

ORDINANCE NO. 23-012

AN ORDINANCE OF THE CITY OF FORT PIERCE AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF THE CITY'S COMPREHENSIVE PLAN IN RESPECT OF PROPERTY GENERALLY LOCATED AT OR NEAR THE **SOUTHEAST CORNER OF N JENKINS ROAD AND FLOYD JOHNSON ROAD IN FORT PIERCE, FLORIDA BEING APPROXIMATELY MORE OR LESS 84.8 ACRES**; THEREBY AMENDING THE FUTURE LAND USE DESIGNATIONS OF APPROXIMATELY 80.3 ACRES OF THE SUBJECT PROPERTY FROM ST. LUCIE DESIGNATIONS OF RESIDENTIAL URBAN AND COMMERCIAL TO CITY OF FORT PIERCE DESIGNATION OF HIGH DENSITY RESIDENTIAL, AND AMENDING THE FUTURE LAND USE DESIGNATIONS OF APPROXIMATELY 4.5 ACRES OF THE SUBJECT PROPERTY FROM ST. LUCIE COUNTY DESIGNATION OF COMMERCIAL TO CITY OF FORT PIERCE DESIGNATION OF GENERAL COMMERCIAL, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Fort Pierce has adopted a Comprehensive Plan known as the City of Fort Pierce Comprehensive Plan adopted by Ordinance No. 19-033, as subsequently amended; and

WHEREAS, changing the future land use designation requires an amendment to the Comprehensive Plan, pursuant to section 163.3184, Florida Statutes; and

WHEREAS, prior to this hearing, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider and approve a voluntary application for the annexation the subject property; and

WHEREAS, the subject property comprises the following five (5) parcels, 2407-241-0001-000-3, 2407-231-0000-000-5, 2407-212-0001-000-3, 2407-221-0001-000-1 and 2407-211-0001-000-0, totaling approximately 84.8 acres. A map depicting the subject parcels is attached hereto as "**Exhibit A**"; and

WHEREAS, the applicant has requested that approximately 80.3 acres, being part of the subject property, and having St. Lucie County Future Land Use designations of Residential Urban (RU), and Commercial (COM); be amended to a City of Fort Pierce Future Land Use designation of High Density Residential (RH); and

WHEREAS, the approximately 80.3 acres of the subject property to be designated High Density Residential (RH) is legally described in "**Exhibit B**" of this ordinance. A map depicting the property is attached hereto as "**Exhibit C**" and made a part hereof by reference; and

WHEREAS, the applicant has requested that approximately 4.5 acres, being part of the subject property, and having a St. Lucie County Future Land Use designation of Commercial (COM); be amended to a City of Fort Pierce designation of General Commercial (CG); and

WHEREAS, the approximately 4.5 acres of the subject property to be designated General Commercial (CG) is legally described in "**Exhibit D**" of this ordinance. A map depicting the property is attached hereto as "**Exhibit E**" and made a part hereof by reference; and

WHEREAS, the proposed Future Land Use Map Amendment is consistent with the comprehensive plan, and 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 section 125-136; and

WHEREAS, the City of Fort Pierce Planning Board having been duly designated as the Local Planning Agency pursuant to section 163.3174 et seq., Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Comprehensive Plan and submitted its recommendations thereon to the City Commission; and

WHEREAS, the City of Fort Pierce Planning Board, at their December 12, 2022 meeting, voted 5 to 0 to recommend approval of the proposed Future Land Use Map Amendment for this parcel; and

WHEREAS, having considered the recommendations of the Local Planning Agency (Planning Board), the City of Fort Pierce City Commission has prepared this amendment to the City's Comprehensive Plan and transmitted it to the Department of Economic Opportunity and other agencies as required by section 163.3184; and

WHEREAS, two (2) public hearings with due notice have been held by the City Commission to inform the public and receive comments and objections; and

WHEREAS, the City of Fort Pierce desires to hereby formally adopt this amendment to the City's Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. That upon this ordinance becoming effective, the land herein described on "**Exhibit B**" and as depicted on "**Exhibit C**", attached hereto, and incorporated herein, shall be assigned a Future Land Use Designation of High Density Residential.

SECTION 2. That upon this ordinance becoming effective, the land herein described on "**Exhibit D**" and as depicted on "**Exhibit E**", attached hereto, and incorporated herein, shall be assigned a Future Land Use Designation of General Commercial (CG).

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

SECTION 5. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

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. 23-012 was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on Sunday, January 22, 2023 and again on August 20, 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 06, 2023; and was duly introduced, read by title only, and passed on second and final reading August 21, 2023, by the City Commission of the City of Fort Pierce, Florida. A second adoption hearing was required by the State; accordingly, the Ordinance was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on October 22, 2023; said Ordinance was duly introduced, read by title only, and passed on second reading on November 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 6th day of November, 2023.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)

EXHIBIT A
Parcels subject of Future Land Use Map Amendment

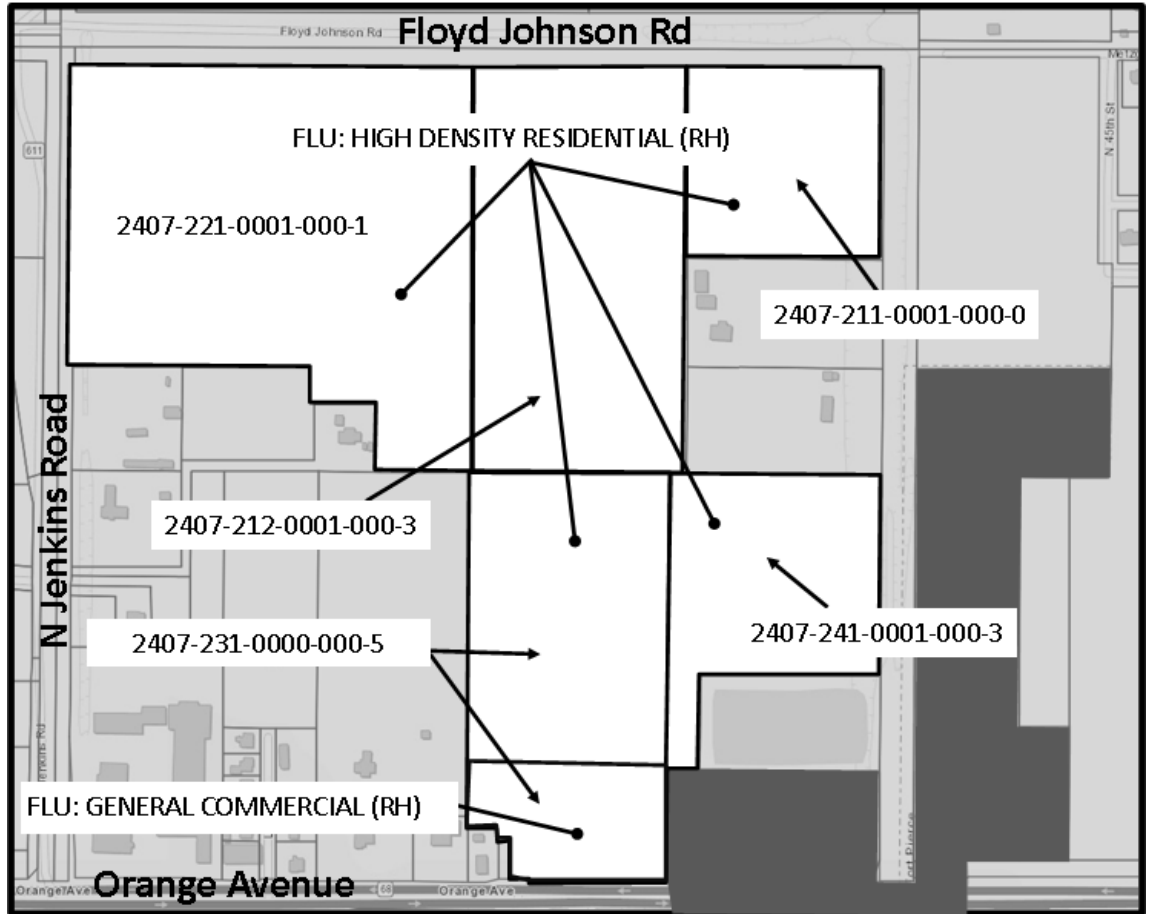


EXHIBIT B

Legal Description (High Density Residential)

PARCEL ID: 2407-221-0001-000-1

BEING THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 7, LESS AND EXCEPTING THE NORTH 66.50 FEET AND THE WEST 47.00 FEET THEREOF, FOR ROAD AND CANAL RIGHTS-OF-WAY.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED LANDS:

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 3"X4" CONCRETE MONUMENT (STAMPED P.R.M. R.W. HERR PLS 4907) AT THE NORTHEAST CORNER OF "HOEFFNER ESTATES" AS RECORDED IN PLAT BOOK 32, PAGE 6, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; FROM SAID POINT OF BEGINNING RUN N89°55'38"W, ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 30.00 FEET; THENCE RUN N00°14'22"W, A DISTANCE OF 30.00 FEET; THENCE RUN S89°55'38"E, A DISTANCE OF 421.31 FEET; THENCE RUN N00°11'28"E, A DISTANCE OF 178.71 FEET; THENCE RUN S89°55'38"E, A DISTANCE OF 208.71 FEET; THENCE RUN S00°11'28"W, A DISTANCE OF 208.71 FEET TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 7; THENCE RUN N89°55'38"W, A DISTANCE OF 600.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING THE FOLLOWING DESCRIBED LANDS:

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF "HOEFFNER ESTATES" AS RECORDED IN PLAT BOOK 32, PAGE 6, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; FROM SAID POINT OF BEGINNING RUN N00°06'24"E ALONG THE EAST RIGHT-OF-WAY LINE OF THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT CANAL NO. 30, A DISTANCE OF 321.51 FEET; THENCE RUN S89°55'38"E, A DISTANCE OF 776.80 FEET; THENCE RUN S00°11'28"W, A DISTANCE OF 112.80 FEET TO THE NORTHWEST CORNER OF LOT 5 OF THE REPLAT OF HOEFFNER ESTATES AS RECORDED IN PLAT BOOK 32, PAGES 17 THROUGH 17A, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE CONTINUE S00°11'28"E, ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 178.71 FEET; THENCE RUN N89°55'38"W, A DISTANCE OF 421.31 FEET; THENCE RUN S00°14'22"W, A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 7; THENCE RUN ALONG SAID SOUTH LINE, A DISTANCE OF 354.99 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPTING THE FOLLOWING DESCRIBED LANDS:

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 5 OF THE REPLAT OF HOEFFNER ESTATES AS RECORDED IN PLAT BOOK 32, PAGES 17 THROUGH 17A, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE NORTH 00°11'28" EAST, A DISTANCE OF 112.80 FEET; THENCE SOUTH 89°55'38" EAST, A DISTANCE

OF 509.07 FEET TO THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 7; THENCE SOUTH 00°11'50" WEST, ALONG SAID EAST LINE, A DISTANCE OF 321.51 FEET TO THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 7; THENCE NORTH 89°55'38" WEST, DEPARTING SAID EAST LINE AND ALONG SAID SOUTH LINE, A DISTANCE OF 300.33 FEET TO THE EAST LINE OF SAID LOT 5; THENCE NORTH 00°11'28" EAST, DEPARTING SAID SOUTH LINE AND ALONG SAID EAST LINE, A DISTANCE OF 208.71 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE NORTH 89°55'38" WEST, DEPARTING SAID EAST LINE AND ALONG SAID NORTH LINE, A DISTANCE OF 208.71 FEET TO THE POINT OF BEGINNING.

PARCEL ID: 2407-212-0001-000-3

The West one-half (1/2) of the Northeast one-quarter (1/4) of the Northwest one-quarter (1/4) of Section 7, Township 35 South, Range 40 East, Less right-of-way for canals, as recorded in the Public Records in and for St. Lucie County, Florida.

PARCEL ID: 2407-241-0001-000-3

PARCEL 1:

The East 50 feet of the following described property: The West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 7, Township 35 South, Range 40 East, LESS AND EXCEPT rights of way for public roads, lying and being in St. Lucie County, Florida.

PARCEL 2:

The North 15 acres of the following described property, the East 1/2 of the Southeast 1/4 of Northwest 1/4 in Section 7, Township 35 South, Range 40 East, LESS AND EXCEPT rights of way for canals, lying and being in St. Lucie County, Florida. And further less and excepting therefrom the following described parcel as set forth in Warranty Deed recorded in Official Records Book 1433, Page 2915:

A portion of the Northwest 1/4 of Section 7, Township 35 South, Range 40 East, St. Lucie County, Florida, being more particularly described as follows:

Commence at a found railroad spike marking the Southwest corner of said Section 7; thence North 00 deg 07' 33" East along the West line of said Section 7, a distance of 806.208 meters (2,645.03 feet) to a point on a found boat spike marking the West 1/4 corner of said Section 7, said point being on the Baseline of Survey for State Road 68 (Orange Avenue) as shown on the Florida Department of Transportation Right of Way Map for Section No. 94070-2505; thence North 89 deg 42' 09" East along said Baseline of Survey and the South line of the Northwest 1/4 of said Section 7, a distance of 624.027 meters (2,047.33 feet); thence North 00 deg 17' 51" West along a line at a right angle to the last described course, a distance of 116.668 meters (382.77 feet) to the POINT OF BEGINNING; thence North 89 deg 47' 56" East, a distance of 171.190 meters (561.65 feet); thence North 00 deg 18' 45" East, a distance of 94.635 meters (310.48 feet); thence South 89 deg 47' 56" West, a distance of 171.309 meters (562.04 feet); thence South 00 deg 14' 26" West, a distance of 94.634 meters (310.48 feet) to the POINT OF BEGINNING.

Further less and excepting the following described parcel as set forth in Warranty Deed recorded in Official Records Book 1430, Page 1914:

A parcel of land lying in the Northwest quarter of Section 7, Township 35 South, Range 40 East, St. Lucie County, Florida, and being more particularly described as follows:

The North 15 acres of the East half of the Southeast quarter of the Northwest quarter in Section 7, Township 35 South, Range 40 East, exclusive of rights-of-way for canals. Lying Southerly of the following described line;

Commence at a found railroad spike marking the Southwest corner of said Section 7; thence North 00 deg 07' 33" East along the West line of said Section 7, a distance of 2,645.03 feet to a point on a found railroad spike marking the West quarter corner of said Section 7, said point being on the base line of survey for State Road 68 (Orange Avenue) as shown on a Florida Department of Transportation right-of-way Map for Section No. 94070-2505; thence North 89 deg 42' 09" East along said base line of survey and the South line of the Northwest

quarter of said Section 7, a distance of 2,047.33 feet; thence North 00 deg 17' 51" West along a line at right angles to the last described course, a distance of 382.77 feet to the Point of Beginning.

Thence North 89 deg 47' 56" East, a distance of 561.65 feet to the Easterly boundary of the East half of the Southeast quarter of the Northwest quarter, said line also to be extended to the Westerly boundary of the East half of the Southeast quarter of the Northwest quarter.

PARCEL ID: 2407-211-0001-000-0

The NE1/4 of the NE1/4 of the NW 1/4 of Section 7, Township 35 South, Range 40 East, St. Lucie County, Florida, EXCEPTING all rights of way for Public Roads and Drainage Canals and ditches.

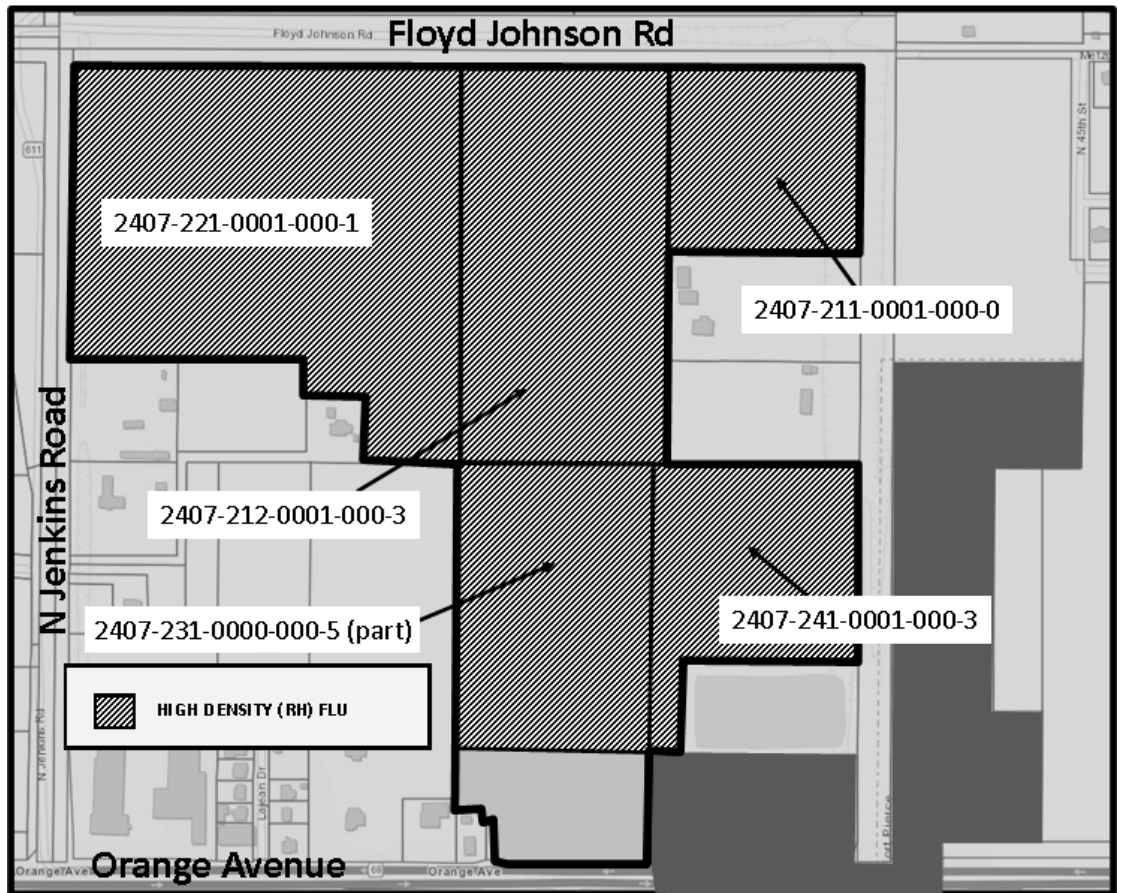
PARCEL ID: 2407-231-0000-000-5 (PART)

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE EAST 20' OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST.

LESS AND EXCEPTING THE EAST 50' AND THE SOUTH 382.77' THEREOF AND LESS RIGHT-OF-WAY FOR PUBLIC ROADS.

ALL PARCELS COMBINED CONTAINING A TOTAL OF 80.3 ACRES, MORE OR LESS.

EXHIBIT C
Future Land Use Designation (High Density Residential)



Current SLC Future Land Use = Residential Urban (RU) & Commercial (COM)

Proposed FP Future Land Use = High Density Residential (RH)

EXHIBIT D
Legal Description (General Commercial)

PARCEL ID: 2407-231-0000-000-5 (PART)

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE EAST 20' OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST.

LESS AND EXCEPTING THE EAST 50' AND THE NORTH 947.31' THEREOF AND LESS RIGHT-OF-WAY FOR PUBLIC ROADS.

FURTHER EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGIN 20' WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 7 AND RUN THENCE NORTH 40' TO POINT OF BEGINNING; THENCE CONTINUE NORTH PARALLEL WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 7, FOR A DISTANCE OF 165' TO A POINT; THENCE TURN AND RUN EAST PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, FOR A DISTANCE OF 100' TO A POINT; THENCE TURN AND RUN SOUTH 165' TO A POINT 100' EAST OF POINT OF BEGINNING; THENCE TURN AND RUN WEST 100' TO POINT OF BEGINNING.

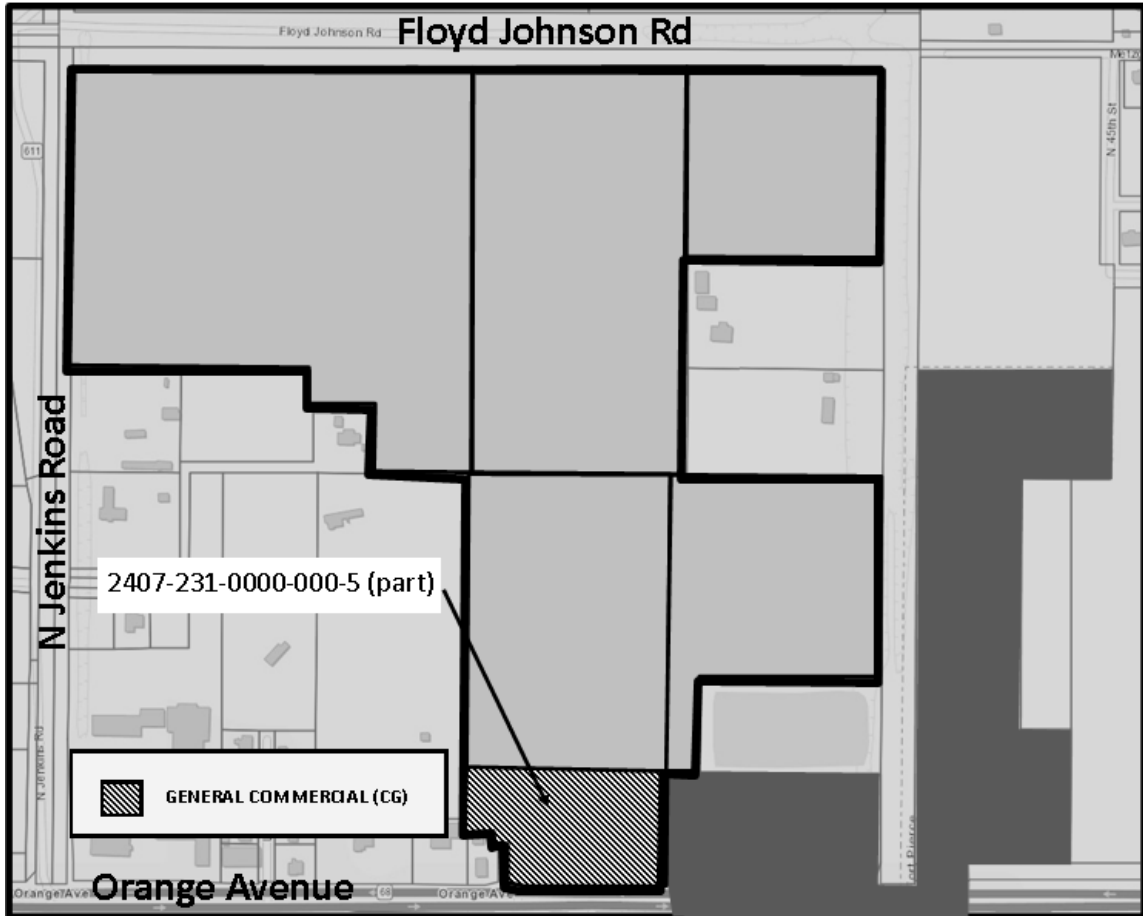
LESS D.O.T. EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1433, PAGE 2925, OFFICIAL RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS THE WEST 1/2 OF THE CROSS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1938, PAGE 328 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE 20 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST, THENCE N00°10'09"E FOR 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF ORANGE AVENUE (STATE ROAD NO. 68); THENCE N89°42'09"E ALONG SAID RIGHT OF WAY LINE OF ORANGE AVENUE FOR 54.99 FEET; THENCE N79°48'50"E FOR 45.07 FEET; THENCE N89°42'09"E FOR 0.67 FEET TO THE POINT OF BEGINNING; THENCE N00°10'09"E FOR 119.20 FEET, THENCE N89°42'09"E FOR 74.89 FEET; THENCE S00°10'09"W FOR 119.20 FEET TO SAID NORTH RIGHT OF WAY LINE OF ORANGE AVENUE; THENCE S89°10'09"W FOR 74.89 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 4.5 ACRES, MORE OR LESS.

EXHIBIT E
Future Land Use Designation (General Commercial)



Current SLC Future Land Use = Commercial (COM)

Proposed FP Future Land Use = General Commercial (CG)