

Mr. Kevin Freeman. Planning Director
100 N. U.S.1, P.O. Box 1470
City of Fort Pierce, Florida 34954-1480

March 3, 2025

Reference PUR (Ordinance J-504)

Dear Kevin:

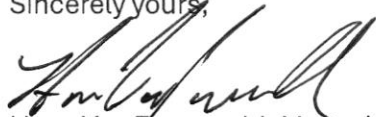
The Parties to the PUR Ordinance J-504 were the owners of the property affected, listed as St. Lucie County and MacArthur/ W.C.I. Communities also known as Watermark Communities Incorporated.

At no time was the property currently held by Mollywog LLC, 1302 North Second Street owned by MacArthur (the MacArthur Trust) or W.C.I. (Watermark Communities Inc.) in fact I purchased the property then zoned Marine Heavy Industrial from Riggs Auto Parts, Carlos Alonzo owner. 1302 North Second Street was part of the original 1920s City of Ft. Pierce Port area. The MacArthur ownership came much later (1960s) and was dredge filled by MacArthur through agreement with the State of Florida.

I bring this up because it seems the PUR J-504 is still defective and should be discarded and deleted in this 25-003 Port of Fort Pierce Zoning Overlay. I do not know how the 1302 North Second Street property became involved in the PUR J-504, but I suspect it came through a misrepresentation, incorrect legal description. I do not believe there are any legal records of Riggs Auto Parts / Carlos Alonzo ever receiving notice of the rezoning of the 1302 North 2nd Street property and they were not a party to the PUR J-504 ordinance.

My wife and I have solely owned, the 1302 North 2nd Street property for almost 25 years and have not been afforded workable zoning to develop or sell this property due to this error. Needless to say we are not in a position to let this problem go un-noticed in the future. I do have to commend the planning department and especially yourself on bringing this zoning ordinance to the fore, and hopefully it passes. But, Mollywog LLC, 1302 North 2nd Street is not and never was a legal part of the J-504 Ordinance.

Sincerely yours,



Hans Van Zonneveld. Managing Partner

Mollywog LLC, 281 Sabal Palm Lane, Johns Island, Vero Beach, Florida 32963 Ph: 772-231-4000

ORDINANCE NO. J-504

AN ORDINANCE AMENDING THE ZONING ATLAS OF THE CITY OF FORT PIERCE; RE-ZONING CERTAIN LANDS WITHIN THE CITY (PORTIONS OF THE AREA COMMONLY KNOWN AS THE PORT OF FORT PIERCE) FROM MARINE INDUSTRIAL ZONE (I-2) TO PLANNED UNIT RE-DEVELOPMENT ZONE (PUR); REPEALING; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1966 there occurred a Port Charrette in a public meeting of citizens of the City of Fort Pierce and St. Lucie County wherein such charrette considered new uses not previously allowed by the current zoning designation, including recreation, commercial, residential and mixed uses, and where there were further considered new north and south entrances to the area affected by this Ordinance, a general layout of street grid, a comprehensive drainage concept, continuous public access to the water and protection of the shoreline, limited expansion of industrial uses following appropriate design guidelines, with still further consideration for protection of the Indian River Lagoon; and

WHEREAS, the owners of the property affected by this Ordinance, St. Lucie County and MacArthur/W.C.I. Communities have expressed interest in developing the affected lands in an unified manner consistent with the conceptual outlines of the Port Charrette plan; and

WHEREAS, the Port Charrette Plan is believed suitable as a conceptual guideline for development of the affected area and where the provisions of Section 22-42 relating to Planned Unit Redevelopment are believed appropriate as a means for implementing such guideline; and

WHEREAS, the Commission considered oral presentations and written documentation as appropriate during the process of enacting this Ordinance; and

WHEREAS, the Commission finds that designation of the affected property as a Planned Unit Redevelopment is an effective and

unified treatment of the development possibilities of the property while remaining consistent with the Comprehensive Plan, affording environmental hazards and making appropriate provisions for the preservation of natural features such as shorelines and wooded cover; and

WHEREAS, designation of the affected property as a Planned Unit Development will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services in terms of their capacities, operational costs or maintenance costs: water, sewer, storm drainage, electric services, fire protection, police protection and schools; and

WHEREAS, a need exist for the Planned Unit Redevelopment at the proposed location and the property owners have the capacity to develop the affected property in a manner consistent with the general, conceptual guideline provided by the Port Charrette Plan; and

WHEREAS, the Planned Unit Redevelopment complies with standards imposed by Section 22-42 of the Code of Ordinances, additional zoning provisions and other City laws.

BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida, a municipal corporation, as follows:

SECTION 1: The Zoning Atlas of the City of Fort Pierce, Florida, is hereby amended so that the following described property is re-zoned herewith from the Marine Industrial Zone (I-2) to a Planned Unit Re-development Zone (PUR), subject henceforth to all ordinance provisions relating to such zone, including but not limited to Section 22-42:

All that certain piece or parcel of land, lying and being in part of the North and South one-half of Section 3, Township 35 South, Range 40 East, City of Fort Pierce, County of St. Lucie and State of Florida, being more particularly described as follows:

Beginning at a point at the intersection of the Southerly line of J.M. Corbally (et al) property and the Easterly right of way line of Harbor Street; Thence from said point of

beginning Northerly along said Corbally property, a distance of 740 feet, plus or minus, to a point in same; Thence Westerly along same and acrossed the Florida East Coast Railroad Spur Track to the Easterly right of way line of North Second Street; Thence Northerly along said Easterly right of way, crossing said Spur Track, and Avenue "M" Extension, to a point at the intersection of said right of way, and the property line of said Corbally; Thence Easterly along said Corbally 348 feet, plus or minus, to a point in same; Thence Northerly along same 592 feet, plus or minus, to a point in same and the Southerly line of Taylor Creek; Thence Easterly along said Southerly line the following distances, 133 feet, plus or minus, 290 feet, plus or minus, and 850 feet, plus or minus, to a point in same, and the Westerly line of the Intercoastal Waterway; Thence Southerly along the said Westerly line a distance of 1869 feet, plus or minus, to a point in same and the Southerly boundary line of said Corbally; Thence Westerly along aid Southerly boundary line a distance of 650 feet, plus or minus; thence Southerly a distance of 700 feet, plus or minus; Thence Westerly a distance of 953 feet, plus or minus, to a point and place of beginning.

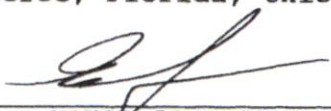
SECTION 2: All Ordinances or parts thereof in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

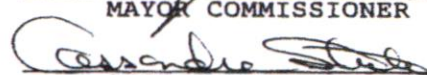
SECTION 3: This Ordinance is and the same shall become effective immediately upon final passage hereof.

STATE OF FLORIDA) ss
ST. LUCIE COUNTY)

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. J-504 was duly advertised by display ad in the Fort Pierce Tribune on the 10th day of May, 1999 and on the 31st day of May, 1999; 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 the 17th day of May, 1999; and was duly introduced, read by title only, and passed on second and final reading on the 7th day of June, 1999, 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 the 8th day of June, 1999.



MAYOR COMMISSIONER


CITY CLERK

(CITY SEAL)



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

September 25, 2000

Richard M. Carnell, Jr.
General Counsel
Indian River Terminal Company
Post Office Box 1208
Fort Pierce, Florida 34954

Dear Mr. Carnell:

Subject: Fort Pierce Comprehensive Plan Amendment

I have been asked to reply to your July 19th letter to Roger Wilburn concerning the roles of the City of Fort Pierce and St. Lucie County with regard to the Port Master Plan and the City's Comprehensive Plan. Please accept my apology for the lateness of this reply. As you allude to in your letter, the issues regarding the Port Master Plan are not straightforward.

As you discussed in your letter, the recent history of the port includes the Legislature's enactment of Chapter 88-515, entitled the "St. Lucie Port and Airport Authority Act," which abolished the special taxing district known as the Fort Pierce Port and Airport Authority previously created under Chapter 61-2754, Laws of Florida, and created the St. Lucie County Port and Airport Authority. Chapter 88-515 was then repealed by Chapter 97-377, Laws of Florida, which provided reorganizing, updating and clarifying provisions for the authority. The next year, the Legislature enacted Chapter 98-496, Laws of Florida, which dissolved the St. Lucie County Port and Airport Authority and transferred its assets and liabilities to the Board of County Commissioners of St. Lucie County: Section 4, Chapter 98-496, Laws of Florida states:

The provisions of this act shall be liberally construed in order that St. Lucie County may effectively carry out the assumption of the authority and powers of the abolished authority and the purposes of this act.

As you are also aware, the City of Fort Pierce is subject to § 163.3178(2)(k), Fla. Stat., which provides that coastal management elements shall contain a component which includes the, comprehensive master plan prepared by each deepwater port listed in Section 311.09(1), Florida (which includes the Port of Ft. Pierce). Further, the section provides that such component shall be submitted to the appropriate local government at least 6 months prior to the due date of the local plan. Also, according to § 163.3178(2)(k), Fla. Stat.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 Fax: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33966-1227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2336

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
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(850) 488-7956

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The 'appropriate local government' means the municipality having the responsibility for the area in which the deepwater port lies...

To add additional insight to this matter, your reference is drawn to Rule 9J-5.012(5), F.A.C. In pertinent part that rule provides as follows:

(5) ...A port master plan shall be prepared by or for each deepwater port for the purposes of coordinating the activities of the port with the plans of the appropriate local government; determination of compliance does not imply conceptual approval by the State for permitting purposes.

(a) Deepwater ports shall prepare a port master plan and submit it to the appropriate local government for incorporation as a part of the coastal management element at least six months prior to the due date of the local government's comprehensive plan established pursuant to law. This port master plan shall be incorporated as a part of the coastal management element, and be consistent with the goals, objectives, and policies of the coastal management element ...The failure of a deepwater port which is an agency of a local government to prepare a deepwater port master plan may result in the sanctions in Section 163.3184, Florida Statutes, being applied and the missing deepwater port master plan being prepared. by the regional planning council. Regardless of whether a deepwater port has prepared a port master plan, any port development shall be consistent with the goals, objectives and policies of the coastal management element of the jurisdiction in which the development occurs.

The rule continues in subsections (b) through (d) to direct the deepwater port to: prepare applicable inventories and analyses; develop goals, objectives and policies; and set forth plans for future port expansion; respectively. Subsection (e) then gives guidance on the inclusion of the port master plan into the coastal element of the comprehensive plan of the "appropriate local government."

Therefore, reading together the provisions of Section 163.3178(2)(k), Fla. Stat., and Rule 9J-5.012(3)(c)12, F.A.C., it is clear that the deepwater port shall prepare a port master plan. In this instance, according to Chapter 98-497, Laws of Florida, it is also clear that St. Lucie County has the "authority and powers" of the former St. Lucie County Port and Airport Authority regarding the Port of Fort Pierce. Therefore, it appears that St. Lucie County (as the entity with ownership of the assets of, and responsibility to act for, the former port authority) has the • primary, authority over the port and is the entity responsible for preparation of a port master plan. Once prepared, that port master plan should be submitted to the "appropriate local government" and included in its comprehensive plan. The "appropriate local government," being the one

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having the responsibility for the area in which the deepwater port lies, would appear to be the City of Fort Pierce.

Regarding your inquiry about the City's Charette Plan, the Charette Plan is a work effort of the City and is not the port master plan, until such time as the County were to adopt it as such. Thus, the Charette Plan has no legal effect at this time.

I hope that you find this information helpful to you in your understanding of this matter. Should you have additional questions, you may address them to me at the letterhead address or by telephone at (850) 488-0410.

Very truly yours,

Andrew S. Grayson
Assistant General Counsel

ASG/

cc: Roger Wilburn, Department of Community Affairs
Lloyd Bell, Destin Beach Inc.
Honorable John Bruhn, Chairman, St. Lucie County Board of County Commissioners
Julia Shewchuk, Director of Community Development, St. Lucie County
Honorable Edward G. Enns, Mayor, City of Fort Pierce
Ramon Trias, Planning Director, City of Fort Pierce

CITY OF FORT PIERCE

PLANNING DEPARTMENT

PROJECT: 25-003 PORT OF FORT PIERCE ZONING OVERLAY

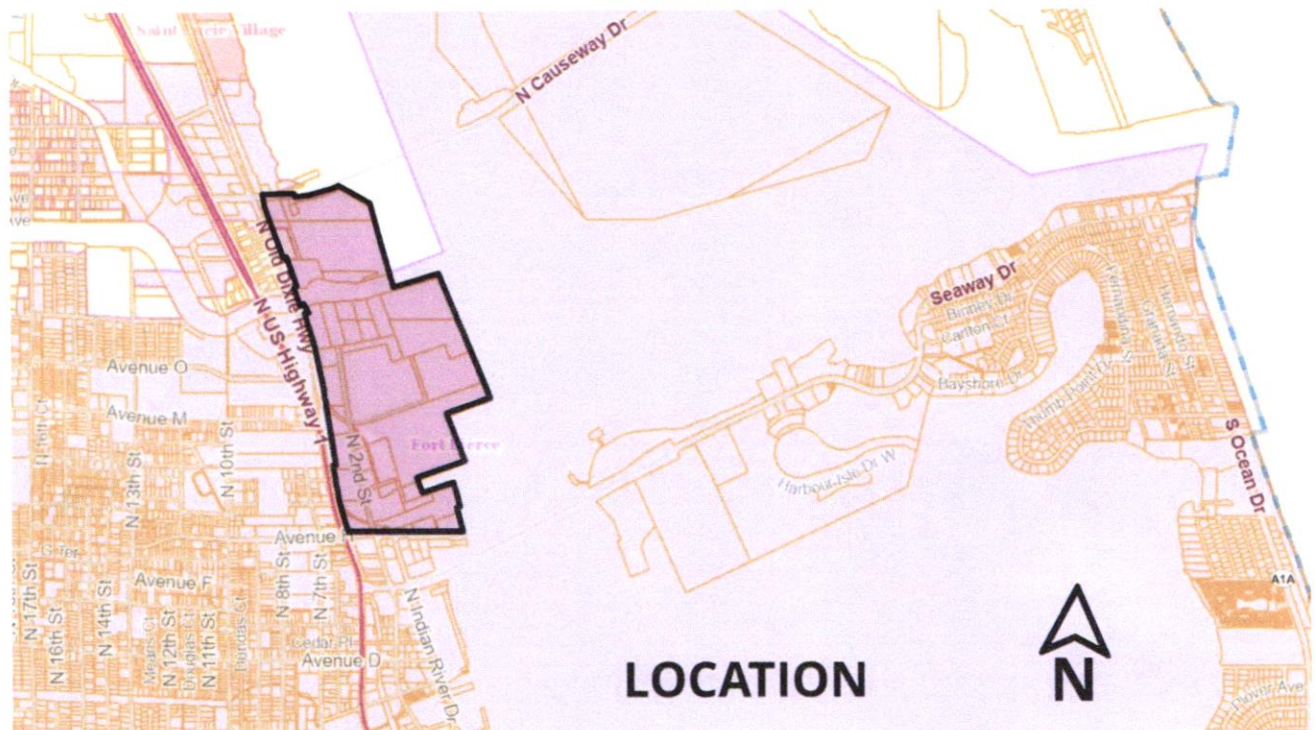
REVIEWER: KEV FREEMAN, PLANNING DIRECTOR

Date: March 3rd, 2025

STAFF REPORT

Item: A proposal to amend the Code of Ordinances at Chapter 125 – ZONING, ARTICLE III – ESTABLISHMENT OF ZONES, SECTION 125-157 – DESIGNATION OF OVERLAY DISTRICTS, to create Subsection (3) The Port Overlay District (POD).

Location:



The overlay encompasses approximately 193 acres situated East of N. Old Dixie Hwy, South of the N Causeway Dr. Bridge and North of Fisherman's Wharf.

History: The Port of Fort Pierce is one of Florida's 15 deepwater Seaports and has huge economic value to the City and to the Region.

In 2020, St. Lucie County, together with partners and substantial public outreach through the Port of Fort Pierce Master Plan Advisory Committee, updated the Port of Fort Pierce Master Plan, culminating in the Final Draft which was presented to City Commission in December 2020.

City Commission directed staff at its December 14, 2020, City Commission Conference meeting, to bring forward a rezoning of the area identified within the Port of Fort Pierce Master Plan in order to promote its redevelopment.

This item proposes establishing the Port of Fort Pierce Overlay Zoning District at Section 125-214 of the Code Of Ordinances based on the illustrative Port Masterplan, the tenets thereof and the underlying zoning rights of property owners.

The Port Masterplan includes a description of the guiding design and aims and how it aligns with those tenets. The document also recognizes that it is a starting point for continued discussion of what is possible:

4.2.1 AN ENGINE FOR OUR BLUE ECONOMY

GROW DIVERSITY OF MARINE RELATED INDUSTRIES
MEGAYACHT
IMPORT/EXPORT

4.2.2 GROW THE AMOUNT OF FUNCTIONAL WATERFRONT EDGES

ADD 6,000 – 7,000 ft WORKING MARINE EDGE

4.2.3 PROVIDE A FLEXIBLE TEMPLATE FOR PORT LAND DEVELOPMENT

IMPORT/EXPORT AND TRADE ENABLING AREAS.
STORMWATER DETENTION
LIGHT INDUSTRIAL
MAGAYAGHT
WAREHOUSING
ELECTRONICS/HYDRALICS/ENGINE REPAIR BUSINESS
MIXED-USE DEVELOPMENT

4.2.4 INVEST AND GROW ENVIRONMENTAL EDUCATION AND RESTORATION

ARTIFICIAL REEF PROGRAM
ENVIRONMENTAL EDUCATION CENTER
MARINE RESEARCH

4.2.5 THE PORT AS A GOOD NEIGHBOR

GREENWAY
BEAUTIFICATION OF PORT SILOS
LANDSCAPING
WORKING WATERFRONT
TOURISM



Illustrative Port Masterplan (above).

**City of Fort Pierce Comprehensive Plan:
Coastal Management Element**

Policy 5.3.3. The City shall coordinate with St. Lucie County in implementing the 2017 update to the Port of Ft. Pierce Master Plan. The plan provides general goals, objectives, and policies to encourage gentrification of the Port through a mix of recreational, commercial, residential and industrial uses. The City will follow the goals, objectives, and policies within the revised Port of Ft. Pierce Master Plan to ensure orderly development and redevelopment of the Port.

Property Rights Element

Policy 12.1.1.1. The City shall consider the right of a property owner to physically possess and control their interests in the property, including easements, leases, or mineral rights.

Policy 12.1.1.2. The City shall consider the right of a property owner to use, maintain, develop, and improve their property for personal use or for the use of any other person, subject to state law and local ordinances.

St. Lucie County Comprehensive Plan – Port Sub-element:

Goal 2A.3: Port Activities - The quality of life for St. Lucie County residents will be strengthened and maintained by enhancing the economic viability, attractiveness, environmental quality, and social benefits associated with activities at the Port of Fort Pierce.

Objective 2A.3.1: The Port of Fort Pierce should strengthen the economic development activities in the Port Operations Area by working with federal, state and local government, the private sector, and other interested parties to formulate an economic development plan that will foster new jobs that exceed the County's average annual wage and enhance the community's prosperity.



St. Lucie County
Comprehensive Plan

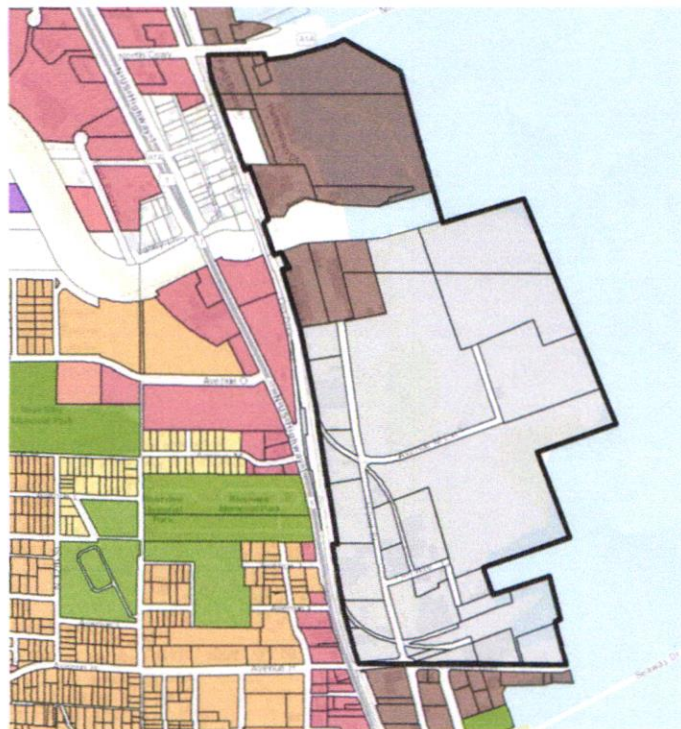
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Adopted updated 12.2022
Port Sub-element GOPs

Port of Fort Pierce Future Land Use (below):

FUTURE LAND USE

- I
- MC



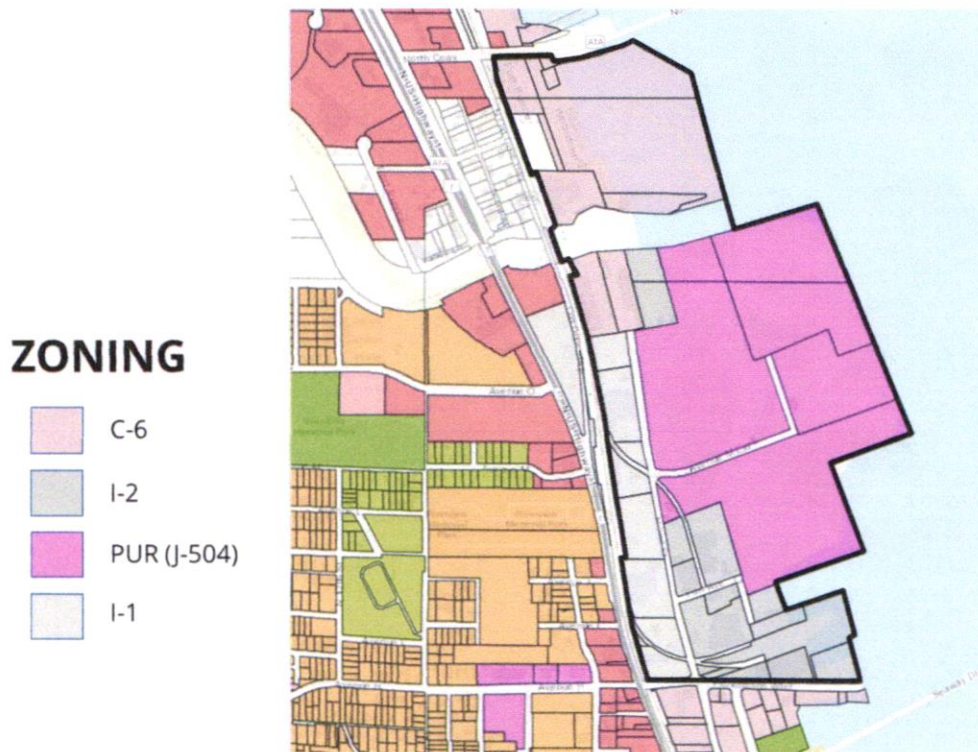
The area within the proposed boundary of the Port Overlay District is subject to two Future Land Use categories; Industrial and Marine Commercial.

Industrial (I): The Industrial designation is intended for parcels suitable for industrial development and to promote the City's position as a major employment center. The uses allowed under this designation include light manufacturing and processing facilities; storage and distribution facilities; warehousing; general and intensive commercial uses; research corporate parks, large business parks and mixed-use office parks; office, retail, and service uses that provide support to employees; and compatible public, quasi-public, and special uses. This land use designation allows a maximum FAR of 1.5.

Marine Commercial (MC): The Marine Commercial designation is intended to promote commercial and industrial uses with a focus on marine related establishments along the waterfront. Uses allowed within this designation include marine-related light industrial activities and tourist activities, marinas, boat stores/boat repair, restaurants, retail shops, hotels, and offices. Multifamily residences also allowed in this designation. This land use designation allows a maximum density of 15 dwelling units per acre and a maximum FAR of 1.0. Residential uses may comprise up to 20 percent of the total floor area of the Marine Commercial future land use designation.

The existing Future Land Use will not be amended at this time.

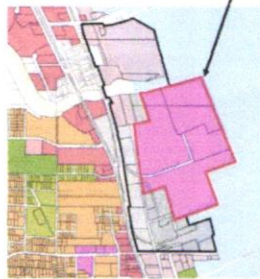
Zoning:



Each parcel within the proposed boundary of the Port Overlay District is subject to one of four zoning designations:

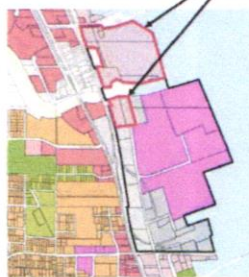
1. Planned Unit Redevelopment
2. C-6 Marine Commercial
3. I-1 Light Industrial
4. I-2 Marine Industrial

EXISTING ZONING  **PUR (ORD J-504)**




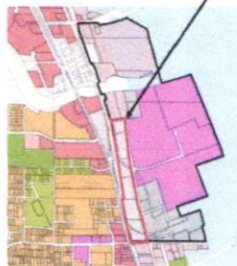
Based on the ~~1966 Port Charrette~~ wherein new uses not previously allowed by the current zoning designation, including recreation, commercial, residential and mixed-uses, streets, drainage, public access, protection of the shoreline and Indian River Lagoon and limited expansion of industrial are promoted.

EXISTING ZONING  **C-6 Marine Commercial Zone**



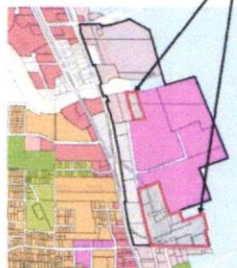
The intent of this district is primarily to provide suitable locations for compatible marine commercial and tourist-related facilities...The requirements in this zone recognize that certain marine oriented commercial activities can be compatible with activities that are more tourist-related ... is reserved for uses that are dependent on or benefit from proximity to the water.

EXISTING ZONING  **I-1 Light Industrial Zone**



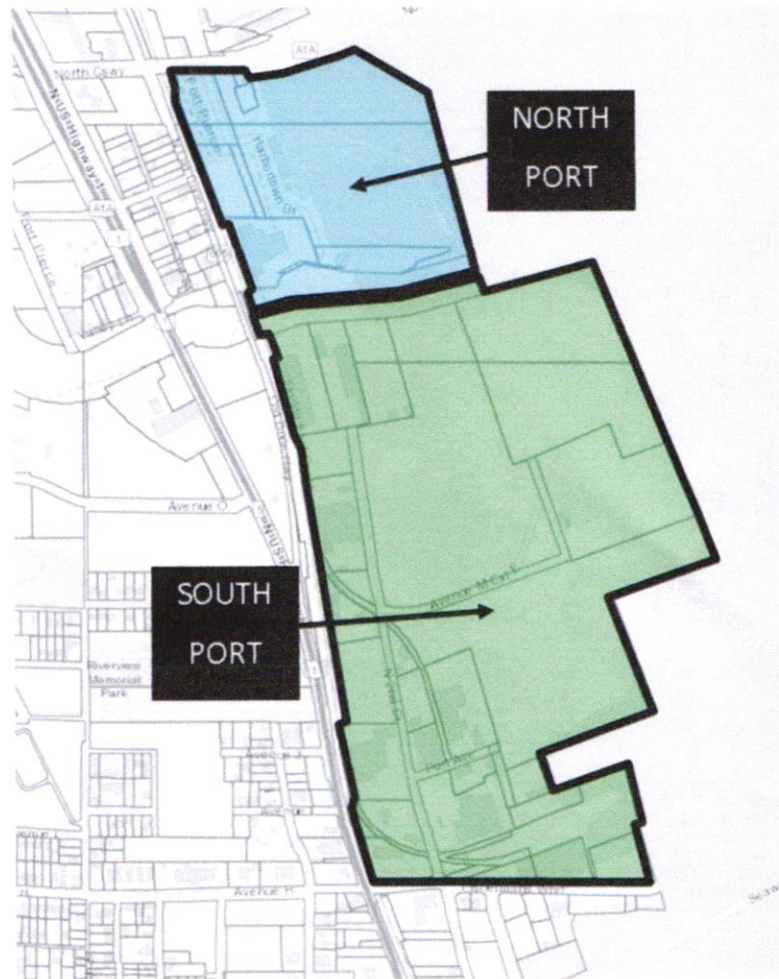
Intended primarily to provide for industrial and related uses with limited objectionable external effects in areas that are suitable for such operations due to the desirability of site characteristics, adequacy of utilities, appropriateness of transportation facilities and other factors. Acceptable manufacturing, warehousing, heavy commercial and similar uses are encouraged. Uses in the district may perform a support role for uses in other industrial areas.

EXISTING ZONING  **I-2 Marine Industrial Zone**



Intended primarily to provide a location for port activities, marine industry and supporting uses. In addition, certain nonindustrial water-oriented uses and uses associated with them may be permitted. The district is designed to exclude uses which can be located equally well elsewhere and are inconsistent with the character of the district. Large areas with adequate waterfront, street and railroad access are appropriate for this type of zoning.

The proposed Port Overlay District will override the underlying zoning which will remain in place until a comprehensive Land Use Map amendment is initiated and approved. The Port Overlay District bifurcates the area into the North Port and South Port areas in order to describe the uses permitted in each.



This text amendment to the Zoning Code proposes that future development within the Port of Fort Pierce Overlay District will be processed either through the minor site plan process or by the conditional use procedure. The list of Permitted and Conditional uses is based for the most part on the comparative uses (table attached to this agenda item) allowed within the underlying zoning district.

The current Future Land Use of the properties will not be amended at this time. The Overlay will provide the framework for the review of allowed uses and for the application/approval process.

The List of proposed uses allowed in each Port District:

PORT OVERLAY DISTRICT (POD) PERMITTED AND CONDITIONAL USES USE	NORTH PORT		SOUTH PORT	
	P	C	P	C
Berthing facility	X		X	
Boat Servicing	X		X	
Concrete facility		X	X	
Education facility – Marine	X		X	
Environmental and cultural resource - Marine	X		X	
Export operations	X		X	
Freight facility	X		X	
Fueling	X		X	
Fuel Storage and Distribution - Existing	X		X	
Fuel Storage and Distribution < 30,000 gallons	X		X	
Fuel Storage and Distribution > 30,000 gallons		X		X
Greenway	X		X	
Heliport		X		X
High and dry boat storage	X		X	
Import operations	X		X	
Light Industrial	X		X	
Lodging, condominium		X	X	
Lodging, corporate residential		X	X	
Lodging, resort accommodations		X	X	
Marina	X		X	
Marine Industrial	X		X	
Office/Commercial	X		X	
Passenger Vessel	X		X	
Passive Park, Recreation, Stormwater Recharge		X	X	
Rail	X		X	
Restaurant	X		X	
Retail – Bulk Material	X		X	
Retail - Marine Related	X		X	
Seaport		X		X
Shipping, Marine	X		X	
Ship Supply Establishment	X		X	
Shipyards	X		X	
Space Industry		X	X	
Terminal Facilities	X		X	
Vessel Repair	X		X	
Other Water-dependent Use	X		X	
Other Water-related Use	X		X	

RECOMMENDATION

Staff recommendation is for the City Commission to APPROVE the proposed Port of Fort Pierce Overlay Zoning District Text Amendment.

ALTERNATIVE RECOMMENDATION

1. Approval with amendments.
- or
2. Disapproval.