

ORDINANCE NO. 1747 - 2019

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING CLASSIFICATION FROM THE C2 (GENERAL COMMERCIAL) DISTRICT AND THE M1 (GENERAL INDUSTRIAL) DISTRICT TO THE RMU (REDEVELOPMENT MIXED USE) DISTRICT IN PLANNING DISTRICT 5 OF APPROXIMATELY 22.068 ACRES LOCATED AT 190 BARTON BOULEVARD, IN THE CITY OF ROCKLEDGE, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF ROCKLEDGE TO REFLECT THE CHANGE OF ZONING AFFECTED BY THIS ORDINANCE; DIRECTING THE CITY MANAGER TO FORTHWITH CAUSE THE APPROPRIATE DESIGNATION TO BE MADE ON THE FACE OF THE OFFICIAL CITY ZONING MAP INDICATING THE NEW ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN THIS ORDINANCE; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

WHEREAS, Application ZDA-19-02 was made by HUTTON ROCKLEDGE, LLC, by its AGENT, BERRY ENGINEERS, LLC, to the City Council of the City of Rockledge, Florida, to change the zoning classification of the real property herein described from the C2 (GENERAL COMMERCIAL) District and the M1 (GENERAL INDUSTRIAL) District to the RMU (REDEVELOPMENT MIXED USE) District; and

WHEREAS, the Rockledge City Council referred said application to the Rockledge Planning Commission for its review and recommendations as to the relationship of the proposed rezoning to the Rockledge Comprehensive Plan, and after a public hearing, with due public notice, said Planning Commission

rendered its report and recommendations to the City Council, which recommended approval of the requested changes; and

WHEREAS, after considering the aforesaid application for rezoning, and the recommendations of the Planning Commission, and after hearing the property owners, parties in interest, and all citizens wishing to present their views relative to said proposed zoning change, the Rockledge City Council has determined that the requested rezoning to the RMU (REDEVELOPMENT MIXED USE) District is consistent with the Rockledge Comprehensive Plan and should be granted in this instance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:

SECTION 1. That the zoning classification of the following described real property located in the City of Rockledge, County of Brevard, State of Florida, be and the same is hereby changed from the C2 (GENERAL COMMERCIAL) District and the M1 (GENERAL INDUSTRIAL) District to the RMU (REDEVELOPMENT MIXED USE) District; to wit:

SEE EXHIBIT "A"

SECTION 2. That the zoning ordinance of the City of Rockledge and the official zoning map referred to therein, and any amendments to said Ordinance and zoning map to the extent that the same specifically zone the real property herein described, be and the same are hereby amended to provide and show the zoning change made by this Ordinance, and the Rockledge

City Manager is directed to forthwith designate on the face of said official zoning map the new zoning classification of the property described in this Ordinance.

SECTION 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

SECTION 4. This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the Rockledge City Council.

ADOPTED at a regular meeting of the City Council of the City of Rockledge, Florida, this _____ day of _____, 2019.

Chairman, City Council of the
City of Rockledge, Florida

ATTEST:

City Clerk

1st Reading: 07/17/2019_____

2nd Reading: _____

EXHIBIT "A"

PROPERTY DESCRIPTION

PARCEL I:

THAT PORTION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 36 EAST, AS DESCRIBED IN OFFICIAL RECORD BOOK 4424, PAGE 1018 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 4; THENCE RUN SOUTH 89°58'24" EAST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 4, SAME LINE BEING THE NORTH LINE OF A 50 FOOT WIDE DRAINAGE RIGHT-OF-WAY, AS SHOWN ON THE PLAT OF CASA LOMA, AS RECORDED IN PLAT BOOK 30, PAGE 8 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, FOR 1277.40 FEET, TO THE WEST LINE OF THE FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY; THENCE RUN SOUTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE, ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2914.79 FEET, THROUGH A CENTRAL ANGLE OF 08°57'14", FOR 455.51 FEET TO THE SOUTHEASTERLY CORNER OF LOT 24 OF SAID PLAT OF CASA LOMA; THENCE RUN SOUTH 53°40'00" WEST, ALONG THE SOUTH LINE OF SAID LOT 24, BLOCK "A" FOR 195.60 FEET, TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°00'03" WEST, FOR 157.89 FEET; THENCE RUN SOUTH 37°08'52" EAST, FOR 384.19 FEET; THENCE RUN SOUTH 00°12'18" WEST, FOR 326.62 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BARTON BOULEVARD (A 100 FOOT RIGHT-OF-WAY) AS RECORDED IN OFFICIAL RECORD BOOK 708, PAGE 226 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN NORTH 89°55'21" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 40.06 FEET; THENCE RUN NORTH 00°04'39" EAST, A DISTANCE OF 135.00 FEET; THENCE RUN NORTH 44°55'21" WEST, A DISTANCE OF 21.21 FEET; THENCE RUN NORTH 89°55'21" WEST, A DISTANCE OF 345.00 FEET; THENCE RUN SOUTH 00°04'39" WEST, A DISTANCE OF 150.00 FEET TO A POINT ON AFORESAID NORTHERLY RIGHT-OF-WAY LINE; THENCE RUN NORTH 89°55'21" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 165.91 FEET; THENCE RUN NORTH 00°04'39" EAST, A DISTANCE OF 155.00 FEET; THENCE RUN NORTH 44°55'21" WEST, A DISTANCE OF 21.21 FEET; THENCE RUN NORTH 89°55'21" WEST, A DISTANCE OF 185.33 FEET, THENCE RUN SOUTH 45°04'39" WEST, A DISTANCE OF 21.21 FEET; THENCE RUN SOUTH 00°04'39" WEST, A DISTANCE OF 155.00 FEET TO A POINT ON AFORESAID NORTHERLY RIGHT-OF-WAY LINE; THENCE RUN NORTH 89°55'21" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 55.00 FEET; THENCE RUN NORTH 00°04'39" EAST, A DISTANCE OF 158.08 FEET; THENCE RUN NORTH 44°16'51" WEST, A DISTANCE OF 18.42 FEET; THENCE RUN NORTH 74°12'13" WEST, A DISTANCE OF 106.28 FEET, THENCE RUN NORTH 89°55'21" WEST, A DISTANCE OF 100.05 FEET; THENCE RUN SOUTH 00°04'07" WEST, A DISTANCE OF 200.05 FEET TO A POINT ON AFORESAID NORTHERLY RIGHT-OF-WAY LINE; THENCE RUN NORTH 89°55' 21" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 342.41 FEET; THENCE RUN NORTH 00°12'29" WEST, A DISTANCE OF 723.12 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF CASA LOMA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 8 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES (1) RUN NORTH 89°57'06" EAST, A DISTANCE OF 642.50 FEET, (2) THENCE RUN NORTH 00°15'06" WEST, A DISTANCE OF 128.24 FEET; (3) THENCE RUN NORTH 90°00'00" EAST, A DISTANCE OF 523.76 FEET TO THE SOUTHEAST CORNER OF LOT 25, BLOCK "A" OF SAID PLAT OF CASA LOMA; (4) THENCE RUN SOUTH 00°00'03" WEST, A DISTANCE OF 62.89 FEET TO THE POINT OF BEGINNING.

PARCEL "D":

A PARCEL OF LAND LYING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 4; THENCE RUN SOUTH 89°58'24" EAST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 4, SAME LINE BEING THE NORTH LINE OF A 50 FOOT WIDE DRAINAGE RIGHT-OF-WAY, AS SHOWN ON THE PLAT OF CASA LOMA, AS RECORDED IN PLAT BOOK 30, PAGE 8 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, FOR 1277.40 FEET TO THE WEST LINE OF THE FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY; THENCE RUN SOUTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE, ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2914.79 FEET, THROUGH A CENTRAL ANGLE OF 08°57'14" FOR 455.51 FEET TO THE SOUTHEASTERLY CORNER OF LOT 24 OF SAID PLAT OF CASA LOMA; THENCE RUN SOUTH 53°40'00" WEST, ALONG THE SOUTH LINE OF SAID LOT 24, BLOCK "A", A DISTANCE OF 195.60 FEET; THENCE RUN SOUTH 00°00'03" WEST, A DISTANCE OF 157.89 FEET; THENCE RUN SOUTH 37°08'52" EAST, FOR 384.19 FEET; THENCE RUN SOUTH 00°12'18" WEST, A DISTANCE OF 326.62 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BARTON BOULEVARD AS RECORDED IN OFFICIAL RECORD BOOK 708, PAGE 226 OF THE PUBLIC RECORDS OF

EXHIBIT A

BREVARD COUNTY, FLORIDA; THENCE RUN NORTH 89°55'21" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 190.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°55'21" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 210.00 FEET; THENCE RUN NORTH 00°04'39" EAST, A DISTANCE OF 150.00 FEET, THENCE RUN SOUTH 89°55'21" EAST, A DISTANCE OF 210.00 FEET; THENCE RUN SOUTH 00°04'39" WEST, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 4, THENCE RUN SOUTH 89°58'24" EAST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 4, SAME LINE BEING THE NORTH LINE OF A 50 FOOT WIDE DRAINAGE RIGHT OF WAY, AS SHOWN ON THE PLAT OF CASA LOMA, AS RECORDED IN PLAT BOOK 30, PAGE 8 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 1277.40 FEET TO A POINT ON THE WEST LINE OF THE FLORIDA EAST COAST RAILROAD RIGHT OF WAY, SAID POINT BEING ON A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 2914.79 FEET (A RADIAL LINE TO THE CENTER OF SAID CURVE BEARS NORTH 66°30'57" EAST), THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°57'14", A DISTANCE OF 455.51 FEET TO THE SOUTHEASTERLY CORNER OF LOT 24 OF SAID PLAT OF CASA LOMA; THENCE RUN SOUTH 53°40'00" WEST, ALONG THE SOUTH LINE OF SAID LOT 24, BLOCK "A", A DISTANCE OF 195.60 FEET; THENCE RUN SOUTH 00°00'03" WEST, A DISTANCE OF 157.89 FEET; THENCE RUN SOUTH 37°08'52" EAST, FOR 384.19 FEET; THENCE RUN SOUTH 00°12'18" WEST, A DISTANCE OF 325.62 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BARTON BOULEVARD AS RECORDED IN OFFICIAL RECORD BOOK 708, PAGE 226 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN NORTH 89°55'21" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 836.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°55'21" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 215.20 FEET; THENCE RUN NORTH 00°04'07" EAST, A DISTANCE OF 200.05 FEET; THENCE RUN SOUTH 89°55'21" EAST, A DISTANCE OF 100.05 FEET; THENCE RUN SOUTH 74°12'13" EAST, A DISTANCE OF 106.28 FEET; THENCE RUN SOUTH 44°16'51" EAST, A DISTANCE OF 18.42 FEET; THENCE RUN SOUTH 00°04'39" WEST, A DISTANCE OF 158.08 FEET TO THE POINT OF BEGINNING.

RADIUS MAP
HUTTON ROCKLEDGE LLC
 berry500

