

ORDINANCE NO. 23-056

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING THE CITY'S ZONING ATLAS AND REZONING ONE (1) PARCEL** GENERALLY LOCATED AT OR NEAR 1038 S. 37TH STREET CONTAINING APPROXIMATELY 5.28 ACRES OF LAND, MORE OR LESS, FROM RESIDENTIAL SINGLE-FAMILY – 3 UNITS PER ACRE (E-3) TO PLANNED DEVELOPMENT (PD); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property are generally located at or near 1038 S. 37th Street, within the City of Fort Pierce, Florida, representing approximately 5.28 acres of land; and

WHEREAS, the subject property, generally located at or near 1038 S. 37th Street, is presently designated E-3, Residential Single-Family – 3 Units Per Acre; and

WHEREAS, the City seeks a rezoning of the subject property, generally located at or near 1038 S. 37th Street, from E-3, Residential Single-Family – 3 Units Per Acre, to 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 125-136; and

WHEREAS, the City of Fort Pierce Planning Board, at their May 25, 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 ID: 2417-213-0001-000-7

LEGAL DESCRIPTIONS:

17 35 40 SW 1/4 OF NE 1/4 OF NW 1/4-LESS N 445 FT AND LESS W 40 FT- AND NW 1/4 OF SE 1/4 OF NW 1/4-LESS S 500 FT AND LESS W 40 FT- (5.28 AC)

Said property being generally located at or near 1038 S. 37th Street, in Fort Pierce, Florida shall be and the Zoning Designation is hereby changed from E-3, Residential Single-Family – 3 Units Per Acre to PD, Planned Development, as depicted on Exhibit "A" and made subject to the Conditions of Development depicted on Exhibit "B", 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:

Sara Hedges
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-XXX was duly advertised accordance with section 163.3187, Florida Statutes by display advertising in the St. Lucie News Tribune on XXX, 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 XXX, 2023; and was duly introduced, read by title only, and passed on second and final reading XXX, 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 XXth day of XXX 2023.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox
City Clerk

(City Seal)

EXHIBIT A

Proposed Zoning Atlas Map Amendment

Residential Single-Family – 3 Units Per Acre, E-3, to Planned Development, PD.



EXHIBIT B

Conditions of Development (PD Zoning)

1. Prior to development, a Final PD site plan application shall be submitted as a Major Amendment to the PD zoning.
2. The Final PD plan shall conform to the requirements of the City Code of Ordinances and be subject to the general standards for approval of Planned Development Zoning.
3. Prior to the final Certificate of Occupancy, a state wetland jurisdictional determination shall be conducted to determine the exact boundaries of the wetlands located on site. Further wetland evaluation and assessment shall be conducted to further determine mitigation options available for this site.
4. Prior to submittal of Final PD site plan, a Gopher Tortoise Survey shall be carried out on site.
5. A detailed stormwater and drainage plan and statement shall be submitted at time of Final PD site plan.
6. The Final PD site plan shall be in unified control and property ownership. All land intended to be included in the planned development shall be under the legal control of the applicant.
7. The Final PD site plan shall include a development phasing schedule indicating the approximate date when construction of the project can be expected to begin and the number of phases in which the project will be built and the approximate date when construction of each phase can be expected to begin and completed.
8. The Final PD site plan shall include a general description of the buildings and streetscapes including standards for height, building coverage, parking areas, and public improvements proposed for each phase of the development.
9. The Final PD site plan shall include quantitative data for the total number and type of dwelling units; parcel sizes; proposed lot coverage of buildings and structures; residential gross densities; total amount of open space; and the total amount of nonresidential acreage.
10. The Final PD site plan shall include all agreements, provisions and covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open space or other shared areas. This material shall include material which binds successors in title to any

commitments concerning completion of the project and its maintenance and operation.

11. The Final PD site plan shall contain the following information, at minimum:
 - a. A Landscape and irrigation plan per section 125-314. c. of the City Ordinance.
 - b. Proposed lot lines and other divisions of land for management, use or allocation purposes.
 - c. The location, size and height of present and proposed buildings and structures.
 - d. The location and size of all areas proposed to be conveyed, dedicated, or reserved for streets, parks, playgrounds, public and semi-public buildings, and similar uses.
 - e. The existing and proposed vehicular circulation system, including off-street parking, and loading areas.
 - f. The pedestrian circulation system, including its interrelationships with the vehicular circulation system, within the development to adjacent streets, showing all curb cuts and sidewalks.
 - g. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.
 - h. The proposed buffering treatment of the perimeter of the planned development, refuse stations, storage areas, or loading areas, including materials and techniques used such as screens, fences, and walls.