

## ORDINANCE NO. 2010-11

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF PALM BAY BY CHANGING THE ZONING OF PROPERTY FROM HC (HIGHWAY COMMERCIAL DISTRICT) AND RM-10 (SINGLE-, TWO-, MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO RM-20 (MULTIPLE FAMILY RESIDENTIAL DISTRICT); WHICH PROPERTY IS LOCATED EAST AND WEST OF U.S. HIGHWAY NO. 1, ADJACENT TO PARK LANE, AND LEGALLY DESCRIBED HEREIN; PROVIDING FOR A CHANGE OF THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:**

**SECTION 1.** The Zoning Ordinance of the City of Palm Bay, Brevard County, Florida, is hereby amended to provide for the rezoning of property from HC (Highway Commercial District) and RM-10 (Single-, Two-, Multiple-Family Residential District) to RM-20 (Multiple Family Residential District), being legally described as follows:

A portion of Lots 2 and 3, lying east of the Florida East Coast Railroad, of Valentine Estates, as recorded in Plat Book 1, Page 67, of the Public Records of Brevard County, Florida, being more particularly described as follows:

From the southwest corner of Lot 3, Valentine Estates, said point also being the southwest corner of the northeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 14, Township 28S, Range 37E, Brevard County, Florida; run N  $00^{\circ}52'26''$  W along the west line of said Lot 3 and of said northeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  a distance of 915.00 feet; thence N  $89^{\circ}15'34''$  E along the north line of the south 35.00 feet of Lot 2, Valentine Estates, 810.73 feet to the east right-of-way of Florida East Coast Railroad, this being the Point of Beginning; thence continue N  $89^{\circ}15'34''$  E, 482.13 feet thence S  $00^{\circ}26'26''$  E, 80.00 feet; thence N  $89^{\circ}15'34''$  E, 663.58 feet to the Indian River, thence S  $19^{\circ}34'02''$  E, along said Indian River 126.77 feet; thence S  $89^{\circ}15'34''$  W, 1091.07 feet to the east right-of-way of Florida East Coast Railroad; thence N  $26^{\circ}10'42''$  W along said right-of-way 221.46 feet to the Point of Beginning, less U.S. Highway No. 1 and drainage right-of-way, more or less. Subject to a 15.00 foot utility easement across west end.

Together with:

A portion of land lying in Sections 13 and 14, Township 28S, Range 37E, being a part of lands described in Official Records Book 3688, Page 1512, of the Public Records of Brevard County, Florida, being more particularly described as follows:

Begin at the intersection of the west right-of-way line of U.S. Highway No. 1 and the north line of the south 715.00 feet of Lot 3, as recorded in Plat Book 1, Page 67, of the Public Records of Brevard County, Florida, and run N  $90^{\circ}00'00''$  W, a distance of 910.34 feet to the

east right-of-way line of the Florida East Coast Railroad; thence run S 25°27'55" E along said right-of-way line, a distance of 110.74 feet; thence run S 89°59'54" E, a distance of 748.01 feet; thence run N 00°00'00" E, a distance of 78.00 feet; thence run N 90°00'00" E, a distance of 124.51 feet to the aforementioned west right-of-way line; thence run N 23°58'50" W, a distance of 24.08 feet to the Point of Beginning.

Together with:

A portion of land lying in Section 13, Township 28S, Range 37E, being more particularly described as follows:

Commence at the intersection of the west right-of-way line of U.S. Highway No. 1 and the north line of the south 715.00 feet of Lot 3, as recorded in Plat Book 1, Page 67, of the Public Records of Brevard County, Florida, and run S 23°58'50" E, a distance of 24.08 feet to the Point of Beginning; thence continue S 23°58'50" E, a distance of 85.34 feet; thence run S 89°59'31" W, a distance of 159.19 feet; thence run N 00°00'00" E, a distance of 78.00 feet; thence run N 90°00'00" E, a distance of 124.51 feet to the Point of Beginning.

And

A portion of land lying in Section 13, Township 28S, Range 37E, being more particularly described as follows:

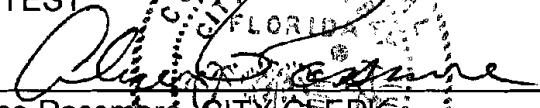
Commence at the intersection of the west right-of-way line of U.S. Highway No. 1 and the north line of the south 715.00 feet of Lot 3, as recorded in Plat Book 1, Page 67, of the Public Records of Brevard County, Florida, and run S 23°58'50" E, a distance of 109.42 feet to the Point of Beginning; thence continue S 23°58'50" E, a distance of 107.60 feet; thence run S 89°59'31" W, a distance of 201.13 feet; thence run N 00°48'52" E, a distance of 98.92 feet; thence run N 89°15'31" E, a distance of 155.99 feet to the Point of Beginning; containing 5.97 acres, more or less.

**SECTION 2.** The Zoning Map of the City of Palm Bay is hereby revised to reflect this amendment.

**SECTION 3.** The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2010-07, held on April 1, 2010; and read in title only and duly enacted at Meeting No. 2010-09, held on April 22, 2010.

ATTEST:

  
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Alice Passmore, CITY CLERK

  
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John J. Mazziotti, MAYOR

