

**ORDINANCE NO. 15-2023**

**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 6.61 ACRES, MORE OR LESS, AND GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH RANGE ROAD AND KATHI KIM STREET, AND WEST OF CLEARLAKE ROAD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY MEDIUM-DENSITY MULTIPLE-FAMILY RESIDENTIAL (RU-2-10) TO CITY OF COCOA 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 Brevard County RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple-Family Dwelling), with the condition that the real property shall not exceed a maximum density of four (4) dwelling units per gross acre, for the real property depicted and legally described on **Exhibit A**, attached hereto and incorporated

herein by this reference. 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 12 day of September, 2023.

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**MICHAEL C. BLAKE, Mayor**

**ATTEST:**

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**MONICA ARSENAULT**  
**Interim City Clerk**

Legal Ad Published: 08/01/2023  
First Reading: 08/22/2023  
Legal Ad Published: 09/01/2023  
Effective Date: 09/12/2023

## EXHIBIT A

### LEGAL DESCRIPTION AND DEPICTION

#### Legal Description of Subject Property

A parcel of land lying in the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 30, Township 24 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of SABAL LAKE ESTATES, UNIT ONE recorded in Plat Book 30, Page 12, of the Public Records of Brevard County, Florida; thence run South 14 degrees 45.50 feet East, along the East line of said SABAL LAKE ESTATES, UNIT ONE, a distance of 678.82 feet to the Southeast corner of said SABAL LAKE ESTATES, UNIT ONE; thence North 89 degrees 48.16 feet East, along the Easterly extension of the South line of said SABAL LAKE ESTATES, UNIT ONE, a distance of 349.51 feet to the Southeast corner of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 30; thence North 00 degrees 19.25 feet East, along the East line of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 30; a distance of 608.68 feet to a point on the South line of lands described in Deed Book 69, Page 62 of said Public Records; thence South 89 degrees 56.33 feet West along said South line, a distance of 40.53 feet to the Southwest corner of said lands; thence North 15 degrees 03.27 feet West, along the west line of said lands, a distance of 49.91 feet to the point of intersection with the Easterly extension of the North line of said SABAL LAKE ESTATES, UNIT ONE; thence South 89 degrees 48.16 feet West, along said Easterly extension a distance of 472.44 feet to the Point of Beginning.

# Depiction of Subject Property



**24-36-30-00-256**  
**LOCATION**

July 20, 2023

- Subject Parcel
- Parcels
- Cocoa City Boundary



0 200 400 Feet

P20230718-78001.0.1