

ORDINANCE NO. 23-021

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **REZONING THE PROPERTIES GENERALLY LOCATED AT OR NEAR 1503 S. 33RD STREET, FROM NEIGHBORHOOD COMMERCIAL (C-2) TO GENERAL COMMERCIAL (C-3)**; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject properties are generally located at or near 1503 S. 33rd Street, within the City of Fort Pierce, Florida, representing approximately 1.23 acres of land; and

WHEREAS, the subject properties are also included in a future land use map amendment; and

WHEREAS, the subject properties, generally located at or near 1503 S. 33rd Street, are presently designated C-2, Neighborhood Commercial; and

WHEREAS, the City seeks a rezoning of the subject properties, generally located at or near 1503 S. 33rd Street, from C-2, Neighborhood Commercial to C-3, General Commercial; 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 125-136; and

WHEREAS, the City of Fort Pierce Planning Board, at their January 9, 2023, meeting, voted to recommend approval of the proposed request for these parcels; 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 ratified and incorporated as the legislative intent of this ordinance.

SECTION 2. From and after the effective date hereof, the following property legally described respectively as:

Parcel IDs: 2417-601-0008-000-7 & 2417-601-0009-000-4

LEGAL DESCRIPTIONS:

VAN DUYN GARDENS-AS UNRECORDED PLAT OF SECTION 17-35-40 LOT 6-LESS N 52.5 FT- AND LOT 7-LESS S 110 FT- (0.85 AC)

AND

VAN DUYN GARDENS-AN UNRECORDED PLAT-OF SECTION 17-35-40 E 150 FT OF S 110 FT OF LOT 7 (0.38 AC)

Containing 1.23 acres, more or less

Said properties being generally located at or near 1503 S. 33rd Street, in Fort Pierce, Florida shall be and the Zoning Designation is hereby changed from C-2, Neighborhood Commercial to C-3, General Commercial, 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, which 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 shall become effective immediately upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

Tanya M. Earley, Esq.
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.23-021 was duly advertised accordance with section 163.3187, Florida Statutes by display advertising in the St. Lucie News Tribune on February 5, 2023; 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 February 21, 2023; and was duly introduced, read by title only, and passed on second and final reading March 6, 2023, 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 7th day of March 2023.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox
City Clerk

(City Seal)

EXHIBIT A

Proposed Zoning Atlas Map Amendment

Neighborhood Commercial, C-2, to General Commercial, C-3.

