

ORDINANCE NO. 1746 - 2019

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, CHANGING THE ZONING CLASSIFICATION FROM THE R2 (SINGLE FAMILY DWELLING) DISTRICT TO THE C2 (GENERAL COMMERCIAL) DISTRICT IN PLANNING DISTRICT 4 OF APPROXIMATELY 1.13 ACRES LOCATED AT 805 SOUTH FISKE BOULEVARD, IN THE CITY OF ROCKLEDGE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE; INCLUDING A REVERSION PROVISION FROM THE C2 (GENERAL COMMERCIAL) DISTRICT BACK TO THE R2 (SINGLE FAMILY DWELLING) DISTRICT SHOULD THE USE OF THE PROPERTY CEASE TO BE UTILIZED AS A HOUSE OF WORSHIP; 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 EXHIBIT "A" OF 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-19-01 was made by MR. EDWARD BOUEY and MR. HANSEL BELL as the PROPERTY OWNERS and MR. EDWARD E MORRIS SR. as their AGENT, for the FISKE BOULEVARD CHURCH OF CHRIST, to the City Council of the City of Rockledge, Florida, to change the zoning classification of the real property described in EXHIBIT "A" of this Ordinance from the R2 (SINGLE FAMILY DWELLING) District to the C2 (GENERAL COMMERCIAL) 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 C2 (GENERAL COMMERCIAL) District is consistent with the Rockledge Comprehensive Plan and should be granted in this instance, with the inclusion of a provision that should the property cease being utilized as a house of worship, the zoning on the property shall revert to the original zoning of the R2 (SINGLE FAMILY DWELLING) District.

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 real property described in EXHIBIT "A" of this Ordinance, located in the City of Rockledge, County of Brevard, State of Florida, be and the same is hereby changed from the R2 (SINGLE FAMILY DWELLING) District to the C2 (GENERAL COMMERCIAL) District, to wit:

SEE EXHIBIT "A"

SECTION 2. Should the property described in this Ordinance ever cease to be used for a house of worship for a period of more than ninety (90) days, the zoning on said property shall, without further action of the City, revert to its prior zoning of the R2 (SINGLE FAMILY DWELLING) District.

SECTION 3. 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 "EXHIBIT A" of this Ordinance.

SECTION 4. 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 5. This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the 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: 04/03/2019

2nd Reading: _____

EXHIBIT "A"

The legal description of Property at 805 S. Fiske Boulevard in Rockledge, Florida:

Parcel No. 1: Lot 20 and the South half of lot 21, as shown is vacated plat book 5, page 10, Replat of Block 26, Virginia Park, Plat Book 8, Page 39, Public Records of Brevard County, Florida. Parcel No. 3, the East 27.8 feet of lot 2 and all lots 3, 4, and 5, as shown in vacated Plat Book 5, Page 10, Plat Book 26, Virginia Park, Plat Book 8, Page 39, Public Records of Brevard County, Florida. This conveyance is subject to taxes for the year 1073 and subsequent years, restrictions and easements of records affecting said property, and Parcel No. 1, subject to mortgage to Minnie Mae King, Recorded in Official Record Book 1010, page 365, Public records of Brevard of Brevard County, Florida, securing the original sum of 9,500.00. Parcel No. 2 subject to mortgage to First Federal Savings and Loan Association of Cocoa, recorded in Official Records Book 82, 450, Public records of Brevard County, Florida, securing the original sum of \$38,500.00 and the guarantees assume and pay the balances due an said mortgages as a part of the purchase price of said property.

Description from Survey: East 27.8' of Lot 2, ALL OF LOTS 3, 4, 5, 6, North 22' of Lot 7, & Lots 20, 21, 22, 23, 24 AND 25, BLOCK 26, Virginia Park, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGE 10, INCLUSIVE, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

Parcel ID Number: 24-36-32-76-2 as assigned by Brevard County, Florida

EXHIBIT A