

**ORDINANCE NO. 18-036**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **REZONING** THE PROPERTY GENERALLY LOCATED AT **401 & 411 S. INDIAN RIVER DRIVE**, FROM C-1, OFFICE COMMERCIAL ZONE, TO PD, PLANNED DEVELOPMENT; FURTHER **APPROVING A DEVELOPMENT PLAN** PURSUANT TO SECTION 22-40, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the subject property is generally located at 401 & 411 S. Indian River Drive, within the City of Fort Pierce, Florida, representing approximately 0.957 Acres of land; and

**WHEREAS**, the subject site is presently designated C-1, Office Commercial Zone; and

**WHEREAS**, the applicant seeks rezoning of the approximate 0.96 acre subject site, Parcel ID: 2410-808-0017-000-7, from C-1, Office Commercial Zone to PD, Planned Development; and

**WHEREAS**, the applicant has concurrently filed a proposed development plan pursuant to City Code Section 22-40 to adjoin the proposed rezoning; and

**WHEREAS**, the proposed zoning atlas amendment (rezoning) and coupled development plan is consistent with the comprehensive plan, and 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 September 11th, 2018 meeting, voted unanimously to recommend approval of the proposed Zoning Atlas Amendment for Ordinance 18-036.

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

**SECTION 1.** From and after the effective date hereof, the following property is shown on Exhibit "A" and is legally described as:

401 & 411 S. Indian River Drive, Parcel ID: 2410-808-0017-000-7 & 2410-808-0019-000-1

LEGAL DESCRIPTION:

A PORTION OF LOTS 1, 2, & 3, BLOCK D, ANDREWS & RICHARDS ADDITION TO FORT PIERCE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 191, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK D, RUN SOUTH 89 DEGREES 54' 45" EAST (BASIS OF BEARINGS) ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 233.86 FEET TO EAST RIGHT OF WAY LINE OF SOUTH INDIAN RIVER DRIVE AS IT NOW EXISTS AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 54' 45" EAST A DISTANCE OF 185.35 FEET MORE OR LESS TO THE MEAN HIGH WATERLINE OF

THE INDIAN RIVER; THENCE MEANDERS THE FOLLOWING COURSES ALONG SAID MEAN HIGH WATER LINE:

SOUTH 12 DEGREES 48' 00" WEST, 8.26 FEET;  
SOUTH 58 DEGREES 13' 42" WEST, 9.06 FEET;  
SOUTH 06 DEGREES 07' 58" WEST, 13.79 FEET;  
SOUTH 09 DEGREES 07' 21" EAST, 14.54 FEET;  
SOUTH 03 DEGREES 31' 57" WEST, 19.99 FEET;  
SOUTH 12 DEGREES 04' 46" WEST, 20.07 FEET;  
SOUTH 13 DEGREES 57' 10" WEST, 18.67 FEET;  
SOUTH 08 DEGREES 49' 52" WEST, 20.82 FEET;  
SOUTH 07 DEGREES 46' 49" WEST, 20.03 FEET;  
SOUTH 04 DEGREES 55' 27" WEST, 20.40 FEET;  
SOUTH 02 DEGREES 28' 32" WEST, 21.34 FEET;  
SOUTH 01 DEGREES 38' 25" WEST, 21.96 FEET;  
SOUTH 03 DEGREES 55' 25" EAST, 24.77 FEET;  
SOUTH 07 DEGREES 08' 40" EAST, 19.45 FEET;  
SOUTH 07 DEGREES 33' 23" EAST, 15.75 FEET TO THE SOUTH LINE OF SAID LOT 3, BLOCK D; THENCE RUN NORTH 89 DEGREES 51' 32" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 136.50 FEET MORE OR LESS TO THE EAST RIGHT OF WAY LINE OF SAID SOUTH INDIAN RIVER DRIVE; THENCE LEAVING SAID SOUTH LINE RUN NORTH 11 DEGREES 43' 16" WEST, A DISTANCE OF 52.07 FEET; THENCE RUN NORTH 01 DEGREES 27' 42" EAST, A DISTANCE OF 123.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 41,710.64 SQUARE FEET OR 0.96 ACRES, MORE OF LESS.

Shall be and the same is hereby rezoned from C-1, Office Commercial Zone, to PD, Planned Development; said property being generally located at 401 & 411 S. Indian River Drive in Fort Pierce, Florida.

**SECTION 2.** The Development Plan for the subject Planned Development as depicted on Exhibit "B" which is attached hereto and incorporated herein by reference, be and the same are hereby approved, and shall serve as the Development Plan associated with the subject Planned Development.

**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 4.** 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 5.** This Ordinance is and the same shall become effective immediately upon final passage.

**APPROVED AS TO FORM & CORRECTNESS:**

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Benjamin Bryan Jr., Esq.

Interim 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. 18-036 was duly advertised by title only in the St. Lucie News Tribune on September 30th, 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 October 15th, 2018; and was duly introduced, read by title only, and passed on second and final reading November 5th, 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 6th day of November, 2018.

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Linda Hudson  
MAYOR COMMISSIONER

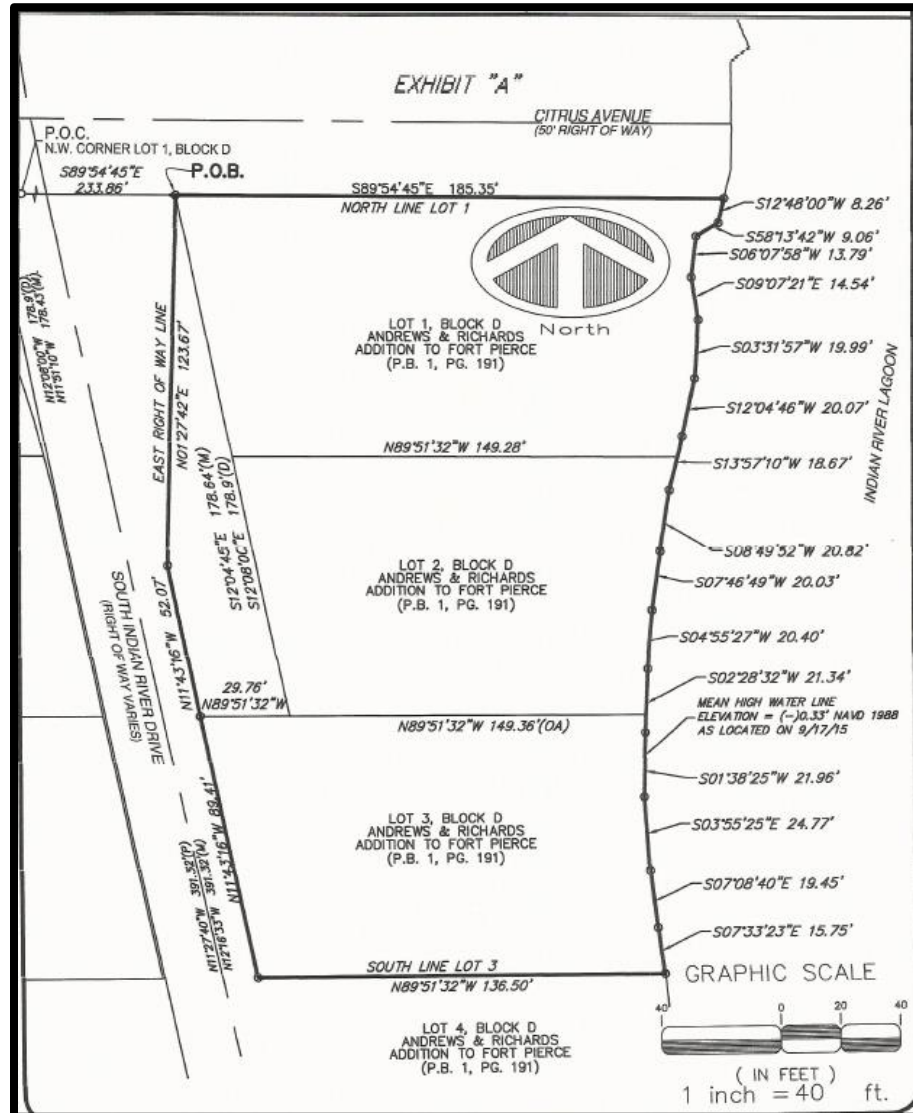
ATTEST:

(CITY SEAL)

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Linda W. Cox  
CITY CLERK

**EXHIBIT A**  
Sketch & Legal Description of Subject Property



**Parcel ID: 2410-808-0017-000-7**

**LEGAL DESCRIPTION:**

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