

ORDINANCE NO. 17-011

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **REZONING** PROPERTY LOCATED GENERALLY AT **900 AVENUE O** FROM GENERAL AND RECREATIONAL OPEN SPACE ZONE, OS-1, TO GENERAL COMMERCIAL ZONE, C-3; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located at 900 Avenue O within the City of Fort Pierce, Florida, representing 1.57 acres of land.

WHEREAS, the subject 1.57 acres of property situated immediately east of N. 10th Street right-of-way is a subset of Parcel ID: 2403-233-0002-000-3 which collectively totals 8.76 acres;

WHEREAS, the subject 1.57 acre segment is designated General and Recreational Open Space (OS-1) zone, whereas the remaining 7.19 acres holds a zoning designation of General Commercial (C-3); and

WHEREAS, the applicant seeks rezoning of the subject 1.57 acre site, portion of Parcel ID: 2403-233-0002-000-3 from General and Recreational Open Space (OS-1) to General Commercial (C-3); and

WHEREAS, the proposed zoning atlas amendment (rezoning) is consistent with the comprehensive plan, will not have an adverse effect on the ability of the city to satisfy land and water use needs; and meet transportation demands and provide community facilities and services, and will promote and protect the public health, safety and general welfare as required by City Code 22-131; and

WHEREAS, the City of Fort Pierce Planning Board, at their February 14th, 2017 meeting, voted unanimously to recommend approval of the request;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida, a municipal corporation, as follows:

SECTION 1. From and after the effective date hereof, the following described properties are hereby rezoned as follows:

A. **Parcel ID: 2403-233-0002-000-3 (Portion):** The west 190 feet of that part of the North 400 feet of the south 598 feet of Government Lot 2, lying West of U.S. Highway 1; less the right-of-way for Avenue O, and less the West 25 feet for North 10th Street right-of-way, all lying in Section 3, Township 35 South, Range 40 East, St. Lucie County, Florida.

and further depicted on Exhibit "A", attached hereto and incorporated herein, shall be and the same is hereby rezoned from General and Recreational Open Space Zone (OS-1) to General Commercial (C-3); said property being generally located at 900 Avenue O in Fort Pierce, Florida. The remaining portion of said parcel presented zoned General Commercial (C-3).

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the

invalidity of any part.

SECTION 3. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage thereof.

APPROVED AS TO FORM & CORRECTNESS:

James M. Messer, Esq.
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 17-011 was duly advertised by title only in the St. Lucie News Tribune on March 19th, 2017; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on April 3rd, 2017; and was duly introduced, read by title only, and passed on second and final reading April 17th, 2017 by the City Commission of the City of Fort Pierce, Florida.

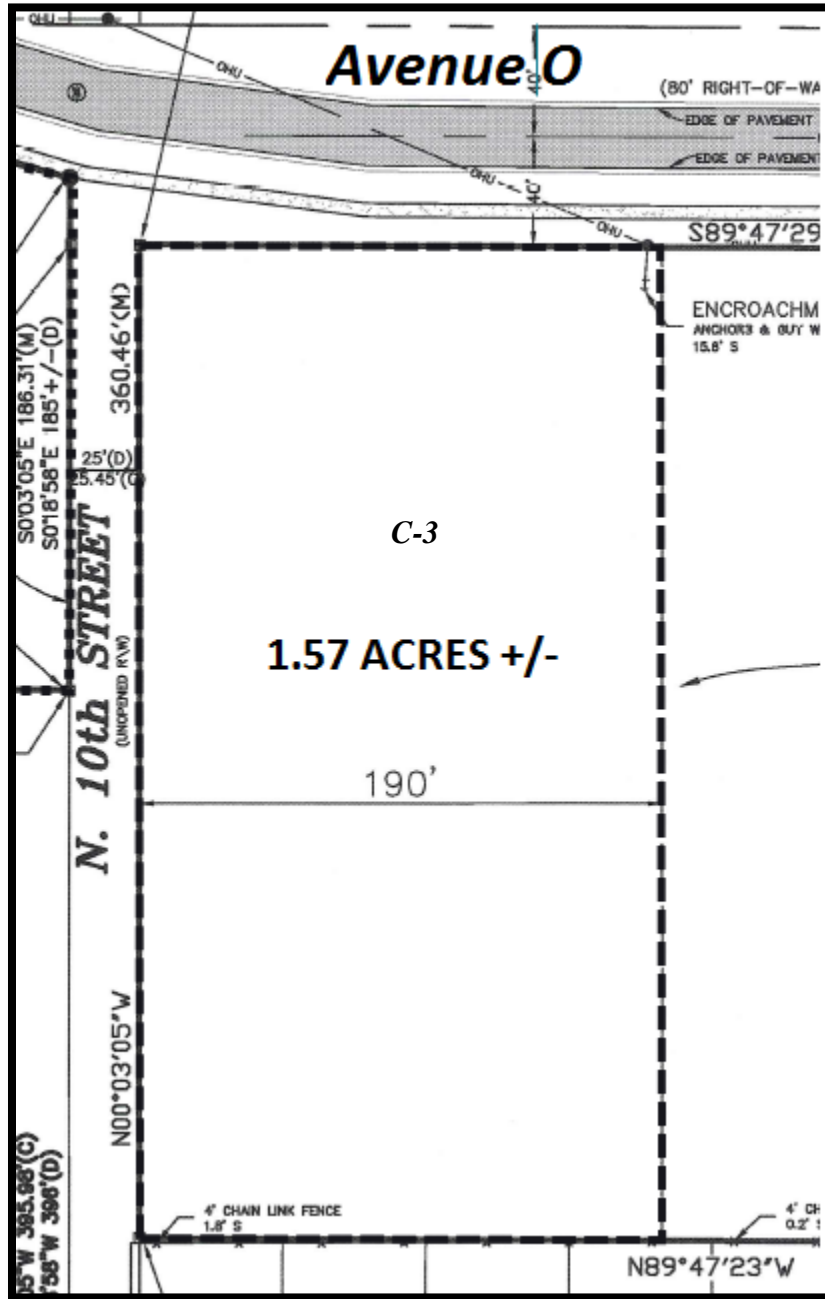
IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 18th day of April, 2017.

MAYOR COMMISSIONER

CITY CLERK

(CITY SEAL)

EXHIBIT A
Sketch & Legal Description
Parcel ID: 2403-233-0002-000-3 (Portion)



Parcel ID: 2403-233-0002-000-3 (Portion – west 190 ft.): The west 190 feet of that part of the North 400 feet of the south 598 feet of Government Lot 2, lying West of U.S. Highway 1; less the right-of-way for Avenue 0, and less the West 25 feet for North 10th Street right-of-way, all lying in Section 3, Township 35 South, Range 40 East, St. Lucie County, Florida.