

## ORDINANCE NO. 540

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, FOR REZONING OF A PARCEL OF LAND OWNED BY LUTGERT VERO, LLC, FULLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR LAND USE OF PLANNED RESIDENTIAL DEVELOPMENT (PRD) WITH ZONING OF PRD AS DEFINED IN SECTION 160.11 OF THE TOWN'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, LUTGERT VERO LLC, a Florida limited liability company, (hereinafter referred to as "Lutgert") is the owner of the real property (hereinafter referred to as the "parcel") described herein and which is the subject of this request for rezoning to Planned Residential Development (PRD). Lutgert has filed a Development Plan with the Town which is in compliance with the Town's Land Development Code for PRDs; and

**WHEREAS**, the Development Plan has been approved by the Planning, Zoning & Variance Board and by the Town Council; and

**WHEREAS**, to be fully effective, the land zoning classification must be changed from R2A Multi-Family Residential to PRD (Planned Residential Development); and

**WHEREAS**, it is in the best interests of the Town and for the Town residents to approve the Development Plan and the rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AS FOLLOWS:

**SECTION 1.** The parcel of land to which this ordinance applies is described as follows:

**The South one-half of Government Lot 9 less the North 620 feet thereof, and Government Lot 10 less the South 1070.63 feet thereof all in Section 19, Township 32 South, Range 40 East and lying east of State Road A-1-A; also the North 320 feet of the South 1390.63 feet of Government Lot 1, lying west of the East 10.69 acres of said Government Lot 1, Section 20, Township 32 South, Range 40 East, Indian River County, Florida, being more particularly described as follows:**

**Beginning at the Southwesterly corner of Pebble Beach Development No. 2, according to the plat filed in Plat Book 7, Page 83A, Public Records of said Indian River County and running thence N 89 degrees 53' 24" E, 421.88 feet along the South boundary of said Pebble Beach Development No. 2; thence run S 0 degrees, 06' 36" E 20.00 feet along said South boundary; thence run N 89 degrees, 53' 24" E, 344.28 feet to the Southeast corner of Pebble Beach Development No. 2; thence S 0 degrees 22' 34" W, 320 feet along the West boundary of the East 10.69 acres of said Government Lot 1, Section 20, Township 32 South, Range 40 East; thence S 89 degrees 53' 24" W, 654.33 feet, more or less, to the Easterly right of way of State Road A-1-A; thence N 17 degrees 54' 12" W, 357.06 feet more or less to the Point of Beginning.**

**LESS AND EXCEPT the Southerly most five (5) feet reserved for pedestrian walkway.**

**Lying and being in Indian River County, Florida.**

**SECTION 2.** The Development Plan filed with the rezoning request is made a condition of rezoning to Planned Residential Development (PRD) and construction on the site shall be in conformity with the filed Development Plan.

**SECTION 3.** Upon completion of the rezoning, the Town's zoning map and the Town Comprehensive Plan shall be modified to reflect the change in zoning.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5.** If any provision of this ordinance or the application hereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions.

**SECTION 6.** This Ordinance shall take effect upon its final reading and approval.

1<sup>st</sup> Reading: June 28, 2018

Published: July 13, 2018

PASSED AND ADOPTED upon second and final reading at a regular meeting of the Town Council of the Town of Indian River Shores, Florida, on the 26<sup>th</sup> day of July, 2018.

By:

/s \_\_\_\_\_

Thomas F. Slater, Mayor

Attest: /s \_\_\_\_\_

Laura Aldrich, Town Clerk