

ORDINANCE NO. 2023-_____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE LAND USE MAP DESIGNATION FOR ±1.65 ACRES LOCATED ON THE EAST SIDE US HIGHWAY 1 BETWEEN JACKSON STREET AND 132nd STREET FROM MEDIUM DENSITY (M-1) TO COMMERCIAL INDUSTRIAL(C/I), AMENDING THE FUTURE LAND USE MAP AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Indian River County Comprehensive Plan on February 13, 1990, and

WHEREAS, the County received the subject comprehensive Plan amendment application during its July 2023 amendment submittal window, and

WHEREAS, the Local Planning Agency held a public hearing on this comprehensive plan amendment request on September 28, 2023 after due public notice pursuant to Section 163.3184(11), FS, and

WHEREAS, the Local Planning Agency voted to recommend approval of this comprehensive plan amendment to the Board of County Commissioners, and

WHEREAS, this Comprehensive Plan Amendment meets the criteria established in Chapter 163.3187(1)(c), FS, for small scale development amendments, and

WHEREAS, the Board of County Commissioners of Indian River County held a Comprehensive Plan Amendment Adoption Public Hearing on October 31, 2023 pursuant to Sections 163.3184(11) and 163.3187(2), FS after advertising pursuant to Section 125.66(5), FS;

WHEREAS, the Amendment to the Indian River County Comprehensive Plan identified in Section 2 is hereby adopted as a small-scale development amendment, is less than 50 acres, not an area of critical state concern, and only proposes a land use change to the future land use map for a site-specific small-scale development activity pursuant to Chapter 163.3187(1), of the Florida State Statutes.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Indian River County, Florida, that:

SECTION 1. Comprehensive Plan Amendment

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FROM MEDIUM DENSITY (M-1) TO COMMERCIAL INDUSTRIAL(C/I)

SECTION 2. Amendments to the Comprehensive Plan

The land use designation of the following described property situated in Indian River County, Florida to wit:

That part of Lot 24, lying East of U.S. Highway #1, of TOWN OF WAUREGAN, as described as follows: From a point on the Northeasterly Fleming Grant line in Section 30 of Fleming Grant, at a concrete monument marking the boundary between Lots 25 and 26 of TOWN OF WAUREGAN, run Southwesterly on the boundary between Lots 25 and 26 of TOWN OF WAUREGAN 322.38 feet to the Easterly right of way of U.S. Highway #1 (120 foot highway width); thence run Northwesterly along the Easterly right of way of U.S. Highway No. 1 a distance of 318.03 feet to a Point of Beginning, this being the point at which the boundary of lots 24 and 25 intersect with the Easterly right of way of U.S. Highway No. 1 From said Point of Beginning, continue Northwesterly on said line Easterly right of way a distance of 150 feet; thence run Northeasterly on a line parallel to the Southwesterly boundary between Lots 25 and 26 of TOWN OF WAUREGAN, a distance of 266.16 feet, more or less, to the Fleming Grant line, Thence run Southeasterly along the Northeasterly side of said Lot 24 on the Fleming Grant line, a distance of 148.59 feet to a point marking the boundary of Lots 24 and 25; thence run Southwesterly on the boundary line between Lots 24 and 26 (this line being Parallel to the Southwesterly boundary of Lots 25 and 26 of TOWN OF WAUREGAN) a distance of 283.8 feet to a Point of Beginning.

ALL IN TOWN OF WAUREGAN, Fleming Grant, according to the Plat filed in the Office of the Clerk of the Circuit Court of Brevard County, Florida in Plat Book1, Page 75; and refiled in the office of the Clerk of the Circuit Court of St. Lucie County, Florida, in Plat Book 1, Pages 178 and 179; said land now lying and being in Indian River County, Florida.

Parcel Number: 30-38-21-0000100000024.0

And

Begin at the Easterly Right of way of U.S. Highway #1 where this line intersects with the boundary between Lots 25 and 24 of WAUREGAN (iron pipe), this being the point of beginning; thence run Northeasterly on the boundary between Lots 25 and 24 a distance of 283.8 feet to the intersection with the Fleming Grant line in Section 30 of Fleming Grant, Thence run Southeasterly on a line parallel to the boundary of Lots 25 and 24 of WAUREGAN (same line also parallel to the boundary of Lots 25 and 26 of WAUREGAN), a distance of 298.17 feet more or less, to the intersection with the Easterly right-of-way of U.S. Highway 1 (iron pipe); Thence run Northwesterly along the Easterly right of way of US Highway 1, a distance of 118.03 feet to the Point of Beginning.

ALL IN WAUREGAN, Fleming Grant, according to the Plat filed in the Office of the Clerk of the Circuit Court of Brevard County, Florida in Plat Book1, Page 75; and refiled in the office of the Clerk of the Circuit Court of

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St. Lucie County, Florida, in Plat Book 1, Pages 178 and 179; said land now lying and being in Indian River County, Florida.

Parcel Number: 30-38-21-0000100000025.0

SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, RESERVATIONS AND RESTRICTIONS, IF ANY.

SECTION 3. Repeal of Conflicting Provisions

All previous ordinances, resolutions, or motions of the Board of County Commissioners of Indian River County, Florida, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Severability

It is declared to be the intent of the Board of County Commissioners that, if any provision of this ordinance and therefore the Indian River County Comprehensive Plan Amendment is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

SECTION 5. Effective Date

Unless challenged, the effective date of this ordinance, and therefore, this plan amendment, shall be November 30, 2023. If challenged, the effective date of this ordinance, and therefore, this plan amendment, shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 31st day of October 2023.

This ordinance was advertised in the Press-Journal on the 15th day of October, 2023 for a public hearing to be held on the 31st day of October, 2023, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

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

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BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Joseph H. Earman, Chairman

ATTEST BY: _____
Ryan L. Butler, Clerk of Circuit Court and Comptroller

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

William K. DeBaal, County Attorney

APPROVED AS TO PLANNING MATTERS

Andrew Sobczak, Planning and Development Services Director