

ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FOR APPROXIMATELY ±6.13 ACRES LOCATED NORTH OF 53<sup>RD</sup> STREET AND WEST OF THE FLORIDA EAST COAST RAILROAD AND THE EXISTING CEMEX FACILITY (3150 53<sup>RD</sup> STREET, VERO BEACH, FL 32967) FROM A-1, AGRICULTURAL DISTRICT (UP TO 1 UNIT/5 ACRES), TO IG, GENERAL INDUSTRIAL DISTRICT (Parcel A2); AND ±15.85 ACRES LOCATED NORTH OF 53<sup>RD</sup> STREET AND WEST AND ADJACENT TO SUBJECT PROPERTY 1 FROM A-1, AGRICULTURAL DISTRICT (UP TO 1 UNIT/5 ACRES), TO CH, HEAVY COMMERCIAL DISTRICT (Parcel B1); AND ±4.78 ACRES LOCATED NORTH OF 53<sup>RD</sup> STREET AND WEST AND ADJACENT TO SUBJECT PROPERTY 2 FROM IG, GENERAL INDUSTRIAL DISTRICT, TO CG, GENERAL COMMERCIAL DISTRICT (Parcel B2); 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 A2

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, LYING NORTH OF 53RD STREET RIGHT-OF-WAY, EAST OF INDIAN RIVER FARMS WATER CONTROL DISTRICT LATERAL "H" CANAL RIGHT-OF-WAY, SOUTH OF INDIAN RIVER FARMS WATER CONTROL DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-

ORDINANCE NO. 2020-\_\_\_\_\_

WAY AND WEST OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST RUN NORTH 89°48'53" WEST ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 232.95 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY (A 100 FEET WIDE RIGHT-OF-WAY) AND THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING CONTINUE NORTH 89°48'53" WEST ALONG SAID SOUTH LINE OF SECTION 15 A DISTANCE OF 1929.88 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT LATERAL "H" CANAL (A 160 FEET WIDE RIGHT-OF-WAY); THENCE RUN NORTH 26°42'44" WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 47.69 FEET; THENCE RUN NORTH 04°44'51" WEST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 957.08 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-WAY (A 250 FEET WIDE RIGHT-OF-WAY); THENCE RUN SOUTH 85°30'22" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1799.32 FEET TO THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY; THENCE RUN SOUTH 15°21'44" EAST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 893.59 FEET TO THE POINT OF BEGINNING;

LESS AND EXCEPT THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST RUN NORTH 89°48'53" WEST ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 1108.43 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING CONTINUE NORTH 89°48'53" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1054.53 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT LATERAL "H" CANAL (A 160 FEET WIDE RIGHT-OF-WAY); THENCE RUN NORTH 26°42'44" WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 47.69 FEET; THENCE RUN NORTH 04°44'51" WEST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 957.08 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-WAY (A 250 FEET WIDE RIGHT-OF-WAY); THENCE RUN SOUTH 85°30'22" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1161.57 FEET TO A LINE BEING 284.20 FEET WEST OF, NORMAL TO AND PARALLEL WITH THE EAST BOUNDARY LINE OF THAT CERTAIN PARCEL "FLESHER TO JENKINS" DESCRIBED IN WARRANTY DEED, OFFICIAL RECORDS BOOK 484, PAGE 78, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE RUN SOUTH 00°11'24" WEST ALONG SAID LINE, A DISTANCE OF 908.80 FEET TO THE AFORESAID SOUTH LINE OF SECTION 15 AND POINT OF BEGINNING,

AND LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST RUN NORTH 89°48'53" WEST ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 608.17 FEET AND POINT OF BEGINNING;

ORDINANCE NO. 2020-\_\_\_\_\_

FROM SAID POINT OF BEGINNING RUN NORTH 00°12'50" EAST A DISTANCE OF 402.40' FEET; THENCE RUN NORTH 89°48'36" WEST A DISTANCE OF 216.23 FEET THE EAST BOUNDARY LINE OF THAT CERTAIN DESCRIBED PARCEL ACCORDING TO WARRANTY DEED, OFFICIAL RECORDS BOOK 484, PAGE 78 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE RUN NORTH 00°11'24" EAST ALONG SAID EAST BOUNDARY LINE A DISTANCE OF 484.97 FEET TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-WAY; THENCE RUN SOUTH 85°30'22" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 352.75 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAIL WAY, (100' WIDE RIGHT OF WAY); THENCE RUN SOUTH 15°21'44" EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 893.59 FEET TO THE AFORESAID SOUTH LINE OF SECTION 15; THENCE RUN NORTH 89°48'53" WEST ALONG SAID SOUTH LINE A DISTANCE OF 375.28 FEET TO THE POINT OF BEGINNING;

ALSO LESS AND EXCEPT THE SOUTH 150 FEET FOR 53RD STREET RIGHT-OF-WAY THEREOF.

THE ABOVE DESCRIBED PARCEL CONTAINING 267,170.94 S.F. OR 6.13 ACRES, MORE OR LESS, SUBJECT TO ALL RESTRICTIONS, RESERVATIONS, ABANDONMENTS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD, is changed from A-1, Agricultural District (up to 1 unit per 5 acres) to IG, General Industrial District.

AND

Parcel B1

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, LYING NORTH OF 53RD STREET RIGHT-OF-WAY, EAST OF INDIAN RIVER FARMS WATER CONTROL DISTRICT LATERAL "H" CANAL RIGHT-OF-WAY, SOUTH OF INDIAN RIVER FARMS WATER CONTROL DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-WAY AND WEST OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST RUN NORTH 89°48'53" WEST ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 1108.43 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING CONTINUE NORTH 89°48'53" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1054.53 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT LATERAL "H" CANAL (A 160 FEET WIDE RIGHT-OF-WAY); THENCE RUN NORTH 26°42'44" WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 47.69 FEET; THENCE RUN NORTH 04°44'51" WEST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 957.08 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL

ORDINANCE NO. 2020-\_\_\_\_\_

DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-WAY (A 250 FEET WIDE RIGHT-OF-WAY); THENCE RUN SOUTH 85°30'22" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1161.57 FEET TO A LINE BEING 284.20 FEET WEST OF, NORMAL TO AND PARALLEL WITH THE EAST BOUNDARY LINE OF THAT CERTAIN PARCEL "FLESHER TO JENKINS" DESCRIBED IN WARRANTY DEED, OFFICIAL RECORDS BOOK 484, PAGE 78, PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; THENCE RUN SOUTH 00°11'24" WEST ALONG SAID LINE, A DISTANCE OF 908.80 FEET TO THE AFORESAID SOUTH LINE OF SECTION 15 AND POINT OF BEGINNING;

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST RUN NORTH 89°48'53" WEST ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 2162.77 FEET TO THE EAST RIGHT OF WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT "LATERAL 'H' CANAL", (A 160.00 FEET WIDE RIGHT OF WAY) AND POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN NORTH 26°42'44" WEST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 47.69 FEET; THENCE RUN NORTH 04°44'51" WEST AND CONTINUE ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 957.08 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-WAY (A 250 FEET WIDE RIGHT-OF-WAY); THENCE RUN SOUTH 85°30'22" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 296.14 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 15; THENCE RUN SOUTH 01°27'41" WEST ALONG SAID WEST LINE A DISTANCE OF 974.06 FEET TO THE AFORESAID SOUTH LINE OF SECTION 15; THENCE RUN NORTH 89°48'53" WEST ALONG SAID SOUTH LINE A DISTANCE OF 169.75 FEET TO THE AFORESAID EAST RIGHT OF WAY LINE OF "LATERAL 'H' CANAL" AND POINT OF BEGINNING;

AND LESS AND EXCEPT THE SOUTH 150 FEET FOR 53RD STREET RIGHT-OF-WAY THEREOF.

THE ABOVE DESCRIBED PARCEL CONTAINING 690,421.16 S.F. OR 15.85 ACRES, MORE OR LESS, SUBJECT TO ALL RESTRICTIONS, RESERVATIONS, ABANDONMENTS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD, is changed from A-1, Agricultural District (up to 1 unit per 5 acres) to CH, Heavy Commercial District.

AND

Parcel B2

A PARCEL OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, LYING NORTH OF 53RD STREET RIGHT-OF-WAY, EAST OF INDIAN RIVER FARMS WATER CONTROL DISTRICT LATERAL "H" CANAL RIGHT-OF-WAY, SOUTH OF INDIAN RIVER FARMS WATER CONTROL DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-

ORDINANCE NO. 2020-\_\_\_\_\_

WAY AND WEST OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 32 SOUTH, RANGE 39 EAST RUN NORTH 89°48'53" WEST ALONG THE SOUTH LINE OF SAID SECTION 15 A DISTANCE OF 2162.77 FEET TO THE EAST RIGHT OF WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT "LATERAL 'H' CANAL", (A 160.00 FEET WIDE RIGHT OF WAY) AND POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN NORTH 26°42'44" WEST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 47.69 FEET; THENCE RUN NORTH 04°44'51" WEST AND CONTINUE ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 957.08 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE INDIAN RIVER FARMS WATER CONTROL DISTRICT "NORTH RELIEF CANAL" RIGHT-OF-WAY (A 250 FEET WIDE RIGHT-OF-WAY); THENCE RUN SOUTH 85°30'22" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 296.14 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 15; THENCE RUN SOUTH 01°27'41" WEST ALONG SAID WEST LINE A DISTANCE OF 974.06 FEET TO THE AFORESAID SOUTH LINE OF SECTION 15; THENCE RUN NORTH 89°48'53" WEST ALONG SAID SOUTH LINE A DISTANCE OF 169.75 FEET TO THE AFORESAID EAST RIGHT OF WAY LINE OF "LATERAL 'H' CANAL" AND POINT OF BEGINNING;

LESS AND EXCEPT THE SOUTH 150 FEET FOR 53RD STREET RIGHT-OF-WAY THEREOF.

THE ABOVE DESCRIBED PARCEL 'B2' CONTAINING 208,110.59 S.F. OR 4.78 ACRES, MORE OR LESS, SUBJECT TO ALL RESTRICTIONS, RESERVATIONS, ABANDONMENTS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD, is changed from IG, General Industrial 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.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 11<sup>th</sup> day of February, 2020.

This ordinance was advertised in the Press-Journal on the 26<sup>th</sup> day of January 2020, for a public hearing to be held on the 11<sup>th</sup> day of February, 2020 at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by \_\_\_\_\_, and adopted by the following vote:

ORDINANCE NO. 2020-\_\_\_\_\_

Susan Adams, Chairman \_\_\_\_\_  
Joseph E. Flescher, Vice Chairman \_\_\_\_\_  
Tim Zorc, Commissioner \_\_\_\_\_  
Peter D. O'Bryan, Commissioner \_\_\_\_\_  
Bob Solari, Commissioner \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

BY: \_\_\_\_\_  
Susan Adams, 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. DeBaal, Deputy County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Phil Matson, AICP; Community Development Director