**, the City of Port St. Lucie desires to adopt a Comprehensive Plan to preserve, promote, protect and improve the public health, safety and welfare of its citizens; and

**WHEREAS**, the City has prepared, pursuant to Chapter 163, Section 163.3177, certain Comprehensive Plan elements consisting of: Future Land Use Element; Transportation

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Element; Housing Element; Infrastructure Element; Coastal Management & Conservation Element; Intergovernmental Coordination Element; Recreation and Open Space Element; Economic Development Element; Capital Improvements Element; and

**WHEREAS**, the City of Port St. Lucie has complied with Section 163.3181, Florida Statutes and provided for public participation in the preparation of the Comprehensive Plan; and

**WHEREAS**, the City of Port St. Lucie has designated the Planning and Zoning Board as its Local Planning Agency and said Local Planning Agency held public workshops on said Comprehensive Plan throughout 1996 and 1997 and public hearings on said plan on June 2, 1997, after due public notice; and

**WHEREAS**, the City Council of the City of Port St. Lucie, pursuant to Chapters 163 and 166, Florida Statutes, has held public hearings on said Comprehensive Plan July 28, 1997 for transmittal of said plan to the State Department of Community Affairs, after due public notice; and

**WHEREAS**, the City of Port St. Lucie, pursuant to chapter 163, Section 163.3184, Florida Statutes, prepared and submitted its proposed Comprehensive Plan to the appropriate agencies as required by said Statutes and Chapter 9J-5 of the Florida Administrative Code; and

**WHEREAS**, the plan is based on the recommendations and direction of the City's Evaluation and Appraisal Report (EAR) as adopted by the City Council and found sufficient by the State Department of Community Affairs; and

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**WHEREAS**, the City Council of the City of Port St. Lucie has received the comments from the State Department of Community Affairs and other governmental agencies and affected parties; and

**WHEREAS**, the City of Port St. Lucie has reviewed and considered said agency's Objections, Recommendations and Comments Report and has conducted additional public hearings on said Comprehensive Plan and elements; the City's adopted Evaluation and Appraisal Report and

**WHEREAS**, the City Council of the City of Port St. Lucie desires to adopt the attached Comprehensive Plan for the City of Port St. Lucie and believes that said Plan is in compliance with Chapter 163, Florida Statutes; Chapter 9J-5 of Florida Administrative Code; the State Comprehensive Plan; the Strategic Regional Policy Plan; the City's adopted Evaluation and Appraisal Report and other applicable regulations; and

**WHEREAS**, the City reserves the right to determine the level of service for its citizens, the funding for governmental infrastructure, and how growth should be managed within the City; and

**WHEREAS**, as a part of adopting said Comprehensive Plan, the City of Port St. Lucie desires to preserve and retain all corporate, proprietary, and governmental functions in the adoption of said Comprehensive Plan.

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

Section 1. The City of Port St. Lucie Comprehensive Plan and Future Land Use Map, as amended, is hereby repealed in its entirety and substituted in its place and instead a new City of Port St. Lucie Comprehensive Plan and Future Land Use Map.

Section 2. Authority. This ordinance is being adopted pursuant to Article VIII, Section 2, Constitution of the State of Florida; and Chapter 163, Florida Statutes.

Section 3. Purpose and Intent. The City hereby declares that the purpose and intent of this Ordinance is to provide for the City of Port St. Lucie a plan which will guide future growth and development; encourage the most appropriate use of land, water and other resources consistent with the public interest.

Section 4. Adoption of Comprehensive Plan. The City of Port St. Lucie hereby adopts, by reference, the City of Port St. Lucie Comprehensive Plan and the goals, objectives and policies of each element to-wit: Future Land Use Element; Transportation Element; Housing Element; Infrastructure Element; Coastal Management Element and Conservation Element; Recreation and Open Space Element; Intergovernmental Coordination Element; Economic Development Element; Capital Improvements Element. Copies of said elements are attached hereto and, by reference, incorporated as Exhibit "A".

Section 5. The City expressly reserves its legislative function to implement this Comprehensive Plan and to construe its various elements.

Section 6. All development undertaken after the effective date of this Ordinance shall be consistent with such Plan, Elements, and Maps.

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The Director of Planning and Zoning shall be the caretaker of, and responsible for, recording all changes to the district boundaries of the Future Land Use Map promptly after any amendment has been approved by the City Council.

Section 7. Severability. In the event any provision of this Ordinance or the Comprehensive Plan, its elements, or maps, are found and determined to be invalid or unconstitutional, then only that portion found to be invalid or unconstitutional, shall be so declared to be the same and the remaining portions and provisions of this Ordinance and said Plan shall remain in full force and effect.

Section 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

Section 9. It is the intention of the City Council of the City of Port St. Lucie that the provisions of this Ordinance shall be a part of the City of Port St. Lucie City Code and the sections may be renumbered to accomplish such intention.

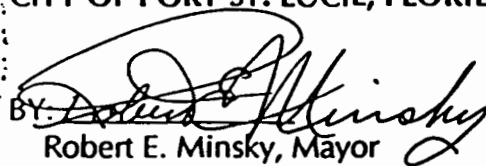
Section 10. This Ordinance shall take effect ten (10) days following its adoption.

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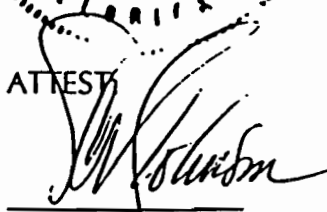
PASSED AND APPROVED by the City Council of the City of Port St. Lucie,  
Florida, this 9th day of February, 1998.

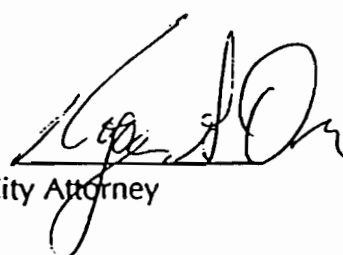


CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY:   
Robert E. Minsky, Mayor

ATTEST

  
Sandra Johnson, City Clerk

APPROVED AS TO FORM:   
Roger Orr, City Attorney

**AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO INCLUDE AN AMENDMENT TO THE FUTURE LAND USE MAP AND ASSOCIATED GOALS, OBJECTIVES AND POLICIES FOR NEWLY ANNEXED LAND; PROVIDING THAT THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**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, as subsequently amended; 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 et. seq., Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Comprehensive Plan 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 held a public hearing on December 16, 2002 for transmittal of the proposed amendment to the Department of Community Affairs and other agencies as required by Section 163.3184, Florida Statutes; and

**WHEREAS**, having considered the recommendations of the Department of Community Affairs and other agencies as required by Section 163.3184, Florida Statutes, the Port St. Lucie City Council held a public hearing on March 24, 2003 for adoption of the proposed amendment; and

**WHEREAS**, the Port St. Lucie City Council desires to hereby formally adopt this amendment to the City's Comprehensive Plan.

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

Section 1. The Comprehensive Plan of the City of Port St. Lucie is hereby amended to incorporate the changes to existing policies and the inclusion of new Goals, Objectives and Policies in the Future Land Use Element of the plan as indicated in Exhibit A, attached hereto and made a part hereof.

Section 2. The Future Land Use Map as contained in the Comprehensive Plan of the City of Port St. Lucie is hereby amended for newly annexed property described in Attachment 1, containing 6,203.74 acres of land, to have the "New Community Development District" (NCD) land use designation on 5,717.14 acres and the Open Space Conservation/Open Space Recreation (OSC/OSR) land use designation on 468.60 acres as indicated in Exhibit B, attached hereto and made a part hereof.

Section 3. Figure A-1 as contained in the Sanitary Sewer Sub-Element of the Comprehensive Plan of the City of Port St. Lucie is hereby amended to include the property described in Attachment 1, containing 6,203.74 acres of land, within a new Utility Service Area as indicated in Exhibit C, attached hereto and made a part hereof.

Section 4. Figure D-1 as contained in the Potable Water Sub-Element of the Comprehensive Plan of the City of Port St. Lucie is hereby amended to include the property described in Attachment 1, containing 6,203.74 acres of land, within a new Utility Service Area as indicated in Exhibit D, attached hereto and made a part hereof.

Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have

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passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

Section 6. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding that the amendment is in compliance in accordance with section 163.3184, Florida Statutes, which ever occurs earlier. If the Administration Commission issues a final order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this 24 th day of March, 2003.



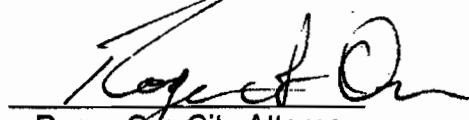
CITY COUNCIL  
CITY OF PORT ST. LUCIE, FLORIDA

BY:   
Robert E. Minsky, Mayor

ATTEST:

  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

  
Roger Orr, City Attorney

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AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA AMENDING CERTAIN POLICIES WITHIN THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE; AMENDING THE TEXT AND MAPS OF THE FUTURE LAND USE ELEMENT, PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Port St. Lucie 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 of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174 et.seq., Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Comprehensive Plan 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 prepared this amendment to the city's Comprehensive Plan and transmitted it to the Department of Community Affairs and other agencies as required by Section 163.3184, Florida Statutes, and the proposed amendment has been reviewed by the Department of Community Affairs; and

**WHEREAS**, two (2) public hearings with due notice have been held by the City Council to inform the public and receive comments and objections; and

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**WHEREAS**, the Port St. Lucie City Council desires to hereby formally adopt this amendment to the city's Comprehensive Plan.

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

Section 1. The Comprehensive Plan of the City of Port St. Lucie is hereby amended in the following respect: The Future Land Use Element Policy 1.1.4.13 is amended and new Policy 1.1.6.3 is added and are attached hereto and, by reference, incorporated as Exhibit "A". The Future Land Use Element is further amended by additional text to be included as number 7, under the title of The Effects and Control of Urban Sprawl on page 1-28 and inclusion of a map titled Western Annexation Urban Boundary Map, and are attached hereto and, by reference incorporated as Exhibit "B". The Infrastructure Element of the Comprehensive Plan is further amended by text map revisions as related to the City's Utility Services Area, and attached hereto and, by reference incorporated as Exhibit "C". The Capital Improvements Element of the Comprehensive Plan is further amended by replacement of the Appendix materials with revised and updated budget information, and attached hereto and, by reference incorporated as Exhibit "D".

Section 2. The provisions of the Ordinance are severable, and if any section, sentence, clause, or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it

being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

Section 3. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida this 24<sup>th</sup> day of March, 2003.

**CITY COUNCIL  
PORT ST. LUCIE**

BY:

A handwritten signature in black ink, appearing to read "Robert E. Minsky", written over a horizontal line.

Robert E. Minsky, Mayor

ATTEST:

*Karen A. Phillips*  
Karen A. Phillips, City Clerk



APPROVED AS TO FORM:

*Roger S. Orr*  
Roger S. Orr, City Attorney