

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE CITY ESTABLISHING MEDIUM DENSITY RESIDENTIAL LAND USE ON 26.15 ACRES, MORE OR LESS LOCATED AT 2630 AND 2670 MINTON ROAD AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PROPERTY; EXTENDING THE GOALS, POLICIES AND OTHER LAND USE PLANNING REQUIREMENTS TO THE PROPERTY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of West Melbourne, Brevard County, Florida, that:

Section 1.

Comprehensive Plan Amendment Number 1 in 2016 (LSA) is hereby adopted.

Section 2.

The Future Land Use Map of the Comprehensive Plan of the City is hereby amended to provide for Medium Density Residential land use on the following described property:

Parcel 1:

Lots 17 and 18, (a portion of which is also known as L.S. Spence Unrecorded Subdivision) being the Southeast quarter of the Northeast quarter of Section 12, Township 28 South, Range 36 East, Florida Indian River Land Company's Subdivision according to the plat thereof as recorded in Plat Book 2, page 80, Public Records of Brevard County, Florida, Less and Except Right of Way for Union Cypress Company Railroad, Drainage Ditches and Road Rights of Way. Also Less and Except lands described in Deed Book 361, page 77, Deed Book 365, page 474, Deed Book 367, page 523, Official Records Book 752, page 602, Official Records Book 766, page 611, Official Records Book 1644, page 315, Official Records Book 2318, page 688, Official Records Book 3526, page 2327, Official Records Book 4943, page 186, Official Records Book 5356, page 4054, Official Records Book 5356, page 4155.

Parcel 2:

Commence at the Northwest corner of Lot 18, Florida Indian River Land Company Subdivision of Section 12, Township 28 South, Range 36 East, as recorded in Plat Book 2, Page 80, Public Records of Brevard County, Florida; thence S 00°00'47" E along the West line of Lot 18, a distance of 25.03 feet to the South right of way line of Milwaukee Avenue as presently occupied; thence N 87°23'47" E, along said South right of way 417.18 feet to the Point of Beginning of the herein described parcel; thence continue N 87°23'47" E, along said South right of way 104.31 feet; thence S 00°00'47" E, 174.19 feet; thence S 87°23'47" W, 104.31 feet; thence N 00°00'47" W, 174.19 feet to the Point of Beginning.

Section 3.

The Comprehensive Plan of the City is hereby amended to establish a proper and appropriate future land use for the property described in Section 2 of this ordinance.

Section 4.

The City's goals, objectives, and other land use planning requirements set forth in the Comprehensive Plan are hereby extended to and imposed upon the property described in Section 2 of this Ordinance.

Section 5.

The Planning Director is hereby authorized and directed to cause the provisions of Sections 2 through 4 of this Ordinance to be incorporated into and made part of the City's Comprehensive Plan.

Section 6.

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 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.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 7th day of June, 2016.



Sue Frank

Sue Frank, City Clerk

Hal Rose

Hal J. Rose, Mayor

Reviewed as to form and content:

Morris Richardson

Morris Richardson, City Attorney

1ST READING: May 17, 2016

2ND READING: June 7, 2016

Effective date: July 8, 2016