

ORDINANCE NO. 26-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA, APPENDIX A, ARTICLE XIX, SECTION 2, RELATING TO THE MEETING SCHEDULE OF THE PLANNING AND ZONING BOARD; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Cocoa is granted the authority, under Section 2(b), Art. VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Appendix A, *Zoning*, Article XIX, *Planning and Zoning Board*, Section 2, *Meetings; records*, of the Zoning Ordinance of the City of Cocoa, Florida, sets forth the meeting schedule for the City of Cocoa Planning and Zoning Board; and

WHEREAS, the City desires to remove the provision of Section 2 requiring meetings of the Planning and Zoning Board to be held on the second Wednesday of each month to provide instead that meetings may be held pursuant to a regular schedule established by the Board; and

WHEREAS, the City Council of the City of Cocoa, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:

Section 1.0 Recitals. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

Section 2.0 Amendment. The City of Cocoa Code of Ordinances Appendix A, Zoning, Article XIX, Section 2, is hereby amended as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Appendix A, Zoning, Article XIX, Section 2. It is intended that the text in Appendix A, Zoning, Article XIX, denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

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APPENDIX A – ZONING

* * *

ARTICLE XIX. – PLANNING AND ZONING BOARD

* * *

Sec. 2. – Meetings; records.

~~The planning and zoning board shall hold regular meetings on the second Wednesday of each month, and special meetings at such times as the board may determine or at the call of the chairman thereof, or the planning supervisor for the consideration of business before the board.~~

The planning and zoning board shall establish a schedule of regular meetings at such intervals as the board may determine, but not less frequently than once every month. Special meetings may be convened by the chairperson, or vice-chairperson in the absence of the chairperson, upon giving at least twenty-four (24) hours' notice to the members of the board. A meeting may also be called by written notice signed by three (3) members of the board. The board at any hearing or meeting may schedule a future hearing or meeting date.

* * *

Section 3.0 Incorporation Into Code. This Ordinance shall be incorporated into the City Code of the City of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 4.0 Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent Ordinances and Resolutions adopted by the City Council, or parts of prior Ordinances and Resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 5.0 Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6.0 Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the ____ day of _____, 2023.

MICHAEL C. BLAKE, Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

Legal Ad Published: _____
First Reading: _____
Legal Ad Published: _____
Effective Date: _____