

ORDINANCE NO. 2016-16

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 2394 MINTON ROAD, LYING IN SECTION 12, 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 3 in 2016 (SSA-2016-3) 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:

DESCRIPTION (ORB 5561, Page 2761)

From the N.E. corner of Section 12, Township 28 South, Range 36 East, Brevard County, Florida, run S87°37'50"W, along the North line of said Section 12 a distance of 33.04 feet to the West right of way line of Malabar Road, also known as Minton Road; thence S0°23'20"W, parallel with the East line of said Section 12 and along said West right of way line of Malabar Road a distance of 630.0 feet to the Point of Beginning of the herein described parcel; thence continue S0°23'20"W, along said right of way a distance of 70.07 feet; thence N 89°04'01"W, a distance of 270.90 feet; thence N0°23'20"E, a distance of 73.64 feet; thence S88°18'40" E, a distance of 270.96 feet to the Point of Beginning.

AND

From the N.E. corner of Section 12, Township 28 South, Range 36 East, Brevard County, Florida, run S87°37'50"W, along the North line of said Section 12 a distance of 33.04 feet to the West right of way line of Malabar Road, also known as Minton Road; thence S0°23'20"W, along said West right of way line of Malabar Road and parallel with the East line of said Section 12, a distance of 700.07 feet to the Point of Beginning of the herein described parcel; thence continue S0°23'20"W, along said West right of way line a distance of 98.0 feet; thence N89°01'40"W, a distance of 296.84 feet; thence N0°47'21"E, a distance of 31.95 feet; thence

N21°47'33"E, a distance of 70.46 feet; thence S89°04'01"E, a distance of 270.90 feet to the Point of Beginning.

AND

From the N.E. corner of Section 12, Township 28 South, Range 36 East, Brevard County, Florida, run S87°37'50"W, along the North line of said Section 12 a distance of 33.04 feet to the West right of way line of Malabar Road, also known as Minton Road; thence S0°23'20" W, parallel with the East line of said Section 12 and along said West right of way line of Malabar Road a distance of 870.07 feet to the North line of property as described in Deed Book 351, Page 408, Brevard County Public Records; thence S87°41'20"W, along said North line of Deed Book 351, Page 408, a distance of 225.30 feet to the Point of Beginning of the herein described parcel; thence continue S87°41'20"W, along said North line of Deed Book 351, Page 408, a distance of 96.48 feet to the East line of property as described in Deed Book 119, Page 415, Brevard County Public Records; thence N0°47'21"E, along said East line of Deed Book 119, Page 415, a distance of 121.01 feet; thence N. 87°41'20" E., a distance of 24 feet; thence S 0°47'21"W, a distance of 31.95 feet; thence S89°01'40"E, a distance of 69.84 feet; thence S0°55'07"E, a distance of 84.95 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 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 4TH day of October 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: September 20, 2016

2ND READING: October 4, 2016

Effective date: November 5, 2016