

ORDINANCE NO. 2018-_____

AN ORDINANCE OF INDIAN RIVER COUNTY FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FROM RS-3, RESIDENTIAL SINGLE-FAMILY (UP TO 3 UNITS/ACRE) AND RM-6, RESIDENTIAL MULTI-FAMILY (UP TO 6 UNITS/ACRE), TO PD, PLANNED DEVELOPMENT, FOR APPROXIMATELY 2.15 ACRES OF LAND GENERALLY LOCATED WEST OF 59TH AVENUE ON THE SOUTH SIDE OF 37TH STREET AND DESCRIBED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency on such matters, held a public hearing and subsequently considered this rezoning request; and

WHEREAS, the Board of County Commissioners of Indian River County, Florida, did publish and send its Notice of Intent to rezone the hereinafter described property; and

WHEREAS, the Board of County Commissioners determined that this rezoning is in conformance with the Comprehensive Plan of Indian River County; and

WHEREAS, the Board of County Commissioners held a public hearing pursuant to this rezoning request, at which parties in interest and citizens were heard;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Indian River County, Florida, that the zoning of the following described +/- 2.15 acre property situated in Indian River County, Florida, to-wit:

LEGAL DESCRIPTIONS:

THE WEST 215 FEET OF LOT 3, AND THE WEST 215 FEET OF THE NORTH 115 FEET OF LOT 4, ALBRECHT ACRES, A SUBDIVISION OF TRACT 1, SECTION 32, TOWNSHIP 32 SOUTH, RANGE 39 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 74, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4, RUN NORTH 00°12'36"EAST

(BASIS OF BEARINGS) ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 208.15 FEET TO THE POINT OF BEGINNING OF HEREON DESCRIBED PARCEL; THENCE CONTINUE NORTH 00°12'36"EAST ALONG THE WEST LINES OF SAID LOTS 3 AND 4, A DISTANCE OF 436.03 FEET TO THE NORTH LINE OF SAID LOT 3 AND THE SOUTH LINE OF LATERAL A5 CANAL, A 30 FOOT INDIAN RIVER FARMS WATER CONTROL DISTRICT RIGHT OF WAY; THENCE NORTH 89°52'18"EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 215.00 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE SOUTH 00°12'36"WEST, A DISTANCE OF 436.16 FEET; THENCE SOUTH 89°54'23"WEST, A DISTANCE OF 215.00' TO THE POINT OF BEGINNING.

CONTAINING 93758.8 SQUARE FEET OR 2.15 ACRES MORE OR LESS.

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is changed from RS-3, Residential Single-Family (up to 3 units/acre) and RM-6, Residential Multi-Family (up to 6 units/acre), to PD, Planned Development (up to 3.32 units/acre), with the general project layout as depicted in the attached conceptual PD plan (Exhibit A) and with the attached list of project public benefits (Exhibit B). The uses allowed shall be limited to the residential and accessory uses allowed in the RS-6 or RM-6 Districts as listed in the use table in section 911.08.

All with the meaning and intent and as set forth and described in said Land Development Regulations. This ordinance shall become effective upon filing with the Department of State.

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the _____ day of _____, 2018, for a public hearing to be held on the _____ day of _____, 2018, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

| | |
|---------------------------------|-------|
| Chairman Peter D. O'Bryan | _____ |
| Vice Chairman Bob Solari | _____ |
| Commissioner Susan Adams | _____ |
| Commissioner Joseph E. Flescher | _____ |
| Commissioner Tim Zorc | _____ |

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2018.

BY: _____
Peter D. O'Bryan, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: _____
Deputy Clerk

This ordinance was filed with the Department of State on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

Stan Boling, AICP; Community Development Director

EXHIBIT B

Public Benefits of the PD Plan

For all PD projects, planning staff asks applicants to identify the public benefits that their project will provide above and beyond conventional development in exchange for the county approving reduced setbacks and other waivers from conventional standards. In this case, the project will provide substantial open space along 33rd Street and 37th Street, dedicate the ultimate right-of-way for 58th Avenue and 33rd Street, provide stormwater capacity for future improvements to adjacent roads, preserve native uplands in excess of LDR requirements, and provide enhanced perimeter buffers.

To facilitate joint use of the project's stormwater system, the developer will grant an easement to the county for stormwater purposes. Use of the stormwater system will enable the county to design roadway projects within less right-of-way area, resulting in less right-of-way acquisition impacts on property owners in the future. Details of the easement and stormwater capacity provisions will be addressed through the preliminary PD plan and land development permit processes.

In addition to the public benefits described above, the project is designed with internal benefits for project residents, including significant recreational facilities and comprehensive architectural controls.