

ORDINANCE NO. 24-XXX

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 ST, CONTAINING APPROXIMATELY 5.28 ACRES OF LAND, MORE OR LESS, FROM RESIDENTIAL SINGLE FAMILY (E-3) TO A MASTER 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 proposal incorporates a single parcel generally located at or near 1038 S 37th ST, within the City of Fort Pierce, Florida, representing approximately 5.28 acres of land; and

WHEREAS, a map depicting the subject property is attached hereto as Exhibit "A"; and

WHEREAS, the subject property, generally located at or near 1038 S 37th ST, is presently designated Residential Single Family (E-3); and

WHEREAS, the Applicant seeks a rezoning of the subject property, generally located at or near 1038 S 37th ST 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 ____, 2024, meeting, voted __ to __ 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 parcel legally described respectively as:

PARCEL ID#	LEGAL DESCRIPTION
2417-213-0001-000-7	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 properties being generally located at or near 1038 S 37th ST in Fort Pierce, Florida, shall be rezoned with the Zoning Designation hereby changed from Residential Single Family (E-3) to Planned Development (PD), as depicted on Exhibit "A", and made subject to the Master Site Plan depicted within Exhibit "B", and the Conditions of Development depicted on Exhibit "C", attached hereto and incorporated herein.

SECTION 3. This Ordinance does not create any right on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

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, which 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 of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 6. 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.24-XXX was duly advertised accordance with section 163.3187, Florida Statutes by display advertising in the St. Lucie News Tribune on XXX, 2024; 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, 2024; and was duly introduced, read by title only, and passed on second and final reading XXX, 2024, 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 NNth day of NNN 2024.

Linda Hudson
Mayor Commissioner

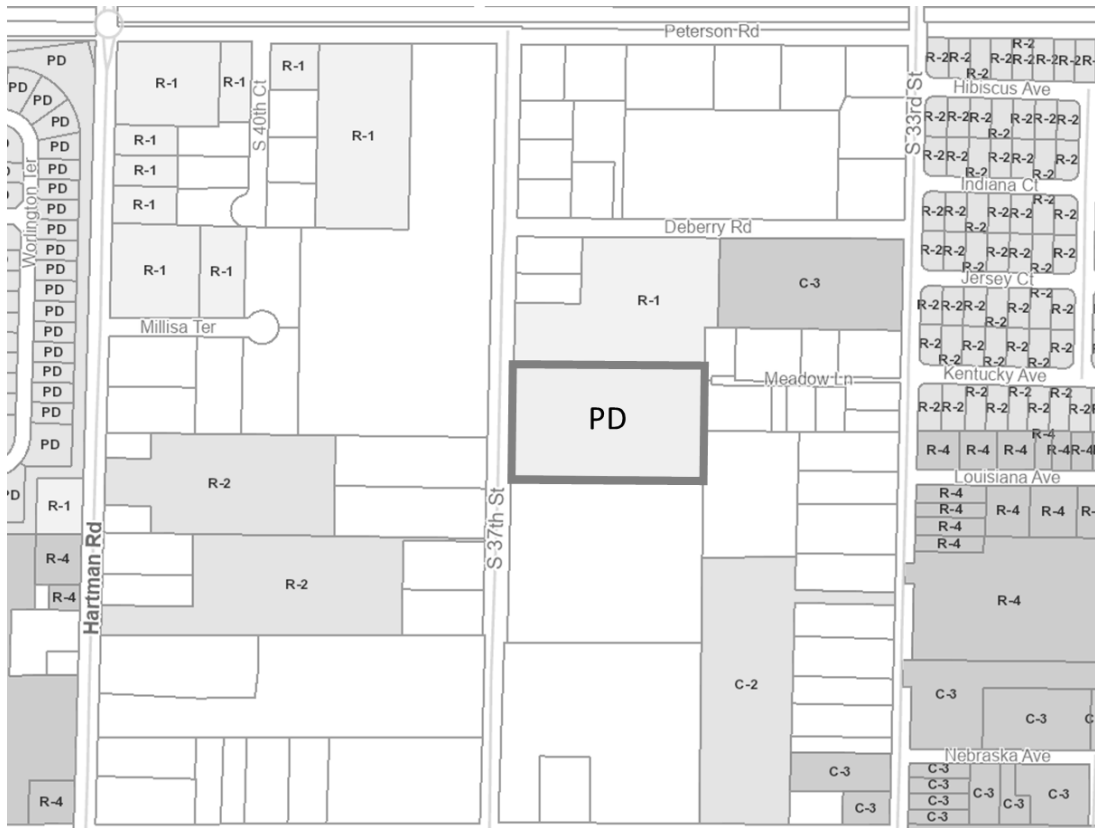
ATTEST:

City Clerk

(City Seal)

EXHIBIT A

Proposed Zoning Atlas Map Amendment



Parcel 2417-213-0001-000-7

Rezoning Residential Single Family (E-3) to Planned Development (PD).

EXHIBIT C

Conditions of Development (PD Zoning)

1. A Final PD shall be required prior to any development activities associated with the Master Site Plan by Art of Engineering, project number 2023-057, dated 2024.09.26.
2. The minimum Open Space shall be 35% of the Final PD site area.
3. The minimum Pervious Area shall be 50% of the Final PD site area.
4. 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.
5. The Final PD site plan submittal shall include a wetland jurisdictional survey.
6. Prior to submittal of Final PD site plan, a Gopher Tortoise Survey shall be carried out on site.
7. A detailed stormwater and drainage plan and statement shall be submitted at the time of Final PD site plan application.
8. 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.
9. 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 the development.
10. The Final PD site plan shall include quantitative data for the parcel sizes; proposed lot coverage of buildings and structures; total amount of open space.
11. 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.
12. The Final PD site plan shall contain the following information, at minimum:
 - i. A Landscape and irrigation plan per section 125-314. c. of the City Ordinance.
 - ii. Proposed lot lines and other divisions of land for management, use or allocation purposes.
 - iii. The location, size and height of present and proposed buildings and structures.
 - iv. The existing and proposed vehicular circulation system, including off-street parking, and loading areas.
 - v. The pedestrian circulation system, including its interrelationships with the vehicular circulation system, within the development to adjacent streets, showing all curb cuts and sidewalks
 - vi. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric and gas lines.
13. Any required sidewalk or roadway improvements to S 37th ST shall be identified through the Final PD site plan process.
14. The property shall be platted prior to any vertical construction activities.
15. All other applicable state or federal permits be obtained before commencement of the development.
16. The Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Fort Pierce for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.