

ORDINANCE NO. 15-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF SIXTEEN (16) PARCELS OF REAL PROPERTY, TOTALING 8.36 ACRES, MORE OR LESS, AND GENERALLY LOCATED ADJACENT TO STATE ROAD 520 NEAR THE INTERSECTIONS WITH VIRGINIA AVENUE, RUTH STREET, AND AURORA STREET, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY SINGLE-FAMILY RESIDENTIAL (RU-1-9), GENERAL RETAIL COMMERCIAL (BU-1), AND RETAIL, WAREHOUSING & WHOLESALE COMMERCIAL (BU-2) TO CITY OF COCOA GENERAL COMMERCIAL (C-G); 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), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the subject properties were annexed into the City of Cocoa via Ordinances 11-2004 and 03-2006, and a Commercial (COMM) Future Land Use designation was assigned to such properties; 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 the City of Cocoa.

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 Zoning Single-Family Residential (RU-1-9) (Parcel 1), General Retail Commercial (BU-1) (Parcel 14), and Retail, Warehousing, & Wholesale Commercial (BU-2) (remainder of parcels) to City of Cocoa General Commercial (C-G) for the parcels of real property identified by Tax Parcel ID Numbers 24-36-32-29-4-1 (Parcel 1), 24-36-32-29-4-20 (Parcel 2), 24-36-32-31-*12 (Parcel 3), 24-36-32-29-4-5 (Parcel 4), 24-36-32-29-4-21 (Parcel 5), 24-36-32-29-4-4 (Parcel 6), 24-36-32-29-4-3 (Parcel 7), 24-36-32-29-4-2 (Parcel 8), 24-36-32-31-*11 (Parcel 9), 24-36-32-31-*1 (Parcel 10), 24-36-32-29-5-1 (Parcel 11), 24-36-32-29-5-2 (Parcel 12), 24-36-32-00-276 (Parcel 13), 24-36-32-29-4-6 (Parcel 14), 24-36-32-29-5-3 (Parcel 15), and 24-36-32-28-*30 (Parcel 16), as further 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 _____, 2024.

MICHAEL C. BLAKE, Mayor

ATTEST:

MONICA ARSENAULT, CMC
City Clerk

Legal Ad Published: _____
First Reading: _____
Legal Ad Published: _____
Second Reading: _____

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION

Legal Description of Subject Property:

Parcel 1:

Parcel ID: 24-36-32-29-4-1

Part of Block 4, Pine Grove Park Subdivision, as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida, more fully described as follows: From the North East corner of Pine Acres Subdivision located on the North Line of Block 4, of Pine Grove Park Subdivision, go Southerly along the East Line of said Pine Acres Subdivision, a distance of 150 ft., to the Point of Beginning; thence continue Southerly along said East Line of Pine Acres Subdivision a distance of 250 ft., to a Point on said line; thence go Easterly, parallel to the North line of said Block 4 of said Pine Grove Park Subdivision a distance of 140 ft.; thence go Northerly, parallel to the East line of said Pine Acres Subdivision a distance of 250 ft.; thence go Westerly, parallel to the North line of Block 4, Pine Grove Park Subdivision, a distance of 140 feet to the Point of Beginning, containing 0.80 acres, more or less.

Parcel 2:

Parcel ID: 24-36-32-29-4-20

Part of Block 4, Pine Grove Park, Subdivision, Plat Book 9, Page 24, Public Records of Brevard County, Florida; more fully described as follows:

From the Northeast corner of Pine Acres Subdivision, Plat Book

9, Page 46, Public Records of Brevard County, Florida, go Southerly along the East line of said Pine Acres Subdivision, a distance of 150 feet to the point of beginning; thence for a first course continue Southerly along said East line of said Pine Acres Subdivision, a distance of 100 feet; thence for a second course run Easterly parallel to the North line of said Block 4 of Pine Grove Park Subdivision, a distance of 140 feet; thence for a third course run Northerly parallel to the first course a distance of 100 feet; thence for a fourth course, run Westerly parallel to the second course, a distance of 140 feet to the point of beginning.

Parcel 3:

Parcel ID: 24-36-32-31-*-12

Lots 12, Plat of Pine Acres, according to the plat thereof, as recorded in Plat Book 9, Page(s) 46, of the Public Records of Brevard County, Florida

Parcel 4:

Parcel ID: 24-36-32-29-4-5

The North 150 feet of the East 75 feet of Block 4 of PINE GROVE PARK, according to the Plat thereof as recorded in Plat Book 9, Page 24 of the Public Records of BREVARD County, Florida

Parcel 5:

Parcel ID: 24-36-32-29-4-21

COMMENCE at the Northeast corner of Block 4 of the Plat of PINEGROVE PARK, a subdivision of the East 1/2 of the Southwest 1/4 and part of the South 1/2 of the Northwest 1/4, Section 32, Township 24 South, Range 38 East and recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida; run thence Westerly along the North line of said Block 4 and the South line of State Road 520 a distance of 75 feet to the Point of beginning of the land herein described; from said Point of Beginning, run Westerly along the North line of said Block 4 and the South line of State Road 520, a distance of 140 feet to a point; thence Southerly parallel to and 215 feet West of the East line of said Block 4, a distance of 150 feet to a Point; thence Easterly parallel to and 150 feet South of the North line of said Block 4, a distance of 140 feet; thence Northerly parallel to and 75 feet West of the East line of said Block 4, a distance of 150 feet to the Point of Beginning.

Parcel 6:

Parcel ID: 24-36-32-29-4-4

Beginning at the northeast corner of Block 4 of PINE GROVE PARK SUBDIVISION, according to the plat of said subdivision as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida; thence westerly along the north line of said Block 4 a distance of 215 feet to a point, called the Point of Beginning (POB); thence continue westerly along said north line a distance of 100 feet to a point, said point lying and being on the northeast corner of that certain parcel heretofore conveyed to the County of Brevard for fire department purposes; thence southerly on a line parallel to the east line of said Block 4 a distance of 150 feet to a point; thence easterly on a line parallel to the north line of said Block 4 a distance of 100 feet to a point; thence northerly on a straight line to the POB.

AND

Beginning at the northeast corner of Block 4 of PINE GROVE PARK SUBDIVISION, according to the plat of said subdivision as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida; thence westerly along the north line of said Block 4 a distance of 365 feet to a point; thence southerly on a line parallel to the east line of said Block 4 a distance of 150 feet to the point of beginning (POB); thence continue southerly along said line a distance of 275 feet to a point; thence easterly on a line parallel to the north line of said Block 4 a distance of 140 feet to a point lying on the west line of that parcel heretofore conveyed to the Seventh Day Adventist Church; thence northerly on a line parallel to the east line of said Block 4 a distance of 275 feet to a point; thence westerly on a straight line to the POB.

Parcel 7:

Parcel ID: 24-36-32-29-4-3

PARK OF BLOCK 4, PINE GROVE PARK SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 24, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. OFFICIAL RECORD BOOK 2601 PAGE 1995, AS DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID BLOCK 4, GO WESTERLY ALONG THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF THREE HUNDRED AND FIFTEEN (315) FEET TO A POINT OF BEGINNING; THENCE GO SOUTHERLY, PARALLEL TO THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF ONE HUNDRED AND FIFTEEN (150) FEET; THENCE GO WESTERLY, PARALLEL TO THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF FIFTY (50) FEET; THENCE GO NORTHERLY, PARALLEL TO THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF ONE HUNDRED FIFTY (150) FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 4, THENCE GO EASTERLY ALONG THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF FIFTY (50) FEET TO THE POINT OF BEGINNING.

Parcel 8:

Parcel ID: 24-36-32-29-4-2

A one-half (1/2) undivided interest in the following described property:

Part of Block 4 of the Subdivision of **PINE GROVE PARK** as recorded in Plat Book 9, page 24, Public Records of Brevard County, Florida, more fully described as follows:

For a Point of Beginning commence at the NE corner of Pine Acres Subdivision according to the plat thereof as recorded in Plat Book 9, page 46; from this Point of Beginning and for a first course run East along the North line of said Block 4, a distance of 140 feet to a point; thence for a second course run South and parallel to the East line of said Pine Acres Subdivision, a distance of 150 feet to a point; thence for a third course run West and parallel to the North line of said Block 4, a distance of 140 feet to a point; thence for a fourth course run Northerly along the East line of Pine Acres Subdivision, a distance of 150 feet to the Point of beginning. Parcel ID#: 24-36-32-29-4-2

Parcel 9:

Parcel ID: 24-36-32-31-*-11

Lot 11, PLAT OF PINE ACRES, according to the Plat thereof recorded in Plat Book 9, Page 46, of the Public Records of Brevard County, Florida.

Parcel 10:

Parcel ID: 24-36-32-31-*-1

Lot 1, PLAT OF PINE ACRES, according to the Map or Plat thereof, as recorded in Plat Book 9, Page 46, of the Public Records of Brevard County, Florida.

Parcel 11:

Parcel ID: 24-36-32-29-5-1

The West 50 feet of the East 250 feet of the North 150 feet of Block 5, PINE GROVE PARK, according to the plat thereof as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida.

AND

The South 1/2 of the West 75 feet of the East 200 feet of the North 200 feet of Block 5, PINE GROVE SUBDIVISION, according to the plat thereof as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida.

AND

The North 1/2 of the West 75 feet of the East 200 feet of the North 200 feet of Block 5, PINE GROVE PARK, according to the plat thereof as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida.

Parcel 12:

Parcel ID: 24-36-32-29-5-2

Begin at a point on the South right-of-way of State Road No. 520, which is also the North line of Block 5, Plat of Pine Grove Park, as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida, 250.00 feet East of the Northwest corner of said Block 5; from the Point of Beginning run East along the North line of said Block 5, 100.00 feet; thence South parallel with the West line of said Block 5, 150.00 feet; thence West parallel with said North line, 100.00 feet; thence North parallel with the West line of said Block 5, 150.00 feet to the Point of Beginning. All being and lying in Block 5, Plat of Pine Grove Park, as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida.

Parcel 13:
Parcel ID: 24-36-32-00-276

PARCEL 1

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF BLOCK 5 PINE GROVE PARK. AS RECORDED IN PLAT BOOK 9 PAGE 24, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. AND THENCE S 00°00'00" W, A DISTANCE OF 200.00 FEET; THENCE RUN N 89°24'00" W A DISTANCE OF 125.00 FEET; THENCE RUN N 00°00'00" E. A DISTANCE OF 272.50 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 520; THENCE RUN S 89°24'00" E. ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 155.00 FEET; THENCE RUN S 00°00'00" W. A DISTANCE OF 72.50 FEET; THENCE RUN N 89°24'00" W. A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PARCEL OF LAND;
COMMENCE AT THE NORTHWEST PORTION OF LAND DESCRIBED IN VIRGINIA PARK RESUBDIVISION, PART OF TRACT 3 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1221 PAGE 171, PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED PARCEL OF LAND, AND THENCE RUN S 00°00'00" E, A DISTANCE OF 72.50 FEET TO THE POINT OF BEGINNING; THENCE RUN S 89°20'35" E, A DISTANCE OF 6.00 FEET; THENCE RUN S 00°00'00" E, A DISTANCE OF 37.10 FEET; THENCE RUN S 90°00'00" E A DISTANCE OF 9.00 FEET; THENCE RUN S 00°00'00" E, A DISTANCE OF 128.22 FEET; THENCE RUN S 89°31'15" W, A DISTANCE OF 15.00 FEET; THENCE RUN N 00°00'00" E A DISTANCE OF 165.45 FEET TO THE POINT OF BEGINNING

PARCEL 2:

A 140.16 FOOT BY 72.50 FOOT PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 5, PINE GROVE PARK, AS RECORDED IN PLAT BOOK 9, PAGE 24, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THENCE RUN N 89°24'00" W., A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°24'00" W., A DISTANCE OF 140.16 FEET; THENCE RUN N 00°00'00" E., A DISTANCE OF 72.50 FEET TO THE SOUTH R/W LINE OF KING STREET; THENCE RUN S 89°24'00" E., ALONG SAID SOUTH R/W LINE, A DISTANCE OF 140.16 FEET; THENCE RUN S 00°00'00" W., A DISTANCE OF 72.50 FEET TO THE POINT OF BEGINNING.

Parcel 14:

Parcel ID: 24-36-32-29-4-6

A part of Block 4, PINE GROVE PARK SUBDIVISION, as shown on a plat of said subdivision, recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida, more fully described as follows:

From the Northeast corner of said Block 4, PINE GROVE PARK SUBDIVISION, go Southerly along the East line of said Block 4, a distance of 150 feet to the point of beginning (also the Southeast corner of the property deeded to M.W. Ford and C.H. Graf on or about August 1958); thence continue Southerly along the East line of said Block 4, a distance of 200 feet; thence go Westerly, parallel to the North line of said Block 4, a distance of 225 feet; thence go Northerly, parallel to the East line of said Block 4, a distance of 200 feet; thence go Easterly, parallel to the North line of said Block 4, a distance of 225 feet to the point of beginning.

Start at the Northeast corner of Block 4, PINE GROVE PARK SUBDIVISION, as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida; thence run Southerly along the East line of said Block 4, a distance of 350 feet to a point of beginning; thence run Westerly, parallel to the North line of said Block 4, a distance of 225 feet; thence run Southerly, parallel to the East line of said Block 4, a distance of 150 feet; thence run Easterly, parallel to the North line of said Block 4, a distance of 150 feet to the point of beginning; the parcel of land herein described being a rectangular parcel with sides of 150 feet by 225 feet.

Parcel 15:

Parcel ID: 24-36-32-29-5-3

The West 250 feet of the North 150 feet of Block 5, Plat of Pine Grove Subdivision, according to the map or plat thereof as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida.

Parcel 16:

Parcel ID: 24-36-32-28-*-30

That part of Lots 30, 31 and 32, Block 1, Plat of Subdivision of Block No. 1, of Pine Grove Park, according to the Plat recorded in Plat Book 9, Page 34, of the Public Records of Brevard County, Florida, described as follows: Commence at the SE corner of Lot 32, aforesaid, and for a first course, run Westerly along the North right of way of State Road 520, a distance of 170 feet; thence for second course, run Northerly and parallel to the West line of Lot 30, aforesaid, a distance of 125 feet; thence for a third course run Easterly and parallel to the first course 170 feet to the East line of Lot 32, aforesaid; thence for a fourth course run Southerly along the East line of Lot 32, aforesaid, a distance of 125 feet to the Point of Beginning.

Depiction of Subject Properties:

