



City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda

Planning and Zoning / Local Planning Agency

Wednesday, March 3, 2021

6:00 PM

Cocoa City Council Chambers

I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

[21-160](#)

Planning & Zoning Board Agenda for March 3, 2021

Attachments:

[PZ Short Agenda 3-3-21.pdf](#)

MINUTES:

[21-161](#)

Planning & Zoning Board Minutes from February 3, 2021

Attachments:

[PZ Minutes from 2-3-21.pdf](#)

III: OLD BUSINESS:

[21-159](#)

Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.

Attachments:

[Ord. 02-2021 - RU 2-10 Single-Family.pdf](#)

[Legal Ad Proof - RU-2-10.pdf](#)

IV: NEW BUSINESS:

[21-158](#)

Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

Attachments:

[Ordinance re C-C and CWOD Townhomes and Single-Family.pdf](#)

[Legal Ad Proof - C-C and CWOD.pdf](#)

V. UPDATES AND STAFF REPORTS:

1. Tree Board: City Arborist update
2. Board Discussion

VI. NEXT MEETING DATE:

Wednesday, March 17, 2021

VII. ADJOURNMENT

NOTICE TO THE PUBLIC:

Public Participation and Special COVID-19 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>

These documents and information pertaining to the above may also be inspected at the Community Services Department, between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Members of the public have several options to participate in the public hearings.

(1) In-person attendance. Due to the COVID-19 Emergency and the need to maintain social distancing, meetings in the City Hall Council Chambers are limited to fifty (50) members in the audience at any one time. Members of the public may utilize the contact information provided below to contact the City Clerk and determine if restrictions on physical attendance at the City Council Chambers have been lifted prior to the date of the public hearings.

(2) Commenting in advance of the meeting. Interested persons are encouraged to provide written comments in advance of the hearings by emailing meeting@cocoafl.org or mailing to the following address:

City of Cocoa

Attn: Dodie Selig, Planning and Zoning Manager

65 Stone Street

Cocoa, FL 32922

Mailed comments must be received prior to 4:00 p.m. on the date of the hearing to be read into the record.

(3) Viewing and Commenting In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet addresses:

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Interested persons may submit their written comments or questions during the hearings by email at: meeting@cocoafl.org. Interested persons who wish to provide public input during the meeting will also be able to do so by accessing the e-comment link for this meeting using the Legistar calendar link above.

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: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

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 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 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 Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.



Legislation Details (With Text)

File #: 21-160 **Version:** 1 **Name:**

Type: Agenda **Status:** Agenda Ready

File created: 2/17/2021 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 3/3/2021 **Final action:**

Title: Planning & Zoning Board Agenda for March 3, 2021

Sponsors:

Indexes:

Code sections:

Attachments: [PZ Short Agenda 3-3-21.pdf](#)

Date	Ver.	Action By	Action	Result
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Community Services
Planning and Zoning Division
65 Stone Street, Cocoa, FL 32922
Phone: (321) 433-8535 Fax: (321) 321-433-8543

AGENDA
Regular Meeting
March 3, 2021
6:00 p.m.

I. OPENING MATTERS:

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of March 3, 2021
2. MINUTES: Meeting of February 3, 2021

III. OLD BUSINESS:

A. PZ-21-002 – Zoning Text Amendment (RU-2-10 District Regulations)

(Item Tabled from January 20, 2021)

Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.

IV. NEW BUSINESS:

A. PZ-21-004 – Zoning Text Amendment (C-C and CWOD District Regulations)

Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

V. OTHER BUSINESS:

1. Tree Board: City Arborist update
2. Board Discussion

VI. NEXT MEETING DATE:

Wednesday, April 7, 2021

VII. ADJOURNMENT

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City of Cocoa
Attn: Dodie Selig, Planning and Zoning Manager
65 Stone Street
Cocoa, FL 32922

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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.

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Legislation Details (With Text)

File #: 21-161 **Version:** 1 **Name:**

Type: Minutes **Status:** Agenda Ready

File created: 2/17/2021 **In control:** Planning and Zoning / Local Planning Agency

On agenda: 3/3/2021 **Final action:**

Title: Planning & Zoning Board Minutes from February 3, 2021

Sponsors:

Indexes:

Code sections:

Attachments: [PZ Minutes from 2-3-21.pdf](#)

Date	Ver.	Action By	Action	Result
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**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
February 3, 2021**

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on February 3, 2021 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

ROLL CALL:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Ariel Glass	Alternate Member
Aleck Greenwood	Alternate Member
Debbie Joyce	School Board Representative

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Sherry Ervin	Board Member
Trina Gilliam	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member (<i>via phone</i>)
Aleck Greenwood	Alternate Member

ABSENT:

Ariel Glass	Alternate Member
Debbie Joyce	School Board Rep.
Jeri Blanco	Board Member

STAFF PRESENT:

Kristin Eick, Board Attorney; Dodie Selig, Planning & Zoning Manager, Alix Bernard, Senior Planner, and Lori Chabot, Recording Secretary.

Also present via phone was Chris Challis of Sooner Investment who is the property owner of the project.

Chairperson Dobrin led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of February 3, 2021

- * **MOTION BY BOARD MEMBER GREEN; SECONDED BY BOARD MEMBER ERVIN TO APPROVE THE February 3, 2021 AGENDA AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, ANDERSON, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of January 6, 2020

- * **MOTION BY BOARD MEMBER WASHINGTON; SECONDED BY BOARD MEMBER ERVIN TO APPROVE THE JANUARY 6, 2021 MINUTES AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, ANDERSON, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

3. MINUTES: Meeting of January 20, 2020

- * **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER WASHINGTON TO APPROVE THE JANUARY 20, 2021 MINUTES AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, ANDERSON, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS: Included in New Business

IV. NEW BUSINESS:

Approval of a BINDING DEVELOPMENT AGREEMENT / Final PLANNED UNIT DEVELOPMENT (PUD) REZONING / PRELIMINARY SUBDIVISION / LARGE SCALE SITE PLAN consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code for the Cirrus Mixed-Use PUD Project.

Ms. Selig presented information on a Binding Development Agreement/Final Planned Unit Development (PUD) Rezoning/Preliminary Subdivision/Large Scale Site Plan binding agreement to board giving a summary of project.

The Cirrus Project will consist of two phases. Phase 1 to be 280 apartments in 2 buildings with amenities, and Phase 2 being future commercial use.

Phase 1 to be two apartment buildings with the possibility of a skybridge connecting the two buildings and Phase 2 being a future commercial use.

Phase 1 apartments will include studio, 1, 2, 3 bedroom units, two courtyards with a pool, grilling area, outdoor gathering areas, vertical clubhouse, rooftop lounge/launch viewing area, dog park, and walking trail around pond/wetland.

Phase 2 could be developed as one or two lots for commercial use. Ms. Selig continued discussing PUD Analysis, involving traffic capacity, traffic impact analysis, site plan analysis and staff's recommendation for approval of the Large-Scale Site Plan with the agreements regarding items such as the effective date, waivers, covenants, easements, landscape plans, sidewalk/landscape buffers, and parking.

Discussion ensued among the board about the parking spaces, garage, skybridge, apartment sizes, the lounge, car chargers and other features of the project.

Marilyn Healy, Attorney for developer and Nick Herring, Senior VP of Development for Framework LLC both spoke on the project and answered board questions explaining the time involved with project design and showed renderings of the apartments.

Alternate Board Member Greenwood complimented the design, asking whether the construction was concrete and if they would later sell apartments? Mr. Herring responded the construction was wood frame and they would not be selling the apartments. Alternate Board Member Greenwood added the project was an overall asset to the city.

Chairperson Dobrin asked about the lounge areas and square footage of the 2 and 3 bedrooms. Mr. Herring replied and described the lounge area.

Jason Steel, Real Estate Broker for the project was also present and expressed the value the this project was to the City of Cocoa.

*** MOTION BY ALTERNATE BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER WASHINGTON TO APPROVE a BINDING DEVELOPMENT AGREEMENT / Final PLANNED UNIT DEVELOPMENT (PUD) REZONING / PRELIMINARY SUBDIVISION / LARGE SCALE SITE PLAN consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code for the Cirrus Mixed-Use PUD Project.**

AYES: DOBRIN, WASHINGTON, ANDERSON, ERVIN, GILLIAM, GREEN, GREENWOOD, MOCK, SENDEL

MOTION PASSED UNANIMOUSLY (9-0)

V. OTHER BUSINESS:

Discussion ensued about development, status of the hotel, other outside arborist services, the new city permitting process coming in March/April.

VI. UPDATES AND STAFF REPORTS:

A. Development Summary of 2020:

Ms. Selig provided a brief summary.

B. Outside Arborist Services (Dana Sussmann)

Ms. Selig. reported to the Board that she had spoken with Ms. Sussmann and that she would be happy to provide an educational training event at a future meeting if the board members wished, but that she could not provide arborist services to the board regarding specific trees.

B. Board Discussion

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, March 3rd at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

* **MOTION BY ALTERNATE BOARD MEMBER GREENWOOD;
SECONDED BY BOARD MEMBER GILLIAM TO ADJOURN THE
REGULAR MEETING OF February 3, 2021.**

**AYES: DOBRIN, WASHINGTON, ANDERSON, ERVIN, GILLIAM,
GREEN, GREENWOOD, MOCK, SENDEL**

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 6:55 PM.

Michael Dobrin, Chairperson

Respectfully Submitted By:

Lori Chabot, Recording Secretary



Legislation Details (With Text)

File #:	21-159	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	2/17/2021	In control:		Planning and Zoning / Local Planning Agency	
On agenda:	3/3/2021	Final action:			
Title:	Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.				

Sponsors:

Indexes:

Code sections:

Attachments: [Ord. 02-2021 - RU 2-10 Single-Family.pdf](#)
[Legal Ad Proof - RU-2-10.pdf](#)

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: February 17, 2021
Agenda Date: March 3, 2021
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.

BACKGROUND:

I. Zoning Text Amendment Analysis

The Planning & Zoning Division staff have addressed the criteria contained in Appendix A. Zoning, Article XXI, Section 1 (G)(2) as follows:

a) *Need and justification for change*

Staff Finding: The City has identified an issue related to the construction of single-family dwellings under the RU-2-10, Low Density Single-Family and Multiple-Family zoning district regulations.

This district allows for single-family dwellings to be constructed on lots with a minimum area of 5,000 square feet

and no required open space or community amenities, due to the close proximity of the Cocoa Village area's many such spaces and amenities.

The RU-2-10 zoning district applies to an area bound by State Road 520 on the north, Florida Ave. on the east, Rosa L. Jones Dr. on the south and US1 on the west, which is known as the Heart of Cocoa neighborhood, and which is subject to the Substitute Consent Decree as ordered on January 28, 2009.

There are two other zoning districts which allow the construction of dwelling units under the provisions of the RU-2-10 zoning district. These are the RU-2-15 (Multiple Family Dwelling District) and the RU-2-25 (Multiple Family Dwelling District). The RU-2-15 district allows "Single-family and multi-family dwellings of not more than three (3) units per building as regulated by section 4A, RU-2-10" and the RU-2-25 district allows "Single-family and Multi-family dwellings of not more than four (4) units per building as regulated by section 4A, RU-2-10".

However, the Substitute Consent Decree specifically limits the application of the RU-2-10 zoning district regulations to the lands subject to the decree. In addition, the City Council has expressed the desire to limit building of dwelling units on small parcels of land without accompanying amenities.

It is therefore necessary that the City revise both the RU-2-15 and RU-2-25 zoning districts to remove reference to the RU-2-10 district and provide new zoning regulations for such dwelling unit construction.

The proposed changes to the RU-2-15 regulations will allow the construction of single-family, and multi-family of not more than 3 units per building, under a choice of two options. Development would have the option to build under the RU-1-7 (Single Family Dwelling District) regulations, which require a minimum lot size of 75 feet by 100 feet, without amenities. Or to build under the RU-2-15 regulations which allow a minimum lot size of 50 feet by 100 feet, but require the developer to provide a percentage of the gross acreage as open space/recreation amenities.

The proposed changes to the RU-2-25 regulations will allow the construction of single-family under a minimum lot area, lot width and setbacks that are comparable to those under the RU-2-15 district.

b) The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan

Staff Finding: The following Comprehensive Plan policy supports the proposed zoning text amendment:

- OBJECTIVE 1.1.10: Plan Implementation. The City shall maintain, amend and develop land development regulations that guide future growth and development, discourage the proliferation of urban sprawl and implement the goals, objectives and policies of this comprehensive plan.
- POLICY 1.1.10.2: Future development and redevelopment activities shall be directed toward appropriate areas considering the topography, soil conditions and availability of facilities and services, and consistent with sound planning principles, minimal natural constraints, and the goals, objectives, and policies provided in the Comprehensive Plan.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

On January 20, 2021, the Planning & Zoning Board tabled this item to the March 3, 2021 meeting.

RECOMMENDED MOTION:

Staff recommends that the Planning and Zoning Board recommend APPROVAL to City Council of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article XI, Sections 4A, 5 and 6 of the Zoning Ordinance of the City of Cocoa; limiting the future application of the RU-2-10 zoning district and the regulations therein pertaining to the construction of Single-Family Dwellings; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the Code, severability, and an effective date.

ORDINANCE NO. 02-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 4A, 5 AND 6 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; LIMITING THE FUTURE APPLICATION OF THE RU-2-10 ZONING DISTRICT AND THE REGULATIONS THEREIN PERTAINING TO THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, currently, the primary area of the City zoned RU-2-10, Low Density Single-Family and Multiple-Family District, is the Heart of Cocoa neighborhood, which is subject to the Substitute Consent Decree as ordered on January 28, 2009 and located close to the core commercial center of the Cocoa Village and waterfront amenities; and

WHEREAS, the RU-2-10 zoning district allows for single-family dwellings to be constructed on lots with a minimum area of 5,000 square feet and no required open space or community amenities; and

WHEREAS, currently, the RU-2-15 and RU-2-25 zoning districts also cross-reference the standards in RU-2-10 for single-family dwelling construction, thereby also allowing small, 5,000-square foot lots with no required amenities to be constructed in these zoning districts; and

WHEREAS, the City Council desires to limit the proliferation of small residential lots without accompanying community amenities, such as open and gathering spaces, in areas of the City that are not zoned RU-2-10; and

WHEREAS, the Zoning Ordinance of the City of Cocoa already provides an opportunity for the construction of small-lot, single-family dwellings through the application of the Planned Unit Development district (PUD), which also requires common open space and additional amenities to be provided; and

WHEREAS, for the foregoing reasons, the City Council desires to limit the future rezoning of property in the City to the RU-2-10 district and the RU-2-15 and RU-2-25 districts for the purpose of constructing small-lot, single-family housing without corresponding amenities in the

City; and

WHEREAS, the City Council of the City of Cocoa, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

Section 2. **Code Amendment.** The City of Cocoa Code of Ordinances, Appendix A, Article XI, Sections 4A, 5, and 6, are hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Appendix A, Article XI, Sections 4A, 5 and 6. It is intended that the text in Appendix A, Article XI, Sections 4A, 5 and 6 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

APPENDIX A - ZONING

* * *

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 4A. – District and intent – RU-2-10, Low Density Single-Family and Multiple-Family District.

The provisions of this district are intended to apply to an area of mixed, low density multifamily and single-family residential development in close proximity to major collector and arterial streets and, after February 1, 2021, shall be specifically limited to the real property subject to the Substitute Consent Decree as ordered on January 28, 2009, and a portion of the real property located on State Road 524 zoned to RU-2-10 on August 12, 1986 via Ordinance 15-86.

* * *

Sec. 5. – District and intent – RU-2-15, Multiple-Family Dwelling District

The provisions of this district are intended to apply to an area of medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect medium density residential development, maintaining an adequate amount of

open space for such development. Paragraphs (A) through (O) below shall not apply to construction meeting the definition of "townhouse" in article V. Paragraphs (P) through (BB) shall apply only to construction meeting the definition of "townhouse" contained in article V.

(A) PRINCIPAL USES AND STRUCTURES.

- (1) Multiple-family dwellings (four (4) or more units per building) not more than fifteen (15) dwelling units per acre (two thousand nine hundred (2,900) square feet of lot per dwelling unit) for ~~two-story~~ multi-storied structures. Multiple-family dwellings (four (4) or more units per building) of not more than ten (10) units per acre (four thousand three hundred fifty (4,350) square feet of lot per dwelling unit) for single-story structures. For the purpose of computing density allowed, property divided by a public road shall be considered as separate parcels (refer to article XIII, Supplementary District Regulations, section 2, Designation of lesser maximum density.)
- (2) Single-family and multi-family dwellings of not more than three (3) units per building ~~as regulated by section 4A, RU-2-10~~ as regulated by Section 3, RU-1-7, or in accordance with this Section 5.
- (3) Townhouse residential subdivisions as regulated in this section.

* * *

(E) BULK REGULATIONS.

- (1) *Minimum lot area* —Seven thousand five hundred (7,500) square feet; five thousand (5,000) square feet for single-family and multi-family dwellings of not more than three (3) units per building.
- (2) *Minimum lot width* —Seventy-five (75) feet.
- (3) *Minimum lot depth* —One hundred (100) feet.
- (4) *Maximum lot coverage* —Forty percent (40%).
- (5) *Maximum height* —Thirty-five (35) feet.

(F) MINIMUM LIVING AREA.

Single-family dwellings – One thousand two hundred (1,000) square feet.

Duplex —Seven hundred fifty (750) square feet each unit.

Efficiency apartments —Five hundred (500) square feet.

One-bedroom apartments —Eight hundred (800) square feet.

Two-bedroom apartments —Nine hundred (900) square feet, plus one hundred (100) square feet for each additional bedroom.

(G) MINIMUM YARD REQUIREMENTS.

Front setback —Twenty-five (25) feet.

Side interior lot setback —Ten (10) feet, eight (8) feet for single-family and multi-family dwellings of not more than three (3) units per building.

Side corner lot setback —Fifteen (15) feet.

Rear setback —Twenty (20) feet, fifteen (15) feet for single-family and multi-family dwellings of not more than three (3) units per building.

(H) [OPEN AIR SPACE.] Multiple-family buildings (more than two (2) units) located on the same lot shall have an open air space of not less than fifteen (15) feet between exterior walls of buildings.

(I) PRESERVATION OF TREES. During the development of the property, all trees of six (6) inches in diameter or larger shall be preserved unless they exist within:

- (1) A proposed public or private easement or drainage facility.
- (2) Proposed structure dimensions.
- (3) Ten (10) feet of a proposed structure.
- (4) A proposed driveway or designated parking area.

(J) UTILITIES. All utilities distribution systems, including TV cable, telephone and electrical systems shall be installed underground for multifamily buildings located on a lot one (1) acre or larger in size. Primary facilities providing service to the site may be exempted.

(K) [MAXIMUM BUILDING LENGTH.] The maximum length and/or width of any building shall be two hundred (200) feet.

(L) [PERPETUAL MAINTENANCE.] Provisions satisfactory to the city council, City of Cocoa, shall be made to assure that nonpublic areas and common open space shall be perpetually maintained in a satisfactory manner, without expense to the City of Cocoa.

(M) COMMON USABLE OPEN SPACE AND RECREATIONAL FACILITIES.

- (1) Twenty percent (20%) of the gross acreage of the site shall be set aside and specifically delineated on the site plan as common usable open space. The twenty percent (20%) requirement may be reduced to ten percent (10%) if the major recreational facilities such as swimming pool, or two (2) tennis courts, or two (2) racquet ball courts or any combination, are provided for each forty (40) units for common use of the development's residents.

(N) CURBING. A four-inch concrete curb shall be provided as a separation between paved parking areas and open green islands.

- (O) [UNDERGROUND IRRIGATION.] An underground irrigation (sprinkler) system shall be provided for all landscaped areas within multiple-family residential projects of ten (10) units or more.

* * *

Sec. 6. – District and intent – RU-2-25, Multiple-Family Dwelling District

The provisions of this district are intended to apply to several areas of the city adjacent or proximate to the Central Business District and primarily within the redevelopment area as designated on the city's adopted redevelopment plan. Uses are based upon the city comprehensive plan and redevelopment plan and are intended to accommodate medium-high density residential multi-family development in areas proximate to commercial and office development or to the waterfront and on or near major collector or arterial streets. The permitted uses and design and development standards are intended to promote major developments of high quality including townhouse and multiple-family residential development, hotels and motels and single-family development. It is intended that "performance standards" control the permissible type, density or intensity, mix of development and design and development criteria.

All development in the RU-2-25 Multiple-Family Dwelling District, except for the construction of an individual single-family dwelling unit on a single lot, shall be required to submit a site plan and obtain approval pursuant to article XIII, section 1 of this zoning ordinance.

(A) PRINCIPAL USES AND STRUCTURES.

- (1) Multiple-family dwellings (five (5) or more units per building). For the purpose of computing density allowed, property divided by a public road shall be considered as separate parcels (refer to article XIII, Supplementary District Regulations, section 2, Designation of lesser maximum density).
- (2) Single-family and Multi-family dwellings of not more than four (4) units per building ~~as regulated by section 4A, RU-2-10 and this section.~~
- (3) Townhouse residential subdivision (as regulated by section 5, RU-2-15 and this section).

* * *

- (E) PERFORMANCE STANDARDS REQUIREMENT. No building, structure or land shall be used or occupied except in conformance with the performance standards as set forth herein. All minimum performance standards applicable to a use must be met, unless a variance or special exception is granted pursuant to article XVII, sections 2 and 3 of this ordinance. The performance standards set forth herein shall be implemented through the site plan approval process set forth in article XIII, section 1 of the zoning ordinance, which shall apply to all uses in this zoning district, except for the construction of a single-family dwelling unit on a single lot.

(F) TABLE OF PERFORMANCE STANDARDS.

	Performance Standard	Minimum Requirement
(1)	Minimum Lot Area	15,000 square feet; <u>5,445 square feet for single-family dwellings</u>
(2)	Minimum Lot Width	150 feet; <u>50 feet for single-family dwellings</u>
(3)	Minimum Lot Depth	100 feet
(4)	Maximum Lot Coverage	40 percent
(5)	Minimum yards	
	Front	30 feet; <u>25 feet for single-family dwellings</u>
	Side (Interior)	10 feet; <u>8 feet for single-family dwellings</u>
	Side (Corner)	25 feet; <u>15 feet for single-family dwellings</u>
	Rear	25 feet; <u>15 feet for single-family dwellings</u>
(6)	Maximum Building Height	45 feet, except as provided by special exception
(7)	Maximum Density	
	Single-Family	8 Units/acre
	Townhouse	15 Units/acre
	Multi-Family	25 Units/acre
(8)	Minimum Floor Area Per Living Unit	
	(a) For Units Not Qualified and Approved for HUD Programs,	

		section 202 or 811	
		Efficiency multi-family unit	600 square feet
		1 Bedroom multi-family unit	900 square feet
		2 Bedroom multi-family unit	1,000 square feet plus one hundred (100) square feet for each additional bedroom
	(b)	For Units Qualified and Approved for HUD Programs, section 202 or 811 Only	
		Efficiency multi-family unit	400 square feet
		1 Bedroom multi-family unit	520 square feet
		2 Bedroom Manager's unit	780 square feet
		Each of the above units shall have a maximum <u>minimum</u> of one bath.	
		Said projects shall be exempt from Appendix A, article XI, section 6(F)(9).	
		<u>Single-family dwelling units</u>	<u>1,000 square feet</u>
(9)		Minimum Average Floor Area Per Living Unit	
	(a)	For Units Not Qualified and Approved for HUD Programs, section 202 or section 811	1,000 square feet
	(b)	For Units Qualified and Approved for HUD Programs, section 202 or	Said units shall be exempt from the Minimum Average Floor Area Requirement

		section 811 Only	
(10)	Minimum Floor Area Per Sleeping Unit for Hotel/Motel Development	400 square feet	
(11)	Minimum Parking Requirement	Pursuant to article XII, Off-Street Parking and Loading Regulations	
(12)	Fencing	Pursuant to article XIII, section 5 and other applicable provisions of the Zoning Ordinance	
(13)	Landscaping	Pursuant to article XIV, Landscape Requirements and other applicable provisions of the Zoning Ordinance	
(14)	Pedestrian Access	All developments must provide pedestrian access to the front of each building by sidewalk	
(15)	Vehicular Access	Pursuant to article XIII, section 4	

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. Incorporation Into Code. This Ordinance shall be incorporated into the City Code of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of

competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2021.

Michael C. Blake, Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

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

CITY OF COCOA

NOTICE OF PUBLIC HEARING AND ZONING MAP AMENDMENT

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

For "Arbours at Cocoa Landings":

A. APPROVAL OF A LARGE SCALE SITE PLAN (Arbours at Cocoa Landings) consistent with Appendix A Zoning, Article XIII, Section 1, of the City Code to construct a total of 280 apartment units in thirteen (13) apartment buildings, along with a clubhouse with pool, maintenance building, playground and dog park on three (3) parcels located on the south side of State Road 524, and 0.25 miles east of Cox Road. Parcel ID number: 24-35-24-00-250.1 and 24-35-24-00-255 and 24-35-24-00-252.

For "Quail Ridge" Apartments:

B. APPROVAL OF A LARGE SCALE SITE PLAN (Quail Ridge Apartments) consistent with Appendix A Zoning, Article XIII, Section 1, of the City Code to construct a total of 40 apartment units in one (1) apartment building, along with racquetball court, walking trail and dog park on one (1) parcel located on the south side of Otterbein Drive, and 0.25 miles west of Clearlake Road. Parcel ID number: 24-36-18-00-765.

For "100 Delannoy Ave.":

C. APPROVAL OF A DEVELOPMENT AGREEMENT, consistent with Appendix A Zoning of the City Code, to approve a conceptual development plan for a Single-Story Commercial Building type with retail development and a drive-thru use, on a parcel of land in the Waterfront Sub-district of the Cocoa Waterfront Overlay District. The subject property is located at 100 Delannoy Ave. and is further identified as Parcel ID number: 24-36-33-06-* -7.

For "Gem Industries":

Ordinance No. XX-2020

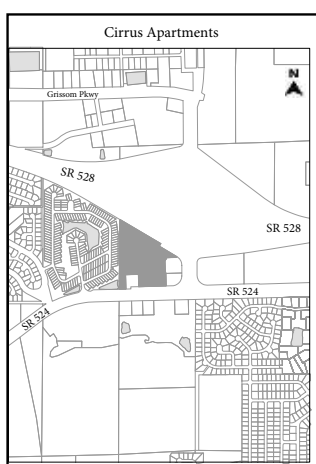
D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; RELATING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE MAP FOR ONE (1) PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA, CONSISTING OF APPROXIMATELY 0.60 ACRES, MORE OR LESS, GENERALLY LOCATED ON STATE ROAD 520, WEST OF COX ROAD AND EAST OF TOWNSEND ROAD, BEING LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE REAL PROPERTY FROM BREVARD COUNTY COMMUNITY COMMERCIAL TO CITY OF COCOA INDUSTRIAL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT. The subject parcel is located at 4050 W King St, Cocoa, FL and further identified as Parcel ID number 24-35-26-00-763.1.



For "Cirrus" Apartments:

Ordinance No. XX-2020

E. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 15.74 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON STATE ROAD 524, DIRECTLY SOUTH OF STATE ROAD 528 AND WEST OF EAST INDUSTRY ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM GENERAL COMMERCIAL (CG) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.
F. APPROVAL OF A PRELIMINARY SUBDIVISION / LARGE SCALE SITE PLAN (Cirrus Apartments) consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code. The property owner desires to develop a mixed-use planned unit development project containing 280 apartment units and future commercial uses. The subject property is generally located on State Road 524, directly south of State Road 528 and west of East Industry Road, in Cocoa, FL. The property is identified as Parcel # 24-36-18-27-* -1.



Ordinance No. XX-2020

G. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 4A, 5 AND 6 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; LIMITING THE FUTURE APPLICATION OF THE RU-2-10 ZONING DISTRICT AND THE REGULATIONS THEREIN PERTAINING TO THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY PUBLIC HEARING WILL BE HELD ON

December 15, 2020

AT 6:00 P.M. OR SOON THEREAFTER IN THE
COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

CITY COUNCIL WILL CONSIDER ALL ITEMS (EXCEPT THE LARGE SCALE SITE PLANS FOR ITEMS A, B and F) ON
January 12, 2021

AT 6:00 P.M. OR SOON THEREAFTER IN THE
COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL

Public Participation and Special COVID-19 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>

These documents and information pertaining to the above may also be inspected at the Community Services Department, between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Members of the public have several options to participate in the public hearings.

- (1) In-person attendance. Due to the COVID-19 Emergency and the need to maintain social distancing, meetings in the City Hall Council Chambers are limited to fifty (50) members in the audience at any one time. Members of the public may utilize the contact information provided below to contact the City Clerk and determine if restrictions on physical attendance at the City Council Chambers have been lifted prior to the date of the public hearings.
- (2) Commenting in advance of the meeting. Interested persons are encouraged to provide written comments in advance of the hearings by emailing meetings@cocoafl.org or mailing to the following address:

City of Cocoa
Attn: Dodie Selig, Planning and Zoning Manager
65 Stone Street
Cocoa, FL 32922

Mailed comments must be received prior to 4:00 p.m. on the date of the hearing to be read into the record.

- (3) Viewing and Commenting In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet addresses:

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

Interested persons may submit their written comments or questions during the hearings by email at meetings@cocoafl.org. Interested persons who wish to provide public input during the meeting will also be able to do so by accessing the e-comment link for this meeting using the Legistar calendar link above.

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 a quasi-judicial hearing is highly encouraged to immediately contact Dodie Selig, Planning and Zoning Manager, at (321) 433-8510 or dselig@cocoafl.org, to make proper arrangements for presentation of witnesses and/or evidence. All witnesses must be identified and all evidentiary documents and exhibits that are intended to be distributed to the P&Z/LPA and City Council must be submitted to Ms. Selig via email or mail prior to the hearing.

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: Carle Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

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 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 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 Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.



Legislation Details (With Text)

File #:	21-158	Version:	1	Name:	
Type:	Ordinance	Status:		Agenda Ready	
File created:	2/17/2021	In control:		Planning and Zoning / Local Planning Agency	
On agenda:	3/3/2021	Final action:			
Title:	Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Ordinance re C-C and CWOD Townhomes and Single-Family.pdf Legal Ad Proof - C-C and CWOD.pdf				

Date	Ver.	Action By	Action	Result
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PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: February 17, 2021
Agenda Date: March 3, 2021
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Consideration of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

BACKGROUND:

I. Zoning Text Amendment Analysis

The Planning & Zoning Division staff have addressed the criteria contained in Appendix A. Zoning, Article XXI, Section 1 (G)(2) as follows:

a) *Need and justification for change*

Staff Finding: The City would like to allow for the possibility of construction of townhouses, single-family homes and duplexes under the C-C, Core Commercial zoning district regulations, specifically as a Special Exception use. Currently these uses are listed as prohibited in this district. Allowing a low density residential option near the downtown area where the C-C district is located would allow infill redevelopment on smaller existing lots which are not suitable for larger commercial or residential developments without the combination of parcels.

To address these aims, the proposed ordinance would make the following changes:

In Section 18, Core Commercial Zoning District

1. Add townhouse residential subdivision (regulated by RU-2-15) as a Special Exception use.
2. Add single-family homes and duplexes (regulated by RU-2-15) as a Special Exception use.
3. Remove single-family homes and duplexes from the list of prohibited uses.

The RU-2-15 zoning district was chosen for the regulation of these uses because it already provides specific zoning regulations for single-family, duplex and townhome development.

In Section 22, Cocoa Waterfront Overlay District

1. Amend the use table to add Duplexes to single-family detached dwelling use and add "SE" for Special Exception to the Core Commercial Zoning district columns under the Uptown Neighborhood and King/Willard Sub-districts.
2. Amend the use table to add Townhouse to single-family attached dwelling use and add "SE" for Special Exception to the Core Commercial Zoning district columns under the Uptown Neighborhood, South End, Cocoa Village, North of the Village and King/Willard Sub-districts.
3. Amend the Regulating Plan building types table to add "RP" for Regulating Plan to the King/Willard Sub-district under the House building type.

The changes proposed for Section 22 are necessary to mirror the changes in Section 18. The Regulating Plan is divided into 8 sub-districts and the uses allowed within each are further regulated based on the underlying zoning district of the various parcels within.

The first change proposed above will allow single-family and duplex use in two of the sub-districts which have Core Commercial zoning. These uses were not added to the remaining three sub-districts in order not to dilute the more intensely commercial nature of those sub-districts.

The second change proposed above will allow the townhouse use in those sub-districts which have Core Commercial zoning.

The third change listed above is specific to one parcel of land along the north side of SR520 which is currently developed with a single-family home. This is the only parcel within the King/Willard sub-district that has a single-family use. The property owner has a significant sentimental attachment to the property as it has passed down within his family and he wishes to rebuild a home on the property. No single-family building type is permitted in the King/Willard sub-district at this time. Therefore, the combination of allowing single-family as a use with approval of a Special Exception along with the addition of the House building type to this particular parcel would create a potential method by which the current property owner might be able to rebuild his grandmother's home without diluting the commercial nature of the corridor in general.

- b) *The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan*

Staff Finding: The following Comprehensive Plan policy supports the proposed zoning text amendment:

- OBJECTIVE 1.1.10: Plan Implementation. The City shall maintain, amend and develop land development regulations that guide future growth and development, discourage the proliferation of urban sprawl and implement the goals, objectives and policies of this comprehensive plan.
- POLICY 1.1.4.10: The City will encourage infill development and redevelopment in blighted areas or

areas in transition, and encourage new housing development in appropriate areas where community services exist or are programmed to occur.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Staff recommends that the Planning and Zoning Board recommend APPROVAL to City Council of an Ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Sections 18 and 22 of the Zoning Ordinance of the City of Cocoa; allowing townhouses and single-family homes as a Special Exception use within the Core Commercial district and certain sub-districts of the Cocoa Waterfront Overlay District; amending the Waterfront Overlay Regulating Plan to allow for House building types on certain properties within the Cocoa Waterfront Overlay District; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

ORDINANCE NO. ____-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 18 AND 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; ALLOWING TOWNHOUSES AND SINGLE-FAMILY HOMES AS A SPECIAL EXCEPTION USE WITHIN THE CORE COMMERCIAL DISTRICT AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT; AMENDING THE WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR HOUSE BUILDING TYPES ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the Core Commercial Zoning District (C-C), is generally bounded on the north by Mitchell Street, on the east by Forest Avenue and Brunson Boulevard, on the south by the city limits and on the west by U.S. 1; and

WHEREAS, the Cocoa Waterfront Overlay District overlays the majority of the C-C Zoning District, with multiple subdistricts within the Overlay; and

WHEREAS, the C-C Zoning District is intended for low to medium intensity commercial, office and professional uses, in areas located adjacent to and between major transportation corridors and also for medium-density multi-family housing to support such commercial, office and professional uses; and

WHEREAS, the Zoning Ordinance of the City of Cocoa defines a “townhouse” as a “dwelling unit which is one of a group of such units separated by adjoining fire walls, or fire walls separated by a space of no more than six (6) inches, constructed upon a separate lot and serviced with separate utilities”; and

WHEREAS, the addition of townhouse and limited single-family home development as a special exception use in the C-C Zoning District will further support allowed commercial, office and professional uses with different types of medium-density residential housing options, other

than multi-family development; and

WHEREAS, the City Council of the City of Cocoa, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of Council.

Section 2. Code Amendment. The City of Cocoa Code of Ordinances, Appendix A, Article XI, Sections 18 and 22, are hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Appendix A, Article XI, Sections 18 and 22. It is intended that the text in Appendix A, Article XI, Sections 18 and 22 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

APPENDIX A - ZONING

* * *

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 18. - District and Intent—C-C, Core Commercial District.

The provisions of this district are intended to apply to the core area as described in the city's adopted redevelopment plan, an area generally bounded on the north by Mitchell Street, on the east by Forest Avenue and Brunson Boulevard, on the south by the city limits and on the west by U.S. 1. Uses are based on the redevelopment plan and are intended to be low to medium intensity commercial, office and professional uses, in areas located adjacent to and between major transportation corridors. The permitted uses and design and development standards are intended to promote major developments of high quality, including medium density multi-family, townhouse, and single-family housing, office parks, village commercial, institutional uses and significant open space areas. It is intended that "performance standards" control the permissible type, density or intensity, mix of development and design and development standards. All development in the Core Commercial District shall be required to submit a site plan and obtain approval pursuant to article XIII, section 1 of this zoning ordinance.

(A) **PRINCIPAL USES AND STRUCTURES.** The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

- (1) Professional offices.
- (2) Dental clinics, medical offices laboratories.
- (3) Financial institutions.
- (4) Business services.
- (5) Restaurants (bars and lounges allowed only as an accessory use to restaurant).
- (6) Personal service establishments.
- (7) Retail commercial.
- (8) Public and private automobile parking.
- (9) Recreational and cultural facilities.
- (10) Hotel/motel uses.
- (11) Public benefit uses.
- (12) Private clubs in conjunction with a mixed-use, commercial or hotel use.
- (13) That specific use of land and structures existing as of the date of the adoption of this ordinance provided such use was a permitted use in the CW District. The city's local business tax receipt records shall constitute prima facie evidence of the specific use in operation at the time of adoption of this ordinance.

Two (2) other classifications of use would be permitted under this subsection as follows:

- a. Warehousing and wholesaling in a completely enclosed structure(s).
- b. Service and repair establishments limited to dry-cleaning and laundry plants, business services, printing plants, welding shops, and light assembly/manufacturing. Such use(s) of land/structures would terminate upon conversion to any other permitted use in this section.

(B) ACCESSORY USES AND STRUCTURES.

- (1) Customary accessory uses clearly incidental and subordinate to the principal uses and in keeping with the commercial character of the area, including warehousing but only as an accessory to a retail commercial use.

(C) SPECIAL EXCEPTIONS.

- (1) Multiple-family dwellings as regulated in article XI, section 6, RV-2-25 Multiple-Family Dwelling District, provided, however, that, multiple-family uses may be developed in conjunction with nonresidential uses.
- (2) Townhouse residential subdivision (as regulated by section 5, RU-2-15)
- (3) Single-family homes and duplexes (as regulated by section 5, RU-2-15)

- (42) Churches and schools.
- (53) Parks and green areas.
- (64) Sewer lift stations.
- (75) Child care centers.
- (86) Service stations as regulated in section 12, C-G (C)(2), except that all repair services shall be within an enclosed structure.
- (97) Utilities.
- (108) Bed and breakfast establishments as regulated by article XIII, section 24, Bed and breakfast establishments.
- (119) Telecommunication towers and antennas, pursuant to article XIII, section 26.
- (1240) Craft breweries, with a bar and/or lounge area as an accessory use, subject to the following:
 - a. Onsite production shall be limited to beer only; and
 - b. Bar and lounge areas associated with the brewery shall be permitted but shall not exceed 50 percent of the total square footage of the operation; and
 - c. Bar and lounge areas associated with the brewery may serve beer and wine, only; and
 - d. No alcohol consumption, other than that associated with the bar and lounge area, shall be permitted on-site; and
 - e. All materials and supplies related to the brewery operation shall be stored in an enclosed structure.

(D) PROHIBITED USES AND STRUCTURES.

- (1) Manufacturing and industrial uses, freight transportation terminals, storage warehousing, and other activities of a similar nature.
- (2) Any use requiring outside storage of materials.
- (3) Warehousing.
- ~~(4) Single family homes and duplexes.~~
- (45) Automotive repair establishments and automotive sales.
- (56) Heavy commercial uses such as welding shops, paint and body shops, etc., and other uses not specifically or provisionally permitted herein, and any use not in keeping with the character of the district.
- (67) Package stores.

* * *

Sec. 22. - Cocoa Waterfront Overlay District.

* * *

(F) *Uses.* The following table identifies, by zoning district and overlay sub district what uses are permitted (P), not permitted (blank) and/or requires a special exception (SE).

"Key: SE-Special Exception, Blank Cell-Not Permitted, P-Permitted, RP- as identified on the regulating plan"	Heart of Cocoa	Uptown Neighborhood (UN)			South of the Village (SV)		South End (SE)		Waterfront (WF)	Cocoa Village			North of the Village (NV)			King Willard (KW)		
	RU-2-10	RU-2-25	CBD	C-C	RU-2-25	CBD	CBD	C-C	CBD	RU-2-10	CBD	C-C	C-G	C-C	C-P	CBD	C-P	C-C
Residential																		
Adult Congregate Living Facilities (ACLF)		SE	SE				SE		SE		SE		SE			SE		
Group Homes, 6 or fewer residents					P	P												
Group Homes, 7 or greater residents					SE	SE												
Live-Work						RP												
Multi_family dwellings	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P

Senior elderly only housing													SE					
Single-family, detached dwellings/ <u>Duplex</u>	P	P		<u>SE</u>	P					P			P					<u>SE</u>
Single-family, attached dwellings/ <u>Townhouse</u>		P	P	<u>SE</u>	P	P	P	<u>SE</u>	P		P	<u>SE</u>		<u>SE</u>		P		<u>SE</u>

* * *

(I) *Building Types.*

Building types are permitted by Sub-district when any new and/or redevelopment occurs on any parcel within the Cocoa Waterfront Zoning Overlay. The building typologies are consistent with the size, scale and character desired within each sub-district.

The following categories are included in the table provided for each building type. Each standard is labeled by a letter (A, example) which directly relates to the table provided on each building type. The categories are described as follows:

* * *

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Design Districts and Building Types Table

Design District	Home-stead (HO)	Estate (ES)	House (HS)	Cottage (CO)	Townhouse (TH)	Apartment Building (AB)	Courtyard Apartment (CA)	Commercial/Mixed Use Small (CS)	Commercial/Mixed Use-Medium (CM)	Commercial/Mixed Use-Large (CL)	Single Story Commercial (SC)	Large Format Commercial (LF)	Institutional (IT)	Civic (CI)
Cocoa Village (CV)				RP	RP	P	P	P	P	RP(3)	RP		P	RP
Heart of Cocoa (HC)		P	P	P	P(1)			(2)					P	
King/Willard Corridor (KW)			<u>RP</u>		RP	RP	RP	P	P		P		P	
Uptown Neighborhood (UN)		P	P	P	P								P	RP
South of the Village (SV)	P	P	P	P	P	RP	RP	RP					P	
South End (SE)				P	P	P	P	P	P		RP		P	
Waterfront (WF)						P	P	P	P	P	RP		P	RP
North of Village (NV)					P	P	P	P	P		RP	RP	P	

RP, permitted only where indicated on Regulating plan.

P, Permitted in the Design District.

Blank Cell, is not permitted.

* Commercial/Mixed Use is a mix of uses, ie. Office/retail, office/residential.

(1) Townhomes are permitted up to 4 units per building

(2) Consistent with the Substitute Consent Decree as ordered on January 28, 2009

- (3) Development of Commercial/Mixed Use-Large building types in this design district shall require a development agreement approved by the City Council after consideration of the following factors: economic and social benefits to the City and Community Redevelopment Agency, aesthetic quality and character, architectural design, physical and visual scale, compatibility with the special and distinctive character of the Cocoa Village, and other similar relevant factors.

* * *

Section 3. **Replacement of Regulating Plan.** Appendix A, Zoning, is hereby amended to delete the Regulating Plan set forth in Article XI, Section 22(G), City Code, and replace it with the Regulating Plan attached hereto as Exhibit “A” and fully incorporated herein by this reference.

Section 4. **Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 5. **Incorporation Into Code.** This Ordinance shall be incorporated into the City Code of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

Section 6. **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. **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 _____, 2021.

Michael C. Blake, Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

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

EXHIBIT A
Regulating Plan

CITY OF COCOA NOTICE OF PUBLIC HEARING AND ZONING TEXT AMENDMENT

**NOTICE IS HEREBY GIVEN THAT
THE PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY
PROPOSE TO CONSIDER THE FOLLOWING:**

Ordinance No. XX-2021

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTIONS 18 AND 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA; ALLOWING TOWNHOUSES AND SINGLE-FAMILY HOMES AS A SPECIAL EXCEPTION USE WITHIN THE CORE COMMERCIAL DISTRICT AND CERTAIN SUBDISTRICTS OF THE COCOA WATERFRONT OVERLAY DISTRICT; AMENDING THE WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR HOUSE BUILDING TYPES ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

**PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING WILL BE HELD ON**

March 3, 2021

**AT 6:00 P.M. OR SOON THEREAFTER IN THE
COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, FL**

Public Participation and Special COVID-19 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>

These documents and information pertaining to the above may also be inspected at the Community Services Department, between 9:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Members of the public have several options to participate in the public hearings.

- (1) In-person attendance. Due to the COVID-19 Emergency and the need to maintain social distancing, meetings in the City Hall Council Chambers are limited to fifty (50) members in the audience at any one time. Members of the public may utilize the contact information provided below to contact the City Clerk and determine if restrictions on physical attendance at the City Council Chambers have been lifted prior to the date of the public hearings.

- (2) Commenting in advance of the meeting. Interested persons are encouraged to provide written comments in advance of the hearings by emailing meeting@cocoafl.org or mailing to the following address:

City of Cocoa
Attn: Dodie Selig, Planning and Zoning Manager
65 Stone Street
Cocoa, FL 32922

Mailed comments must be received prior to 4:00 p.m. on the date of the hearing to be read into the record.

- (3) Viewing and Commenting In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet addresses:

- City of Cocoa meeting calendar at <https://cocoa.legistar.com/Calendar.aspx>
Interested persons may submit their written comments or questions during the hearings by email at: meeting@cocoafl.org. Interested persons who wish to provide public input during the meeting will also be able to do so by accessing the e-comment link for this meeting using the Legistar calendar link above.

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: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

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 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 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 Local Planning Agency and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.