

ORDINANCE NO. 12-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, APPROXIMATELY 0.59 ACRES, MORE OR LESS, LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH INDIAN RIVER DRIVE AND DIXON BOULEVARD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM RE (RESIDENTIAL ESTATE) TO 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.

Section 2. Zoning Map Amendment. The Official Zoning Map of the City of Cocoa, as described in City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from RE (Residential Estate) to RU-2-15 (Multiple-Family Dwelling District) for the real property depicted and legally described on **Exhibit A**, attached 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 the effective date of Ordinance No. 11-2022 as adopted by the City Council of the City of Cocoa, Florida. If Ordinance No. 11-2022 does not become effective, then this Ordinance shall become null and void.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2022.

MICHAEL C. BLAKE, Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

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

EXHIBIT A

Property Legal Description

DESCRIPTION OF TRACT "A":

A PARCEL OF LAND LYING IN SECTION 21, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BEING A PORTION OF LOT 5 OF "ROBERT DIXON'S HOMESTEAD", RECORDED IN PLAT BOOK 1, PAGE 24 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT AN IRON MARKER (NO IDENTIFICATION) WHICH MONUMENTS THE SOUTHWEST CORNER OF LOT 18 OF "GEORGIA TERRACE", RECORDED IN PLAT BOOK 9, PAGE 38 OF SAID PUBLIC RECORDS, THENCE RUN N.34°00'00"E., ALONG THE NORTH LINE OF SAID "GEORGIA TERRACE" AND ALONG THE SOUTH LINE OF AFORESAID LOT 5 OF "ROBERT DIXON'S HOMESTEAD", A DISTANCE OF 104.92 FEET TO THE "POINT OF BEGINNING"; THENCE N.40°58'43"W., ALONG AN EAST LINE OF LANDS DESCRIBED IN O.R. 248, PAGE 345 OF SAID PUBLIC RECORDS, A DISTANCE OF 315.45 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF DIXON'S BOULEVARD (A 100 FOOT WIDE RIGHT OF WAY); THENCE N.34°05'17"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 100 FEET; THENCE S.40°58'43"E., PARALLEL WITH THE AFORESAID EASTERLY LINE OF O.R. 248, PAGE 345, A DISTANCE OF 190.68 FEET; THENCE S.39°02'29"W., A DISTANCE OF 15.35 FEET; THENCE S.12°07'00"E., A DISTANCE OF 168.85 FEET TO THE "POINT OF BEGINNING"; CONTAINING 0.538 ACRES.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, LIMITATIONS AND / OR RIGHTS OF WAY OF RECORD.

And the west fifteen (15) feet of the adjacent parcel, identified as Tax Parcel ID 24-36-21-BM-*-5.12.