City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda

Wednesday, December 4, 2024

6:00 PM

Cocoa City Council Chambers

Planning and Zoning / Local Planning Agency

I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

24-678 Request Board Approval of the Agenda for the Regular Meeting of the Planning and Zoning Board on December 20, 2024, either as written or with amendments.

Attachments: PZ Short Agenda Dec4.docx

MINUTES:

24-679 Request Board Approve the Minutes from the Planning and Zoning Meeting held on October 2, 2024, either as is or with amendments.

Attachments: 11-6-2024 Minutes draft.docx

III. DELEGATIONS:

In accordance with the City Council's rules and procedures, residents or tax-payers of the City (upon any subject of general or public interest), City employees (regarding his/her employment), and water and sewer customers (on matters related to the City's water and/or sewer system), may address the City Council under Delegations on items not on the printed agenda by filling out a speaker card.

Speaker cards are located outside the Council meeting room and should be provided to the City Clerk. Please observe the time limit of five (5) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by Council.

IV: OLD BUSINESS:

V: NEW BUSINESS:

24-666 Consideration of a City-initiated ordinance amending the official Zoning Map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G).

Attachments:
Ordinance 15-2024 - Rezoning Pine Grove Park_v2.pdf
Exhibit 'A' Pine Grove Park Zoning Amendment Location.pdf
Exhibit 'B' Pine Grove Park Future Land Use Map.pdf
Exhibit 'C' Pine Grove Park Zoning Amendment.pdf
Exhibit D Ordinance 11-2004.pdf
Exhibit E Ordinance 03-2006.pdf
Exhibit F Prior County Zoning Map.pdf
Legal Ad P&Z Pine Grove Park ZMA_Oct2_affadavit.pdf
Legal Ad P&Z Pine Grove Park ZMA_Dec4_Preview.pdf

VI. TREE BOARD:
TREE BOARD:

VII. OTHER BUSINESS:

X. NEXT MEETING DATE:

The next regularly scheduled meeting of the Planning and Zoning Board will be on at the Cocoa City Hall, 65 Stone Street, Cocoa, Florida.

XI. ADJOURNMENT

NOTICE TO THE PUBLIC:

This is a public meeting. All interested parties may attend in person. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Additionally, interested persons may view or listen to the meeting electronically at the following internet sites:
(1) https://tinyurl.com/s5e875r or
(2) https://cocoa.legistar.com/DepartmentDetail.aspx?ID=26365&GUID=FF9D3369-D354-4FAB-800A-57D0AEE30153&Mode=MainBody

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.

Interested persons may submit their written comments or questions regarding the meeting prior to the meeting through Email at meetings@cocoafl.org, or via E-comments through the online agenda. Any electronic comments submitted will be made part of the meeting record. Written comments or questions not relevant to the Council meeting agenda will not be made part of the meeting record but will be maintained as public record.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

Although members of the public are entitled to be heard by the City Council on certain items on the meeting agenda pursuant to the City Council Rules of Procedure, members of the public are not entitled to an immediate response by either administrative staff members or Council; however, the City Council or administrative staff may provide a response at their discretion. When presenting before the City Council, all comments or questions should be directed to the Mayor or the chair of the meeting. Comments or questions should not be made directly to administrative staff without permission from the Mayor or chair.
Public debate by individual speakers from the audience on public hearing items shall be limited to three (3) minutes. Applicants or representatives of recognized groups with special interests in a matter shall be limited to ten (10) minutes; and total debate on a single issue shall be limited to thirty (30) minutes. Only one presentation per person per item shall be allowed.

A Council member may add an item to the agenda during the meeting only at the time the agenda is approved. If the item requires action by the Council, then it may be added to the agenda by an affirmative vote of the Council, and written documentation must be submitted at the time the item is added to the agenda. Matters may also be raised by the Council, City Manager or City Attorney under reports and acted upon by the City Council.

This agenda is posted on the Municipal Bulletin Board and at the Central Brevard Library and Reference Center in Cocoa for public review.

Legislation Details (With Text)

File #:	24-678	**Version:** 1	**Name:**		
Type:	Agenda		**Status:**	Agenda Ready	
File created:	11/20/2024		**In control:**	Planning and Zoning / Local Planning Agency	
On agenda:	12/4/2024		**Final action:**		
Title:	Request Board Approval of the Agenda for the Regular Meeting of the Planning and Zoning Board on December 20, 2024, either as written or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	PZ Short Agenda Dec4.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: November 20, 2024
Agenda Date: December 4, 2024
Prepared By: Lori Chabot, Recording Secretary
Through: Monica Arsenault, City Clerk
Requested Action:
Request Board Approval of the Agenda for the Regular Meeting of the Planning and Zoning Board on December 20, 2024, either as written or with amendments.

BACKGROUND:

Board Members approve the Agenda at the beginning of the meeting.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Request Board Approval of the Agenda for the Regular Meeting of the Planning and Zoning Board on December 20, 2024, either as written or with amendments.

Planning and Zoning
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8635
FAX: (321) 433-8685

AGENDA

Regular Meeting
December 4, 2024
6:00 p.m.

I. OPENING MATTERS:

A. CALL TO ORDER
B. ROLL CALL
C. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA: Regular Meeting of December 4, 2024
MINUTES: Regular Meeting of November 6, 2024

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. PZ 24-02100004 ZONING MAP AMENDMENT PINE GROVE PARK | ORD 15-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the official zoning map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, and generally located adjacent to State Road 520 near the intersections with Virginia Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on exhibit "A" attached hereto, from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date.

V. TREE BOARD:

None

VI. OTHER BUSINESS:

Planning and Zoning Board Open Discussion

VII. NEXT MEETING DATE:

(Jan 2025) TBA

VIII. ADJOURNMENT

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Monica Arsenault, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8488 or via email at marsenault@cocoafl.gov.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

- City of Cocoa meeting calendar at https://cocoa.legistar.com/Calendar.aspx

Documents pertaining to the above may also be inspected at the Community Services Department, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Interested persons may submit their written comments or questions prior to the meeting through Email at meetings@cocoafl.org, or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

Viewing in Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet address:

- City of Cocoa meeting calendar at https://cocoa.legistar.com/Calendar.aspx

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.

Special Information for Quasi-Judicial Hearings:

Any person that (1) can demonstrate that they may suffer special damages different in kind and degree from that of the general public at large; and (2) wishes to present factual or expert witnesses and/or evidence at the quasi-judicial hearing is highly encouraged to immediately contact Lucilene Ribeiro,

Senior Planner, at (321) 433-8510 or, to make proper arrangements for presentation of witnesses and/or evidence. All witnesses should be identified and all evidentiary documents and exhibits that are intended to be distributed to the BOA, P&Z/LPA and City Council should be submitted to Ms. Selig via email or mail at least three (3) days prior to the hearing.

Legislation Details (With Text)

File #:	24-679	**Version:** 1	**Name:**		
Type:	Minutes		**Status:**	Agenda Ready	
File created:	11/20/2024		**In control:**	Planning and Zoning / Local Planning Agency	
On agenda:	12/4/2024		**Final action:**		
Title:	Request Board Approve the Minutes from the Planning and Zoning Meeting held on October 2, 2024, either as is or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	11-6-2024 Minutes draft.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: November 20, 2024
Agenda Date: December 4, 2024
Prepared By: Lori Chabot, Recording Secretary
Through: Monica Arsenault, City Clerk
Requested Action:
Request Board Approve the Minutes from the Planning and Zoning Meeting held on October 2, 2024, either as is or with amendments.

BACKGROUND:

Board Member approve the Minutes at the beginning of the meeting.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Request Board Approve the Minutes from the Planning and Zoning Meeting held on October 2, 2024, either as is or with amendments.

MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
November 6, 2024

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on November 6, 2024, at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

Chairperson Park called the meeting to order at 6:00 PM.

ROLL CALL:

Wesley Park	Chairperson
Todd Anderson	Vice Chairperson
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Tamisha Findlay	Board Member
Marcus Wheeler	Board Member
Frank Manfredi	Board Member
Marybeth Burgess	Board Member
Katherine Stewart	Alternate Member
Kristin Eick	City Attorney

PRESENT:

Wesley Park	Chairperson
Todd Anderson	Vice Chairperson
Aleck Greenwood	Board Member
Frank Manfredi	Board Member
Marcus Wheeler	Board Member
Ron Chabot	Board Member
Marybeth Burgess	Board Member

ABSENT:

Tamisha Findlay	Board Member
Katherine Stewart	Alternate Member

STAFF PRESENT:

Abbey Bass, Assistant City Clerk; Jennifer Webster, City Planner.

Chairperson Park led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of November 6, 2024.

* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY BOARD MEMBER MANFREDI TO APPROVE THE NOVEMBER 6, 2024, REGULAR MEETING AGENDA AS WRITTEN.**

AYES: PARK, ANDERSON, GREENWOOD, CHABOT, BURGESS, WHEELER, MANFREDI

MOTION PASSED UNANIMOUSLY (7-0)

2. MINUTES: Regular Meeting of October 2, 2024.

* **MOTION BY BOARD MEMBER MANFREDI; SECONDED BY BOARD MEMBER WHEELER TO APPROVE THE OCTOBER 2, 2024, REGULAR MEETING MINUTES AS WRITTEN.**

AYES: PARK, ANDERSON, GREENWOOD, CHABOT, BURGESS, WHEELER, MANFREDI

MOTION PASSED UNANIMOUSLY (7-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. PZ 24-00500002 COMPREHENSIVE PLAN TEXT AMENDMENT| ORD 14-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, adopting a large scale Comprehensive Plan text amendment; amending a policy in the Future Land Use Element related to the mixed-use future land use category, establishing the authorized uses permitted on the ground floor of a mixed use building, such mixed-use buildings being eligible for residential density bonuses generally of an additional five (5) dwelling units per acre for vertical mixed-use buildings and up to 125 dwelling units per acre for vertical mixed-use projects in the very limited geographical area identified in policy 1.1.2.6 of the Comprehensive Plan and requiring a Development Agreement by the City Council under certain terms and conditions deemed necessary and acceptable to the City Council; 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.

Alexis Cresto with RVI presented the item via powerpoint.[1]

Board Member Manfredi asked if there was a new comp plan available. City Manager Whitten advised it will be in place October of 2025.

Board Member Chabot asked if there is business and residential on the same floor and would there be restrictions on what the residential units can have outdoors. Ms. Cresto shared that a plan will have to be presented for each business for approval in advance.

Chairperson Park asked for corrections to some of the grammatical errors on the ordinances.

* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY BOARD MEMBER STEWART TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE 08-2024, A CITY-INITIATED REQUEST OF A FUTURE LAND USE MAP AMENDMENT CONSISTENT WITH FLORIDA STATUTE CHAPTER 163 TO CHANGE THE FUTURE LAND USE MAP DESIGNATION OF (20) PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 3.36 ACRES FROM "COMMERCIAL" TO "NEIGHBORHOOD COMMERCIAL".**

AYES: PARK, ANDERSON, GREENWOOD, STEWART, BURGESS, FINDLAY, MANFREDI

MOTION PASSED UNANIMOUSLY (7-0)

B. <u>PZ 24-02100004 ZONING MAP AMENDMENT PINE GROVE PARK | ORD 15-2024</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the official zoning map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, and generally located adjacent to State Road 520 near the intersections with Virginia Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on exhibit "A" attached hereto, from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date. **This item was postponed to the December 4, 2024 meeting.**

[1] RVI Powerpoint - Mixed Use Future Land Use Category Comprehensive Plan Amendment (Text Amendment)

* **MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER STEWART TO POSTPONE THE ITEM TO THE DECEMBER 4TH PLANNING AND ZONING MEETING.**

AYES: PARK, ANDERSON, GREENWOOD, STEWART, BURGESS, FINDLAY, MANFREDI

MOTION PASSED UNANIMOUSLY (7-0)

C. <u>PZ 24-02000005 ZONING TEXT AMENDMENT – TREE PROTECTION | ORD 18-2024</u>

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, amending the zoning ordinance of the city of cocoa regarding tree protection and preservation; amending procedures related to waivers of tree protection and preservation requirements; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

Ms. Ribeiro present the item via powerpoint[2]. Board Member Wheeler asked for clarification on what is handled by the P&Z board versus what exactly goes to council.

Attorney Eick advised if a palm tree is removed that's less than 12 inches it does not have to be replaced but if it's over 12 inches, it would have to be replaced with another tree, not necessarily another palm tree but any tree.

Councilwoman Koss advised the board that palm trees are not considered trees; but they have ecosystem benefits, and it helps attract different types of birds and bees and she doesn't believe 12 inches is enough. She said the palm trees on Indian River Drive help break the storm and help provide more benefits than most know of.

Ms. Ribeiro wanted to make the board aware that with every project and site plan there is an environmental report submitted to staff.

* **MOTION BY BOARD MEMBER WHEELER; SECONDED BY BOARD MEMBER STEWART TO RECOMMEND APPROVAL OF ORDINANCE 18-2024.**

AYES: PARK, ANDERSON, GREENWOOD, STEWART, BURGESS, FINDLAY, MANFREDI

MOTION PASSED UNANIMOUSLY (7-0)

2 RVI Presentation - Ordinance 18-2024 Landscaping, Land Clearing, and Tree Protection and Replacement Standards

D. PZ 24-02000006: City-Initiated Zoning Text Amendment – Transportation Terminal Definition | Ordinance 19-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, amending the zoning ordinance of the city of cocoa to define transportation terminals; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

Ms. Ribeiro presented the item via powerpoint[3].

* **MOTION BY VICE CHAIRPERSON ANDERSON; SECONDED BY BOARD MEMBER MANFREDI TO RECOMMEND APPROVAL OF ORDINANCE 19-2024.**

AYES: PARK, ANDERSON, GREENWOOD, STEWART, BURGESS, FINDLAY, MANFREDI

MOTION PASSED UNANIMOUSLY (7-0)

V. TREE BOARD:

VI. OTHER BUSINESS:

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, December 4, 2024, at 6 pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

* **MOTION BY CHAIRPERSON PARK; SECONDED BY BOARD MEMBER FINDLAY TO ADJOURN THE MEETING.**

AYES: PARK, ANDERSON, GREENWOOD, STEWART, BURGESS, FINDLAY, MANFREDI

MOTION PASSED UNANIMOUSLY (7-0)

MEETING ADJOURNED AT 6:55PM.

3 Presentation - Ordinance 19-2024-Zoning Text Amendment

_____
Wesley Park, Chairperson

Respectfully Submitted By:

_____
Abigail Bass, Assistant City Clerk

Legislation Details (With Text)

File #:	24-666	**Version:** 1	**Name:**		
Type:	Agenda		**Status:**	Agenda Ready	
File created:	11/15/2024		**In control:**	Planning and Zoning / Local Planning Agency	
On agenda:	12/4/2024		**Final action:**		
Title:	Ordinance No. 15-2024 A Consideration of a City-initiated Ordinance amending the official Zoning Map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, and generally located adjacent to state road 520 near the intersections with Virginia Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on exhibit "A" attached here to from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G).			
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Ordinance 15-2024 - Rezoning Pine Grove Park_v2.pdf Exhibit 'A' Pine Grove Park Zoning Amendment Location.pdf Exhibit 'B' Pine Grove Park Future Land Use Map.pdf Exhibit 'C' Pine Grove Park Zoning Amendment.pdf Exhibit D Ordinance 11-2004.pdf Exhibit E Ordinance 03-2006.pdf Exhibit F Prior County Zoning Map.pdf Legal Ad P&Z Pine Grove Park ZMA_Oct2_affadavit.pdf Legal Ad P&Z Pine Grove Park ZMA_Dec4_Preview.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: November 15, 2024
Agenda Date: December 4, 2024
Prepared By: Jennifer Webster - Planner, City of Cocoa
Through: Stockton Whitten - City Manager

Requested Action:
Consideration of a City-initiated ordinance amending the official Zoning Map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G).

BACKGROUND:

The Subject Parcels are generally located adjacent to State Road 520 near the intersections of Virginia Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on Exhibit "A".

These parcels are located in the City of Cocoa taxing jurisdiction. Fifteen (15) of these properties were annexed into the City in 2004 from Brevard County (County), by Ordinance 11-2004, (Exhibit 'D') as part of a larger, 26-acre annexation of portions of the Pine Grove Park Subdivision and portions of the Pine Acres Plat. One (1) parcel was later annexed by Ordinance 03-2006 (Exhibit 'E'). These properties were assigned a Future Land Use (FLU) of Commercial. However, a zoning category was not assigned at the time of the annexations. This makes future development challenging with the absence of a City zoning designation.

Upon analysis, Planning and Zoning staff is recommending these (16) parcels, totaling approximately 8.36 acres, be rezoned to City of Cocoa General Commercial (C-G).

STATISTICS

Future Land Use Designation: Current: Commercial

Zoning District:
Prior (Brevard County):
Single-Family Residential (RU-1-9)
General Retail Commercial (BU-1)
Retail, Warehousing & Wholesale Commercial (BU-2)
Proposed: City of Cocoa General Commercial (C-G)

Existing Land Use: Various - Light industrial, misc. retail, personal services, vacant, unused

Council District: District 1 - Councilmember Alex Goins

Legal Ad Date: September 17, 2024 (original hearing date of October 2, 2024, postponed to date and time certain December 4th, 2024. Advertised on November 19th for December 10th, 2024 City Council 1st reading.)

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	Commercial	General Commercial (C-G)	Automotive Sales & Repair
South	Low Density Residential	RU-1-7 (Single Family)	Single Family Homes
East	Commercial	General Commercial (C-G)	Automotive & Retail
West	Brevard County	Brevard County	Commercial / Industrial

ANALYSIS

Brevard County Zoning Comparison and Conformities. Part of the staff analysis in a rezone request is the potential creation of nonconforming lots. The following are descriptions of the Brevard County zoning classifications of the Subject Parcels when they were annexed.

Single-family residential, RU-1-9. There is one parcel in the Subject area with the former County classification of Single-family residential, or RU-1-9. "This residential zoning classification encompasses lands devoted to single-family residential development of spacious character [...]" *(Sec. 62-1341, Code of Ordinances of Brevard County).* This parcel is currently vacant and unoccupied and will be considered conforming in the City of Cocoa C-G zoning district.

General retail commercial, BU-1. There is one business in the Subject Parcel area with this former classification: the Brevard Sharing Center Thrift Store. "This zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community [...]", *(Sec. 62-1482 Code of Ordinances of Brevard County*), and is allowed in this County zoning classification as a primary use. It is also allowed as a primary use in the proposed City of Cocoa C-G zoning district, and will be considered a conforming use in City of Cocoa C-G zoning district.

Retail, warehousing and wholesale commercial, BU-2. The remaining (14) parcels in the Subject Parcel area have this former County classification, and are a variety of retail, personal services, light industrial, manufacturing, or are vacant or unused. "This zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. [...]" (*Sec. 62-1483, Code of Ordinances of Brevard County).*

Two of these businesses in the Subject Parcel area, which are of a light industrial and/or manufacturing nature, were allowed in this County zoning classification but with imposed conditions. However, in the proposed City C-G zoning district, they are not permitted uses and will be considered legally "nonconforming", as described in the City of Cocoa Zoning Code ART X, Sec. 4, also discussed below.

The remaining (12) of the BU-2 parcels will be considered conforming in the City C-G zoning district. All of the businesses will be expected to comply with the code requirements and standards for screening, parking, safety, etc. In addition, all of the businesses will be required to maintain current business tax receipts with the City, as per the City of Cocoa Code, Chapter 12 - Local Business Taxes.

Legally nonconforming Uses of Land

As mentioned above there are two properties of an industrial and/or manufacturing nature whose uses are not permitted in the General Commercial zoning district and will be considered legally "nonconforming". This simply means that they are legal uses, generally, but do not conform with the provisions of the district in which they are located, in this case, the requested City of the Cocoa General Commercial zoning district.

The existing industrial and/or manufacturing businesses that are deemed legally non-conforming will be allowed to continue as they have been, as long as they remain compliant with City code requirements and standards for screening, parking, safety, etc. They will not be penalized or be required to bring their site up to conformance with the development regulations of General Commercial, if they have not already done so. However, they will be subject to the following restrictions for legally nonconforming properties per the City of Cocoa Zoning Code ART X, including Sec. 4. - Nonconforming uses of land (Ord. No. 5-98, § 1, 2-10-98):

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists

that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(A) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance; unless such use is changed to a use permitted in the district in which such use is located;

(B) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;

(C) If any such nonconforming use of land ceases for any reason for a period of more than one hundred eighty (180) consecutive days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district which such land is located;

(D) No additional structure which does not conform to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

I. Rezoning Analysis

The Planning & Zoning staff have studied and considered the following criteria, according to Appendix A of the City of Cocoa, Article XXI, Section 1(G), to show whether or not:

a. *The proposed change is contrary to the established land use pattern.*

Staff Finding: The surrounding land area consists of primarily commercial use. Therefore, this request is not contrary to the established land use pattern.

b. *The proposed change would create an isolated district unrelated to adjacent and nearby districts.*

Staff Finding: As noted in the table above, the zoning districts across SR 520 to the north and adjacently east are General Commercial (C-G). The properties adjacent to the south are RU-1-7, Single Family Residential. There is one parcel that has been zoned RU-2-15, Multi-Family. The area of the subject parcels that will be designated as General Commercial (C-G) will not create an isolated district unrelated to adjacent and nearby districts.

c. *The proposed change would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, streets, access, etc.*

Staff Finding: The area to be rezoned, or receive a zoning assignment of, General Commercial has been of a commercial character since their annexation in 2004 and 2006. It is anticipated they will remain as-is, and are not anticipated to increase or overtax the load on public facilities such as schools, utilities, streets, access. The proposed zoning district (C-G) is consistent with the already-established Commercial Future Land Use category, which sets the maximum intensity of commercial development.

d. *Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

Staff Finding: The existing district boundaries are not illogically drawn. Furthermore, the rezone from the residual, varying County classifications to General Commercial will unify these parcels into one category and extend the existing district boundary to the western City boundary.

e. *The proposed change would be contrary to the Future Land Use Map and would have an adverse effect on the Comprehensive Plan.*

Staff Finding: The proposed rezoning is consistent with Future Land Use Element Policy 1.1.2.9 **Commercial** in that these areas are "intended to be areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses." Further, in Figure FLU-1, *Standards for Future Land Use Categories*, shows that C-G is an applicable zoning district for the Commercial FLU. The proposed rezone to C-G would not have an adverse effect on the Comprehensive Plan.

f. *Changed or changing conditions make the passage of the proposed amendment necessary.*

Staff Finding: It was recently brought to the City's attention that a property owner wished to place his property for sale and market it as a commercial property. Without a City zoning designation, this property was unmarketable as there were no associated permitted uses. The assignment of a General Commercial zoning will not only allow this property to be marketed as such, but will resolve the ambiguity of the allowed uses, and will establish the regulations for future commercial development.

g. *The proposed change will adversely influence living conditions in the neighborhood.*

Staff Finding: As mentioned, the parcels have been a part of the City since 2004 and 2006, and have not significantly changed during that time. It is not anticipated this rezone will adversely influence the living conditions in the southerly adjacent neighborhood. Actually, with a zoning designation assigned, the parcels now have guidelines for redevelopment that will create an opportunity for area improvement.

h. *The proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

Staff Finding: It is not anticipated that the proposed rezoning would create or excessively increase traffic congestion or otherwise affect public safety.

i. *The proposed change will create a drainage problem.*

Staff Finding: As mentioned, the parcels have been a part of the City since 2004 and 2006, and have not significantly changed during that time. At this time, it is not anticipated that the proposed rezoning will create a drainage problem. Any new commercial development in this area will be required to not exceed the maximum lot coverage, or the maximum impervious surface ratio (ISR) that is required for commercial development standards so as not to impact public stormwater areas.

j. *The proposed change will seriously reduce light and air to adjacent areas.*

Staff Finding: Any new construction is required to meet the requirements of the City Code to ensure light and air to adjacent areas are not reduced. However, as these properties are existing and the intent of this rezoning request is for them to continue in their current uses, it is not anticipated that this rezone will reduce light and air to adjacent areas.

k. *The proposed change will adversely affect property values in the adjacent areas.*

Staff Finding: As the parcels have not significantly changed since their annexations, it is not anticipated this rezone will adversely affect property values in the adjacent areas. Actually, with a zoning designation assigned, the parcels now have guidelines for redevelopment that will create an opportunity for improvement which will increase property value in the neighborhood.

l. *The proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

Staff Finding: On the contrary, the assignment of the City zoning category of General Commercial is expected to encourage the improvement and development of the subject parcels and adjacent property, given that there will be development standards to follow.

m. *The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

Staff Finding: The proposed change is City-initiated and will not constitute a grant of special privilege to the property owners of the subject parcels as contrasted with the public welfare. The proposed zoning designation meets the requirements of the Comprehensive Plan and is consistent with the commercial zoning districts in the surrounding area.

n. *There are substantial reasons why the property cannot be used in accord with existing zoning.*

Staff Finding: With the absence of a City zoning category, redevelopment is not possible. Assigning the category of General Commercial will now allow the property owners to redevelop their properties.

o. *Whether the change suggested is out of scale with the needs of the neighborhood of the city.*

Staff Finding: The proposed rezoning is not out of scale with the needs of the area and would be consistent with and an extension of the existing commercial character in the immediate area.

p. *It is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

Staff Finding: There are no proposed uses being requested at this time, other than the uses that are permissible in the C-G zoning category. As the uses are existing, they are expected to continue. However, the rezoning of these properties will enable potential for redevelopment of the existing properties.

Consistency with Comprehensive Plan Policies and Objectives
The proposed C-G "General Commercial" zoning designation is consistent with the allowable uses under the "Commercial" Future Land Use per the City of Cocoa Comprehensive Plan, per Figure FLU -1, the *Standards for Future Land Use Categories.*

Concurrency Management/Adequate Public Facilities
Section 15-22 of the City Code provides for a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development and that development orders and development permits are not issued in a manner that will not result in a reduction in the levels of service below the adopted level of service standards adopted by the City for public facilities and services, as contained in the City's adopted Comprehensive Plan.

If capacity issues relating to any public facilities or services regulated by the City of Cocoa adopted Comprehensive Plan is identified, necessary and appropriate mitigation will be required to be addressed prior to construction.

BUDGETARY IMPACT:

Budgeted	N/A
If not budgeted, is amendment/transfer attached?	N/A

PREVIOUS ACTION:

Ord. 11-2004 Annexation, adopted May 18, 2004
Ord. 03-2006 Annexation, adopted January 4, 2006

RECOMMENDED MOTION:
Staff requests that the Planning & Zoning Board recommend **APPROVAL** to City Council Ordinance No. 15-2024 A Consideration of a City-initiated Ordinance amending the official Zoning Map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, and generally located adjacent to state road 520 near the intersections with Virginia Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on exhibit "A" attached here to from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G).

ORDINANCE NO. 15-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF SIXTEEN (16) PARCELS OF REAL PROPERTY, TOTALING 8.36 ACRES, MORE OR LESS, AND GENERALLY LOCATED ADJACENT TO STATE ROAD 520 NEAR THE INTERSECTIONS WITH VIRGINIA AVENUE, RUTH STREET, AND AURORA STREET, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY SINGLE-FAMILY RESIDENTIAL (RU-1-9), GENERAL RETAIL COMMERCIAL (BU-1), AND RETAIL, WAREHOUSING & WHOLESALE COMMERCIAL (BU-2) TO CITY OF COCOA GENERAL COMMERCIAL (C-G); 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), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the subject properties were annexed into the City of Cocoa via Ordinances 11-2004 and 03-2006, and a Commercial (COMM) Future Land Use designation was assigned to such properties; 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 the City of Cocoa.

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 Zoning Single-Family Residential (RU-1-9) (Parcel 1), General Retail Commercial (BU-1) (Parcel 14), and Retail, Warehousing, & Wholesale Commercial (BU-2) (remainder of parcels) to City of Cocoa General Commercial (C-G) for the parcels of real property identified by Tax Parcel ID Numbers 24-36-32-29-4-1 (Parcel 1), 24-36-32-29-4-20 (Parcel 2), 24-36-32-31-*-12 (Parcel 3), 24-36-32-29-4-5 (Parcel 4), 24-36-32-29-4-21 (Parcel 5), 24-36-32-29-4-4 (Parcel 6), 24-36-32-29-4-3 (Parcel 7), 24-36-32-29-4-2 (Parcel 8), 24-36-32-31-*-11 (Parcel 9), 24-36-32-31-*-1 (Parcel 10), 24-36-32-29-5-1 (Parcel 11), 24-36-32-29-5-2 (Parcel 12), 24-36-32-00-276 (Parcel 13), 24-36-32-29-4-6 (Parcel 14), 24-36-32-29-5-3 (Parcel 15), and 24-36-32-28-*-30 (Parcel 16), as 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:

Parcel 1:
Parcel ID: 24-36-32-29-4-1

Part of Block 4, Pine Grove Park Subdivision, as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida, more fully described as follows: From the North East corner of Pine Acres Subdivision located on the North Line of Block 4, of Pine Grove Park Subdivision, go Southerly along the East Line of said Pine Acres Subdivision, a distance of 150 ft., to the Point of Beginning; thence continue Southerly along said East Line of Pine Acres Subdivision a distance of 250 ft., to a Point on said line; thence go Easterly, parallel to the North line of said Block 4 of said Pine Grove Park Subdivision a distance of 140 ft.; thence go Northerly, parallel to the East line of said Pine Acres Subdivision a distance of 250 ft.; thence go Westerly, parallel to the North line of Block 4, Pine Grove Park Subdivision, a distance of 140 feet to the Point of Beginning, containing 0.80 acres, more or less.

Parcel 2:
Parcel ID: 24-36-32-29-4-20

Part of Block 4, Pine Grove Park, Subdivision, Plat Book 9, Page 24, Public Records of Brevard County, Florida, more fully described as follows:

From the Northeast corner of Pine Acres Subdivision, Plat Book 9, Page 46, Public Records of Brevard County, Florida, go Southerly along the East line of said Pine Acres Subdivision, a distance of 150 feet to the point of beginning; thence for a first course continue Southerly along said East line of said Pine Acres Subdivision, a distance of 100 feet; thence for a second course run Easterly parallel to the North line of said Block 4 of Pine Grove Park Subdivision, a distance of 140 feet; thence for a third course run Northerly parallel to the first course a distance of 100 feet; thence for a forth course, run Westerly parallel to the second course, a distance or 140 feet to the point of beginning.

Parcel 3:
Parcel ID: 24-36-32-31-*-12

Lots 12, Plat of Pine Acres, according to the plat thereof, as recorded in Plat Book 9, Page(s) 46, of the Public Records of Brevard County, Florida

Parcel 4:
Parcel ID: 24-36-32-29-4-5

The North 150 feet of the East 75 feet of Block 4 of PINE GROVE PARK, according to the Plat thereof as recorded in Plat Book 9, Page 24 of the Public Records of BREVARD County, Florida

Parcel 5:
Parcel ID: 24-36-32-29-4-21

COMMENCE at the Northeast corner of Block 4 of the Plat of PINEGROVE PARK, a subdivision of the East 1/2 of the Southwest 1/4 and part of the South 1/2 of the Northwest 1/4, Section 32, Township 24 South, Range 36 East and recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida; run thence Westerly along the North line of said Block 4 and the South line of State Road 520 a distance of 75 feet to the Point of beginning of the land herein described; from said Point of Beginning, run Westerly along the North line of said Block 4 and the South line of State Road 520, a distance of 140 feet to a point; thence Southerly parallel to and 215 feet West of the East line of said Block 4, a distance of 150 feet to a Point; thence Easterly parallel to and 150 feet South of the North line of said Block 4, a distance of 140 feet; thence Northerly parallel to and 75 feet West of the East line of said Block 4, a distance of 150 feet to the Point of Beginning.

Parcel 6:
Parcel ID: 24-36-32-29-4-4

Beginning at the northeast corner of Block 4 of PINE GROVE PARK SUBDIVISION, according to the plat of said subdivision as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida; thence westerly along the north line of said Block 4 a distance of 215 feet to a point, called the Point of Beginning (POB); thence continue westerly along said north line a distance of 100 feet to a point, said point lying and being on the northeast corner of that certain parcel heretofore conveyed to the County of Brevard for fire department purposes; thence southerly on a line parallel to the east line of said Block 4 a distance of 150 feet to a point; thence easterly on a line parallel to the north line of said Block 4 a distance of 100 feet to a point; thence northerly on a straight line to the POB.

AND

Beginning at the northeast corner of Block 4 of PINE GROVE PARK SUBDIVISION, according to the plat of said subdivision as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida; thence westerly along the north line of said Block 4 a distance of 365 feet to a point; thence southerly on a line parallel to the east line of said Block 4 a distance of 150 feet to the point of beginning (POB); thence continue southerly along said line a distance of 275 feet to a point; thence easterly on a line parallel to the north line of said Block 4 a distance of 140 feet to a point lying on the west line of that parcel heretofore conveyed to the Seventh Day Adventist Church; thence northerly on a line parallel to the east line of said Block 4 a distance of 275 feet to a point; thence westerly on a straight line to the POB.

Parcel 7:
Parcel ID: 24-36-32-29-4-3

PARK OF BLOCK 4, PINE GROVE PARK SUBDIVISION, AS RECORDED IN PLAT BOOK 9, PAGE 24, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. OFFICIAL RECORD BOOK 2601 PAGE 1995, AS DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID BLOCK 4, GO WESTERLY ALONG THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF THREE HUNDRED AND FIFTEEN (315) FEET TO A POINT OF BEGINNING; THENCE GO SOUTHERLY, PARALLEL TO THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF ONE HUNDRED AND FIFTEEN (150) FEET; THENCE GO WESTERLY, PARALLEL TO THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF FIFTY (50) FEET; THENCE GO NORTHERLY, PARALLEL TO THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF ONE HUNDRED FIFTY (150) FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK 4, THENCE GO EASTERLY ALONG THE NORTH LINE OF SAID BLOCK 4, A DISTANCE OF FIFTY (50) FEET TO THE POINT OF BEGINNING.

Parcel 8:
Parcel ID: 24-36-32-29-4-2

A one-half (1/2) undivided interest in the following described property:

Part of Block 4 of the Subdivision of **PINE GROVE PARK** as recorded in Plat Book 9, page 24, Public Records of Brevard County, Florida, more fully described as follows:

For a Point of Beginning commence at the NE corner of Pine Acres Subdivision according to the plat thereof as recorded in Plat Book 9, page 46; from this Point of Beginning and for a first course run East along the North line of said Block 4, a distance of 140 feet to a point; thence for a second course run South and parallel to the East line of said Pine Acres Subdivision, a distance of 150 feet to a point; thence for a third course run West and parallel to the North line of said Block 4, a distance of 140 feet to a point; thence for a fourth course run Northerly along the East line of Pine Acres Subdivision, a distance of 150 feet to the Point of beginning. Parcel ID#: 24-36-32-29-4-2

Parcel 9:
Parcel ID: 24-36-32-31-*-11

Lot 11, PLAT OF PINE ACRES, according to the Plat thereof recorded in Plat Book 9, Page 46, of the Public Records of Brevard County, Florida.

Parcel 10:
Parcel ID: 24-36-32-31-*-1

Lot 1, PLAT OF PINE ACRES, according to the Map or Plat thereof, as recorded in Plat Book 9, Page 46, of the Public Records of Brevard County, Florida.

Parcel 11:
Parcel ID: 24-36-32-29-5-1

The West 50 feet of the East 250 feet of the North 150 feet of Block 5, PINE GROVE PARK, according to the plat thereof as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida.

AND

The South 1/2 of the West 75 feet of the East 200 feet of the North 200 feet of Block 5, PINE GROVE SUBDIVISION, according to the plat thereof as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida.

AND

The North 1/2 of the West 75 feet of the East 200 feet of the North 200 feet of Block 5, PINE GROVE PARK, according to the plat thereof as recorded in Plat Book 9, Page 24, of the Public Records of Brevard County, Florida.

Parcel 12:
Parcel ID: 24-36-32-29-5-2

Begin at a point on the South right-of-way of State Road No. 520, which is also the North line of Block 5, Plat of Pine Grove Park, as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida, 250.00 feet East of the Northwest corner of said Block 5; from the Point of Beginning run East along the North line of said Block 5, 100.00 feet; thence South parallel with the West line of said Block 5, 150.00 feet; thence West parallel with said North line, 100.00 feet; thence North parallel with the West line of said Block 5, 150.00 feet to the Point of Beginning. All being and lying in Block 5, Plat of Pine Grove Park, as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida.

Parcel 13:
Parcel ID: 24-36-32-00-276

PARCEL 1

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF BLOCK 5 PINE GROVE PARK. AS RECORDED IN PLAT BOOK 9 PAGE 24, PUBLIC RECORDS OF BREVARD COUNTY. FLORIDA. AND THENCE S 00°00'00" W, A DISTANCE OF 200.00 FEET; THENCE RUN N 89°24'00" W A DISTANCE OF 125.00 FEET; THENCE RUN N 00°00'00" E. A DISTANCE OF 272.50 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 520; THENCE RUN S 89°24'00" E. ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 155.00 FEET; THENCE RUN S 00°00'00" W. A DISTANCE OF 72.50 FEET; THENCE RUN N 89°24'00" W. A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PARCEL OF LAND;
COMMENCE AT THE NORTHWEST PORTION OF LAND DESCRIBED IN VIRGINIA PARK RESUBDIVISION, PART OF TRACT 3 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1221 PAGE 171, PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED PARCEL OF LAND, AND THENCE RUN S 00°00'00" E, A DISTANCE OF 72.50 FEET TO THE POINT OF BEGINNING; THENCE RUN S 89°20'35" E , A DISTANCE OF 6.00 FEET; THENCE RUN S 00°00'00" E, A DISTANCE OF 37.10 FEET; THENCE RUN S 90°00'00" E A DISTANCE OF 9.00 FEET; THENCE RUN S 00°00'00" E, A DISTANCE OF 128.22 FEET; THENCE RUN S 89°31'15" W, A DISTANCE OF 15.00 FEET; THENCE RUN N 00°00'00" E A DISTANCE OF 165.45 FEET TO THE POINT OF BEGINNING

PARCEL 2:

A 140.16 FOOT BY 72.50 FOOT PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 5, PINE GROVE PARK, AS RECORDED IN PLAT BOOK 9, PAGE 24, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THENCE RUN N 89°24'00" W., A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°24'00" W., A DISTANCE OF 140.16 FEET; THENCE RUN N 00°00'00" E., A DISTANCE OF 72.50 FEET TO THE SOUTH R/W LINE OF KING STREET; THENCE RUN S 89°24'00" E., ALONG SAID SOUTH R/W LINE, A DISTANCE OF 140.16 FEET; THENCE RUN S 00°00'00" W., A DISTANCE OF 72.50 FEET TO THE POINT OF BEGINNING.

Parcel 14:
Parcel ID: 24-36-32-29-4-6

A part of Block 4, PINE GROVE PARK SUBDIVISION, as shown on a plat of said subdivision, recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida, more fully described as follows:

From the Northeast corner of said Block 4, PINE GROVE PARK SUBDIVISION, go Southerly along the East line of said Block 4, a distance of 150 feet to the point of beginning (also the Southeast corner of the property deeded to M.W. Ford and C.H. Graf on or about August 1958); thence continue Southerly along the East line of said Block 4, a distance of 200 feet; thence go Westerly, parallel to the North line of said Block 4, a distance of 225 feet; thence go Northerly, parallel to the East line of said Block 4, a distance of 200 feet; thence go Easterly, parallel to the North line of said Block 4, a distance of 225 feet to the point of beginning.

Start at the Northeast corner of Block 4, PINE GROVE PARK SUBDIVISION, as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida; thence run Southerly along the East line of said Block 4, a distance of 350 feet to a point of beginning; thence run Westerly, parallel to the North line of said Block 4, a distance of 225 feet; thence run Southerly, parallel to the East line of said Block 4, a distance of 150 feet; thence run Easterly, parallel to the North line of said Block 4, a distance of 150 feet to the point of beginning; the parcel of land herein described being a rectangular parcel with sides of 150 feet by 225 feet.

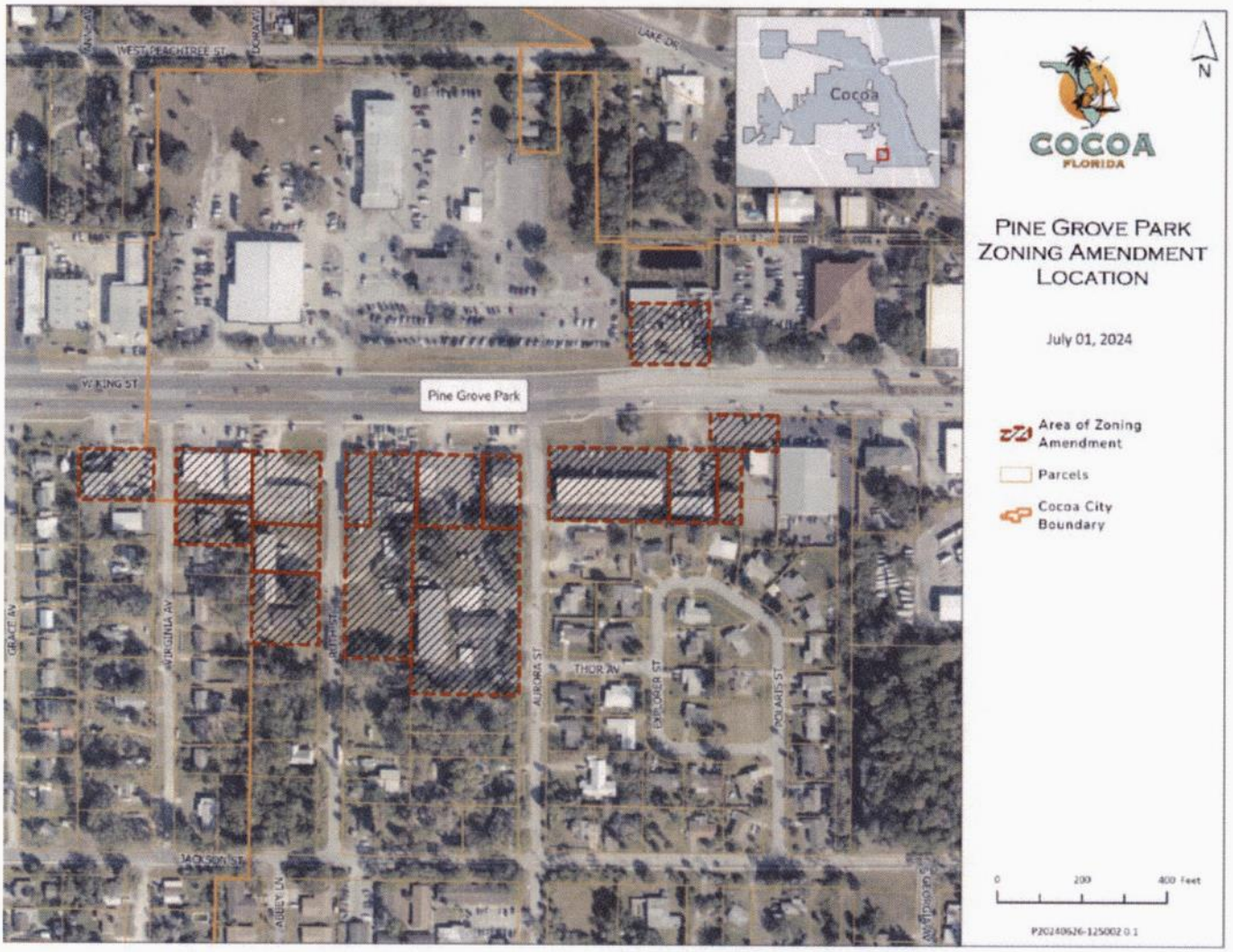
Parcel 15:
Parcel ID: 24-36-32-29-5-3

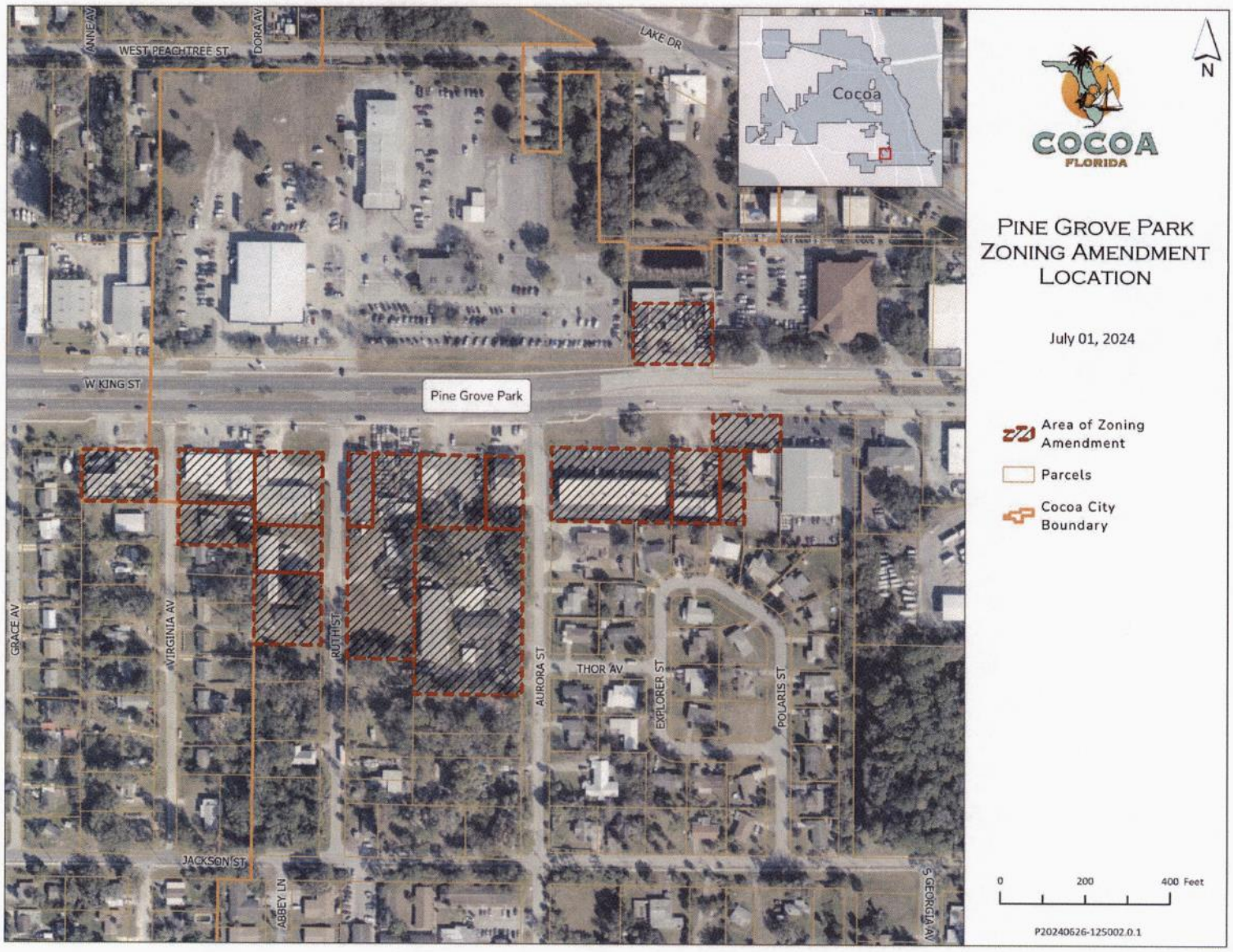
The West 250 feet of the North 150 feet of Block 5, Plat of Pine Grove Subdivision, according to the map or plat thereof as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida.

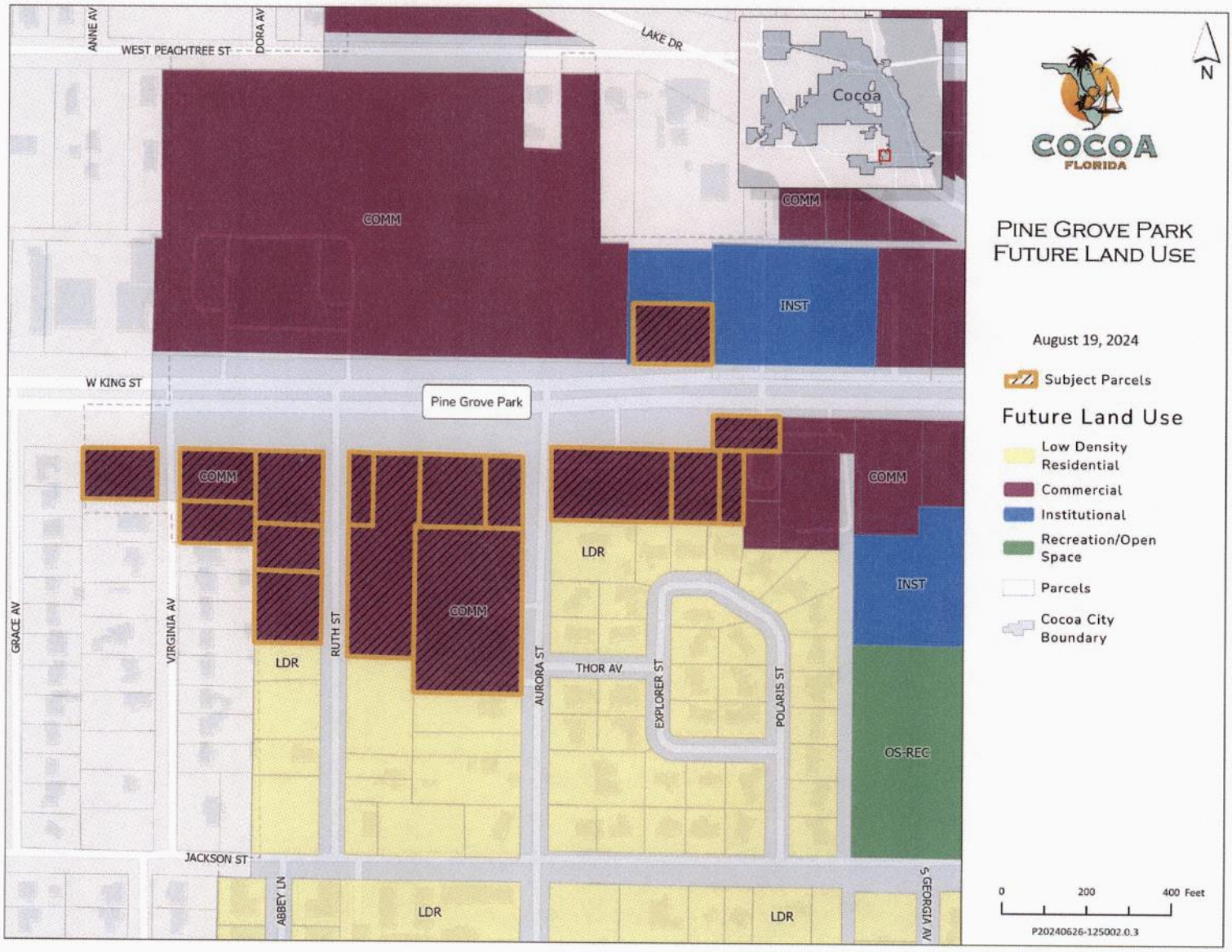
Parcel 16:
Parcel ID: 24-36-32-28-*-30

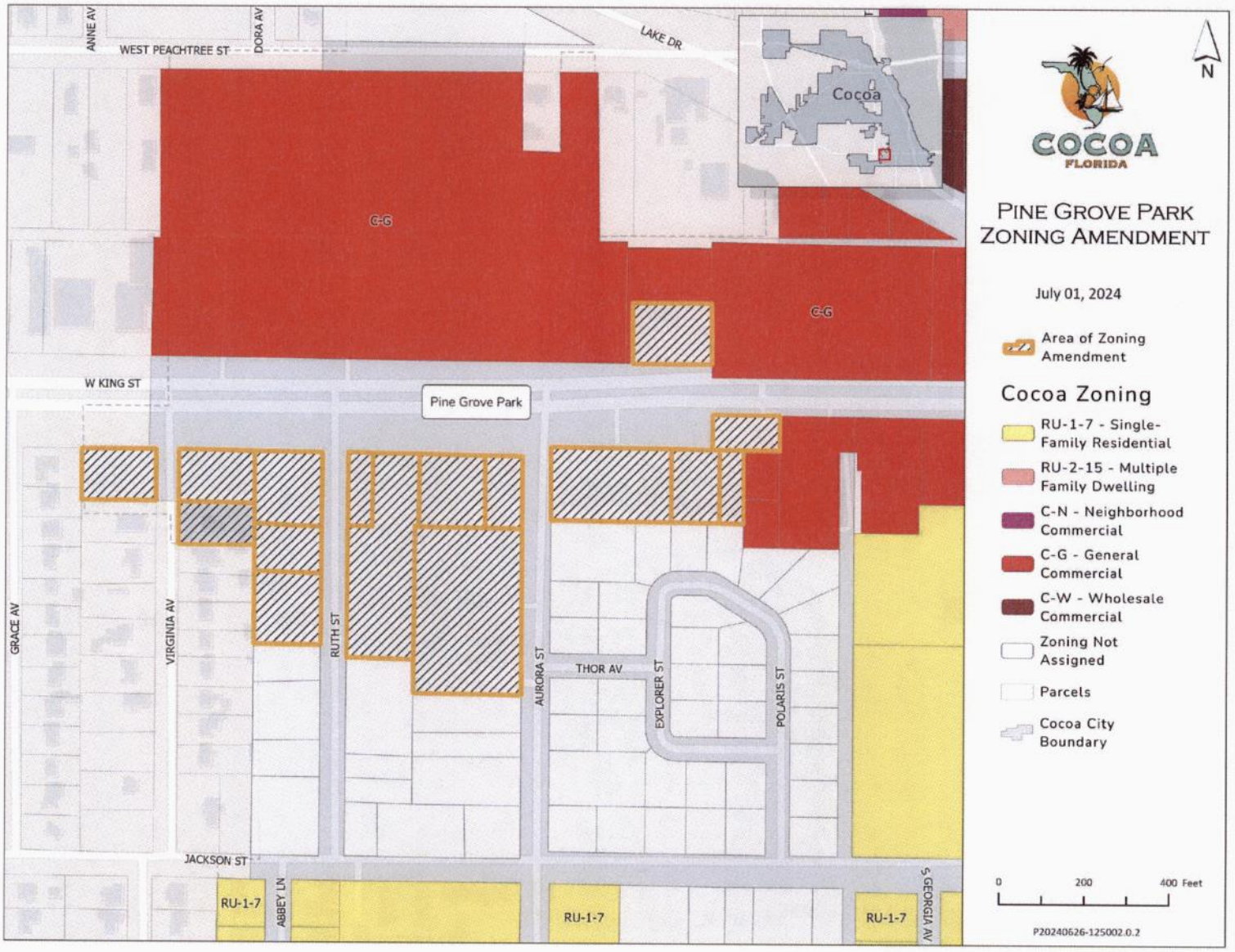
That part of Lots 30, 31 and 32, Block 1, Plat of Subdivision of Block No. 1, of Pine Grove Park, according to the Plat recorded in Plat Book 9, Page 34, of the Public Records of Brevard County, Florida, described as follows: Commence at the SE corner of Lot 32, aforesaid, and for a first course, run Westerly along the North right of way of State Road 520, a distance of 170 feet; thence for second course, run Northerly and parallel to the West line of Lot 30, aforesaid, a distance of 125 feet; thence for a third course run Easterly and parallel to the first course 170 feet to the East line of Lot 32, aforesaid; thence for a fourth course run Southerly along the East line of Lot 32, aforesaid, a distance of 125 feet to the Point of Beginning.

Depiction of Subject Properties:




ANNE AV
WEST PEACHTREE ST
DORA AV
LAKE DR
Cocoa
W KING ST
Pine Grove Park
GRACE AV
VIRGINIA AV
RUTH ST
AURORA ST
THOR AV
EXPLORER ST
POLARIS ST
JACKSON ST
ABBEY LN
S GEORGIA AV
N
COCOA
FLORIDA
PINE GROVE PARK
ZONING AMENDMENT
LOCATION
July 01, 2024
Area of Zoning Amendment
Parcels
Cocoa City Boundary
0
200
400 Feet
P20240626-125002.0.1


ANNE AV
DORA AV
WEST PEACHTREE ST
LAKE DR
Cocoa
COMM
COMM
INST
W KING ST
Pine Grove Park
COMM
COMM
COMM
LDR
GRACE AV
VIRGINIA AV
RUTH ST
AURORA ST
THOR AV
EXPLORER ST
POLARIS ST
INST
OS-REC
JACKSON ST
ABBEY LN
LDR
LDR
S GEORGIA AV
N
COCOA
FLORIDA
PINE GROVE PARK
FUTURE LAND USE
August 19, 2024
Subject Parcels
Future Land Use
Low Density Residential
Commercial
Institutional
Recreation/Open Space
Parcels
Cocoa City Boundary
0
200
400 Feet
P20240626-125002.0.3


ANNE AV
WEST PEACHTREE ST
DORA AV
LAKE DR
Cocoa
C-G
C-G
W KING ST
Pine Grove Park
GRACE AV
VIRGINIA AV
RUTH ST
AURORA ST
THOR AV
EXPLORER ST
POLARIS ST
JACKSON ST
ABBEY LN
RU-1-7
RU-1-7
RU-1-7
S GEORGIA AV
N
COCOA
FLORIDA
PINE GROVE PARK
ZONING AMENDMENT
July 01, 2024
Area of Zoning Amendment
Cocoa Zoning
RU-1-7 - Single-Family Residential
RU-2-15 - Multiple Family Dwelling
C-N - Neighborhood Commercial
C-G - General Commercial
C-W - Wholesale Commercial
Zoning Not Assigned
Parcels
Cocoa City Boundary
0
200
400 Feet
P20240626-125002.0.2

ORDINANCE NO 11-2004.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA ANNEXING APPROXIMATELY 26 ACRES OF REAL PROPERTY GENERALLY LOCATED SOUTH AND NORTH OF STATE ROAD 520 AND EAST OF VIRGINIA AVENUE TO THE WESTERN BOUNDARY OF THE CURRENT CORPORATE LIMITS, OF WHICH THE RESIDENTIAL AREA IS GENERALLY KNOWN AS PINEGROVE SUBDIVISION; PROVIDING FOR THE AMENDMENT OF COCOA CHARTER, ARTICLE 1, CITY BOUNDARIES, TO INCORPORATE THE REAL PROPERTY INTO THE CITY BOUNDARIES; PROVIDING FOR A REFERENDUM FOR APPROVAL BY THE REGISTERED ELECTORS OF THE AREA PROPOSED TO BE ANNEXED; PROVIDING FOR THE FILING OF THE REVISED COCOA CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 171, Florida Statutes provides the exclusive method of municipal annexation, in order to ensure sound urban development and efficient provision of urban services; and

WHEREAS, the City has determined that the area to be annexed is contiguous and reasonably compact, is developed for urban purposes, is not within the boundaries of another municipality, and has met all other requirements of Chapter 171, Florida Statutes, including but not limited to the prerequisites for annexation; and

WHEREAS, the City Council has determined that the annexation of the properties within the Subject Area have met all procedural requirements and that it will promote sound urban development and efficient provision of urban services; and

WHEREAS, the annexation is in compliance and consistent with the goals and objectives of the City of Cocoa Comprehensive Plan, Charter, and City Code; and

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of Cocoa, the City Council of the City of Cocoa desires to annex the real property generally described below into the municipal boundaries of the City of Cocoa; and

WHEREAS, upon adoption of this Ordinance, the municipal boundary lines of the City of Cocoa, contained in Cocoa Charter, Article 1, Section 1, shall be redefined to include the subject real property.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Annexation of Real Property. The real property shall be, and is hereby annexed into the City of Cocoa, Florida. This real property is described in Exhibit "A" and illustrated in Exhibit "B". The real property shall be known as existing within the boundaries of the City of Cocoa, Florida, from the effective date of this ordinance.

Section 2. Referendum by Registered Electors. This ordinance proposing to annex the property herein described to the corporate limits to the City of Cocoa shall be submitted to a vote of the registered electors of the area herein proposed to be annexed. The referendum for annexation shall be held May 18, 2004, with a ballot in a form substantially similar to that set forth in Exhibit "C" which is attached hereto and incorporated herein by this reference. Such election shall be held in conformity with the laws and ordinances now in effect and in conformance with the provisions of Chapter 171, Florida Statutes.

Section 3. City Boundaries Redefined; Cocoa Charter Amended. Pursuant to Section 166.031(3), Florida Statutes, and Section 171.091, Florida Statutes, the City of Cocoa Charter, Article 1, Section 1, is hereby amended to redefine the corporate boundaries of the City of Cocoa to include real property described in Section 1 of this Ordinance. The City Clerk shall file the revised Cocoa Charter, Article 1, Section 1, with the Department of State within thirty (30) days of the effective date of this Ordinance.

Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to the extent of conflict.

Section 5. Severability. Should any section or provision of this Ordinance, or any portion hereof, any paragraph, sentence, or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not effect the validity of the remainder hereto as a whole or part thereof to be declared invalid.

Section 6. Effective Date. This ordinance shall become effective ten (10) days after the referendum, providing that there is a majority vote for annexation by the registered electors of the area proposed herein to be annexed.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the 13th day of April, 2004.

Judy Parrish, Mayor

ATTEST

Joan Clark, City Clerk

First Reading: March 23, 2004
Second Reading: April 13, 2004
Effective Date: May 28, 2004

EXHIBIT "A"
Legal Description

The subject property is generally described as an area located in Section 32, Township 24 South, Range 36 East, Brevard County, Florida being more particularly described as follows:

BEGIN at the intersection of the East line of the Northwest ¼ of said Section 32 with the North right of way line of State Road No. 520, said point being the ***Point of Beginning***; thence run N 89°31'55" W, along said North right of way line, a distance of 295.16 feet to a point of right of way transition; thence run N 00°28'05" E, along said transition, a distance of 27.50 feet to the Southeast corner of Lot 32 of the PLAT OF SUBDIVISION OF BLOCK NO. 1 OF PINE GROVE PARK, recorded in Plat Book 9, Page 34 of the public records of Brevard County, Florida; thence run N 00°07'56" W, along the East line of said lot, a distance of 132.80 feet to a point on the South line of the North 118.66 feet of said Lot 32; thence run N 89°59'23" W, along said South line and its Westerly extension, a distance of 170.60 feet; thence run S 00°23'58" E, a distance of 132.33 feet to a point on the North right of way line of State Road No. 520; thence run N89°28'34"W along said North right of way, a distance of 989.00 feet to a point on the Southwest corner of Lot 17 of said PINE GROVE PARK subdivision; thence run S00°28'13"W, a distance of 200.00 feet to a point on the South right of way line of State Road No. 520; thence run N 89°42'30" W, a distance of 141.55 feet to a point on the Northwest corner of Lot 1 of the PLAT OF PINE ACRES, recorded in Plat Book 9, Page 46 of the public records of Brevard County, Florida; thence run S 00°17'30" W, along the West line of said Lot 1, a distance of 110.00 feet to a point on the Southwest corner of said Lot 1; thence run S 89°42'30"E, a distance of 350.00 feet to a point on the Southeast corner of Lot 11 of said PLAT OF PINE ACRES; thence run S 00°17'30" W, a distance of 774.70 feet to a point on the South right of way line of Jackson Street; thence run S89°37'15"E, along said South right of way line, a distance of 615.00 feet to a point on the East right of way line of Aurora Street; thence run S 00°09'20" W, along the said East right of way line, a distance of 498.80 feet to a point on the North line of Block "A", PINEGROVE PARK, UNIT NO. 2, FIRST ADDITION, as recorded in Plat Book 17, Page 88, public records of Brevard County, Florida; thence run S 89°37'15" E, a distance of 641.52 feet to a point on the East line of the Northeast ¼ of the Southwest ¼ of said Section 32; thence run N 00°07'55" W along the East line of said quarter section and the East line of the Southeast ¼ of the Northwest ¼ of sad Section 32, a distance of 1180.90 feet to a point which is the Easterly projection of the South line of a tract of land described in Deed Book 344, Page 182 of the public records of Brevard County, Florida; thence run N89°31'55"W, along said line, a distance of 230.00 feet to a point on the Southwest corner of the tract of land described in Deed Book 344, Page 182 of the public records of Brevard County, Florida; thence run N 00°07'55" W, along said tract of land, a distance of 200.00 feet to a point on the South right of way line of State Road No. 520; thence run S89°31'55"E, a distance of 230.00 feet to a point on the East line of the Southeast ¼ of the Northwest ¼ of said Section 32; thence run N 00°07'55" W, along the East line of said quarter section, a distance of 172.50 feet to a point on the North right of way line of State Road No. 520, said point being the ***Point of Beginning***.

Containing 39.51 acres more or less.

EXHIBIT "B"

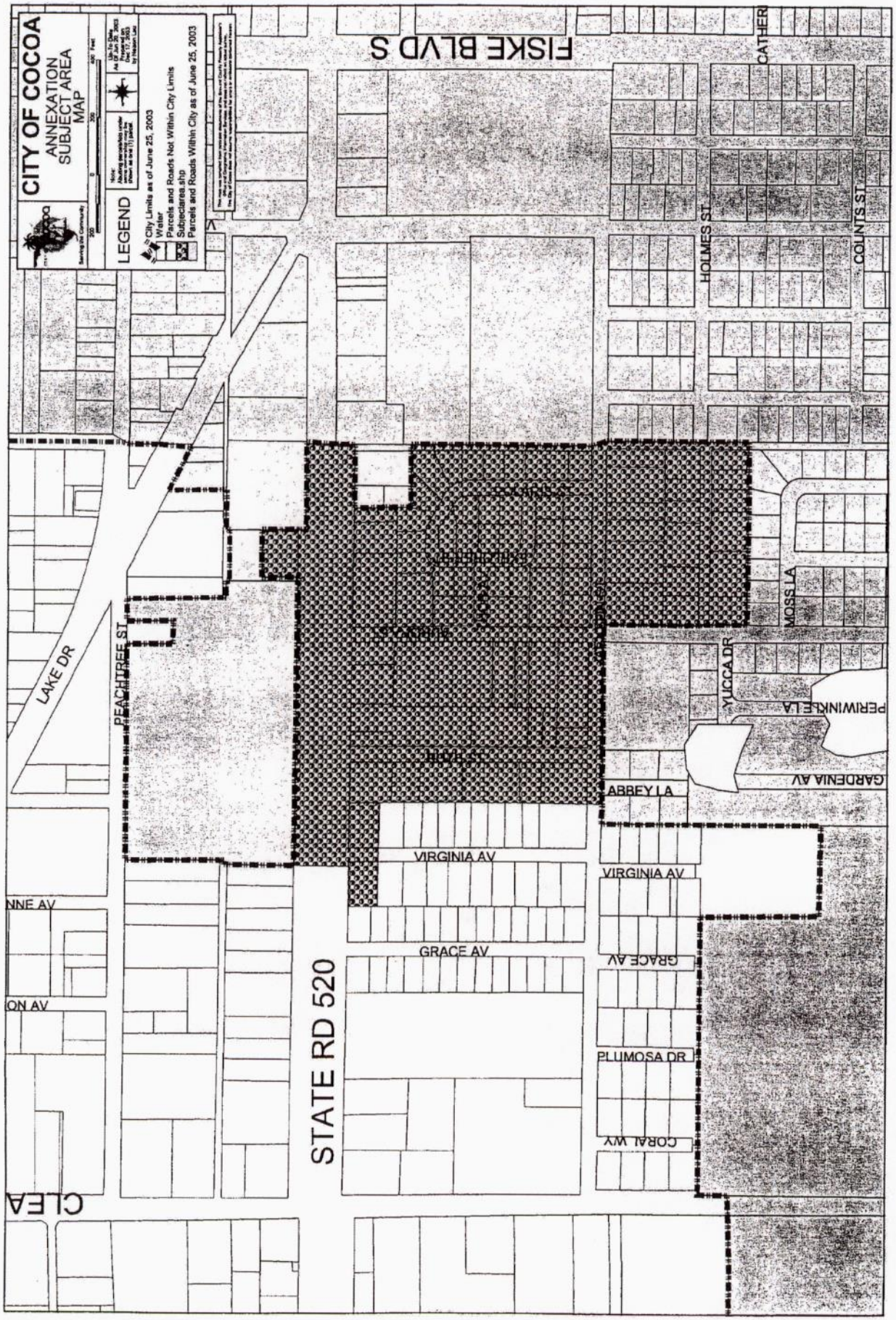

CITY OF COCOA
ANNEXATION
SUBJECT AREA
MAP
LEGEND
City Limits as of June 25, 2003
Water
Parcels and Roads Not Within City Limits
Subjectarea.shp
Parcels and Roads Within City as of June 25, 2003
FISKE BLVD S
CATHER
HOLMES ST
COUNTS ST
CLARK ST
MOSS LA
YUCCA DR
PERIWINKLE LA
GARDENIA AV
ABBEY LA
VIRGINIA AV
GRACE AV
PLUMOSA DR
CORAL WY
LAKE DR
PEACHTREE ST
STATE RD 520
NNE AV
ON AV
CLEA

EXHIBIT "C"

PINEGROVE
ANNEXATION REFERENDUM

The City of Cocoa has adopted Ordinance No. 11-2004 calling for annexation to the City of Cocoa of certain land located adjacent to the City generally known as the Pinegrove Subdivision. Annexation will not occur unless a majority of the registered electors casting ballots in the area proposed to be annexed approve the annexation.

_____ For annexation of property described in Ordinance No. 11-2004 of the City of Cocoa

_____ Against annexation of property described in Ordinance No. 11-2004 of the City of Cocoa

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA **COUNTY OF BREVARD**

We, the undersigned, George B. Turner, County Court Judge, Fred D. Galey, Supervisor of Elections, and Sue Carlson, Member of the Board of County Commissioners, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 18th day of May, 2004, and proceeded publicly to canvass the votes given for the **CITY OF COCOA SPECIAL MAIL BALLOT ANNEXATION ELECTION** held on the 18th day of May, A.D., 2004 as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For Pinegrove Annexation Referendum the whole number of votes cast was 46 of which number

For annexation of property described in Ordinance No. 11-2004 of the City of Cocoa received 32 votes

Against annexation of property described in Ordinance No. 11-2004 of the City of Cocoa received 14 votes

COUNTY COURT JUDGE

SUPERVISOR OF ELECTIONS

(SEAL)

MEMBER, BOARD OF COUNTY COMMISSIONERS

REPORT ON CONDUCT OF ELECTION

(Section 102.141(6), F.S.)

Brevard County, Florida

CITY OF COCOA SPECIAL MAIL BALLOT ELECTION.....May 18, 2004

1. Did you have any problems which occurred as a result of equipment malfunctions either at the precinct level or at a counting location?

☐ YES ☒ NO

If yes, please explain: _____

_____

_____

2. Did you have any difficulties or unusual circumstances encountered by an election board or the canvassing board?

☐ YES ☒ NO

If yes, please explain: _____

_____

_____

3. Do you know of any other problems which the canvassing board feels should be made a part of the official election record?

☐ YES ☒ NO

If yes, please explain: _____

_____

_____

County Court Judge

Supervisor of Elections

Member, Board of County Commissioners

May 18, 2004
Date Signed

NOTE: This report must be filed at the same time that the results are certified to the Division of Elections. (Not later than 5 p.m. on the 7th day after an election.)

DS-DE 81 (Rev. 9/97)

CFN 2006027358 01-30-2006 11:29 am
OR Book/Page: 5597 / 5395

ORDINANCE NO. 03-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA ANNEXING APPROXIMATELY 0.28 ACRES OF REAL PROPERTY GENERALLY LOCATED NEAR THE SOUTHEAST CORNER OF VIRGINIA AVENUE AND STATE ROAD 520; PROVIDING FOR THE AMENDMENT OF COCOA CHARTER, ARTICLE 1, CITY BOUNDARIES, TO INCORPORATE THE REAL PROPERTY INTO THE CITY BOUNDARIES; PROVIDING FOR THE FILING OF THE REVISED COCOA CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Prepared by & Return to:
Joan Clark, City Clerk
City of Cocoa
603 Brevard Avenue
Cocoa, FL 32922

WHEREAS, Chapter 171, Florida Statutes provides the exclusive method of municipal annexation, in order to ensure sound urban development and efficient provision of urban services; and

WHEREAS, the City has determined that the area to be annexed is contiguous and reasonably compact, is developed for urban purposes, is not within the boundaries of another municipality, does not have any registered electors, and has met all other requirements of Chapter 171, Florida Statutes, including but not limited to the prerequisites for annexation; and

WHEREAS, Joseph Welnack has petitioned the City of Cocoa for annexation of a parcel of land identified by Brevard County Parcel Identification Number 24-36-32-31-00000.0-0012.00; and

WHEREAS, the City Council has determined that the annexation of the subject area has met all procedural requirements and that it will promote sound urban development and efficient provision of urban services; and

WHEREAS, the annexation is in compliance and consistent with the goals and objectives of the City of Cocoa Comprehensive Plan, Charter, and City Code; and

WHEREAS, in the best interest of the public health, safety, and welfare of the citizens of Cocoa, the City Council of the City of Cocoa desires to annex the real property generally described below into the municipal boundaries of the City of Cocoa; and

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 5 #Names: 2
Trust: 3.00 Rec: 41.00 Serv: 0.00
[illegible]: 0.00 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00

WHEREAS, upon adoption of this Ordinance, the municipal boundary lines of the City of Cocoa, contained in Cocoa Charter, Article 1, Section 1, shall be redefined to include the subject real property.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Annexation of Real Property. The real property shall be, and is hereby annexed into the City of Cocoa, Florida. This real property is described in Exhibit "A" and illustrated in Exhibit "B". The real property shall be known as existing within the boundaries of the City of Cocoa, Florida, from the effective date of this ordinance.

Section 2. City Boundaries Redefined; Cocoa Charter Amended. Pursuant to Section 166.031(3), Florida Statutes, and Section 171.091, Florida Statutes, the City of Cocoa Charter, Article 1, Section 1, is hereby amended to redefine the corporate boundaries of the City of Cocoa to include real property described in Section 1 of this Ordinance. The City Clerk shall file the revised Cocoa Charter, Article 1, Section 1, with the Department of State within thirty (30) days of the effective date of this Ordinance.

Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to the extent of conflict.

Section 4. Severability. Should any section or provision of this Ordinance, or any portion hereof, any paragraph, sentence, or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not effect the validity of the remainder hereto as a whole or part thereof to be declared invalid.

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 24 day of January, 2006.



CFN 2006027358
OR Book/Page: 5597 / 5396

Michael C. Blake, Mayor

ATTEST

Joan Clark, City Clerk

First Reading: **January 10, 2006**
Second Reading: **January 24, 2006**
Effective Date: **January 24, 2006**

CFN 2006027358
OR Book/Page: 5597 / 5397

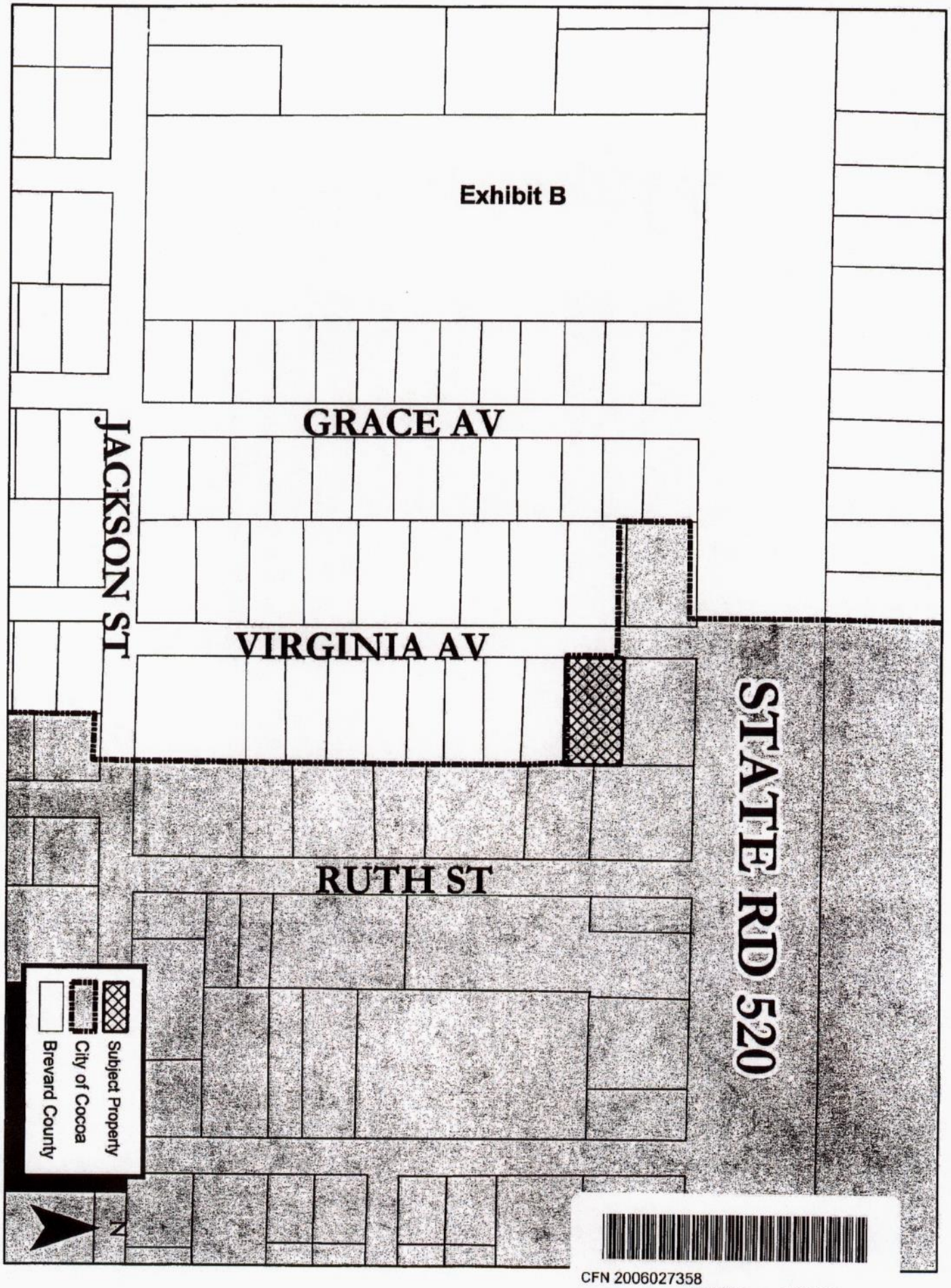
EXHIBIT "A"
Legal Description

The subject property is generally described as Lot 12 of PINE ACRES SUBDIVISION, recorded in Plat Book 9, Page 46 of the Public Records of Brevard County, Florida, located in Section 32, Township 24 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of Lot 11 of PINE ACRES SUBDIVISION, recorded in Plat Book 9, Page 46, of the public records of Brevard County, Florida, said point being at the intersection of the South right of way line of State Road 520 and the East right of way line of Virginia Avenue; thence run S00°32'30"E, along the East right of way line of Virginia Avenue, a distance of 110.04 feet to the Northwest corner of Lot 12 of said PINE ACRES SUBDIVISION, said point being the ***Point of Beginning***; thence continue S00°32'30"E, along the East right of way of Virginia Avenue, a distance of 79.96 feet to the Southwest corner of Lot 12 of said PINE ACRES SUBDIVISION; thence run S89°42'30"E, along the South line of Lot 12 of said PINE ACRES SUBDIVISION, a distance of 149.96 feet to the Southeast corner of Lot 12 of said PINE ACRES SUBDIVISION; thence run N00°32'30"W, along the West line of Lot 12 of said PINE ACRES SUBDIVISION, a distance of 80.04 feet to the Northeast corner of Lot 12 of said PINE ACRES SUBDIVISION; thence run N89°42'30"W, along the North line of Lot 12 of said PINE ACRES SUBDIVISION, a distance of 149.97 feet to the Northwest corner of Lot 12 of said PINE ACRES SUBDIVISION, said point being the ***Point of Beginning***.

Containing 0.275 acres more or less.

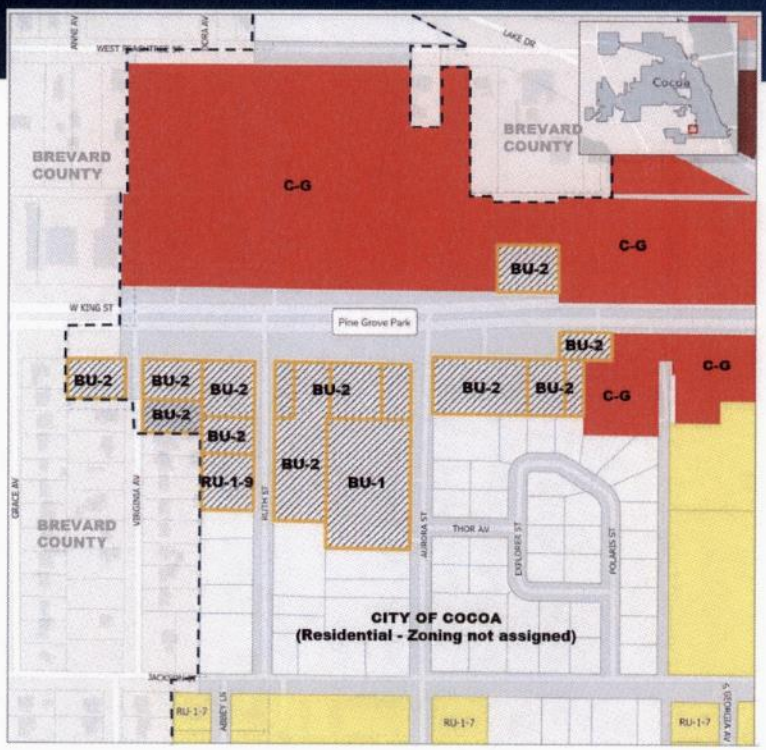




CFN 2006027358
OR Book/Page: 5597 / 5399

EXHIBIT "F"
PRIOR BREVARD COUNTY ZONING MAP

COCOA
FLORIDA



MAP LEGEND:

- Area of Zoning Amendment

Cocoa Zoning

- RU-1-7 - Single-Family Residential
- C-G - General Commercial
- C-W - Wholesale Commercial
- Zoning Not Assigned
- Parcels
- Cocoa City Boundary

Map Date: November 6, 2024

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Jennifer Webster, Planning & Zoning Dept.
Attn: Accounting Division
City Of Cocoa (Te)
65 Stone St
Cocoa FL 32922-7982

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

09/17/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/17/2024

Keegan Leoran
Legal Clerk

Notary, State of WI, County of Brown

8.25.26
My commission expires

Publication Cost:	$316.64	
Tax Amount:	$0.00	
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THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

Ad# 9/17/2024

CITY OF COCOA
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN
THAT
THE PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY
AND THE COCOA CITY COUNCIL
PROPOSES TO CONSIDER THE FOLLOWING ORDINANCE:

PZ 24-07100004 PINE GROVE PARK ZONING MAP AMENDMENT | ORD 15-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF SIXTEEN (16) PARCELS OF REAL PROPERTY, TOTALING 8.36 ACRES, MORE OR LESS, AND GENERALLY LOCATED ADJACENT TO STATE ROAD 520 NEAR THE INTERSECTIONS WITH VIRGINIA AVENUE, RUTH STREET, AND AURORA STREET, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY SINGLE-FAMILY RESIDENTIAL (RU-1-9), GENERAL RETAIL COMMERCIAL (BU-1), AND RETAIL, WAREHOUSING & WHOLESALE COMMERCIAL (BU-2) TO CITY OF COCOA GENERAL COMMERCIAL (C-G); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

TAX PARCEL ID NUMBERS:
TAX PARCEL ID 24 3632-29-4-1, 115 RUTH ST, COCOA, FL 32922; TAX PARCEL ID 24 3632-29-4-20, RUTH ST COCOA FL 32922; TAX PARCEL ID 24 3632-31-*-12, 112 VIRGINIA AVE COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-5, W 1305 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-21, W 1313 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-4, W 1315 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-3, W 1325 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-2, W 1335 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-31-*-11, W 1343 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-31-*-1, W 1411 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-5-1, W 1221 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-5-2, W 1233 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-00-276, W KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-6, 111 AURORA ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-5-3, W 1265 KING ST COCOA FL 32922; TAX PARCEL ID 24-36-32-28-*-30, W 1236 KING ST COCOA FL 32922.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY PUBLIC HEARING WILL BE HELD ON
October 2nd, 2024
CITY COUNCIL 1st PUBLIC HEARING WILL BE HELD ON
October 8th , 2024
ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT 65 STONE STREET, COCOA, FL

General Notice Information:
This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk, Monica Arsenault, at least 48 hours prior to the meeting by telephone at (321) 433-8484 or via email at ,

The City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and, for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.

Public Participation Information:
The public may inspect the agenda items, ordinances, and supporting documents at the Community Services Department, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8451, or on the City's website at the following link prior to the meeting: https://cocoa.legistar.com/Calendar.aspx

Interested persons may submit their written comments or questions prior to the meeting through Email at meetings@cocoafl.org .

Viewing In Real Time. Interested persons may view and listen to the hearings live at the following internet address: https://cocoa.legistar.com/Calendar.aspx The City is not responsible for technical difficulties that may occur while viewing or listening online.

Ad Preview



AU#1677008 11/19/2024

CITY OF COCOA
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN
THAT
THE PLANNING & ZONING
BOARD/LOCAL PLANNING
AGENCY
AND THE COCOA CITY COUNCIL
WILL CONSIDER THE
FOLLOWING ORDINANCE:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF SIXTEEN (16) PARCELS OF REAL PROPERTY, TOTALING 9.36 ACRES, MORE OR LESS, AND GENERALLY LOCATED ADJACENT TO STATE ROAD 520 NEAR THE INTERSECTIONS WITH VIRGINIA AVENUE, RUTH STREET, AND AURORA STREET; IN COCOA, FLORIDA; MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY SINGLE-FAMILY RESIDENTIAL (RU-1-9), GENERAL RETAIL COMMERCIAL (RU-2-10), AND RETAIL WAREHOUSING & WHOLESALE COMMERCIAL (RU-2-12) TO CITY OF COCOA GENERAL COMMERCIAL (CG); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; SEVERABILITY; AND AN EFFECTIVE DATE.
TAX PARCEL ID NUMBERS: TAX PARCEL ID 24 3620-04-A, 110 RUTH ST, COCOA, FL 32922; TAX PARCEL ID 24 3620-04-B, RUTH ST COCOA FL 32922; TAX PARCEL ID 24 3620-07-12, 110 VIRGINIA AVE COCOA FL 32922; TAX PARCEL ID 24 3620-09-1, W 1201 KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-09-21, W 1213 KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-09-44, W 1315 KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-09-43, W 1205 KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-09-45, W 1235 KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-07-15, W 1345 KING ST COCOA FL 32955; TAX PARCEL ID 24 3620-07-11, W 1311 KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-09-5-A, W 1201 KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-09-5-B, W 1209 KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-09-2-A, W KING ST COCOA FL 32922; TAX PARCEL ID 24 3620-07-46, 111 AURORA ST COCOA FL 32922; TAX PARCEL ID 24 3620-09-5-A, W 1209 KING ST COCOA FL 32922; TAX PARCEL ID 24-36-32-04-00000.0-0010.00, W 1236 KING ST COCOA FL 32922.
PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY PUBLIC HEARING WILL BE HELD ON
December 4th, 2024
CITY COUNCIL'S PUBLIC HEARING WILL BE HELD ON
December 18th, 2024
ALL MEETINGS TO TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT 65 STONE STREET, COCOA, FL.
General Notice Information:
This is a public meeting. Interested parties are hereby advised that they may appear at the meeting and be heard. The facility is accessible. This public meeting will be held in accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk, Monica Amerkamp, at least 48 hours in advance of the meeting by telephone at (321) 433-8846 or via email at .
The City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and, for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.
The City of Cocoa Boards and City Council reserve the right to continue or reschedule hearings to a date certain without re-advertising.
Public Participation Information:
The public may inspect the agenda items, ordinances, and supporting documents at the Community Services Department between 8:00 a.m. and 5:00 p.m. Monday through Friday or by emailing (321) 433-8401, or on the City's website or the following link prior to the meeting: https://cocoa.legistar.com/Calendar.aspx.
Interested persons may submit their written comments or questions prior to the meeting through Email or Regular Mail Delivery.
Viewing of Meet Time. Interested persons may view and listen to the hearings live at the following internet address: https://cocoa.legistar.com/Calendar.aspx. The City is not responsible for technical difficulties that may occur while viewing or listening online.

LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Jennifer Webster, Planning & Zoning Dept.
Attn: Accounting Division
City Of Cocoa (Te)
65 Stone St
Cocoa FL 32922-7982

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

11/19/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/19/2024

Legal Clerk

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KAITLYN FELTY
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Ad#10770508 11/19/2024

CITY OF COCOA
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN
THAT
THE PLANNING & ZONING
BOARD/LOCAL PLANNING
AGENCY
AND THE COCOA CITY COUNCIL
PROPOSE TO CONSIDER THE
FOLLOWING ORDINANCE:

PZ 24-02100004 PINE GROVE PARK ZONING MAP AMENDMENT ORD 15-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF SIXTEEN (16) PARCELS OF REAL PROPERTY, TOTALING 8.36 ACRES, MORE OR LESS, AND GENERALLY LOCATED ADJACENT TO STATE ROAD 520 NEAR THE INTERSECTIONS WITH VIRGINIA AVENUE, RUTH STREET, AND AURORA STREET, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY SINGLE-FAMILY RESIDENTIAL (RU-1-9), GENERAL RETAIL COMMERCIAL (BU-1), AND RETAIL, WAREHOUSING & WHOLESALE COMMERCIAL (BU-2) TO CITY OF COCOA GENERAL COMMERCIAL (C-G); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.
TAX PARCEL ID NUMBERS:
TAX PARCEL ID 24 3632-29-4-1, 115 RUTH ST, COCOA, FL 32922; TAX PARCEL ID 24 3632-29-4-20, RUTH ST COCOA FL 32922; TAX PARCEL ID 24 3632-31-*-12, 112 VIRGINIA AVE COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-5, W 1305 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-21, W 1313 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-4, W 1315 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-3, W 1325 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-2, W 1335 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-31-*-11, W 1343 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-31-*-1, W 1411 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-5-1, W 1231 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-5-2, W 1233 KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-00-276, W KING ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-4-6, 111 AURORA ST COCOA FL 32922; TAX PARCEL ID 24 3632-29-5-3, W 1265 KING ST COCOA FL 32922; TAX PARCEL ID 24-36-32-28-*-30, W 1236 KING ST COCOA FL 32922.

PLANNING & ZONING BOARD/
LOCAL PLANNING AGENCY
PUBLIC HEARING WILL BE
HELD ON
December 4th, 2024
CITY COUNCIL 1st PUBLIC
HEARING WILL BE HELD ON
December 10th, 2024
ALL HEARINGS WILL TAKE
PLACE AT 6:00 P.M. OR SOON
THEREAFTER IN THE
COCOA CITY HALL COUNCIL
CHAMBERS LOCATED AT 65
STONE STREET, COCOA, FL

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Interested persons may submit their written comments or questions prior to the meeting through Email at meetings@cocoafl.org .
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