

## ORDINANCE NO. 2016-06

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA; AMENDING THE COMPREHENSIVE PLAN OF THE CITY FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL ON 9.53 ACRES OF PROPERTY LOCATED SOUTH OF HERITAGE OAKS BOULEVARD APPROXIMATELY 500 FEET FROM THE EAST SIDE OF MINTON ROAD AND AS MORE FULLY DESCRIBED HEREIN; ESTABLISHING AN APPROPRIATE LAND USE FOR THE PARCEL; 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 4 in 2016 (SSA) is hereby adopted.

### **Section 2.**

The Future Land Use Map of the Comprehensive Plan of the City is hereby amended to change the land use designation from COM (Commercial) to MD-RES (Medium Density Residential) on the following described property:

A portion of lands described in Official Records Book 5480, Page 6276, of the Public Records of Brevard County, Florida; being more particularly described as follows: Commence at the Southwest corner of Tract K, Brookshire at Heritage Oaks Phase 1, according to the plat thereof, as recorded in Plat Book 47, Pages 3 through 6, of the said Public Records of Brevard County; thence South 89°22'40" East along the South line of said Tract K, a distance of 107.53 Feet to the POINT-OF-BEGINNING; thence continue South 89°22'40" East along said South line, a distance of 41.25 Feet; thence South 88°47'23" East along said South line, a distance of 215.00 Feet to the point of curvature of a circular curve concave to the south, having a radius of 295.00 Feet, and a central angle of 09°31'49"; thence easterly along said South line and the arc of said curve an arc distance of 49.07 Feet to a point on the West line of Tract 1, said Brookshire at Heritage Oaks Phase 1; thence South 00°19'40" West along said West line, a distance of 1,275.70 Feet to a point on the North line of Melbourne Tillman Drainage District Canal Number 62 (92.00 foot wide right-of-way); thence North 88°47'23" West along said North line, a distance of 20.00 Feet to the east line of a portion of lands described in Official Records Book 3099, Page 1547, of the said Public Records; thence North 00°19'40" East along said East line, a distance of 175.00 Feet to the North line of said lands; thence North 88°47'23" West along said North line, a distance of 430.05 Feet; thence leaving said North line run North 89°40'20" West, a distance of 95.00 Feet; thence North 00°19'40" East, a distance of 348.31 Feet; thence South 89°40'20" East, a distance of 255.00 Feet; thence North 00°19'40" East, a distance of 569.44 Feet to the point of curvature of a circular curve concave to the west, having a radius of 75.00 Feet, and a central angle of 25°50'31"; thence northerly along the arc of said curve an arc distance of 33.83 Feet to the point of reverse curvature of a circular curve concave to the east having a radius of 75.00 Feet, and a central angle of 25°50'31"; thence northerly along the arc of said curve an arc distance of 33.83 Feet; thence North 00°19'40" East, a distance of 118.98 Feet to a point on the said South line of Tract K and the POINT-OF-BEGINNING. Containing 9.53 Acres of land more or less.

### **Section 3.**

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 4.**

The Planning Director is hereby authorized and directed to cause the provisions of Sections 2 and 3 of this Ordinance to be incorporated into and made part of the City's Comprehensive Plan.

**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 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 19<sup>th</sup> day of July, 2016.



Sue Frank  
Sue Frank, City Clerk

Hal J. Rose  
Hal J. Rose, Mayor

Reviewed as to form and content:

Morris Richardson  
Morris Richardson, City Attorney

1ST READING: June 21, 2016  
2ND READING: July 19, 2016

Effective date: August 20, 2016