

## ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA AMENDING THE COMPREHENSIVE PLAN TO PROVIDE FOR COMMERCIAL LAND USE FOR NEWLY ANNEXED PROPERTY LOCATED AT 4650 WEST NEW HAVEN AVENUE LYING IN SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, 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 2 in 2016 (SSA-2016-2) is hereby adopted.

### **Section 2.**

The Future Land Use Map of the Comprehensive Plan of the City is hereby amended to provide for the Commercial land use designation (COM) for the following described property:

A PARCEL OF LAND LOCATED IN THE NE 1/4 OF SECTION 3, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING A PORTION OF LOT 17, PLAT OF INDIAN RIVER LAND CO. RECORDED IN PLAT BOOK 2, PAGE 80 (ALL RECORDS REFERENCED HEREIN ARE OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA), BEING ALL THE PREMISES DESCRIBED IN OR 7318, PG 1147 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SAID SECTION 3; THENCE WITH THE EAST LINE OF THE NE 1/4 OF SAID SECTION 3, ALSO BEING THE CENTERLINE OF DIKE ROAD (A 40 FEET WIDE PUBLIC RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF INDIAN RIVER LAND CO.), N00°09'24" W, A DISTANCE OF 275.00 FEET; THENCE, LEAVING SAID CENTERLINE, S89°38'50" W, A DISTANCE OF 20.00 FEET TO WEST RIGHT-OF-WAY LINE OF SAID DIKE ROAD AND THE POINT OF BEGINNING;

THENCE WITH THE NORTH LINE OF PREMISES DESCRIBED IN DEED TO SUNOCO, INC. (R&M), RECORDED IN OR 6984, PG 1549, S89°38'50" W, A DISTANCE OF 205.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE, WITH THE WEST LINE OF SAID

SUNOCO, INC. PREMISES, S00°09'24"E, A DISTANCE OF 192.90 FEET TO THE NORTH RIGHT-OF-WAY LINE OF U.S. 192 (S.R. 500, BEING A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER FDOT MAP SECTION 70050-2544); THENCE, WITH SAID NORTH RIGHT-OF-WAY LINE, N74°58'07"W, A DISTANCE OF 117.12 FEET TO THE SOUTHEAST CORNER OF PREMISES DESCRIBED IN DEED TO JOHN M. BOVIS & ELIZABETH F. BOVIS, RECORDED IN O.R. 2727, PG. 1088; THENCE, WITH THE EAST LINE OF SAID BOVIS PREMISES, N01°16'57"W, A DISTANCE OF 175.31 FEET TO THE NORTHEAST CORNER THEREOF; THENCE, WITH A PORTION OF THE NORTH LINE OF SAID BOVIS PREMISES, S89°33'39"W, A DISTANCE OF 4.52 FEET, THENCE, LEAVING SAID NORTH LINE, N00°09'24"W, A DISTANCE OF 7.06 FEET; THENCE, S89°50'28"W, A DISTANCE OF 158.01 FEET TO THE EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE ROUTE 95 (S.R. 9, BEING A VARIABLE WIDTH LIMITED ACCESS RIGHT-OF-WAY AS SHOWN ON FDOT MAP SECTION 70220-2403); THENCE, WITH SAID LIMITED ACCESS RIGHT-OF-WAY LINE, N12°31'10"W, A DISTANCE OF 303.26 FEET TO THE SOUTHWEST CORNER OF PREMISES DESCRIBED IN DEED TO MARC W. COLLINS & PHYLLIS R. COLLINS, RECORDED IN O.R. 3944, PG. 1645; THENCE, WITH THE SOUTH LINE THEREOF, S89°38'50"E, A DISTANCE OF 548.93 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID DIKE ROAD; THENCE, WITH SAID WEST RIGHT-OF-WAY LINE, S00°09'24"E, A DISTANCE OF 317.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.138 ACRES OF LAND, MORE OR LESS.

**Section 3.**

The Comprehensive Plan of the City is hereby amended to establish a proper and appropriate future land use for the newly annexed 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 newly annexed 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 4<sup>TH</sup> day of October 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: September 20, 2016

2ND READING: October 4, 2016

Effective date: November 5, 2016