

ORDINANCE NO. 08-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR TWENTY (20) PARCELS OF REAL PROPERTY WITHIN THE CITY OF COCOA TOTALING 3.36 ACRES, MORE OR LESS, AND GENERALLY LOCATED ALONG COCOA PLACE, WEST OF THE INTERSECTION OF COCOA PLACE AND NORTH COCOA BOULEVARD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT “A” ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF SAID PARCELS FROM “COMMERCIAL” TO “NEIGHBORHOOD COMMERCIAL;” PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, INCORPORATION INTO THE COMPREHENSIVE PLAN, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

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 future land use map amendment embodied by this Ordinance is a small-scale amendment to the City of Cocoa Comprehensive Plan in accordance with Section 163.3187(1), Florida Statutes; and

WHEREAS, the Local Planning Agency of the City of Cocoa held a duly noticed public hearing on July 11, 2024, in accordance with the procedures established in Chapter 163, Part II, Florida Statutes, on the proposed comprehensive plan amendment; and

WHEREAS, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed amendment set forth hereunder and considered findings and advice of Staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby approves and adopts the Comprehensive Plan Amendment set forth hereunder; and

WHEREAS, the City Council hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of the City of Cocoa, Florida.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HERBY 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. Authority. This Ordinance is adopted in compliance with, and pursuant to, the Community Planning Act, sections 163.3161, et. seq., Florida Statutes.

Section 3. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to adopt a comprehensive plan amendment incorporating the revisions stated herein as part of the City of Cocoa Comprehensive Plan.

Section 4. Adoption of Amendment to the Future Land Use Map. The City of Cocoa Comprehensive Plan, Future Land Use Map, is hereby amended by changing the designation of the real property legally described and depicted on **Exhibit “A”** from “Commercial” to “Neighborhood Commercial.” **Exhibit “A”** is attached hereto and fully incorporated herein by this reference.

Section 5. 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 6. 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 7. Incorporation into Comprehensive Plan. Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of Cocoa Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

Section 8. Effective Date and Legal Status of the Plan Amendment. The effective date of this Ordinance shall take effect thirty-one (31) days after adoption, in accordance with Section 163.3187(5)(c), Florida Statutes, unless challenged within thirty (30) days after adoption of this Ordinance, in which case this Ordinance shall become effective at such time as the state land planning agency or the Administrative Commission issues a final order determining that the adopted small scale development amendment is in compliance. No development order, development permits, or land use dependent on this Amendment may be issued or commenced before it has become effective. After and from the effective date of this Amendment, the Comprehensive Plan Amendment set forth herein shall amend the City of Cocoa Comprehensive Plan and become a part of that plan and the Amendments shall have the legal status of the City of Cocoa Comprehensive Plan, as amended.

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, City Clerk

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

EXHIBIT A

Description of Real Property

Tax Parcel ID 24-36-28-01-*-2, 106 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-3, 110 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-4, 114 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-5, 118 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-6, 122 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-7, 126 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-8, 130 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-9, 134 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-10, 138 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-21, 139 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-20, 135 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-19, 131 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-18, 127 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-17, 123 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-16, 119 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-15, 115 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-14, 111 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-13, 107 Cocoa Place, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-1, 865 N Cocoa Blvd, Cocoa, Florida 32922

Tax Parcel ID 24-36-28-01-*-12, 863 N Cocoa Blvd, Cocoa, Florida 32922

The Above Parcels are Depicted as Follows:

