

ORDINANCE NO. 22-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 212.10 ACRES, MORE OR LESS, AND GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF INTERSTATE 95 AND STATE ROAD 528, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY GENERAL USE (GU) TO CITY OF COCOA PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City 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, the City of Cocoa annexed the subject property via Ordinance 31-2004 on August 24, 2004; and

WHEREAS, the City of Cocoa approved Ordinance 10-2005 to rezone the subject property from Brevard County General Use (GU) to City of Cocoa Planned Unit Development (PUD) in May 2005, which expired on its own terms because a final development plan was never approved by the City Council as required by Appendix A, Zoning, Article XI, Section 17; and

WHEREAS, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; and

WHEREAS, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, the Planning and Zoning Board, citizens, and all interested parties submitting comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Cocoa Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; 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. Recitals. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

Section 2. Zoning Map Amendment. That the Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County General Use (GU) to City of Cocoa Planned Unit Development (PUD) for the real property depicted and legally described on **Exhibit A**, attached hereto and incorporated herein by this reference, in accordance with the final development plan as kept on file with the City of Cocoa in File No. _____ and the Settlement Implementation Agreement dated July 26, 2022, recorded in the Official Records of Brevard County at Book 9571, Page 2808. City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

Section 3. 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 4. 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 5. 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: _____

EXHIBIT A

Legal Description of Real Property

A PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 10, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, RUN THENCE NORTH 00°15'06" WEST, A DISTANCE OF 50.00 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF JAMES ROAD, A 50 FOOT DEDICATED STREET, THENCE NORTH 89°44'07" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF JAMES ROAD, A DISTANCE OF 2113.38 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 9 (INTERSTATE 95), THENCE NORTH 18°18'53" WEST ALONG THE SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 9 (INTERSTATE 95), A DISTANCE OF 109.59 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 3725.72 FEET, A CENTRAL ANGLE OF 18°07'00", THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1178.06 FEET, THENCE NORTH 00°11'53" WEST, A DISTANCE OF 205.36 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 528 (ALSO KNOWN AS THE "BEELINE EXPRESSWAY" FORMERLY KNOWN AS STATE ROAD NO. 524) AND A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 600.49 FEET A CENTRAL ANGLE OF 56°36'47", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 593.34 FEET, THENCE NORTH 56°24'54" EAST, A DISTANCE OF 1093.61 FEET, TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 600.49 FEET, A CENTRAL ANGLE OF 32°11'38", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 337.41 FEET, THENCE NORTH 88°36'31" EAST, A DISTANCE OF 1179.23 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 5579.58 FEET, A CENTRAL ANGLE OF 16°24'08", THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 1597.28 FEET, THENCE SOUTH 74°59'21" EAST A DISTANCE OF 774.87 FEET, TO A POINT ON THE EAST LINE OF SAID SECTION 10, THENCE SOUTH 00°04'36" EAST ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 1056.66 FEET, THENCE NORTH 89°52'22" WEST, A DISTANCE OF 668.67 FEET, THENCE SOUTH 00°07'14" EAST, A DISTANCE OF 1273.27 FEET, TO A POINT ON THE AFOREMENTIONED JAMES ROAD, A 50 FEET DEDICATED STREET, THENCE NORTH 89°51'39" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 2003.09 FEET, TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PARCEL CONVEYED BY ORDER OF TAKING IN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED FEBRUARY 8, 2008 IN OFFICIAL RECORDS [BOOK 5843, PAGE 351](#), OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AND ALSO LESS AND EXCEPT LANDS DESCRIBED IN DEEDS TO BREVARD COUNTY PROPERTY HOLDINGS, LLC AS RECORDED IN OFFICIAL RECORDS [BOOK 7000, PAGE 2377](#) AND OFFICIAL RECORDS [BOOK 7434, PAGE 1216](#) OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

Depiction of Real Property