

ORDINANCE NO. 11-2022

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 ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA, CONSISTING OF APPROXIMATELY 0.59 ACRES, MORE OR LESS, LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH INDIAN RIVER DRIVE AND DIXON BOULEVARD, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE DESIGNATION OF THE REAL PROPERTY FROM VERY LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, PROVIDED THAT THE MAXIMUM DENSITY ALLOWABLE SHALL BE EIGHT (8) DWELLING UNITS PER ACRE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT.

WHEREAS, section 163.3161 et. seq., Florida Statutes, established the Community Planning Act, which was formerly known as the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Community Planning Act requires each municipality in the State of Florida to prepare, adopt, and update a Comprehensive Plan; and

WHEREAS, in accordance with the provisions of the Community Planning Act, the Local Planning Agency of the City of Cocoa held a duly noticed public hearing on _____, 2022, 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 with the condition as described herein; and

WHEREAS, the City Council of the City of Cocoa hereby finds that this Ordinance is 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 true and correct and are fully incorporated herein by this reference.

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 a part of the City of Cocoa Comprehensive Plan.

Section 4. Adoption of Amendment to the Future Land Use Map. The City of Cocoa's 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 Very Low Density Residential to Medium Density Residential, provided that the maximum density for the property shall be 8 dwelling units per acre. **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 necessitate the foregoing.

Section 8. Effective Date. The effective date of the Comprehensive Plan Amendment adopted by this Ordinance shall be thirty-one (31) days after adoption. If the plan amendment is timely challenged, the plan amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land use dependent on this plan amendment may be issued before it has become effective. After and from the effective date of this plan 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 plan amendment 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 the _____ day of _____, 2022.

MICHAEL C. BLAKE
Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

Legal Ad: _____

First Reading: _____

Legal Ad: _____

Second Reading: _____

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.