

ORDINANCE NO. 18-018

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF FIVE (5) PARCELS GENERALLY LOCATED AT OR NEAR 2191 SOUTH JENKINS ROAD, FROM LOW DENSITY RESIDENTIAL, RL, TO GENERAL COMMERCIAL, GC;** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce has adopted a Comprehensive Plan known as the City of Fort Pierce Comprehensive Plan adopted by Ordinance No. L-136, as subsequently amended; and

WHEREAS, changing the future land use designation requires an amendment to the Comprehensive Plan, pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, the Fort Pierce City Planning 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 Commission; and

WHEREAS, having considered the recommendations of the Planning Board, the City of Fort Pierce City Commission has prepared this amendment to the City's Comprehensive Plan and transmitted it to the Department of Economic Opportunity and other agencies as required by Section 163.3184; and

WHEREAS, two (2) public hearings, one transmittal hearing and one adoptive hearing with due notice have been held by the City Commission to inform the public and receive comments and objections; and

WHEREAS, the subject properties generally located at or near 2191 South Jenkins Road, were annexed into the City of Fort Pierce through Ordinance K-331 on March 21, 2005 and given a Future Land Use designation of RL, Low Density Residential; and

WHEREAS, the City of Fort Pierce desires to hereby formally adopt this amendment to the City's Comprehensive Plan.

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

SECTION 1. The preceding "whereas" clauses are ratified and incorporated as the legislative intent of this ordinance.

SECTION 2. The Comprehensive Plan of the City of Fort Pierce is hereby amended as follows:

Parcels IDs: 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-444-0040-0003, 2313-443-0000-000-8, & 2313-434-0001-000-7

From and after the effective date hereof, the following properties legally described as:

PARCELS 1 AND 2:

THE E (1/2) OF THE SE (1/4) OF THE SE (1/4) AND THE NE (1/4) OF THE SW (1/4) OF THE SE (1/4) AND THE NW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS AND EXCEPTING THE FOLLOWING DESCRIBED LANDS:

(A) THAT PART OF:

THE NE (1/4) OF THE SW (1/4) OF THE SE (1/4) AND THE NW (1/4) OF THESE (1/4) OF THE SE (1/4) OF THE SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS:

LESS & EXCEPT PARCEL 1

BEGIN AT A POINT ON THE SOUTH BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1662.77 FEET OF THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE CONTINUE SOUTH 89°19'14" WEST 324.01 FEET, THENCE NORTH 0°05'08" WEST 1.40 FEET, THENCE NORTH 00°16'48" WEST 1311.22 FEET TO A POINT ON THE SOUTH BOUNDARY OF GRAHAM ROAD, THENCE NORTH 89°34'07" EAST 324.00 FEET, THENCE SOUTH 00°16'48" EAST 1311.22 FEET TO THE POINT OF BEGINNING. (LESS & EXCEPT PARCEL 1 AKA 1-95)

LESS & EXCEPT PARCEL 2

COMMENCE AT A POINT ON THE SOUTHERLY BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1824.77 FEET OF THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE RUN NORTH 00°16'48" WEST 1331.93 FEET, THENCE NORTH 89°34'07" EAST 162.00 FEET, THENCE SOUTH 00°16'48" EAST 20 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°34'07" EAST 710.85 FEET, THENCE SOUTH 00°25'53" EAST 55.00 FEET, THENCE SOUTH 80°06'23" WEST 152.07 FEET, THENCE SOUTH 89°34'07" WEST 561.06 FEET, THENCE NORTH 00°16'48" WEST 80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE REMAINING PROPERTY OF THE GRANTORS NAMED IN DEED FILED IN OFFICIAL RECORD BOOK 2096 PAGE 908 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

THAT PART OF:

LESS & EXCEPT PARCEL 3

THE NW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH RANGE 39 EAST, LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE SOUTH BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1824.77 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE RUN NORTH 00°16'48" WEST 1331.93 FEET, THENCE NORTH 89°34'07" EAST 872.79 FEET, THENCE SOUTH 00°25'53" EAST 20 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°34'07" EAST 911.97 FEET TO A POINT ON THE WEST BOUNDARY OF JENKINS ROAD, THENCE SOUTH 00°16'37" EAST 30 FEET, THENCE SOUTH 89°34'07" WEST 761.89 FEET, THENCE SOUTH 80°06'23" WEST 152.07 FEET, THENCE NORTH 00°25'53" WEST 55.00 FEET TO THE POINT OF BEGINNING.

THE NORTH 353.45 FEET OF THE SOUTH 395.95 FEET OF THE E (1/2) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST.

THE EAST 46 FEET FOR JENKINS ROAD RIGHT-OF-WAY.

RIGHT-OF-WAY FOR DRAINAGE CANALS.

PARCEL 3:

THE NORTH 353.45 FEET OF THE SOUTH 395.95 FEET OF THE EAST ONE-HALF ((1/2)) OF THE SOUTHEAST QUARTER (SE (1/4)) OF THE SOUTHEAST QUARTER (SE (1/4)) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS THE EAST 46 FEET FOR JENKINS ROAD RIGHT-OF-WAY.

PARCEL 4:

THAT PART OF THE SE (1/4) OF THE SW (1/4) OF THE SE (1/4) LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY OF 1-95, OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA.

PARCEL 7:

THE SW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA. EXCEPTING, HOWEVER, RIGHTS OF WAY FOR DRAINAGE CANALS AND PUBLIC ROADS.

said properties being generally located at or near 2191 South Jenkins Road in Fort Pierce, Florida shall be and the Future Land Use Designation is hereby changed from Low Density Residential, RL, to General Commercial, GC, as depicted on Exhibit "A", attached hereto and incorporated herein.

SECTION 3. 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 ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. The effective date of this comprehensive plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. 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 resolution shall be sent to the state land planning agency

APPROVED AS TO FORM & CORRECTNESS:

James M. Messer
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.18-018 was duly advertised accordance with F.S. 163.3184 by display advertising in the St. Lucie News Tribune on Sunday, May 20, 2018 and on _____, 2018; 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 June 4th, 2018; and was duly introduced, read by title only, and passed on second and final reading _____, 2018, 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 th day of, 2018.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox
City Clerk

(City Seal)

EXHIBIT A
Proposed Future Land Use
General Commercial, GC

