



CITY OF COCOA
Planning & Zoning Board /
Local Planning Agency
City Council Chambers

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
February 14, 2018
6:00 p.m.

I. OPENING MATTERS:

1. CALL TO ORDER
2. ROLL CALL

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of February 14, 2018
2. MINUTES: Special Meeting of August 14, 2017 & January 10, 2018

III. OLD BUSINESS:

- A. Tree Board Discussion; Draft Letter

IV. NEW BUSINESS:

B. PZ-18-02000001 – Zoning Text Amendment (Ordinance No. 02 -2018)

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Chapter 3, Section 3-23 of the code of the City of Cocoa; providing for an exception to the Light Emitting Diode (LED) Sign Standards contained therein to allow for larger LED on-premise wall signs on properties that are contiguous or adjacent to interstate 95 and/or state Road 528; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

V. OTHER BUSINESS:

- A. Election of Board Chair and Vice Chair
- B. Tree Update: No trees have been removed on City Property or in City Right of Way.

VI. NEXT MEETING DATE:

March 14, 2018

VII. ADJOURNMENT:

(Over)

NOTICE TO PUBLIC:

This 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.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected

persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The facility where this public hearing will be held is accessible to the physically handicapped. Interested parties are hereby advised that they may appear at said meeting and be heard with respect to the application. Written comment from the public with regard to the application will also be accepted.

Information pertaining to the above may be inspected at the Planning & Zoning Division at 65 Stone Street, Cocoa, Florida between 8:00 a.m. and 5:00 p.m., Monday through Friday, beginning the Friday before the Board Meeting date, or by phoning (321) 433-8535.

CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
August 14, 2017

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Monday, August 14, 2017 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Vice Chairman Al Washington called the meeting to order at 6:03 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Al Washington	Vice Chairman
Aleck Greenwood	Board Member
Jack Moore	Board Member
Troy Stephan	Board Member
Russell Sengel	Board Member
Todd Anderson	Board Member

MEMBERS ABSENT:

Michael Dobrin	Chairman
Jake Williams	Board Member
Jeri Blanco	Board Liaison

OTHERS PRESENT:

Karen Hamilton	Community Services Director
Cindy Thurman	Planning & Zoning Manager
Kristin Eick	Board Attorney (attended via telephone)
Monica Arsenault	Board Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: August 14, 2017.

Motion by Jack Moore, seconded by Todd Anderson, to approve the agenda of August 14, 2017. The vote on motion carried unanimously.

2. Approval of Meeting Minutes: July 12, 2017.

Motion by Jack Moore, seconded by Todd Anderson, to approve the minutes of July 12, 2017. Vote on the motion carried unanimously.

OLD BUSINESS:

A. PZ-17-00100001 – Preliminary Subdivision (Lakeside Palms, LLC)

David Benninghoff, 3705 Audrey Drive, Titusville, Florida, approached the Board to follow up on some of the questions he had from the last meeting regarding sewer and septic water hookups. He inquired about the annexing process as he is interested in annexing into the City. He stated that he owns a property adjacent to the proposed subdivision. Karen Hamilton, Community Services Director, stated that she would be happy to reach out to Mr. Benninghoff to answer his questions and concerns.

Francis Grijalva, 217 Coral Way, Cocoa, Florida approached the Board to share his concerns regarding drainage.

Motion by Board member Moore, seconded by Board member Greenwood, to recommend approval to the City Council of the preliminary subdivision consistent with Chapter 18 of the City of Cocoa Code for a 105-lot subdivision consisting of approximately 26.28 acres with the recommended conditions.

Motion carried unanimously (6-0).

NEW BUSINESS:

None

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on September 13, 2017.

ADJOURNMENT:

Motion to adjourn by Jack Moore, seconded by Troy Stephan.

There being no further business the meeting adjourned at 6:29 P.M.

Approved on this _____ day of _____, 2017.

Michael Dobrin, Chairman

Monica Arsenault, Board Secretary

CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
January 10, 2018

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, January 10, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Mike Dobrin called the meeting to order at 6:07 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice Chairman
Aleck Greenwood	Board Member
Jack Moore	Board Member
Sherry Ervin	Board Member

MEMBERS ABSENT:

Jake Williams	Board Member
Todd Anderson	Board Member
Russell Sengel	Board Member
Jeri Blanco	Board Liaison

OTHERS PRESENT:

Cindy Thurman	Planning & Zoning Manager
Kristin Eick	Board Attorney
Torri Edwards	Board Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: January 10, 2018.

Motion by Jack Moore, seconded by Al Washington, to approve the agenda of January 10, 2018. The vote on the motion carried unanimously.

2. Approval of Meeting Minutes: October 26, 2017.

Motion by Jack Moore, seconded by Al Washington, to approve the minutes of October 26, 2017. The vote on the motion carried unanimously.

OLD BUSINESS:

- A. Ordinance 32-84 was adopted October 23, 1984 to protect and preserve trees within the City. The City Council amended Chapter 13 of the City Code on February 14, 1995 to include the establishment of a Tree Board. The Planning and Zoning Board was

removal of all the Oak Trees in downtown Cocoa. The City Council decided to obtain a second opinion which resulted in only one (1) tree being removed. Mr. Greenwood noted the Tree Ordinance needs to be addressed and not forgotten. He stated the correct process for tree removal is to have the Tree Board discuss the issue and submit the decision to City Council for a final decision.

Ms. Ervin inquired if the Public Works Department is removing trees without City Council approval. Mr. Greenwood confirmed.

Mr. Greenwood noted the City Council once stated Oak Trees are not appropriate in the Cocoa Village area due to the invasive root system. He reported that the sidewalks are easy to move and replace as needed. He stated Cocoa Village is known for the Oak Trees.

Mr. Dobrin inquired whether the Public Works Department is supporting the tree removal. Mr. Greenwood confirmed. Mr. Dobrin inquired the last time Mr. Greenwood addressed the City Council on the Tree Ordinance and the Chain Link Fence Ordinance. Mr. Greenwood responded that the ordinances were addressed at the December 2017 meeting and the City Council requested a report from Mr. Greenwood. Mr. Dobrin inquired whether Mr. Greenwood spoke to the City Manager regarding the Tree Ordinance. Mr. Greenwood confirmed and stated he will still be reporting at the next City Council meeting. Mr. Dobrin stated he understands the existing Tree Ordinance needs to be enforced by the Tree Board.

Mr. Moore discussed a tree removal issue that occurred two (2) months ago involving a resident that stated a tree was interfering with the sprinkler system. Mr. Greenwood reported the sprinkler system was fixed and the tree was not removed.

Ms. Ervin noted that all of the trees were removed from SR 528 and Highway US1. Mr. Greenwood reported that the DOT was involved with tree removal at that location.

Mr. Washington inquired whether the Tree Board has control over the tree removal on private property. Mr. Greenwood replied that the Tree Ordinance does not control tree removal from private property and requires a tree removal permit. He provided Ms. Thurman with the number and email for the Arborist, Dana Sussman.

Mr. Moore requested the Board received Dana Sussman's information.

Mr. Washington inquired how this Planning and Zoning meeting will prepare Mr. Greenwood when he addresses the City Council. Mr. Greenwood responded that the Tree Board support of the Tree Ordinance will be presented to the City Council. Mr. Dobrin explained that the Board has not read the Tree Ordinance. Mr. Washington noted the current Tree Ordinance is the only option for the Board.

Ms. Kristin Eick, Assistant City Attorney, provided the section of the Tree Ordinance being addressed. She suggested the Tree Board make a recommendation to amend the Tree Ordinance.

Ms. Thurman noted information from Public Works, the Arborist, and anyone that works with the trees will be presented to the City Council. She stated a Tree Update will be added to the regular meeting agenda. Ms. Thurman stated she will contact the Arborist and report to the Tree Board on all active tree removals. Mr. Greenwood requested contacting the Agricultural Arborist as a second opinion. Ms. Thurman stated that request will be discussed further.

Ms. Ervin requested copies of all the City Ordinances and a Planning and Zoning map. Ms. Thurman stated she will provide Ms. Ervin a Planning and Zoning Board package.

Ms. Thurman suggested creating a letter from the Board addressing concerns of the Tree Ordinance and presenting to the City Council. Mr. Greenwood agreed that a letter from the Board will demonstrate support for the Tree Ordinance. Mr. Dobrin stated he will create a letter with Ms. Thurman to address the City Council.

The discussion was closed to the Board.

Mr. Dobrin inquired on other projects coming up. Ms. Thurman stated there are several projects coming up.

Mr. Dobrin inquired if there are any updates on the marijuana issue. Mr. Greenwood stated the City Council did not approve the Marijuana Ordinance.

Mr. Washington noted the location of the new Fire Station on SR 524 was not zoned for a fire station. Ms. Thurman stated she will research the SR 524 zoning and welcomes all Board members to email her with any questions.

Mr. Washington inquired if there are any plans for the former Winn Dixie building on SR 524. Ms. Ervin stated the property was sold by Home Depot and the new owners plan on developing a small shopping center. Mr. Moore stated that Home Depot did not develop the former Winn Dixie building due to no outside storage.

Mr. Greenwood suggested replanting the trees removed from SR 528 and Highway US1. Ms. Thurman stated the trees died and needed to be removed. She will research the tree removal for this area further.

NEW BUSINESS:

None

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on March 14, 2018.

ADJOURNMENT:

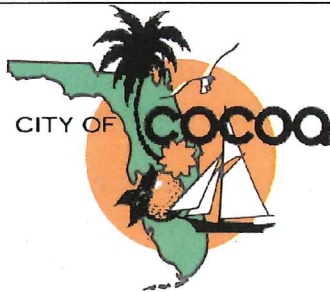
Motion to adjourn by Al Washington, seconded by Sherry Ervin.

There being no further business the meeting adjourned at 7:08 P.M.

Approved on this _____ day of _____, 2017.

Michael Dobrin, Chairman

Torri Edwards, Board Secretary



Serving the Community

**City of Cocoa
Planning & Zoning Board
STAFF REPORT**

Meeting Date: February 14, 2018

Prepared By: Cindy Thurman, Planning & Zoning Manager

Subject: Tree Board Discussion; Continued

Background

Planning and Zoning Board Member Aleck Greenwood shared concerns with staff about the past removal of live oak trees in Cocoa Village at the January 10, 2018 Planning & Zoning Meeting. Staff prepared this a report and an accompanying Power Point presentation for the Board to provide historical information about the tree ordinance and board creation.

Tree Board Responsibilities

The ordinance tasked the board members with the development of a comprehensive tree plan for the maintenance of trees and shrubs in public areas. The plan was to be presented to the City Council annually for approval.

Subsection (1) (c) requires the consideration of removal of trees located on city property or public right-of-way to be reviewed by the Tree Board with consideration of Tree Board recommendation and final approval by the City Council.

The same subsection includes exemptions to tree removal approval and are handled on a case by case basis through the Public Works Department:

- Trees that are an immediate and serious threat to the public health, safety and welfare.
- Trees that are dead.
- Any undesirable/nuisance tree species (app A, art XIII §22 (E) (7)(a) – (j)).
- Volunteer trees less than four (4) inches in diameter at four and one-half (4.5) feet in height.
- Trees that are part of a previously approved site plan.
- Pruning of less than thirty percent (30%) of the canopy.

Importance of Tree Inventory Process

Conducted in 2001, one hundred and eleven different tree species were identified in the last tree count. The total tree count was 8,285 with 5,874 native species. A total of 2,322 oak trees were counted.

It is important to note that a tree survey or a simple count of the trees, does not identify trees by location, size, condition, nor by hazard. Awareness of a potentially hazardous tree may not be obvious by implementing a simple tree count. It is important that the condition, species and potential for hazard be notated and managed. Another crucial aspect of maintaining a tree inventory is the opportunity to protect the investment in trees made to date in the event of a natural disaster. The presence of up-to-date records on trees in the city can prove invaluable if it becomes necessary to apply for disaster relief or Federal reimbursement. As originally identified in 1998, the City's Arborist recommends that if funding becomes available to conduct a new tree/plant survey, that it include GIS mapping of each tree and software to maintain and manage the existing inventory.

P&Z/ Tree Board Considerations

In January 2018, the Board discussed their responsibilities as the Tree Board and after discussion, it was determined that a letter should be drafted for review to forward to the City Council. The purpose of the letter is to reaffirm the P&Z's role as the Tree Board and a desire to be proactive in making decisions and recommendations for Council to consider regarding the City's trees. Such considerations included prioritizing tree protection on City property as the population of trees in the City are a valuable asset.

Attached is a draft letter for the P&Z Board, in their capacity as the Tree Board, to send to City Council if the Board chooses.

The Planning & Zoning Board's duties and responsibilities as the "Tree Board" are found in Appendix A, Article XIII Section 22(I) of the City's Code regarding "Landscaping Requirements". Subsection I specifically addresses the Tree Board's duties and responsibilities and is

(I) **TREE BOARD.** A tree board is hereby established which shall consist of the members of the city Planning and Zoning Board, and who shall serve by appointment of the City Council of the City of Cocoa, Florida.

(1) Duties and responsibilities.

- (a) It shall be the responsibility of the tree board to study, investigate, counsel, develop, update annually, and administer a plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in all other public areas. Such plan will be presented annually to the city council and, upon their acceptance and approval, shall constitute the official comprehensive tree plan for the City of Cocoa, Florida.
- (b) The tree board, when requested by the City Council of the City of Cocoa, shall consider, investigate, make findings of fact, report, and make recommendations upon any special matter of questions coming within the scope of its duties.
- (c) No tree located on city public right-of-way or city owned property shall be removed or significantly pruned prior to review and recommendation by the tree board and approved by the city council, subject to the following exceptions:
 - (1) Trees that are an immediate and serious threat to the public health, safety and welfare.
 - (2) Trees that are dead.
 - (3) Any undesirable/nuisance tree species, as listed in Ordinance No. 32-84, page 17, section 4-g, 1—10 [codified herein as app. A, art. XIII, § 22(E)(7)(a)—(j)].
 - (4) Volunteer trees less than four (4) inches in diameter at four and one-half (4½) feet in height.
 - (5) Trees that are part of a previously approved site plan.
 - (6) Pruning of less than thirty percent (30%) of the canopy.

(Ord. No. 32-84, §§ 1—7, 10-23-84; Ord. No. 2-95, § 1, 2-14-95; Ord. No. 4-97, § 1, 3-11-97; Ord. No. 4-01, § 1, 2-13-01; Ord. No. 3-03, § 1, 2-25-03)

Editor's note— Ord. No. 32-84, §§ 1—7, adopted Oct. 23, 1984, in its caption stated that it was "amending the zoning code," but did not specify manner of amendment. The provisions of said Ord. No. 32-84 have been treated as superseding the landscape requirements enacted by Ord. No. 6-83, adopted March 3, 1983, and formerly codified as § 21 of this article. Inclusion of Ord. No. 32-84, §§ 1—7, herein as § 22 of Art. XIII has been at the discretion of the editor.

Mayor, Henry Parrish, III
Cocoa City Council
65 Stone Street
Cocoa, FL 32926

Dear Honorable Mayor Parrish:

The Planning & Zoning Board serves in their capacity also as the Tree Board pursuant to Appendix A, Article XIII Section 22(I) of the City's Code regarding "Landscaping Requirements," and makes recommendations for the preservation, replacement and removal of trees on the City's property and Right of Ways.

It is the belief of the Tree Board, that the trees in the City are a valuable asset and would change the character of the City if they were to be removed. As stewards of tree preservation, the Tree Board will be forwarding recommendations to Council in a proactive manner to maintain the character of the City created by the population of trees.

Certain measures of tree preservation require staffing and resources to be successful. The Tree Board desires that as future resources become available, tree preservation be considered a priority so that our downtown can keep its population of trees healthy and viable without harming valuable utilities and infrastructure.

Thank you for your consideration.

ORDINANCE NO. 02-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 3, SECTION 3-23 OF THE CODE OF THE CITY OF COCOA; PROVIDING FOR AN EXCEPTION TO THE LIGHT EMITTING DIODE (LED) SIGN STANDARDS CONTAINED THEREIN TO ALLOW FOR LARGER LED ON-PREMISE WALL SIGNS ON PROPERTIES THAT ARE CONTIGUOUS OR ADJACENT TO INTERSTATE 95 AND/OR STATE ROAD 528; 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 • 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Cocoa currently allows billboards, which may be digital as provided in Section 3-21.5(j) of the Code, to be located upon property which is currently zoned as either general commercial, wholesale commercial or light and heavy manufacturing and designated upon the future land use map as either commercial or industrial, and where such property is contiguous or adjacent to either Interstate 95 and/or State Road 528; and

WHEREAS, the maximum display area of such digital billboards may be as large as fourteen (14) feet tall and forty-eight (48) feet wide, pursuant to Section 3-21.5(h) and (j) of the Code; and

WHEREAS, the City of Cocoa also currently allows LED signs as part of a wall or ground sign in certain commercial, institutional, and industrial zoning districts, but such LED signs are limited to thirty-two (32) square feet per sign face; and

WHEREAS, the City Council now desires to allow larger, on-premise, LED wall signs on properties that are similarly zoned and contiguous or adjacent to Interstate 95 and SR 528; and

WHEREAS, the City Council has determined that owners of businesses within the general commercial, wholesale commercial and light and heavy manufacturing districts should have a comparable opportunity to utilize LED wall signs, similar in size to billboards, on their buildings to advertise or identify activities conducted or products or services available on the premises or to display a non-commercial message; 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, Chapter 3, is 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 Chapter 3. It is intended that the text in Chapter 3 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

CHAPTER 3 – ADVERTISING AND SIGNS

* * *

ARTICLE II – SIGN REGULATIONS

* * *

Sec. 3-23. – General regulations.

* * *

- (i) Unless otherwise specified, no on-site ground sign shall be erected, constructed or maintained nearer the property line than the building line established by law, except that such on-site ground signs conforming to the following conditions, specifications and limitations may be placed between the building line and the property line in required minimum yard areas:
 - (1) Ground signs/freestanding signs shall be set back a minimum of five (5) feet from the front and side property lines. Within a fifty (50) feet arc of any intersection, measured to the point of paving intersection, the sign shall be a minimum of eight (8) feet in height from the bottom of the sign to the grade level with only supporting members between the sign and ground. (This provision shall not apply to the Central Business District of the city.)
 - (2) No more than one such on-site ground sign shall be erected, constructed, or maintained in any such required minimum yard area per one hundred (100) feet of street frontage of such yard area or per major fraction thereof provided that if a parcel of land is in one ownership shall have less than one hundred (100) feet of yard frontage on one street, one on-site ground sign may, nevertheless, be erected in the required minimum yard area for such parcel; provided further, that in the case of corner lots this paragraph shall be construed to permit at least one on-site ground sign in the minimum yard area on each

street frontage of a parcel of land in one ownership, where the erection, construction and maintenance of such sign shall not conflict with other portions of the sign regulations or other ordinances of the City of Cocoa.

- (3) No such on-site ground sign shall be erected or constructed in any such required minimum yard area closer than five (5) feet to a side property line; provided, that in the case of corner lots, the minimum distance of a sign from the intersecting property lines at the corner shall be determined by both street frontages as front yards.
- (4) No sign shall be approved for use unless it has been inspected by the department issuing the permit and it found to be in compliance with all other applicable codes and ordinances, including the building code, electrical code and zoning ordinance.
- (5) Signs indicating points of local or public interest may be placed on public property only with the express consent and formal approval of city council.
- (6) All signs, together with all their support braces, guys and anchors shall be maintained in good repair and appearance.
- (7) The maximum height of such signs shall be as regulated in the attached Table I. Each sign shall provide a twenty-five (25) square foot landscaped area at the base to include shrubs, trees, sod and/or mulch.
- (8) An advertising sign placed on the side or rear of any building facing on a contiguous residential district shall not exceed six (6) square feet in sign surface area and not over eight (8) feet in height from ground level.
- (9) Light Emitting Diode (LED) signs may be permitted under the following conditions:
 - a. Except as provided in subsection j. below, LED signs are only permitted in the CBD, C-C, C-G, C-N, C-P, C-W, INST, M-1, M-2 & UMD zoning districts where not located within one hundred fifty (150) feet of residentially zoned properties. The board of adjustment may grant a variance from this subsection where, owing to special conditions, a literal enforcement of the provisions of this subsection would result in unnecessary and undue hardship. A variance from this subsection shall not be granted by the board of adjustment unless and until a written application for variance is submitted pursuant to the procedures set forth in Article XVII, Section 3 of Appendix A, Zoning. In considering a variance from this subsection, the board of adjustment shall consider whether the applicant has properly demonstrated the criteria set forth in Article XVII, Section 3 of Appendix A. Additionally, any applicant for a variance from this subsection shall be required to demonstrate that the granting of the variance will not have a detrimental impact on the surrounding residentially zoned properties. In granting any variance from this subsection, the board of adjustment may impose reasonable terms and conditions upon the operation of LED signs in furtherance of preserving the character of the surrounding residentially zoned properties.

- b. LED signs may only be permitted as part of a ground or wall sign that complies with all applicable sign regulations.
- c. Except as provided in subsection j. below, the copy area of any LED message screen shall not exceed thirty-two (32) square feet per sign face, and LED copy area shall count toward the maximum allowable signage area permitted.
- d. LED messages shall not exceed three (3) lines of LED text per sign face.
- e. Except as provided in subsection j. below, LED messages shall not operate at a brightness level of more than .3 foot candles above ambient light, as measured using a foot candle meter at a distance determined by using the following formula:

$$\text{Measurement Distance} = \sqrt{(\text{Area of Sign in Square Feet} \times 100)}$$

- f. The display time for each message shall be a minimum of eight (8) consecutive seconds per display, and the message shall change instantaneously. Non-static LED signs shall only be amber in color.
- g. Except as provided in subsection j. below, LED messages may scroll horizontally or vertically, but shall not blink, flash, flicker, scintillate or be otherwise animated. Graphic images or displays shall be static only.
- h. Portable signs using LED technology may be permitted in any zoning district authorized in subsection (9)a or by special event permit and shall comply with the temporary sign regulations set forth in subsection 3-22.5 herein. Additionally, any electrical extension cable used in conjunction with a portable LED sign shall be sized in accordance with the National Electrical Code, shall not consist of multiple cords plugged together, and in no case shall the cable exceed one hundred (100) feet in length.
- i. Messages of public interest, as defined in section 3-5, shall be permitted on LED signs.
- j. Up to two LED, on-premise wall signs with a maximum display area of ten (10') feet six (6") inches in height by thirty-six (36') feet in width and a minimum display area of eight (8') feet in height by twenty-four (24') feet in width, may be located on property that is contiguous or adjacent to Interstate 95 and/or State Road 528. If the owner chooses to place two large LED on-premises wall signs on the building, each sign must be placed on a separate face of the building that is visible from Interstate 95 or State Road 528. The property upon which the large LED wall sign is located must be zoned as either general commercial, wholesale commercial or light and heavy manufacturing and designated upon the future land use map as either commercial or industrial. Notwithstanding Section 3-23(i)(9)(a.) above, there shall be no waivers granted from this provision related to the required zoning district of the property. Should the permittee choose to install large LED wall signs as provided in this subsection, no other LED wall signs or LED ground signs may be

located on the property. The large LED wall sign shall comply with the following additional standards:

(i) The sign shall display static messages only as opposed to moving or scrolling messages. Further, any structural component, design, or pictorial segment of the sign shall remain static at all times.

(ii) The sign shall not contain messages with varying degrees of illumination, flashing or scintillating or varying light intensity.

(iii) Messages on the sign shall not operate at a brightness level of more than .3 foot candles above ambient light, as measured using a foot candle meter at a distance of 200 feet for 10'6" × 36' wall signs. Documentation shall be provided to the City at the time of permitting certifying the sign as incapable of exceeding .3 foot candles above ambient light. Each sign display shall have a light sensing device that will adjust the brightness of the sign display as ambient light conditions change.

(iv) The sign shall be prohibited within 250 feet of residentially zoned properties.

(v) The sign permittee shall provide for public service and emergency announcements or alerts (e.g. Brevard Emergency Operations Center; Amber and Silver Alerts) to be displayed on the digital billboards at no charge and on an as-needed basis. Said permittees shall be required to submit contact information to the City as part of their permit application.

(vi) The minimum lot size of the property shall be the minimum lot area as provided in the applicable zoning district.

(vii) The minimum lot width of the property shall be the minimum lot width as provided in the applicable zoning district.

(viii) The sign shall not be permitted upon a face of a building that is nonconforming by reason of an encroachment into a setback or height. This provision shall be in addition to, and shall not be construed as supplanting, the requirements of Appendix A, Article X regarding nonconformities.

(ix) The sign shall in no case exceed 20% of the total surface area of the wall to which it is attached. However, notwithstanding Sec. 3-23, Table 1, footnote e. below, if an owner chooses to affix a second large, LED wall sign on the building, it may be the same size as the first large, LED wall sign affixed.

(x) There shall be a minimum of one thousand five hundred (1,500) feet between property lines of lots used for any large LED wall sign as provided in this subsection.

(xi) There shall be a minimum of five hundred (500) feet between the face of the building upon which a large LED wall sign is affixed and road-exits or on-ramps, intersections, or interchanges.

(xii) There shall be a minimum of two hundred (200) feet between the property line of a lot used for large LED wall sign and property lines of lots used for schools, churches, cemeteries, public parks, public playgrounds, historic sites, and landmarks.

* * *

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 Commission of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2018.

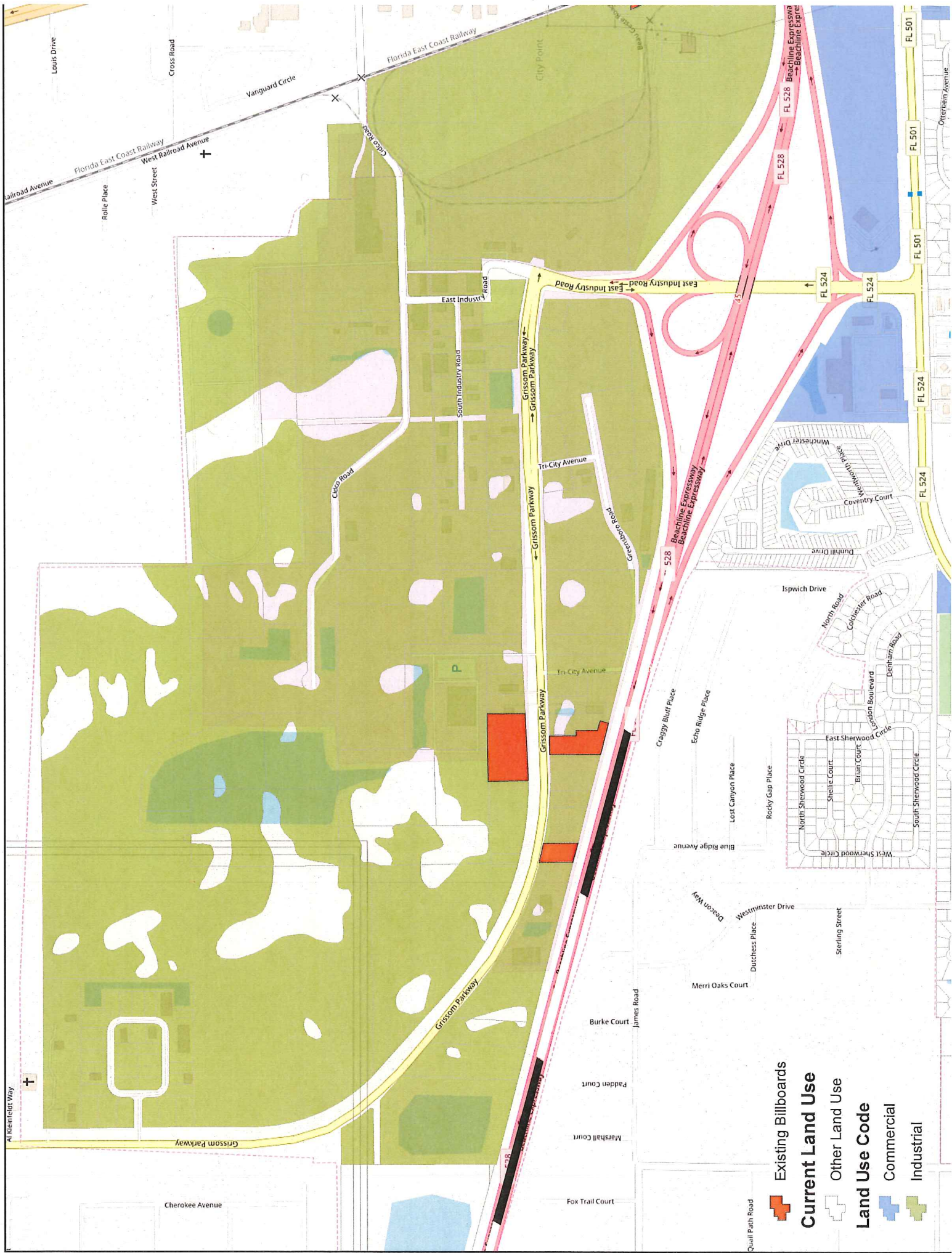
HENRY U. PARRISH, Mayor

ATTEST:

CARIE SHEALY, MMC
City Clerk

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





Existing Billboards

Current Land Use

Other Land Use

Land Use Code

Commercial

Industrial