

**ORDINANCE NO. 19-041**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY GENERALLY LOCATED BETWEEN GLADES CUT OFF ROAD & BANDY BOULEVARD APPROXIMATELY 1,100 FEET EAST OF SELVITZ ROAD FROM ST. LUCIE COUNTY IH, INDUSTRIAL HEAVY, TO CITY OF FORT PIERCE 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 HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the subject properties are generally located between Glades Cut Off Road & Bandy Boulevard approximately 1,100 feet east of Selvitz Road within the City of Fort Pierce, Florida, representing approximately 52.00 acres of land; and

**WHEREAS**, the owner/applicant seeks rezone the property located at 3896 Selvitz Road from St. Lucie County IH, Industrial Heavy, to City of Fort Pierce PD, Planned Development; and

**WHEREAS**, the proposed zoning atlas map 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 August 13, 2019 meeting, voted 5-0 to recommend approval of the request; and

**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 described properties are hereby rezoned as follows:

Parcels ID: 2432-123-0001-000-8

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

A PARCEL OF LAND BEING A PORTION OF THE NEW ¼ OF THE NE ¼ AND A PORTION OF THE NE ¼ OF THE NW ¼ OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NW CORNER OF THE NE ¼ OF SAID SECTION 32; THENCE NORTH 85°18'27" EAST, ALONG THE NORTH LINE OF THE NW ¼ OF SAID SECTION 32, A DISTANCE OF 690.53 FEET; THENCE SOUTH 00°34'35" WEST, A DISTANCE OF 683.26 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°34'35" WEST, A DISTANCE OF 85.76 FEET; THENCE NORTH 87°33'45" EAST A DISTANCE OF 685.15 FEET; THENCE SOUTH 01°13'27" WEST, A DISTANCE OF 785.15 FEET; THENCE NORTH 89°54'55" WEST, A DISTANCE OF 2869.29 FEET; THENCE NORTH 00°56'43" EAST, A DISTANCE OF 289.36 FEET; THENCE NORTH 00°49'02" EAST, A DISTANCE OF 436.28 FEET; THENCE NORTH 00°47'37" EAST, A DISTANCE OF 110.02 FEET; THENCE NORTH 89°49'03" EAST, A DISTANCE OF 562.46 FEET; THENCE SOUTH 00°10'58" EAST, A DISTANCE OF 45.12 FEET; THENCE NORTH 89°49'02" EAST, A DISTANCE OF 1626.43 FEET TO THE POINT OF BEGINNING.

said properties being generally located between Glades Cut Off Road & Bandy Boulevard approximately 1,100 feet east of Selvitz Road in Fort Pierce, Florida shall be and

the Zoning Designation is hereby changed from St. Lucie County IH, Industrial Heavy, to City of Fort Pierce PD, Planned Development, as depicted on Exhibit "A" and Exhibit "B", attached hereto and incorporated herein.

**SECTION 2.** The Development Plan for the subject Planned Development as depicted on Exhibit "C" 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 following are conditions that are placed upon the Planned Development subject to the Zoning Atlas Map Amendment process.

1. The height of staked materials shall not exceed 25 feet.
2. At time of Building Permit submittal, a copy of the FDEP Air General Permit shall be forwarded to the City's Engineering Department.
3. The Phase 2 parking lot shall include appropriate curbing at landscaped islands, as per the requirements listed in Section 22-187(12)(d).
4. Before a Certificate of Occupancy is issued, a Landscape Bond shall be submitted for all proposed landscaping, pursuant to City Code 22-180, except for such bond being for a period of 60 months.
5. No melting or burning of any materials shall take place on site.
6. The operations shall adhere to the submitted and approved truck route to and from the site. Any deviation from this approved truck route shall be subject to review and approval by the Planning Department.
7. The operation shall adhere to the noise Ordinance, as outlined in Sections 11-52 through 11-52.22.
8. The eastern limit of the aggregate recycling facility shall now become the quarter section line.
9. The operator shall adhere to the D. S. Eakins Construction Corporation Dust Mitigation Plan for the Fr. Pierce Industrial Aggregate Recycling Facility, provided with the application submittal May 31, 2019. The operator shall maintain records of the actions taken to control dust in the plan. The records shall be available to the City of Fort Pierce and the School Board of St. Lucie County.
10. Landscape on the East/Northeast buffers shall be properly maintained, and any dead or nonproductive plant material shall be replaced. It shall be provided with a permanent irrigation system. The landscaping shall be comprised of a berm of at least 15 feet in height with opaque fencing a minimum 8 feet in height erected on top.
11. The work hours shall be 7 AM until 7 PM Monday thru Saturday.

**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 be and become effective immediately upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

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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. 19-041 was duly advertised by title only in the St. Lucie News Tribune on Sunday, September 1, 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 September 16, 2019; and was duly introduced, read by title only, and passed on second and final reading October 7, 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 7<sup>th</sup> day of October, 2019.

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Linda Hudson  
Mayor Commissioner

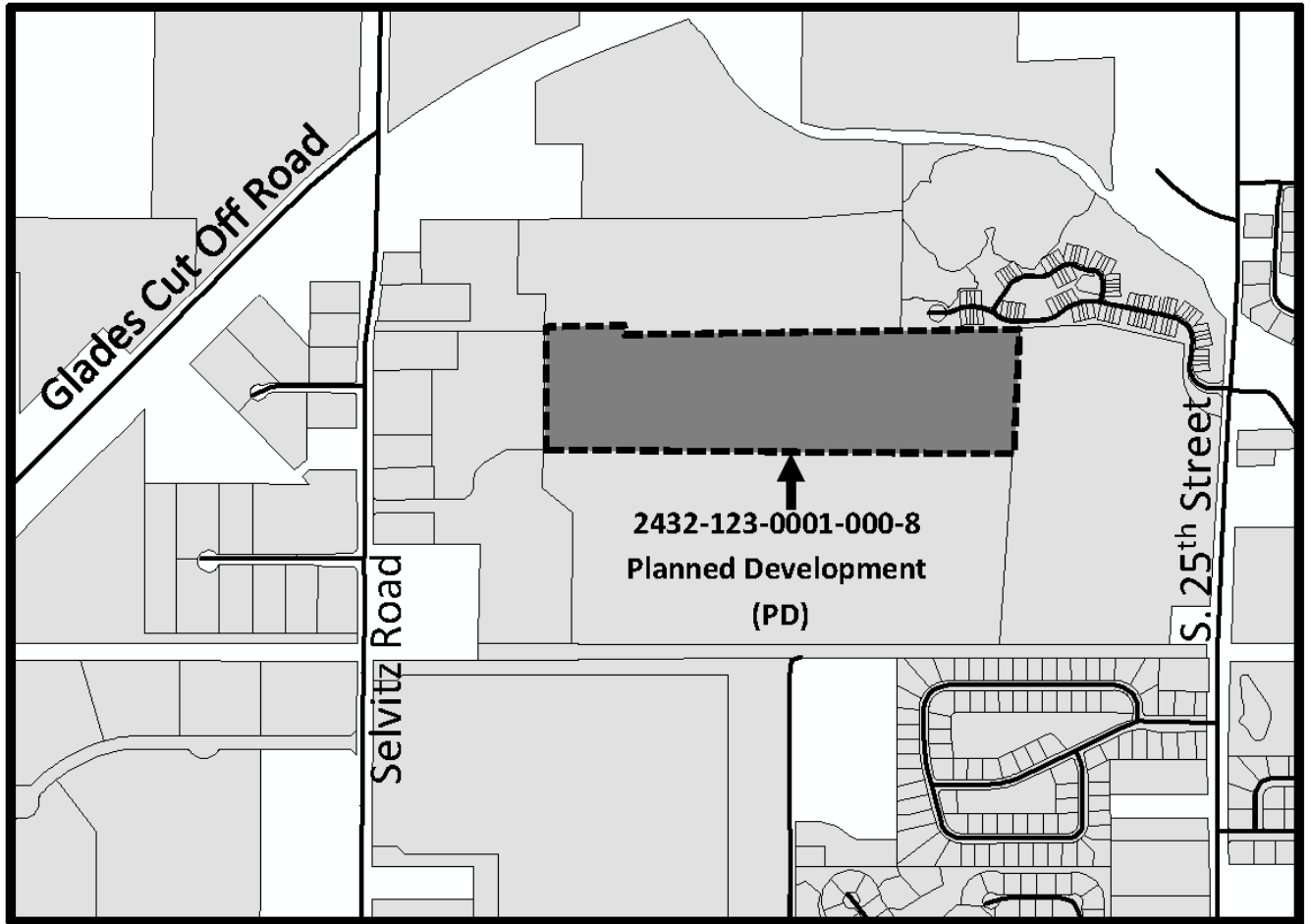
ATTEST:

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Linda W. Cox  
City Clerk

(CITY SEAL)

**EXHIBIT A**  
Proposed Zoning Atlas Map Amendment  
PD, Planned Development



The property is rezoned St. Lucie County IH, Industrial Heavy, to City of Fort Pierce PD, Planned Development



