

ORDINANCE NO. 22-002

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA: REZONING OF ONE (1) PARCEL GENERALLY LOCATED ON THE WEST SIDE OF OLEANDER ROAD, APPROXIMATELY 664 FEET NORTH OF TUMBLIN KLING ROAD, MORE SPECIFICALLY KNOWN AS PARCEL ID 2433-144-0002-000-3, FROM CITY OF FORT PIERCE MEDIUM DENSITY RESIDENTIAL ZONE, R-4, UP TO 12 DWELLING UNITS PER ACRE, TO CITY OF FORT PIERCE PLANNED DEVELOPMENT, PD, UP TO 3.87 DWELLING UNITS PER ACRE; 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 property is located on the west side of Oleander Road, approximately 664 feet north of Tumblin Kling Road, more specifically known as Parcel ID 2433-144-0002-000-3, representing approximately 12.92 acres of land; and

WHEREAS, the owner and applicant seek to rezone the subject property from Medium Density Residential Zone, (R-4), up to 12 Dwelling Units Per Acre, to Planned Development, (PD), up to 3.87 Dwelling Units Per Acre; 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 will meet transportation demands and provide community facilities and services, and will promote the public health, safety and general welfare as required by City Code 125-136; and

WHEREAS, should the subject PD not be issued a building permit within two (2) years from the date of PD approval, the zoning designation shall revert back to the R-4 zoning district zone; and

WHEREAS, the City of Fort Pierce Planning Board, at their October 11, 2021, meeting voted 7 to 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 property is hereby rezoned as follows:

Parcel ID: 2433-144-0002-000-3

A PORTION OF THE EAST ONE HALF OF THE NORTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 40 EAST AND THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SECTION 33, TOWNSHIP 35 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST ONE QUARTER CORNER OF SAID SECTION 33, THENCE SOUTH 89 DEGREES 46 MINUTES 13 SECONDS WEST, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 46 MINUTES 13 SECONDS WEST, A DISTANCE OF 32.00 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 01 SECONDS WEST, ALONG THE WEST LINE OF THE NORTH SAINT LUCIE RIVER WATER CONTROL DISTRICT CANAL 14, A DISTANCE OF 701.78 FEET, SAID CANAL 14 BEING SHOWN AND DESCRIBED IN THAT CERTAIN FEE SIMPLE DEED OF DONATION, AS RECORDED IN OFFICIAL RECORDS BOOK 4480, PAGE 2690 OF THE PUBLIC RECORDS OF SAINT LUCIE COUNTY. SAID WEST LINE BEING PARALLEL TO AND 62.00 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE WEST RIGHT OF WAY LINE OF OLEANDER AVENUE, ALSO KNOWN AS STATE ROAD 605, AS SHOWN ON THAT CERTAIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 9456, DATED JUNE 19, 1952. SAID WEST RIGHT OF WAY LINE BEING PARALLEL TO AND 60.00 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF SAID OLEANDER

AVENUE; THENCE SOUTH 89 DEGREES 47 MINUTES 15 SECONDS WEST, ALONG A LINE PARALLEL TO AND 630.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF THE SAID EAST ONE HALF OF THE NORTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 33, A DISTANCE OF 548.98 FEET, SAID SOUTH LINE ALSO BEING THE CENTERLINE OF TUMBLIN KING ROAD; THENCE NORTH 00 DEGREES 21 MINUTES 03 SECONDS WEST, ALONG THE WEST LINE OF SAID EAST ONE HALF A DISTANCE OF 701.59 FEET TO THE NORTH LINE OF THE SAID EAST ONE HALF, SAID WEST LINE ALSO BEING THE EAST LINE OF THE REVISED PLAT OF "THE TROPICS" PETE ROBINSON SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 21 OF THE PUBLIC RECORDS OF SAINT LUCIE COUNTY; THENCE NORTH 89 DEGREES 46 MINUTES 13 SECONDS EAST ALONG THE NORTH LINE OF SAID EAST ONE HALF, A DISTANCE OF 12.40 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 21 SECONDS WEST, ALONG A LIVESTOCK FENCE 0.3' TO THE WEST OF THE WEST LINE OF THE SAID SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SECTION 33, A DISTANCE OF 275.98 FEET TO THE SOUTH TOP OF BANK OF THE NORTH SAINT LUCIE RIVER WATER CONTROL DISTRICT CANAL 15, ALSO KNOWN AS PLATTS BRANCH; THENCE MEANDERING ALONG THE SOUTH TOP OF BANK OF SAID PLATTS BRANCH, THE FOLLOWING TEN COURSES, NORTH 83 DEGREES 47 MINUTES 48 SECONDS EAST, A DISTANCE OF 43.46 FEET; THENCE NORTH 86 DEGREES 49 MINUTES 25 SECONDS EAST, A DISTANCE OF 72.02 FEET; THENCE SOUTH 85 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 48.47 FEET; THENCE NORTH 74 DEGREES 57 MINUTES 21 SECONDS EAST, A DISTANCE OF 44.51 FEET; THENCE NORTH 80 DEGREES 24 MINUTES 14 SECONDS EAST, A DISTANCE OF 92.67 FEET; THENCE NORTH 82 DEGREES 38 MINUTES 55 SECONDS EAST, A DISTANCE OF 67.53 FEET; THENCE NORTH 85 DEGREES 47 MINUTES 34 SECONDS EAST, A DISTANCE OF 117.62 FEET; THENCE NORTH 85 DEGREES 35 MINUTES 04 SECONDS EAST, A DISTANCE OF 70.14 FEET; THENCE NORTH 73 DEGREES 25 MINUTES 57 SECONDS EAST, A DISTANCE OF 15.73 FEET; THENCE NORTH 55 DEGREES 26 MINUTES 14 SECONDS EAST, A DISTANCE OF 12.85 FEET TO THE WEST LINE OF SAID CANAL 14, SAID WEST LINE BEING PARALLEL TO AND 30.00 FEET WEST OF THE WEST RIGHT OF WAY LINE OF SAID STATE ROAD 605, SAID WEST RIGHT OF WAY LINE BEING PARALLEL TO AND 60.00 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID NORTHEAST ONE QUARTER OF SECTION 33; THENCE SOUTH 00 DEGREES 12 MINUTES 46 SECONDS WEST, ALONG THE WEST LINE OF SAID CANAL 14 A DISTANCE OF 339.69 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN SAINT LUCIE COUNTY, FLORIDA, AND CONTAIN 12.919 ACRES MORE OR LESS.

said property is generally located on the west side of Oleander Road, approximately 664 feet north of Tumblin Kling Road in Fort Pierce, Florida, and the Zoning Designation is hereby changed from City of Fort Pierce Medium Density Residential Zone, R-4, up to 12 dwelling units per acre to City of Fort Pierce Planned Development, PD, 3.87 dwelling units per acre, as depicted on Exhibit "A" attached hereto and incorporated herein.

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 ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be and become effective immediately upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

Tanya M. Earley
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. 22-002 was duly advertised by title only in the St. Lucie News Tribune on Sunday, December 19, 2021 and Sunday, January 2, 2022, and; 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 3, 2022; and was duly introduced, read by title only, and passed on second and final reading January 18, 2022, 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 January, 2021.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox
City Clerk

(CITY SEAL)

Exhibit B Oleander Oaks Site Plan

