

ORDINANCE NO. 13-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; ADOPTING AMENDMENTS TO THE CITY OF COCOA COMPREHENSIVE PLAN BASED ON THE CITY'S EVALUATION AND APPRAISAL OF THE COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3191, FLORIDA STATUTES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN; LEGAL STATUS OF THE COMPREHENSIVE PLAN AMENDMENTS; SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, consistent with the Community Planning Act, the City Council has adopted the City of Cocoa Comprehensive Plan; and

WHEREAS, as required by section 163.3191, Florida Statutes, the City has conducted an evaluation of its Comprehensive Plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of the City's Comprehensive Plan, which is required to be adopted every seven (7) years to assess the progress of implementing the City's Comprehensive Plan; and

WHEREAS, the Local Planning Agency has reviewed the amendments to the Comprehensive Plan set forth herein, held an advertised public hearing, provided for participation by the public in the process, and rendered its recommendations to the City Council; and

WHEREAS, the City Council, after considering the Local Planning Agency's review comments and recommendations for amendments to the Comprehensive Plan, desires to adopt the amendments set forth herein; 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 Cocoa.

Section 2. **Authority.** This Ordinance is adopted in compliance with, and pursuant to, the Community Planning Act, Sections 163.3184 and 163.3191, Florida Statutes.

Section 3. **Purpose and Intent.** The purpose and intent of this ordinance is to adopt text amendments to the City’s Comprehensive Plan as set forth herein, which are based on the City’s evaluation and appraisal of the Comprehensive Plan pursuant to Section 163.3191, Florida Statutes.

Section 4. **Adoption of Text Amendments to the Comprehensive Plan.** The City of Cocoa Comprehensive Plan is hereby amended only as specifically enumerated and set forth in **Exhibit “A”** attached hereto and fully incorporated herein by this reference. (Underlined type indicates additions and ~~strikeout~~ type indicates deletions). It is intended that the text in the Comprehensive Plan not specifically enumerated and set forth in this Exhibit shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 5. **Transmittal to the Department of Economic Opportunity.** The City Manager or his designee is hereby designated to sign a letter transmitting the adopted Comprehensive Plan Amendment to the Florida Department of Economic Opportunity for state review and to any other agency or local government providing timely comments, in accordance with Section 163.3184(4), Florida Statutes.

Section 6. **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 7. **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 8. **Incorporation Into Comprehensive Plan.** Upon the effective date of the Comprehensive Plan Amendments adopted by this Ordinance, said Amendments 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 9. **Effective Date and Legal Status of the Plan Amendment.** The effective date of the Comprehensive Plan Amendments adopted by this Ordinance shall be pursuant to the state land planning agency’s notice of intent. If timely challenged, an amendment does 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 as defined in section 163.3184, Florida Statutes. No development orders, development permits, or land use dependent on these Amendments may be issued or commenced before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the Amendments may nevertheless be made effective by adoption of a resolution affirming its effective status. After and from the effective date of these Amendments, the Comprehensive Plan Amendments 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 _____, 2019.

JAKE WILLIAMS, JR., Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

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