

ORDINANCE NO. 05-2024

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 13.34 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF CLEARLAKE ROAD AND SUNHOME STREET, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY RU-2-10 (MEDIUM DENSITY MULTIPLE FAMILY) TO CITY OF COCOA RU-2-15 (MULTIPLE FAMILY DWELLING DISTRICT); 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 Medium Density Multiple Family (RU-2-10) to City of Cocoa Multiple Family Dwelling District (RU-2-15) for the real property identified by Tax Parcel ID Number 24-36-30-00-10 and 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:

Exhibit "A"

Legal Description of Property

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 36 EAST, AND CONTAINING THE PARCELS OF LAND DESCRIBED IN OFFICIAL RECORDS BOOKS 1234, PAGE 1044, 2008, PAGE 973 AND 2038, PAGE 543 ALL LYING IN AND BEING OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID PARCEL BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 30, THENCE S.89°12'02"W., ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, A DISTANCE OF 40.00 FEET TO A POINT LYING ON THE WEST RIGHT OF WAY LINE OF CLEARLAKE ROAD (AN 80.00 FOOT WIDE RIGHT OF WAY) AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°12'02"W., ALONG SAID SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, A DISTANCE OF 959.35 FEET TO A POINT LYING ON THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE PLAT OF ACKLEY SUBDIVISION NO.3 AS RECORDED IN PLAT BOOK 18, PAGE 91 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N.00°27'00"W., ALONG SAID EAST LINE OF SAID PLAT OF ACKLEY SUBDIVISION NO.3, A DISTANCE OF 700.01 FEET TO A POINT LYING ON THE NORTH LINE THE SOUTH 700 FEET OF THE WEST 350 FEET OF THE EAST 1000 FEET OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30; THENCE N.89°12'02"E., ALONG SAID LINE, 339.87 FEET TO A POINT LYING ON THE SOUTHERLY PROLONGATION OF THE WEST LINE OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2008, PAGE 973 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG SAID PROLONGATION AND THE BOUNDARIES OF SAID PARCEL OF LAND, THE FOLLOWING FOUR COURSES AND DISTANCES: THENCE N.00°22'16"W., 132.27 FEET; THENCE N.89°17'44"E., 340.00 FEET; THENCE S.00°22'16"E., 139.67 FEET; THENCE S.89°34'04"W., 60.30 FEET TO THE NORTHEAST CORNER OF BLOCK 1 AS SHOWN ON THE PLAT OF PINCREST CEMETERY AS RECORDED IN PLAT BOOK 8, PAGE 23 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARIES OF SAID BLOCK 1, THE FOLLOWING FIVE COURSES AND DISTANCES; THENCE S.00°25'56"E., 100.00 FEET; THENCE N.89°34'04"E., 15.00 FEET; THENCE S.00°25'56"E., 200.00 FEET; THENCE S.89°34'04"W., 15.00 FEET; THENCE S.00°25'56"E., 102.43 FEET TO A POINT LYING ON THE NORTH LINE OF THE SOUTH 290 FEET OF THE EAST 650.00 FEET OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30; THENCE N.89°12'02"E., ALONG SAID LINE, 340.01 FEET TO A POINT LYING ON THE AFORESAID WEST RIGHT OF WAY LINE OF CLEARLAKE ROAD; THENCE S.00°25'56"E., ALONG SAID RIGHT OF WAY LINE, 290.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 13.33 ACRES MORE OR LESS.

Depiction of Subject Property:

