

**ORDINANCE NO. 19-003**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; MODIFYING THE HARBOUR ISLE PLANNED DEVELOPMENT TO REVISE THE PREVIOUSLY-APPROVED SITE PLAN FOR A RETAIL BUILDING ON PROPERTY GENERALLY LOCATED AT 825 SEAWAY DRIVE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Fort Pierce Code of Ordinances (“City Code”) Section 22-40, Planned Development Zone (PD), sets forth a procedure for major modifications to a planned development; and;

**WHEREAS**, on August 4, 2004, the City Commission granted approval for the Planned Development known as Harbour Isle at Hutchinson Island (“Harbour Isle”), and

**WHEREAS**, on July 26, 2006, the plat for the Harbour Isle subdivision was recorded in Plat Book 43, Pages 31, 31A, & 31B of the Public Records of St. Lucie County, Florida; and

**WHEREAS**, the current property owner, Harbour Isle Development Commercial, LLC, has submitted a development review application for a major amendment to the Planned Development to allow for one (1) modification and

**WHEREAS**, City Code Section 22-40 requires an applicant for a major modification to follow the same procedure as set forth for a new planned development request.

**WHEREAS**, the City of Fort Pierce Planning Board, at its December 11, 2018, meeting, voted to recommend approval of the application for major amendment to the City Commission; and

**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 true and correct, and are incorporated herein as the legislative intent of this ordinance.

**SECTION 2.** The Harbour Isle Planned Development as recorded in Plat Book 43, Pages 31, 31A, & 31B, is hereby amended as follows and as shown in Exhibit "A:"

1. Revise the previously-approved Site Plan for a new 11,050-square foot retail building with associated infrastructure; and
2. The following condition imposed by the City Commission during first reading on January 22, 2019: a six (6) foot wall or opaque fence is to be constructed on the property line that borders the residential component of Harbour Isle and such fence extends to the end of the property. The landscaping that is currently on this property line must also stay in place.

**SECTION 3.** All other aspects of the original Harbour Isle Planned Development remain in full force and effect.

**SECTION 4.** 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 5.** All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

**SECTION 6.** This Ordinance shall become effective immediately upon final passage.

**APPROVED AS TO FORM & CORRECTNESS:**

---

Peter J. Sweeney  
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. 19-003 was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in

the St. Lucie News Tribune on Sunday, January 7, 2019; 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 January 22, 2019; and was duly introduced, read by title only, and passed on second and final reading February 4, 2019, 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 February 4, 2019.

---

Linda Hudson  
Mayor Commissioner

ATTEST:

---

Linda W. Cox  
City Clerk

**(CITY SEAL)**

Ordinance No. 19-003  
Page 4

**EXHIBIT A**  
**Site Plan**  
Major Modification to Planned Development

