

**ORDINANCE NO. 23-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF A PORTION OF ONE (1) PARCEL OF REAL PROPERTY, THAT PORTION TOTALING 1.002 ACRES, MORE OR LESS, AND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF GRIMES STREET AND FORREST AVENUE AT 825 FORREST AVENUE, COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT “A” ATTACHED HERETO, FROM INSTITUTIONAL (INST) TO MULTIPLE-FAMILY DWELLING (RU-2-15); 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 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 the City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Institutional (INST) to Multiple-Family Dwelling (RU-2-15) for the portion of the real property depicted and legally described on **Exhibit “A,”** attached hereto and incorporated herein by this reference. City Staff are 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: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

## EXHIBIT A

### LEGAL DESCRIPTION AND DEPICTION

#### Legal Description of Subject Property:

##### *LEGAL DESCRIPTION:*

*AN EASEMENT ACROSS A PART OF PARCEL 24-36-28-76-A, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*BEGIN AT THE NORTHEAST CORNER OF LOT 27, FOREST HILL SUBDIVISION, AS RECORDED IN PLAT BOOK 10, PAGE 48, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDMA; THENCE N 89°23'10" E ALONG THE NORTH LINE OF PARCEL 24-36-28-76-A, A DISTANCE OF 216.54'; THENCE S 00°42'55" E A DISTANCE OF 165.49'; THENCE S 88°34'37" W A DISTANCE OF 52.41'; THENCE S 00°42'55" E A DISTANCE OF 103.20'; THENCE S 88°34'37" W A DISTANCE OF 72.47'; THENCE N 00°42'55" W A DISTANCE OF 103.20'; THENCE S 88°34'37" W A DISTANCE OF 91.68'; THENCE N 00°42'55" W A DISTANCE OF 168.55 TO THE POINT OF BEGINNING.*

*HAVING AN AREA OF 43644.4 SQUARE FEET, 1.002 ACRES*

*BEARINGS BASED ON NORTH AMERICAN DATUM OF 1983*

Depiction of Subject Property:

