

**ORDINANCE NO. 15-2020**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ADAMSON CREEK PLANNED UNIT DEVELOPMENT FINAL DEVELOPMENT PLAN FOR PHASE ONE-C; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 14.3 ACRES, MORE OR LESS, AND GENERALLY LOCATED DIRECTLY WEST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "1" ATTACHED HERETO, FROM BREVARD COUNTY G-U (GENERAL USE DISTRICT) TO CITY OF COCOA PUD (PLANNED UNIT DEVELOPMENT DISTRICT) AND INCORPORATING THE PARCEL INTO THE ADAMSON CREEK FINAL DEVELOPMENT PLAN FOR PHASE ONE-C; 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**, on June 14, 2005, the City Council approved the preliminary planned unit development plan for the property known as the Adamson Creek Phase One PUD and further adopted Ordinance 15-2005, which tentatively approved the PUD zoning for the Adamson Creek Phase One property, subject to approval of a final development plan; and

**WHEREAS**, on June 27, 2006, the City Council approved the final development plan for Adamson Creek Phase One, which the current owner of the property now desires to amend; and

**WHEREAS**, in addition, on July 25, 2006, the City Council adopted Ordinance 27-2006, which tentatively approved the PUD zoning for property that was intended to be known as Phase Three of the Adamson Creek PUD, subject to approval of a final development plan required to be approved within one year; and

**WHEREAS**, the final development plan for the Phase Three Adamson Creek property was never approved and, accordingly, the tentative PUD zoning lapsed; and

**WHEREAS**, the current owner of a portion of the property intended to be Phase Three of Adamson Creek now desires to amend the Adamson Creek Phase One final development plan to

incorporate such property within Phase One-C and simultaneously rezone the property described herein from Brevard County G-U to City of Cocoa PUD; 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 desires to further permit the amendment of the final development plan for Adamson Creek Phase One-C, which shall incorporate the rezoned property ; 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 City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County G-U (General Use) to City of Cocoa PUD (Planned Unit Development District) for the real property depicted and described on **Exhibit 1**, attached and incorporated herein by this reference, in accordance with the final development plan as kept on file with the City of Cocoa in File No. PZ-20-00100001. The City Staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

**Section 3.**     **Amendment of Final Development Plan.** The final development plan for Adamson Creek Phase One, specifically Phase One-C, is hereby amended and superseded by the final development plan as kept on file with the City of Cocoa in File No. PZ-20-00100001. The new final development plan shall affect the real property depicted and described on **Exhibit 2**, attached and incorporated herein by this reference.

**Section 4.**     **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 5.**     **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 6.**     **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 \_\_\_\_\_, 2020.

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**JAKE WILLIAMS, JR., Mayor**

**ATTEST:**

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**CARIE SHEALY, MMC**  
**City Clerk**

First Reading: \_\_\_\_\_  
Legal Ad Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_