

ORDINANCE NO. 20-031

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF THREE (3) PARCELS GENERALLY LOCATED AT OR NEAR **2107 SWAIN ROAD** FROM CITY OF FORT PIERCE MEDIUM DENSITY RESIDENTIAL (RM) TO CITY OF FORT PIERCE HIGH DENSITY RESIDENTIAL (RH); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Pierce has adopted a Comprehensive Plan known as the City of Fort Pierce Comprehensive Plan adopted by Ordinance 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, the Fort Pierce City Planning Board having been duly designated as the Local Planning Agency pursuant to section 163.3174, 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, 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, one transmittal hearing and one adoption hearing with due notice have been held by the City Commission to inform the public and receive comments and objections; and

WHEREAS, the proposed Future Land Use 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 will 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 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. The preceding "whereas" clauses are ratified and incorporated as the legislative intent of this ordinance.

SECTION 2. The Comprehensive Plan of the City of Fort Pierce is hereby amended as follows:

Parcel IDs: 2418-322-0002-000-2, 2418-331-0001-000-3, & 2418-343-0001-000-0

From and after the effective date hereof, the following properties legally described as:

PARCEL 1:

THE SOUTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHWEST QUART (1/4) OF SECTION 18, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA. LESS ALL RIGHTS-OF-WAY FOR PUBLIC ROADS AND DRAINAGE CANALS.

PARCEL 2:

THE SOUTH THREE QUARTERS (3/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUART (1/4); AND THE SOUTH THREE QUARTERS (3/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) ALL IN SECTION 18, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA.

PARCEL 3:

THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 18, TOWNSHIP 35 SOUTH, RANGE 40 EAST, LYING AND SITUATE IN ST. LUCIE COUNTY, FLORIDA, LESS THE WEST 40 FEET FOR ROAD RIGHT-OF-WAY AND LESS DRAINAGE CANAL RIGHT-OF-WAY.

TOTAL CONTAINING 32.83 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

said properties being generally located at or near 2107 Swain Road in Fort Pierce, Florida shall be and the Future Land Use Designation is hereby changed from City of Fort Pierce Medium Density Residential (RM) to City of Fort Pierce High Density Residential (RH), 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 but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. 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 4. This Ordinance is and the same shall become effective immediately upon final passage.

SECTION 5. The effective date of this comprehensive 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 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. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency

APPROVED AS TO FORM & CORRECTNESS:

Peter J. Sweeney
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. 20-031 was duly advertised in accordance with F.S. 163.3184 by display advertising in the St. Lucie News Tribune on Sunday, November 22, 2020, and Sunday, January 31, 2021; 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 December 7, 2020; and was duly introduced, read by title only, and passed on second and final reading February 16, 2021, 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 16th day of February, 2021.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox
City Clerk

(City Seal)

Exhibit A
Proposed Future Land Use
High Density Residential, RH

