

ORDINANCE NO. 2025-\_\_\_\_

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FOR APPROXIMATELY 5.70 ACRES LOCATED AT THE TERMINUS OF 73<sup>RD</sup> STREET AND OLD DIXIE HIGHWAY, WEST OF 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 of approval 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:

A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 LYING EAST OF OLD U.S. #1, IN SECTION 3, TOWNSHIP 32 SOUTH, RANGE 39 EAST, SAID LAND LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 3, RUN S00°02'40"W, ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO.1, FOR A DISTANCE OF 136.40 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

FROM THE POINT OF BEGINNING, CONTINUE S00°02'40"W, ALONG SAID WEST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 164.94 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 185.00 FEET, A CHORD BEARING OF S17°52'07"W, AND A CHORD LENGTH OF 114.34 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THE SAME BEING THE WEST RIGHT-

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OF-WAY LINE OF 39TH AVENUE, THROUGH A CENTRAL ANGLE OF 36°00'06", FOR AN ARC DISTANCE OF 116.24 FEET TO A POINT; THENCE CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF 39TH AVENUE, RUN N89°34'20"E FOR DISTANCE OF 10.00 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, RUN S00°02'40"W FOR A DISTANCE OF 280.65 FEET TO A POINT; THENCE DEPART SAID WEST RIGHT-OF-WAY LINE AND RUN N89°46'50"W FOR A DISTANCE OF 306.21 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OLD DIXIE HIGHWAY (OLD U.S. HIGHWAY NO.1), THENCE RUN N25°53'15"W FOR A DISTANCE OF 615.90 FEET TO A POINT; THENCE DEPART SAID EAST RIGHT-OF-WAY LINE AND RUN S89°54'42"E FOR A DISTANCE OF 600.54 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS APPROXIMATELY 5.70 ACRES (248,456.6 SQ./FT.) MORE OR LESS, and 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.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this \_\_\_\_ day of \_\_\_\_\_, 2025.

This ordinance was advertised in the Press-Journal on the 29<sup>th</sup> day of December 2024, for a public hearing to be held on the 14<sup>th</sup> day of January 2025 at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

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

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

BY: \_\_\_\_\_  
Joseph E. Flescher, Chairman

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

BY Deputy Clerk: \_\_\_\_\_

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
Jennifer W. Shuler, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Christopher Balter, Planning & Development Services Director