

ORDINANCE NO. 2023-\_\_\_\_

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FOR APPROXIMATELY ±10.37 ACRES LOCATED SOUTH OF AND ADJACENT TO 71<sup>ST</sup> STREET, NORTH OF AND ADJACENT TO 69<sup>TH</sup> STREET, EAST OF AND ADJACENT TO OLD DIXIE HIGHWAY, AND WEST OF AND ADJACENT TO U.S. HIGHWAY 1, FROM CL, LIMITED COMMERCIAL DISTRICT, TO CG, GENERAL COMMERCIAL DISTRICT; AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency on such matters, held a public hearing and subsequently made a recommendation regarding 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 held a public hearing pursuant to this rezoning request, at which parties in interest and citizens were heard; and

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

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

PARCEL 1

THE NORTH 10 ACRES OF THE SE 1/4 OF THE SW 1/4, EAST OF STATE ROAD 4 AND WEST OF NEW U.S. HIGHWAY NO. 1, SECTION 3, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA.

PARCEL 2

THAT PORTION OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SE 1/4 OF THE SW 1/4 LYING EAST OF THE F.E.C. RAILROAD, LESS PORTION LYING EAST OF NEW U.S. HIGHWAY NO. 1, AS IN OFFICIAL RECORDS BOOK 102, PAGE 341, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA.

PARCEL 3

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THE NORTH 450 FEET OF THE EAST 1/2 OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SW 1/4, EAST OF THE RAILROAD RIGHT OF WAY AND WEST OF THE WEST RIGHT OF WAY LINE FOR NEW U.S. HIGHWAY NO. 1, SECTION 3, TOWNSHIP 32 SOUTH, RANGE 39 EAST, SAID LAND LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT PART OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, LYING WEST OF THE U.S. HIGHWAY NO. 1/STATE ROAD NO. 5 RIGHT OF WAY (120 FEET), LYING EAST OF THE OLD DIXIE HIGHWAY RIGHT OF WAY (66 FEET), SOUTH OF THE NORTH 10 ACRES OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND NORTH OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, RUN SOUTH 00°18'48" WEST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3 A DISTANCE OF 330.35 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTH 10 ACRES OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE RUN NORTH 89°30'44" WEST, ALONG SAID SOUTH LINE A DISTANCE OF 336.95 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (120 FOOT RIGHT OF WAY) ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; FROM THE POINT OF BEGINNING RUN SOUTH 16°49'33" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 2.14 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE RUN NORTH 89°28'54" WEST ALONG SAID NORTH LINE A DISTANCE OF 415.65 FEET TO THE INTERSECTION WITH THE EASTERLY- RIGHT OF WAY LINE OF OLD DIXIE HIGHWAY (66 FOOT RIGHT OF WAY); THENCE RUN NORTH 15°22'46" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 1.90 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED SOUTH LINE OF THE NORTH 10 ACRES OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3; THENCE RUN SOUTH 89°30'44" EAST ALONG SAID SOUTH LINE A DISTANCE OF 415.53 FEET TO THE POINT OF BEGINNING.

is changed from CL, Limited Commercial District to CG, General Commercial District.

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.

ORDINANCE NO. 2023-\_\_\_\_

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 20<sup>th</sup> day of June, 2023.

This ordinance was advertised in the Press-Journal on the 4th day of June 2023, for a public hearing to be held on the 20<sup>th</sup> day of June, 2023 at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by \_\_\_\_\_, and adopted by the following vote:

Joseph H. Earman, Chairman	_____
Susan Adams, Vice Chairman	_____
Joseph E. Flescher, Commissioner	_____
Deryl Loar, Commissioner	_____
Laura Moss, Commissioner	_____

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

BY: \_\_\_\_\_  
Joseph H. Earman, Chairman

ATTEST BY: \_\_\_\_\_  
Jeffrey Smith, Clerk Of Circuit Court and Comptroller

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
William K. DeBraul, Deputy County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Andrew Sobczak; Interim Community Development Director