



**Agenda  
City of Cocoa  
Planning & Zoning Board / Local Planning  
Agency Regular Meeting**

**September 2, 2026  
6:00 PM  
65 Stone Street, Cocoa, FL 32922**

**I. Opening Matters:**

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call

**II. Approval of Agenda and Minutes:**

1. Agenda: Regular Meeting of September 2, 2026.
2. Minutes: Regular Meeting of August 5, 2026.

**III. Old Business:**

**IV. New Business:**

1. 3600 Grissom Prkwy Rezoning (POSTPONED)
2. 3600 Grissom Pkwy Comp Plan Amendment (POSTPONED)
3. Ordinance 13-2026 - City Initiated Zoning Text Amendment - RU 2-15
4. Ordinance 14-2026 - Large-Scale Comp Plan Text Amendment to amend Figure FLU-1

**V. Tree Board:**

**VI. Other Business:**

**VII. Next Meeting Date: Wednesday, October 7th, 2026, at 6:00 pm at 65 Stone Street in Cocoa, FL.**

**VIII. Adjournment:**

**General Notice Information:**

This is a public meeting. Interested parties are hereby advised that they may appear at said

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

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

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**Public Participation Information:**

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

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

# PLANNING & ZONING AGENDA ITEM

Memo Date: 08/21/2026  
Agenda Date: 9/2/2026  
Prepared By: Breanna Earley, Assistant City Clerk  
Through: Stockton Whitten, City Manager  
Requested Action: Request Board approval of the Agenda for the Planning and Zoning September 2, 2026, Regular Meeting, either as written or with amendments.

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## **BACKGROUND:**

## **PRIORITY AREA CONNECTION:**

## **BUDGETARY IMPACT:**

N/A

## **PREVIOUS ACTION:**

## **RECOMMENDED MOTION:**

Request Board approval of the Agenda for the Planning and Zoning September 2, 2026, Regular Meeting, either as written or with amendments.



**Agenda  
City of Cocoa  
Planning & Zoning Board / Local Planning  
Agency Regular Meeting**

**September 2<sup>nd</sup>, 2026  
6:00 PM  
65 Stone Street, Cocoa, FL 32922**

**I. Opening Matters:**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

**II. Approval of Agenda and Minutes:**

1. Agenda: Regular Meeting of September 2, 2026.
2. Minutes: Regular Meeting of August 5, 2026.

**III. Old Business:**

**IV. New Business:**

**1. PZ 25-00900014 Ord No. 06-2026 Zoning Map Amendment**

**3600 Grissom Parkway (POSTPONED)**

**2. PZ 25-00500006 Ord No. 05-2026 Small-Scale Comp Plan Amendment**

**3600 Grissom Parkway (POSTPONED)**

**3. PZ 26-00200003 Ordinance No. 13-2026, Zoning Text Amendment**

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

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida, amending Appendix A, Article XI, Section 5 of the zoning ordinance of the City of Cocoa to make certain clarifying amendments related to townhouse residential subdivisions; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

**4. PZ 26-00500004 Ordinance No. 14-2026 – Comp Plan Amend**

**Amending Figure FLU-1**

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida,

adopting a large scale comprehensive plan text amendment; amending figure FLU-1 set forth in the future land use element to provide the RU-2-25 zoning district is an allowable zoning district in the medium density residential future land use category in certain locations; providing data and analysis and the legal basis set forth in the recitals to support the proposed comprehensive amendment; 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.

**V. Tree Board:**

**VI. Open Discussion:**

**VII. Other Business:**

**VIII. Next Meeting Date:** Wednesday, October 7<sup>th</sup>, 2026, at 6:00 pm at 65 Stone Street in Cocoa, FL.

**IX. Adjournment:**

**General Notice Information:**

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Viewing In Real Time. Interested persons may view and listen to the hearings live at the following internet address: <https://www.cocoafl.gov/291/20338/City-Meetings> The City is not responsible for technical difficulties that may occur while viewing or listening online.

# PLANNING & ZONING AGENDA ITEM

Memo Date: 08/21/2026  
Agenda Date: 9/2/2026  
Prepared By: Breanna Earley, Assistant City Clerk  
Through: Stockton Whitten, City Manager  
Requested Action: Request Board approval of the Minutes for the Planning and Zoning August 5, 2026, Regular Meeting, either as written or with amendments.

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## **BACKGROUND:**

## **PRIORITY AREA CONNECTION:**

## **BUDGETARY IMPACT:**

N/A

## **PREVIOUS ACTION:**

## **RECOMMENDED MOTION:**

Request Board approval of the Minutes for the Planning and Zoning August 5, 2026, Regular Meeting, either as written or with amendments.

**MINUTES  
CITY OF COCOA  
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY  
REGULAR MEETING  
August 5, 2026**

**A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on August 5, 2026, at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.**

**I. CALL TO ORDER:**

Chair Park called the meeting to order at 7:00 PM.

**ROLL CALL:**

|                 |                        |
|-----------------|------------------------|
| Wesley Park     | Chairperson            |
| Marcus Wheeler  | Vice Chairperson       |
| Ron Chabot      | Board Member           |
| Tamisha Findlay | Board Member           |
| Susan Milhoan   | Board Member           |
| Victoria Jones  | Board Member           |
| Russell Sengel  | Board Member           |
| Todd Anderson   | Board Member           |
| Aleck Greenwood | Alternate Board Member |
| Richard Cravens | Alternate Board Member |
| Kristin Eick    | City Attorney          |

**PRESENT:**

|                 |                        |
|-----------------|------------------------|
| Wesley Park     | Chairperson            |
| Marcus Wheeler  | Vice Chairperson       |
| Ron Chabot      | Board Member           |
| Tamisha Findlay | Board Member           |
| Susan Milhoan   | Board Member           |
| Victoria Jones  | Board Member           |
| Russell Sengel  | Board Member           |
| Todd Anderson   | Board Member           |
| Aleck Greenwood | Alternate Board Member |
| Richard Cravens | Alternate Board Member |

**ABSENT:**



**STAFF PRESENT:**

Luci Ribeiro, City Planner; Stockton Whitten, City Manager; Charlene Neuterman, Community Services Director; Jennifer Justiniano, Community Services Manager; Breanna Earley, Recording Secretary.

Chair Park led the assembly in the Pledge of Allegiance.

**II. Approval of Agenda and Minutes:**

1. Agenda: Regular Meeting of August 5, 2026
2. Minutes: Regular Meeting of July 1, 2026

Alternate Board member Greenwood, wanted to bring attention to the City Attorney's wedding anniversary.

- \* **MOTION BY BOARD MEMBER SENDEL; SECONDED BY BOARD MEMBER JONES TO APPROVE THE August 5, 2026 AGENDA AND THE MINUTES OF July 1, 2026 AS WRITTEN.**

**AYES: Park, Wheeler, Findlay, Jones, Sendel, Anderson, Milhoan, Chabot**

**MOTION PASSED UNANIMOUSLY (8-0).**

**III. Old Business: None**

**IV. New Business:**

**I. New Business:**

1. **PZ 25-00900014 Ord No. 06-2026 3600 Grissom Parkway Zoning Map. (POSTPONED)**
2. **PZ 25-00500006 Ord No. 05-2026 3600 Grissom Parkway Small-Scale. (POSTPONED)**

- \* **MOTION BY CHAIR PARK; SECONDED BY BOARD MEMBER JONES TO POSTPONE BOTH ITEMS TO A DATE CERTAIN OF SEPTEMBER 2, 2026 AT 6PM AT 65 STONE STREET, COCOA, FL 32922.**

**AYES: Park, Wheeler, Findlay, Jones, Sendel, Anderson, Milhoan, Chabot**

**MOTION PASSED UNANIMOUSLY (8-0).**

**3. PZ26-02100005 155 Ruth St Zoning Map Amendment**

Luci Ribeiro, City Planner, presented a PowerPoint for 155 Ruth St Zoning Map Amendment<sup>1</sup>.

There being no questions from the Board, the discussion was opened to the public.

There being no questions from the Public, the item was called to a vote.

**\* MOTION BY BOARD MEMBER JONES; SECONDED BY BOARD MEMBER FINDLAY TO APPROVE.**

**AYES: Park, Wheeler, Chabot, Jones, Milhoan, Sengel, Anderson, Findlay**

**MOTION PASSED UNANIMOUSLY (8-0).**

**V. Tree Board:**

Alternate Board Member Greenwood, asked about the trees removed in front of City Hall.

City Manager explained they were dead and needed to be removed.

Greenwood went on to ask about the trees that were removed on 520.

Jennifer Justiniano, Community Services Manager, replied that the Ford dealership has since applied for a permit.

Greenwood inquired if there was any word on what trees would be planted to replace them.

Justiniano, stated it was not known at this time.

Greenwood went on to speak about different sized trees.

Board member Milhoan, asked about the ordinance being changed to a higher penalty fee.

Luci Ribeiro, presented a PowerPoint on trees<sup>2</sup>.

Board member Sengel, asked for a definition of a public and private right of way.

Luci Ribeiro, explained.

Sengel elaborated his question.

Lui Ribeiro, provided the example of an HOA.

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<sup>1</sup> Exhibit A: PowerPoint Presentation

<sup>2</sup> Exhibit B: PowerPoint Presentation

Board member Jones, inquired about what happens if a property owner refuses to comply.

Charlene Neuterman, Community Services Director stated they would be taken to code board.

Milhoan asked when the clock starts for noncompliant properties.

Board Attorney Eick explained the process.

Community Services Director, spoke further about the code board process.

Greenwood, asked if the ordinance established what trees need to be planted if a tree is removed.

Board Attorney Eick, detailed the ordinances and Florida law.

Alternate Board member Greenwood spoke further about updating the ordinance.

**VI. Open Discussion:**

**VII. Other Business:**

Board member Anderson, asked for an update on the property that the old bank is on.

City Manager explained the process and the steps being taken to move the project along.

Board member Sengel, asked about the data center discussion.

Board Attorney Eick, clarified the conversations happening with staff to present City Council with more information.

Vice Chair Wheeler, asked about the intersection at Clearlake Road and who is responsible.

City Manager spoke about discussions that have happened about the medians with FDOT.

Vice Chair Wheeler spoke further regarding the look of the four corners.

**VIII. Next Meeting Date:** Wednesday, September 2, 2026, at 6:00pm, at 65 Stone Street in Cocoa, FL

**IX. Adjournment:**

**\* MOTION BY CHAIR PARK; SECONDED BY BOARD MEMBER MILHOAN TO ADJOURN THE MEETING.**

**AYES: Park, Wheeler, Chabot, Jones, Milhoan, Sengel, Anderson, Findlay**

**MOTION PASSED UNANIMOUSLY (8-0).**

**MEETING ADJOURNED AT 6:48 PM.**

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**Wesley Park, Chairperson**

**Respectfully Submitted By:**

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**Breanna Earley, Recording Secretary**

# PLANNING & ZONING AGENDA ITEM

Memo Date: 08/21/2026  
Agenda Date: 9/2/2026  
Prepared By: Lucilene Ribeiro, Planner  
Through: Stockton Whitten, City Manager  
Requested Action: Request to postpone to a date certain of October 7th, 2026, consideration for approval of a zoning map amendment for the property located at 3600 Grissom Parkway.

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## **BACKGROUND:**

Staff respectfully requests that this agenda item be postponed to the next regular Planning and Zoning Board meeting, October 7th , 2026.

## **PRIORITY AREA CONNECTION:**

Economic and Community Development

## **BUDGETARY IMPACT:**

N/A

## **PREVIOUS ACTION:**

## **RECOMMENDED MOTION:**

Staff recommends that the Board postpone consideration of this item to the October 7th, 2026, Planning and Zoning hearing to be held at Cocoa City Hall at 6:00 p.m.

# USA TODAY CO.



PO Box 631244 Cincinnati, OH 45263-1244

## **AFFIDAVIT OF PUBLICATION**

Lucilene Ribeiro  
Attn: Accounting Division  
City Of Cocoa (Te)  
65 Stone St  
Cocoa FL 32922-7982

STATE OF WISCONSIN, COUNTY OF BROWN

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

BRE Brevard Florida Today 07/21/2026  
BRE floridatoday.com 07/21/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/21/2026

Legal Clerk

A handwritten signature in dark ink, appearing to read "Denise Roberts", is written over a horizontal line.

Notary, State of WI, County of Brown

A handwritten signature in dark ink, appearing to read "4-6-27", is written over a horizontal line.

My commission expires

|                   |                    |              |
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| Publication Cost: | \$285.59           |              |
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**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

DENISE ROBERTS  
Notary Public  
State of Wisconsin

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

**A. PZ 25-00900014 Ord No. 06-  
2026 3600 Grissom Parkway  
Zoning Map Amendment**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING MAP FOR ONE (1) PARCEL OF REAL PROPERTY, TOTALING 40 ACRES, MORE OR LESS, AND GENERALLY LOCATED AT 3600 GRISSOM PARKWAY, IN COCOA, FLORIDA, AS MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE ZONING MAP DESIGNATION OF THE REAL PROPERTY FROM "RESIDENTIAL AGRICULTURAL (RA)" TO "MANUFACTURING AND INDUSTRIAL (M-2)"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

**Planning and Zoning Board  
PUBLIC HEARING WILL BE HELD  
ON**

**August 5, 2026  
City of Cocoa Council  
PUBLIC HEARING WILL BE HELD  
ON**

**August 11, 2026  
ALL HEARINGS WILL TAKE PLACE  
AT 6:00 P.M. OR SOON THERE-  
AFTER IN THE COCOA CITY HALL  
COUNCIL CHAMBERS LOCATED AT  
65 STONE STREET, COCOA,  
FLORIDA 32922**

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# PLANNING & ZONING AGENDA ITEM

Memo Date: 08/21/2026  
Agenda Date: 9/2/2026  
Prepared By: Lucilene Ribeiro, Planner  
Through: Stockton Whitten, City Manager  
Requested Action: Request to postpone to a date certain of October 7th, 2026, consideration for approval of a small-scale comprehensive plan amendment for the property located at 3600 Grissom Parkway.

---

## **BACKGROUND:**

Staff respectfully requests that this agenda item be postponed to the next regular Planning and Zoning Board meeting, October 7th 2026.

## **PRIORITY AREA CONNECTION:**

Economic and Community Development

## **BUDGETARY IMPACT:**

N/A

## **PREVIOUS ACTION:**

## **RECOMMENDED MOTION:**

Staff recommends that the Board postpone consideration of this item to the October 7th, 2026, Planning and Zoning hearing to be held at Cocoa City Hall at 6:00 p.m.



# USA TODAY CO.



PO Box 631244 Cincinnati, OH 45263-1244

## **AFFIDAVIT OF PUBLICATION**

Leonardo Priore  
Attn: Accounting Division  
City Of Cocoa (Te)  
65 Stone St  
Cocoa FL 32922-7982

STATE OF WISCONSIN, COUNTY OF BROWN

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

BRE Brevard Florida Today 04/24/2026  
BRE floridatoday.com 04/24/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 04/24/2026

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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NANCY HEYRMAN  
Notary Public  
State of Wisconsin

Ad #12269796, 4/24/2026  
**CITY OF COCOA**  
**NOTICE OF PUBLIC HEARING**  
**NOTICE IS HEREBY GIVEN THAT**  
**THE PLANNING & ZONING**  
**BOARD/LOCAL PLANNING**  
**AGENCY**  
**AND CITY OF COCOA COUNCIL**  
**PROPOSE TO CONSIDER THE**  
**FOLLOWING:**

**A. PZ 25-02800005 603 Brevard Ave Concept Plan and Development Agreement**

Consider a conceptual plan and Development Agreement for the 603 Brevard Avenue Hotel, affecting approximately .87 acres of property owned by the Cocoa Redevelopment Agency. The agreement calls for the development of an approximately seven (7) story, 68,310 square foot, 104-room hotel with associated amenities and parking and establishes building elevations, floor plan, and related development regulation waivers for the future hotel. Generally located on Brevard Avenue and John Garren Lane, south of Factory Street, and is identified by Parcel IDs: 24-36-33-75-\*2 and 24-36-33-75-\*3.

**B. PZ 25-00500006 Ord No. 05-2026 3600 Grissom Parkway Small-Scale Comprehensive Plan Amendment**

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 PARCEL OF REAL PROPERTY WITHIN THE CITY OF COCOA, CONSISTING OF APPROXIMATELY FORTY (40) ACRES, GENERALLY LOCATED WEST OF GRISSOM PARKWAY, SOUTH OF ANGELICA STREET, AND NORTH OF STATE ROAD 528, BEING LEGALLY DESCRIBED ON "EXHIBIT "A" ATTACHED HERETO; CHANGING THE FUTURE LAND USE MAP DESIGNATION OF THE REAL PROPERTY FROM "VERY LOW DENSITY RESIDENTIAL" TO "INDUSTRIAL"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION IN THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE AND LEGAL STATUS OF THE PLAN AMENDMENT. Parcel ID: 24-35-11-00-750.

**C. PZ 25-00200020 Sky Powersports Large-Scale Site Plan**

Consider a large-scale site plan for Sky Powersports, consisting of a powersports vehicle display, sales, and maintenance facility, consisting of approximately 52,550 square feet. Generally located on State Road 524, west of Interstate-95 in Cocoa, Florida, and is identified by Parcel ID: 24-35-27-00-16 and 24-35-27-00-11.

**Planning and Zoning Board**  
**PUBLIC HEARING WILL BE HELD**  
**ON**

**May 6, 2026**

**City of Cocoa Council**  
**PUBLIC HEARING FOR ITEMS A.**  
**and B. WILL BE HELD ON**

**May 12, 2026**

**ALL HEARINGS WILL TAKE PLACE**  
**AT 6:00 P.M. OR SOON**  
**THEREAFTER IN THE COCOA CITY**  
**HALL COUNCIL CHAMBERS**  
**LOCATED AT**  
**65 STONE STREET, COCOA,**  
**FLORIDA 32922**

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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://www.cocoafl.gov/291/20338/City-Meetings>

Documents pertaining to the above may also be inspected at the Community Services Department between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8400.

Interested persons may submit their written comments or questions prior to the meeting through Email at [cityclerk@cocoafl.gov](mailto:cityclerk@cocoafl.gov) or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

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

• City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

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

# PLANNING & ZONING AGENDA ITEM

Memo Date: 08/21/2026  
Agenda Date: 9/2/2026  
Prepared By: Lucilene Ribeiro, Planner  
Through: Stockton Whitten, City Manager  
Requested Action: Consideration of Ordinance 13-2026, a City-initiated Zoning Text Amendment to Appendix A, Article XI, Section 5 of the City of Cocoa Zoning Ordinance to make certain clarifying amendments related to townhouse residential subdivisions, providing for the repeal of prior inconsistent ordinances and resolutions.

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## **BACKGROUND:**

Ordinance No. 13-2026 is a City-initiated housekeeping and coordination amendment intended to resolve two issues affecting townhouse development where the RU-2-25 Multiple-Family Dwelling District overlaps the Cocoa Waterfront Overlay District. Although this Ordinance does not amend the RU-2-25 district, Section 6(A)(3) of the RU-2-25 regulations provides that townhouse residential subdivisions are regulated by the townhouse provisions contained in Section 5, RU-2-15. Under Section 5, Paragraphs (P) through (BB) establish the applicable townhouse residential subdivision standards. The proposed amendment to Section 5 clarifies that these cross-referenced RU-2-15 townhouse provisions do not apply to townhouses located within the Cocoa Waterfront Overlay District, where the Overlay's form-based standards govern. The amendment also removes obsolete tree-preservation language that remained in the townhouse provisions following the City's 2020 consolidation of its landscape and tree regulations.

In 2020, the City substantially revised its landscaping and tree-preservation regulations through Ordinance No. 12-2020. The associated staff report explained that the City was consolidating tree protection and replacement requirements into Appendix A, Article XIII, Section 22, Landscaping Requirements, while establishing updated replacement standards and an Arbor Mitigation Fund. Ordinance No. 13-2026 addresses an older tree-preservation provision in the RU-2-15 townhouse regulations that was inadvertently left in place during that consolidation. The proposed amendment therefore reserves Paragraph (BB), eliminating duplicative and potentially conflicting district-specific tree-preservation language while leaving the Citywide landscaping and tree regulations in Article XIII to govern.

The second issue concerns the relationship between the RU-2-25 district and the Cocoa Waterfront Overlay District. RU-2-25, not RU-2-15, is the applicable underlying zoning district in portions of the Overlay. The Waterfront Overlay separately permits single-family attached dwellings/townhouses in designated subdistricts and establishes its own form-based Townhouse building type, including standards for lot dimensions, building envelope, height, frontage, and parking location. The proposed amendment eliminates ambiguity and overlapping regulatory direction by clarifying directly in the RU-2-15

townhouse provisions that Paragraphs (P) through (BB) do not apply within the Waterfront Overlay.

The cross-referenced RU-2-15 townhouse standards were written for conventional townhouse subdivisions and contain dimensional standards that differ from those specifically established for the Waterfront Overlay's smaller-lot urban development pattern. For example, the conventional standards require a minimum one-acre development area, individual townhouse lots generally ranging from 2,000 to 2,400 square feet, minimum lot widths of 20 to 28 feet, a 25-foot rear setback, separation between townhouse groups, and a maximum lot coverage of 40 percent. By contrast, the Waterfront Overlay Townhouse building type permits lots as small as 1,600 square feet and as narrow as 15 feet, allows a zero-foot side setback for attached units, provides a 15-foot rear setback, permits up to 60 percent lot coverage, and regulates building placement through the Regulating Plan and frontage standards. Clarifying the applicable standards at their source avoids the need for staff and applicants to reconcile overlapping conventional and form-based provisions during individual development reviews.

Ordinance No. 13-2026 resolves this regulatory ambiguity without expanding the RU-2-15 zoning district into the Waterfront Overlay. Properties remain subject to their applicable underlying zoning, including RU-2-25 where present. The amendment instead clarifies that Paragraphs (P) through (BB) of the RU-2-15 townhouse regulations, which apply to RU-2-25 townhouse development through the Section 6(A)(3) cross-reference, do not apply to townhouses constructed within the Cocoa Waterfront Overlay District. In those locations, the Waterfront Overlay's form-based code, Regulating Plan, permitted building types, and Townhouse building-type standards are controlled by, together with, other applicable Code and Comprehensive Plan requirements.

| <b>Standard</b>          | Townhouse<br>Standards Ref. by<br>RU-2-25 (RU-2-15 P-<br>BB) | Waterfront Overlay<br>Townhouse Type         | Conflict if Applied<br>within Waterfront<br>Overlay                                             |
|--------------------------|--------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------------------------------------|
| Minimum development area | 1 acre                                                       | No comparable one-acre building-type minimum | The 1-acre minimum for conventional subdivisions can prevent infill on smaller Overlay parcels. |
| Individual lot area      | 2,000-2,400 sq. ft.                                          | 1,600-3,000 sq. ft.                          | Overlay intentionally permits smaller urban townhouse lots.                                     |
| Lot width                | 20-28 ft.                                                    | 15-30 ft.                                    | Some Overlay townhouse lots could not meet the cross-referenced                                 |

|                                                 |                                                               |                                                                                                                                                                      |                                                                                                                                                                             |
|-------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Side setback /<br>townhouse-group<br>separation | 15 ft. at end groups;<br>20 ft. between<br>groups             | 0 ft. side setback for<br>attached units; 10 ft.<br>separation from<br>adjacent detached<br>building                                                                 | conventional width.<br>Conventional<br>townhouse-group<br>spacing differs from<br>the attached urban<br>form established by<br>the Overlay.                                 |
| Rear setback                                    | 25 ft.                                                        | 15 ft.                                                                                                                                                               | The cross-referenced<br>25-ft. rear setback<br>conflicts with the<br>compact Overlay<br>building envelope.                                                                  |
| Maximum lot<br>coverage                         | 40%                                                           | 60%                                                                                                                                                                  | Overlay permits<br>greater lot coverage<br>to support compact<br>redevelopment.                                                                                             |
| Height                                          | 35 ft. max.                                                   | 1-3 stories                                                                                                                                                          | Different<br>measurement<br>systems: Overlay is<br>regulated by building<br>type.                                                                                           |
| Parking                                         | 2 spaces per unit                                             | Parking location:<br>Zone 3; applicable<br>parking quantity<br>requirements are<br>governed by Art. XII<br>Sec.1 – Off street<br>parking and loading<br>regulations. | Overlay specifically<br>regulates urban<br>parking placement.                                                                                                               |
| Density                                         | 10 du/ac single-story;<br>15 du/ac for two or<br>more stories | Governed by<br>applicable Future<br>Land Use density<br>and other applicable<br>Zoning Ordinance<br>provisions when P-<br>BB do not apply                            | Clarification should<br>not be construed to<br>change the<br>underlying zoning or<br>Future Land Use<br>designation;<br>applicable density<br>limits continue to<br>govern. |

## I. STAFF ANALYSIS

Pursuant to Appendix A, Zoning, Article XXI, Amendment, Section 1(G)(2), the Planning & Zoning Board shall consider and study:

- a. The need and justification for the change.
- b. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the Comprehensive Plan, with appropriate

consideration as to whether the proposed change will further the purposes of the zoning code and other codes, regulations, and actions designed to implement the Comprehensive Plan.

### **Need and justification for the change.**

The proposed amendment is needed to remove obsolete language and eliminate ambiguity arising from the interaction between the RU-2-25 townhouse cross-reference and the Cocoa Waterfront Overlay. The tree-preservation language in Paragraph (BB) is no longer necessary because the City consolidated its landscaping, tree protection, replacement, and mitigation standards through Ordinance No. 12-2020.

Separately, Section 6(A)(3) of RU-2-25 directs townhouse residential subdivisions to Section 5, RU-2-15, where Paragraphs (P) through (BB) establish conventional townhouse standards. Within the Waterfront Overlay, those provisions overlap with the Overlay's separately adopted form-based Townhouse standards. The amendment removes that ambiguity directly rather than requiring staff to reconcile the two regulatory systems on a project-by-project basis.

The amendment is also necessary to make the adopted Waterfront Overlay function as intended. The Overlay is a form-based regulatory framework designed around existing and desired urban development patterns, and its Regulating Plan is the principal tool for identifying permitted building types and street setbacks by subdistrict. The Townhouse building type is intentionally designed for compact attached housing on smaller lots. Requiring the cross-referenced RU-2-15 one-acre development area and conventional dimensional standards in addition to the Overlay standards would undermine that framework and could prevent townhouse redevelopment on parcels that the Overlay expressly identifies for that building form.

The amendment does not rezone property, add RU-2-15 as an allowable zoning district within the Waterfront Overlay, or waive the Overlay standards. RU-2-25 remains the applicable underlying zoning district where designated. The amendment only clarifies which townhouse development standards govern when RU-2-25 and the Waterfront Overlay overlap: the Overlay's form-based standards govern townhouse development within the Overlay, while the conventional townhouse provisions referenced through RU-2-25

continue to apply outside the Overlay as otherwise required by the Code. As previously mentioned, the amendment does not change the underlying zoning or Future Land Use designation of any property. Development remains subject to the applicable density limitations of the Comprehensive Plan and other applicable provisions of the Zoning Ordinance.

**Staff Finding:** The amendment is justified because it removes obsolete tree-preservation language, clarifies the relationship between the RU-2-25 district's townhouse cross-reference and the Cocoa Waterfront Overlay, and allows the adopted form-based standards to operate as intended within the Overlay without changing the

underlying zoning or Future Land Use designation.

**Relationship to the Comprehensive Plan and planning program.**

The amendment supports Goal 1.1 of the Future Land Use Element, which calls for a broad range of land use activities that maximize the City's potential as a growth center while protecting public health, safety, welfare, and appearance through thoughtful planning and development. It also supports Objective 1.1.1, which establishes Future Land Use categories intended to provide compatible and coordinated land uses while maximizing economic development opportunities.

The clarification advances these objectives by making the zoning regulations internally consistent and by allowing the City's adopted form-based code to guide redevelopment in the Waterfront Overlay. The Waterfront Overlay is intended to perpetuate positive residential and commercial development patterns within the Cocoa Redevelopment Area and uses subdistrict-specific building types and setbacks to implement that intent. Clarifying that the RU-2-15 townhouse provisions cross-referenced by RU-2-25 do not apply inside the Overlay avoids imposing a second, incompatible set of conventional subdivision standards on the same development.

The amendment also promotes the redevelopment of smaller and historically platted parcels by avoiding the imposition of a one-acre conventional townhouse subdivision requirement in areas where the Waterfront Overlay Regulating Plan already identifies townhouse development as an appropriate building form. The amendment does not change the underlying zoning or Future Land Use designation of any property; applicable density limitations remain governed by the Comprehensive Plan and other applicable provisions of the Zoning Ordinance. This distinction reconciles the underlying RU-2-25 district with the more specific form-based standards adopted for the Waterfront Overlay

**Staff Finding:** The proposed text amendment is consistent with the purposes of the zoning code and Comprehensive Plan because it coordinates overlapping regulations, supports implementation of the Cocoa Waterfront Overlay and its redevelopment objectives, and clarifies that RU-2-25 remains the underlying zoning district while the Overlay's townhouse building-type standards govern within the Overlay boundary.

**PRIORITY AREA CONNECTION:**

Economic and Community Development

**BUDGETARY IMPACT:**

N/A

**PREVIOUS ACTION:**



**RECOMMENDED MOTION:**

Staff recommends that the Planning & Zoning Board recommend **APPROVAL** to the City Council of Ordinance 13-2026.

**ORDINANCE NO. XX-2026**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 5 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO MAKE CERTAIN CLARIFYING AMENDMENTS RELATED TO TOWNHOUSE RESIDENTIAL SUBDIVISIONS; 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), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Council desires to amend Appendix A, *Zoning*, Article XI, *Schedule of District Regulations*, Section 5, *RU-2-15 Multiple-Family Dwelling District*, of the City of Cocoa Zoning Ordinance to make certain clarifying amendments related to townhouse residential subdivisions; and

**WHEREAS**, via Ordinance 12-2020, the City Council substantially revised the City's Landscaping and Tree Preservation regulations and simultaneously repealed tree preservation regulations that were established separately in various zoning districts in order to consolidate the applicable rules; and

**WHEREAS**, the tree preservation regulations applicable to townhouse residential developments established in the RU-2-15 zoning district were inadvertently omitted from the repeal in Ordinance 12-2020 and is clarified herein; and

**WHEREAS**, the Cocoa Waterfront Overlay District also permits single-family attached dwellings (or townhomes) to be built in certain subdistricts and where permitted on the Regulating Plan; and

**WHEREAS**, the Cocoa Waterfront Overlay District allows the construction of Townhouse building types in certain locations and establishes lot requirements, buildings height maximums, and setbacks that are not consistent with townhouse regulations in the RU-2-15 zoning district ; and

**WHEREAS**, the RU-2-15 zoning district townhouse regulations further contain additional requirements, such as a minimum one-acre development site, which are not practicable for the Cocoa Waterfront Overlay District and the downtown Cocoa Village, which encourages mixed-use development in the downtown area; and

**WHEREAS**, the City Council wishes to clarify that the townhouse regulations in the RU-2-15 zoning district do not apply in the Cocoa Waterfront Overlay District, where the form-based Zoning Ordinance shall control for the Townhouse building type; 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, FLORIDA, HEREBY ORDAINS, AS FOLLOWS:**

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

**Section 2. Code Amendment.** The Zoning Ordinance of the City of Cocoa, Appendix A, *Zoning*, Article XI, *Schedule of District Regulations*, Section 5, *RU-2-15 Multiple-Family Dwelling District*, is hereby amended as follows (underline type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Appendix A, Article XI, Section 5. It is intended that the text in Appendix A, Article XI, Section 5, denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

\* \* \*

## **APPENDIX A – ZONING**

\* \* \*

### **ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS**

\* \* \*

#### **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, except Paragraphs (P) through (BB) shall not apply to townhouses constructed in the Cocoa Waterfront Overlay District.

\* \* \*

*Townhouse Residential Subdivision*

- (P) PURPOSE. This section is intended for townhouse type residential structures having both single- and multifamily characteristics. Its purpose is to encourage housing innovations in the grouping or separately owned dwelling units, so as to make efficient, economical, and aesthetically pleasing use of land so restricted that the same will be continually well maintained in order to preserve health, welfare, safety, morals, and convenience of the neighborhood and surrounding area. Paragraphs (P) through (BB) shall not apply to construction of townhouses in the Cocoa Waterfront Overlay District.
- (Q) PERMITTED PRINCIPAL USES AND STRUCTURES. Permitted principal uses and structures shall be:
- (1) Townhouses provided that the area to be developed exceeds one (1) acre.
- (R) PERMITTED ACCESSORY USES AND STRUCTURES. Permitted accessory uses and structures shall be:
- (1) Recreation buildings or structures, playgrounds or parks, when accessory to and clearly subordinate in use and in keeping with the intent and purpose of the district.
  - (2) One common television antenna per group of dwelling units.
  - (3) Garage, carport, or space for housing or parking of private automobiles, provided such uses are attached to the principal building.
- (S) PROHIBITED USES AND STRUCTURES. Prohibited uses and structures shall be:
- (1) Commercial and industrial uses and structures.
  - (2) Business, professional, and personal service establishments.
  - (3) Individual outside antennas of any type.
- (T) MINIMUM LOT REQUIREMENTS. The minimum requirements for area and width of lots shall be:
- (1) *Area to be developed*—One acre.
  - (2) *Minimum lot area.*
    - a. With two-car garage—Two thousand four hundred (2,400) square feet.
    - b. With on-lot parking—Two thousand (2,000) square feet.
    - c. With off-lot parking—Two thousand (2,000) square feet.
  - (3) *Minimum lot width.*
    - a. With two-car garage—Twenty-eight (28) feet.
    - b. With on-lot parking—Twenty (20) feet.
    - c. With off-lot parking—Twenty (20) feet.
- (U) MINIMUM YARD REQUIREMENTS.

- (1) *Front setback.*
  - a. With two-car garage—Twenty-six (26) feet (with six (6) feet required to be landscaped).
  - b. With on-lot parking—Twenty-six (26) feet (with six (6) feet required to be landscaped).
  - c. With off-lot parking—Fifteen (15) feet (with six (6) feet required to be landscaped).
- (2) *Rear setback*—Twenty-five (25) feet.
- (3) *Setbacks from the exterior boundaries* of this district shall not be less than twenty-five (25) feet. When any single-family district abuts this district, a substantial fence or landscaping of at least six (6) feet in height shall be provided along the boundary of the townhouse subdivision abutting said single-family district.
- (4) *Side setback.*
  - a. Fifteen-foot side setback required at the end of each group of units abutting a dedicated right-of-way or a public or private street.
  - b. A spacing of twenty (20) feet between each group of townhouses shall be provided.
  - c. All side yard spacing required shall remain unobstructed.
- (V) MAXIMUM LOT COVERAGE BY ALL BUILDINGS. The maximum lot coverage shall be:
  - (1) Forty percent (40%) of the site.
- (W) MAXIMUM HEIGHT OF STRUCTURES. No portion intended for human occupancy shall exceed thirty-five (35) feet.
- (X) MINIMUM FLOOR AREAS. The minimum floor area requirements for townhouse units shall be as follows (any patio area shall not be included with these minimum floor areas):
  - (1) *One bedroom*—Eight hundred (800) square feet.
  - (2) *Two (2) bedrooms*—Nine hundred (900) square feet plus one hundred (100) square feet for each additional bedroom.
- (Y) MINIMUM OFF-STREET PARKING REQUIREMENTS. Two (2) parking spaces per dwelling unit.
- (Z) MISCELLANEOUS PROVISIONS. The following miscellaneous provisions shall apply in this district:
  - (1) Sidewalks shall be constructed on both sides of all streets within a townhouse subdivision.

- (2) All utilities distribution systems, including TV cable, telephone, and electrical systems shall be installed underground. Primary facilities providing service to the site may be exempted.
- (3) The maximum length and/or width of any building shall be two hundred (200) feet.
- (4) Sidewalks shall be installed along all public or private streets with city standards and specifications.
- (5) Fencing: No fencing shall be permitted within the front or side yards as determined by the required setbacks. Rear yard fencing shall not exceed six (6) feet in height.
- (6) Provisions satisfactory to the administration of the City of Cocoa shall be made to assure that nonpublic areas and common open space shall be maintained in a satisfactory manner, without expense to the City of Cocoa.
- (7) Each townhouse unit shall be located on its own individual platted lot. If areas for common use of occupants of townhouse development are shown on the plat, such plat shall not be approved until satisfactory arrangements are made for maintenance as provided by this ordinance.
- (8) A site plan is required in accordance with article XII and site plan review in accordance with the zoning code of the City of Cocoa.
- (9) A development schedule shall be submitted for review to the planning and zoning board, who may approve subject to conditions, or disapprove. When submitted, the development schedule shall indicate:
  - a. The staging of construction and the staging of open space or other common use areas for conveyance, dedication, or reservation; the geographic stages in which the project will be built, the approximate date when construction of each stage shall begin, and its anticipated completion date. The initial stage shall require a minimum of one (1) acre. Provision for the construction of cultural and recreational facilities which are shown on the site plan shall proceed at an equivalent or greater rate as the construction of the dwelling units.
- (10) Site plan: Refer to article XII, section 1.
- (11) Curbing: An eight-inch concrete reinforced curb shall be provided as a separation between parking areas and open green islands and shall be so designed as to allow water to run from the parking areas into the green areas.
- (AA) DENSITY. Maximum of ten (10) dwelling units per acre for single-story units of fifteen (15) dwelling units per acre for two (2) or more story units.
- (BB) PRESERVATION OF TREES. ~~Reserved. During the development of the subdivision all trees of six (6) inches in diameter or larger shall be preserved or replaced unless they exist within:~~

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

\* \* \*

**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 of Cocoa Code 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 of 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 \_\_\_\_\_, 2026.

\_\_\_\_\_  
**Michael C. Blake, Mayor**

**Attest:**

\_\_\_\_\_  
**Monica Arsenault, City Clerk**

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

Second Reading: \_\_\_\_\_  
Effective Date: \_\_\_\_\_



**ORDINANCE NO. 12-2020**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ZONING, ARTICLE XIII, SECTION 22, LANDSCAPING REQUIREMENTS, OF THE CITY CODE; AMENDING LAND CLEARING AND TREE PROTECTION AND REPLACEMENT STANDARDS; CREATING AN ARBOR MITIGATION FUND; 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), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Section 163.045, Florida Statutes, prohibits local governments from requiring notices, applications, approvals, permits, fees or mitigation for the pruning, trimming, or removal of trees on residential property if a property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property, except that the section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333, Florida Statutes; and

**WHEREAS**, s. 163.045, Florida Statutes, exempts property owners of residential property from having to mitigate trees that pose a danger to persons or property; and

**WHEREAS**, the City Council desires to make conforming amendments to the City Code to address s. 163.045, Florida Statutes; and

**WHEREAS**, the City Council finds that trees benefit the City by decreasing urban noise, urban heat islands, air pollution, and flooding, and providing habitat for urban wildlife, and contributing to property values and character of the City; and

**WHEREAS**, the City Council desires to ensure that the City continues to realize the benefits provided by its urban forest s recognized by its "Tree City USA" designation; and

**WHEREAS**, the City Council further desires to enhance its tree preservation and replacement requirements and to create an arbor mitigation fund to collect contributions to fund replacement trees on public property or, in certain circumstances, private property where replacement is not feasible and other tree-related objectives; and

**WHEREAS**, on August 5, 2020, the City's Planning and Zoning Board/Local Planning Agency, reviewed this Ordinance, held a public hearing, and recommended approval of this Ordinance; 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, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:**

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

**Section 2.**     **Code Amendment.** Appendix A, Zoning, Article XIII, Section 22 of the Code of Ordinances, City of Cocoa, Florida, 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 Section 22. It is intended that the text in Section 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 XIII. – SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

##### **Sec. 22. - Landscape requirements.**

\* \* \*

##### **(B)     DEFINITIONS.**

\* \* \*

Land clearing. The act of removing or destroying trees, ground cover, and other vegetation by manual, mechanical, or chemical means. Routine lawn mowing, sod replacement, planting of landscape material, shrub pruning, and shrub removal shall not be considered land clearing, provided no grade change occurs. Removal of understory by bush hog, forestry mulcher, or

other means shall not be considered routine mowing when preparing a property for construction or results in trees being removed, destroyed or severely damaged.

\* \* \*

(E) TREE PROTECTION AND PRESERVATION.

(1) The provisions of this subsection (E) shall apply to the following:

- (a) All vacant and undeveloped property.
- (b) The open space areas of all developed property, except single-family or duplex lots.
- (c) All public or private rights-of-way.

(2) The provisions of this subsection (E) shall not apply to the following:

- (a) Single-family or duplex lots.
- (b) Land clearing and tree removal activities authorized and preempted by state or federal law, which include, but are not limited to:

1. Removal of trees on residential property which pose danger to persons or property in accordance with Section 163.045, Florida Statutes, for which no replacement trees will be required. For purposes of this subsection, "residential property" shall be defined as property with a fully-constructed single-family home or duplex used for residential purposes, except as provided herein. The term "residential property" for purposes of this subsection does not include multi-family residential property, common areas owned by a homeowners' or condominium association, vacant land zoned or designated residential or mixed-use (e.g., PUD, CBD, CN) on the City's official zoning map or future land use map, public rights-of-way, or land subject to particular landscaping, tree planting or preservation requirements pursuant to an executed development agreement, landscape easement granted to the City, or conservation easement.

2. Removal of trees by an electric utility to clear trees away from power lines in order to ensure the safe transmission of electricity to customers, as provided by Florida Statutes and Electric Tariff Rules, including the preemption under Section 163.3209.

(2 3) General requirements.

- (a) Except as provided in subsections (E)(2) and (E)(3 4)(b c) below, no tree shall be removed without first obtaining a tree removal permit and no land shall be cleared without first obtaining a land clearing permit.
- (b) All new applications for subdivision plats and site plans shall be accompanied by a tree removal and/or land clearing application at the time of initial submittal of the plans so that due consideration may be given to protection of trees during the subdivision and/or site plan design process. tree survey locating all trees outside the

~~building envelope (structure and seven and one-half (7½) feet around perimeter). Trees on the survey shall be depicted as defined in this ordinance. Where applicable, trees can be indicated by general groups or clusters, with predominant species identified.~~

(3 4) *Permit requirements.*

- (a) Application contents. Each application for a tree removal and land clearing permit shall state the reasons for requested removal of the tree(s) and vegetation and be accompanied by a tree inventory, consisting of a scaled drawing with a scale of one (1) inch equals fifty (50) feet or less, indicating:

1. Property boundaries and, if trees are proposed for removal from the right-of-way, the right-of-way boundaries.

2. The location of all individual trees, including the tree's common or scientific name, and measured diameter at breast height (d.b.h.) of trees within twenty (20) feet of any construction area or area to be disturbed on the property, except that individual trees within the building envelope (structure and seven and one-half (7 ½) feet around the perimeter), within the portion of any wetland that will not be disturbed, or within an existing conservation easement may be omitted.

3. Identification of all trees proposed for removal.

4. Identification of trees to be preserved greater than 42" d.b.h. or relocated and replacement tree credit requested for the preserved tree, if any.

5. The location of existing and proposed improvements, if any, including existing and proposed buildings and structures, proposed additions to existing buildings and structures, impervious surfaces (e.g. pool decks, drives, parking areas), stormwater retention areas, utilities, and other such improvements.

6. A replacement plan consistent with subsection (E)(5), indicating the means of compensating for the tree(s) to be removed and including the species and size of any replacement tree(s).

7. The number of caliper inches and type of replacement trees that cannot be planted on site and statement regarding the reasons that such replacements cannot be made on site, if any. Where requesting to make a contribution to the Arbor Mitigation Fund, three professional quotes for the required replacement trees, plus installation and two-year maintenance costs to the City shall be submitted.

8. If grade changes are proposed on the site, a grading plan drawn to scale shall be provided. In addition, a written statement shall be provided by a landscape architect or other competent professional indicating the probability of whether the grade change will result in the death of tree(s) intended to be preserved. Said statement

shall immediately be brought to the attention of the city arborist at the time the application is filed and attached to the application.

9. A protection plan describing how preserved tree(s) shall be preserved on the site and adjacent properties during construction, tree removal, and grading. This plan must address protection of the root system, crown, and stems of the trees, a means of supplying water and essential elements to the root system, and the proposed location of tree protection barriers.

10. An application requesting approval for land clearing without removal of trees must only include the property boundaries, identification of the area to be cleared drawn to scale, a statement of the reasons for removal of the vegetation in accordance with subsection (E)(6) below, and the seeding or mulching plan if required.

Upon request, the enforcement official may permit an applicant to omit certain portions of the tree removal or land clearing application and inventory where compliance with the requirements set forth herein would be unnecessarily burdensome and would not be needed for the city to evaluate the application. Such applications may include those unrelated to new development of buildings, structures or infrastructure on the subject land and limited only to the removal of one or more isolated and specific trees on already-developed land.

~~A letter requesting removal or destruction of any tree meeting the requirements of this ordinance shall be forwarded to the enforcement official of the City of Cocoa.~~

(b) Trees that may be removed by permit. The enforcement official may grant permission for removal ~~or destruction~~ if it meets any or all of the following guidelines:

1. Is determined to be hazardous or dangerous condition as to endanger the public health, safety, or welfare as determined by an arborist certified by the International Society of Arboriculture with a Tree Risk Assessment Qualification.
2. Is severely diseased or severely injured as determined by an arborist certified by the International Society of Arboriculture with a Tree Risk Assessment Qualification.
3. The trunk of the tree is located closer than seven and one-half (7½) feet to the foundation of an existing or proposed structure, and it is not feasible to relocate the structure.
4. The trunk of the tree is located closer than ten (10) feet from the foundation of an existing or proposed structure and the tree is considered having an aggressive root system or the natural mature height is greater than thirty (30) feet and it is not feasible to relocate the structure.



5. Where the tree(s) are not proposed for removal in conjunction with application for a subdivision and/or site plan, trees that shall be replaced or mitigated elsewhere on the property or on another property in accordance with the standards established below in subsection (E)(4-5), provided that the tree(s) are not specimen trees.
  6. Where the tree(s) are proposed for removal in conjunction with application for a subdivision and/or site plan, trees that shall be replaced or mitigated elsewhere on the property or on another property in accordance with the standards established below in subsection (E)(5).
- (b c) The following tree removal activities are exempt from the permit requirements of this section:
1. Removal by the city or other governmental agency on public property or within the right-of-way.
  2. Removal of dead trees.
  3. Removal of species listed below in subsection (E)(7 8)a.—j.
  4. Emergency removal of a hazardous or seriously damaged tree, to mitigate an imminent threat to the health, safety, and welfare of the property owner or the general public. Prior to emergency removal, the imminent threat should be documented to include but not be limited to (1) photographs of the tree(s) including any areas that may be damaged, diseased, or infested (2) approximate measurements including tree height, spread, d.b.h., and (3) distance to structure(s) or other immovable target(s) if felled.
  5. Tree removal activities authorized and preempted by state or federal law as provided in subsection (E)(2)(b).
  6. Bona fide agricultural activity or commercial plant nursery site.
  7. Trees planted specifically for silvicultural purposes provided the property owner can provide documentation to the city evidencing that: (i) the property is a silvicultural site recognized or inspected by the Florida Forest Service; and (ii) trees of typical harvestable size and type exist on the property which are capable of being harvested for income and that the property has, or intends to, generate income from the harvested trees.
  8. ~~Tree removal authorized by a city approved site plan, subdivision, building permit, site development permit, or landscape plan or a city council approved construction project.~~

(4.5) *Tree replacement.*

- (a) As a condition of granting a tree removal permit, the applicant shall be required to ~~relocate or replace trees being removed at its sole cost, with the appropriate number of trees, having the d.b.h. of tree(s) to be removed/replaced with an equal diameter of tree(s). This shall not apply to any trees removed within the building envelope. In determining the required relocation or replacement of trees, the enforcement official shall associate needs of the intended use of the property together with realistic and practical evaluation of the following:~~
- ~~1. Existing tree coverage;~~
  - ~~2. Number of trees to be removed on entire property;~~
  - ~~3. Area to be covered with structures, parking, and driveways;~~
  - ~~4. Topography and drainage of site and its environs;~~
  - ~~5. Characteristics and amounts of shrub, grass, and trees proposed for planting on the site by the applicant.~~
- (b) Tree species. Whenever possible and practicable, trees should be replaced with the same species as those removed. ~~Also, or, to encourage lower maintenance and water conservation and the planting of the right trees in the right place, trees listed on the UF/IFAS Florida-Friendly Plant Selection and Landscape Design List native species shall be used where possible. When palm trees are used as a replacement tree, they must be capable of having a mature height taller than twelve (12) feet and cannot constitute more than thirty-five percent (35%) of the total replacement inches required.~~
- (c) Trees Removed by the City. Except where tree board recommendation or approval is required in subsection (H)(1)(d) below, specimen trees removed by the city on public property or within the right-of-way and that are not within the building envelope shall be replaced with either a tree of the same species or a tree of a different species that is more suitable for the location as determined by the city arborist or an arborist certified by the International Society of Arboriculture. The replacement trees shall be planted in a location deemed most appropriate by the director of public works or his or her designee.
- (d) Replacement Credit for Trees Preserved. To encourage the retention of existing large trees in the City, the following credits shall be applied to reduce the number of replacement trees required by this Section, excluding areas more than twenty (20) feet outside of the limits of any construction area or area to be disturbed, wetland areas that are to remain undisturbed, and existing conservation areas:

| <u>Preserved Tree size</u>              | <u>Credit</u>                                                         |
|-----------------------------------------|-----------------------------------------------------------------------|
| <u>Greater than 42"</u><br><u>d.b.h</u> | <u>= 100% of caliper inches of each tree over 42" being preserved</u> |

- (e) Size and Number of Replacement Trees. Where replacement tree(s) are required, the appropriate number of trees shall be planted such that the newly planted trees, in sum, are equivalent to the d.b.h. of the tree(s) removed, less any replacement credit for preserved trees. Trees removed within the building envelope shall not be required to be replaced. The replacement trees shall further have a minimum d.b.h., depending upon the diameter of the tree removed, as described in the table below. For example, if a 9 caliper-inch tree were removed and no replacement credit for preserved tree available, the applicant must provide a total of 9 caliper inches of tree replacements, with each replacement tree having a minimum d.b.h. of 3 inches.

| <u>Diameter of existing Tree (Inches)</u> | <u>Minimum caliper (Inches) of each replacement tree</u> |
|-------------------------------------------|----------------------------------------------------------|
| <u>4—11</u>                               | <u>3</u>                                                 |
| <u>12—17</u>                              | <u>3</u>                                                 |
| <u>18—23</u>                              | <u>4</u>                                                 |
| <u>24—29</u>                              | <u>4</u>                                                 |
| <u>&gt;30</u>                             | <u>6</u>                                                 |

- (d) Arbor Mitigation Fund Alternative. An Arbor Mitigation Fund is established by the City to provide an option to make a fee payment to the City in lieu of providing the required replacement trees on site. The Arbor Mitigation Fund shall be a part of the City of Cocoa general fund, but is reserved exclusively for the design, acquisition, installation and maintenance of trees on public property or, in certain circumstances private property, the funding of studies related to the City's tree canopy, or the operation and maintenance of a public tree nursery. Before approving planting trees on private property, the enforcement official must find that the trees will provide



aesthetic benefits to many of the same citizens who would have benefitted from the installation of the trees on public property. The private property owner must be willing to sign a tree maintenance agreement with the City.

The Arbor Mitigation alternative may only be utilized as a last resort after all other design alternatives to provide required replacement trees and to preserve existing trees have been considered. The applicant must demonstrate that there is insufficient room on the site for required replacement trees due to:

1. Existing or proposed trees;
2. Existing or proposed structures, required parking, access driveways, stormwater retention areas, or utilities;
3. Land condition (e.g., topography, soil type);
4. Insufficient area for the tree to establish.

The Arbor Mitigation contribution shall be determined by the current wholesale market value, as determined by the average of three professional quotes, of the required replacement trees which cannot reasonably be accommodated on site, plus installation and two-year maintenance costs to the City. The quotes obtained shall clearly identify the required number of total replacement caliper inches, the number of caliper inches for each replacement tree not able to be planted on site, and the species of tree.

(e) Maintenance of Replacement Trees. All replacement trees shall be maintained in a healthy, living condition. Any such trees which die or become diseased or damaged within two years of planting shall be replaced by the applicant. The City shall retain perpetual jurisdiction to ensure compliance with this requirement.

(f) Waiver. The Board of Adjustment may grant a waiver to provisions of this subsection where the applicant demonstrates that the literal interpretation of this section will deny the applicant reasonable use of the property or where such waiver can be demonstrated to be consistent with the purpose and intent of this section.

(§ 6) Land clearing. The clearing of land includes the removal of trees and natural vegetation. The clearing of land is contrary to this ordinance except under the following conditions:

- (a) Clearing of trails and transect lines.
- (b) Clearing within a dedicated public or private easement or right-of-way for the purpose of construction, maintenance, or improvement of roadways, utilities, or drainage systems.
- (c) ~~Clearing on an individual lot for which a valid building permit has been issued or on which a permanent structure exists.~~

- (d c) Clearing of land for bona fide agricultural purposes.
- (e-d) Clearing of land for which there exists an approved site plan or building permit and accompanying landscape plan.
- (f e) Other land clearing as approved by the city council ~~providing the following conditions are met:~~
  - 1. ~~All conditions of the permitting section are complied with.~~
  - 2. All land to remain bare for a period greater than ~~ninety (90)~~ sixty (60) days shall be seeded and/or mulched so as to prevent erosion and sedimentation.
- (6 7) *Tree protection during construction.* During construction, protective barriers shall be placed so as to prevent the destruction or damaging of trees. Trees destroyed or receiving major damage shall be removed and replaced before occupancy or use unless approval has been granted under permit.
- (7 8) *Tree exemptions.* The following tree species are exempted from these regulations:
  - (a) *Schinus terebinthifolius* (Brazilian Pepper).
  - (b) *Melaleuca quinquenervia* (Melaleuca, Cajeput).
  - (c) *Metopium toxiferum* (Poison Wood).
  - (d) *Casuarina equisetifolia*  
*Casuarina lepidophylla*  
*Casuarina cumminghamiana* (Australian Pine).
  - (e) *Casuarina glauca* (Brazilian Oak).
  - (f) *Melaleuca leucadendra* (Punk Tree).
  - (g) *Enterlobium cyclocarpum* (Ear Pod Tree).
  - (h) *Morus Rubra* (American Mulberry).
  - (i) *Melia azedarach* (Chinaberry).
  - (j) *Citrus trees.*
- (8 9) *Nuisances declared.* Any tree or trees that may be declared a nuisance or a threat to the health, safety, or welfare of the citizenry of the city and may be so deemed by the enforcement official. If declared a nuisance, the enforcement official shall, as provided in section 6-903 of the Code, cause notice to be served upon the owner to remove said trees. If necessary, the enforcement official may proceed to remove or abate the nuisance in the manner provided in section 6-903 of the Code.
- (F) ~~VARIANCES. Any person, firm, or corporation affected by this ordinance shall apply to the board of adjustment of the City of Cocoa for a variance from the requirements of this~~

~~ordinance. Said application and variance procedure shall be in accordance with Appendix A, Zoning, of the Code of the City of Cocoa, Florida. Reserved.~~

- (G) **PENALTIES.** Any person who violates this ordinance or causes such to be violated, shall be subject to action before the code enforcement board of the City of Cocoa, Florida. In addition to all other remedies set forth in this section or any applicable agreement between the city and a property owner, one or more of the following civil fines shall apply to violations of this Section:

(1) Failure to obtain a permit under subsection (E)(3): Fine of two hundred fifty dollars (\$250.00) per tree or five hundred dollars (\$500.00) per specimen tree removed, or five hundred dollars (\$500.00) per quarter acre of land cleared, whichever is greater, not to exceed five thousand dollars (\$5,000.00). The fine under this subsection is in addition to the fine provided in subsections (G)(2) or (3) for removal of a tree without a permit.

(2) Removal of a tree without a permit: Fine of fifty dollars (\$50.00) per caliper inch, not to exceed five thousand dollars (\$5,000.00) per tree.

(3) Removal of a specimen tree without a permit: Fine of one hundred dollars (\$100.00) per caliper inch, not to exceed five thousand dollars (\$5,000.00) per tree.

(4) Failure to abide by a cease and desist order issued under this Section: Fine of five hundred dollars (\$500.00) per day.

- (H) **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) The tree board may investigate, develop, and advise the city council regarding policies and standards relating to the care, preservation, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in all other public areas.
- (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 oak 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) The emergency removal of a hazardous or seriously damaged oak tree, to mitigate an imminent threat to the health, safety, and welfare of the property owner or the general public. Prior to emergency removal, the imminent threat

should be documented to include but not be limited to (1) photographs of the tree(s) including any areas that may be damaged, diseased, or infested (2) approximate measurements including tree height, spread, d.b.h., and (3) distance to structure(s) or other immovable target(s) if felled.

- (2) Oak trees that are dead.
  - (3) Volunteer oak trees less than four (4) inches in diameter at four and one-half (4½) feet in height.
  - (4) Oak trees that are part of a previously approved site plan or city council-approved construction, roadway, utility or drainage project.
  - (5) Pruning of less than thirty (30) percent of the canopy.
- (d) Where an oak tree located on city public right-of-way or city owned property is removed for any reason, the tree board shall either:
- (1) Include with its recommendation to the city council regarding removal of the oak tree, a recommendation on both the location and species of a replacement tree; or
  - (2) Approve the location and species of a replacement tree following removal of the oak tree when an exception as provided in subsection (H)(1)(c)(1) through (5) applies.

**Section 3.** **Code Amendment.** Appendix A, Zoning, Article XI, Sections 5 and 10A of the Code of Ordinances, City of Cocoa, Florida, 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 the Sections. It is intended that the text in the Sections 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. 5. – District and intent – RU-2-15, Multiple-Family Dwelling District.**

\* \* \*

- (I) **PRESERVATION OF TREES.** Reserved. ~~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.~~

\* \* \*

**Sec. 10A. – District and intent – C-R, Restricted Commercial District.**

\* \* \*

- (G) **PRESERVATION OF TREES.** Reserved. ~~All trees of four (4) 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) — Five (5) feet of a proposed structure.~~
- ~~(4) — A proposed driveway or designated parking areas.~~

\* \* \*

**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 for the City 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.

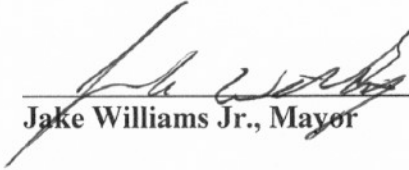
**Section 6.** **Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed 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 26 day of August, 2020.



Carrie Shealy, City Clerk

  
Jake Williams Jr., Mayor

|                      |                       |
|----------------------|-----------------------|
| First Reading:       | 8/12/2020             |
| Second Reading:      | 8/26/2020             |
| Legal Ads Published: | 7/21/2020 & 8/18/2020 |
| Effective Date:      | 8/26/2020             |



PROPOSED UPDATE TO REGULATING PLAN  
CITY OF COCOA - WATERFRONT OVERLAY DISTRICT

Cocoa, FL

10/8/2024

| Sub-District               | Allowable Building Type |        |       |         |           |                    |                     |                   |                 |                   |    |     | Single-Story Commercial | Large Format Commercial | Institutional | Civic | Parking |
|----------------------------|-------------------------|--------|-------|---------|-----------|--------------------|---------------------|-------------------|-----------------|-------------------|----|-----|-------------------------|-------------------------|---------------|-------|---------|
|                            | Homestead               | Estate | House | Cottage | Townhouse | Apartment Building | Courtyard Apartment | Comm/Mixed *Small | Comm/Mixed *Med | Comm/Mixed *Large | CL | SC  |                         |                         |               |       |         |
| Cocoa Village (CV)         | HO                      | ES     | HS    | CO      | TH        | AB                 | CA                  | CS                | CM              | CL                | CL | SC  |                         |                         |               |       |         |
| Heart of Cocoa (HC)        |                         |        |       |         | (1)       | (1)                | (1)                 | (2)               | (2)             |                   |    | (2) |                         |                         |               |       |         |
| King/Willard Corridor (KW) |                         |        |       |         |           |                    |                     |                   |                 |                   |    |     |                         |                         |               |       |         |
| Uptown Neighborhood (UN)   |                         |        |       |         |           |                    |                     |                   |                 |                   |    |     |                         |                         |               |       |         |
| South of the Village (SV)  |                         |        |       |         |           |                    |                     |                   |                 |                   |    |     |                         |                         |               |       |         |
| South End (SE)             |                         |        |       |         |           |                    |                     |                   |                 | (3)               |    |     |                         |                         |               |       |         |
| Waterfront (WF)            |                         |        |       |         |           |                    |                     |                   |                 |                   |    |     |                         |                         |               |       |         |
| North of Village (NV)      |                         |        |       |         |           |                    |                     |                   |                 |                   |    |     |                         |                         |               |       |         |

- Allowed only where indicated on Regulating Plan
- Allowed throughout Design District
- \* New development within the Comm/MXD use district may be developed as either commercial or mixed use.

- (1) Townhomes, Apartment Buildings, and Courtyard Apartments are permitted up to 4 units per building.  
(2) Consistent with the Substitute Consent Decree as ordered on January 28, 2009, with no more than four multi-family units per building.  
(3) Development of Commercial/Mixed Use-Large building types in this design district shall require a development agreement approved subject to the discretion of 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 Cocoa Village and respective subdistrict, and other similar relevant factors.

Waterfront Overlay Sub Districts:

- Cocoa Village (CV)
- Heart of Cocoa (HC)
- King/Willard Corridor (KW)
- Uptown Neighborhood (UN)
- South of the Village (SV)
- South End (SE)
- Waterfront (WF)
- North of Village (NV)
- Consent Decree Area (CDA)

---#/#---  
CS

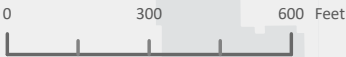
Additional building type allowed for this parcel only

Required minimum and maximum street setback (in feet)

Break in street setback dimension

Right of way line (beginning point of street setback measurement)

Internal Lot Line



P20240702-129004.0

A building lot located and designed to accommodate a building with sidewalls on both side building lot lines and a private garden to the rear.

| LOT REQUIREMENTS [as established in Sec. 21.(l).1]        |  | MIN                                   | MAX   |
|-----------------------------------------------------------|--|---------------------------------------|-------|
| A - Lot Width (ft)                                        |  | 15                                    | 30^   |
| B - Lot Depth (ft)                                        |  | 80                                    | 120   |
| C - Lot Size (sf)                                         |  | 1,600                                 | 3,000 |
| D - Lot Coverage (%)                                      |  | --                                    | 60    |
| BUILDING ENVELOPE [as established in Sec. 21.(l).2]       |  | MIN                                   | MAX   |
| E - Street Setback (ft)                                   |  | Refer to Regulating Plan for setback. |       |
| F - Side Setback (ft)                                     |  | 0 *                                   | --    |
| G - Rear Setback (ft)                                     |  | 15                                    | --    |
| H - Frontage Buildout (%)                                 |  | 90                                    | 100   |
| ACC STR ENVELOPE [as established in Sec. 21.(l).3]        |  | MIN                                   | MAX   |
| I - Street Setback (ft)                                   |  | 30                                    | --    |
| J - Side Setback (ft)                                     |  | 10                                    | --    |
| K - Rear Setback (ft)                                     |  | 10                                    | --    |
| L - Building Footprint (sf)                               |  | --                                    | 800   |
| BUILDING HEIGHT [as established in Sec. 21.(l).4]         |  | MIN                                   | MAX   |
| M - Principal Building (st)                               |  | 1                                     | 3     |
| N - Accessory Structure(s) (ft)                           |  | --                                    | 30    |
| PARKING PROVISIONS [as established in Sec. 21.(l).5]      |  |                                       |       |
| Location                                                  |  | Zone 3                                |       |
| PRIVATE FRONTAGES [as established in Sec. 21.(l).6 & (j)] |  | Required:                             |       |
|                                                           |  | P, S                                  |       |

^ End unit lot may be up to 10' larger.

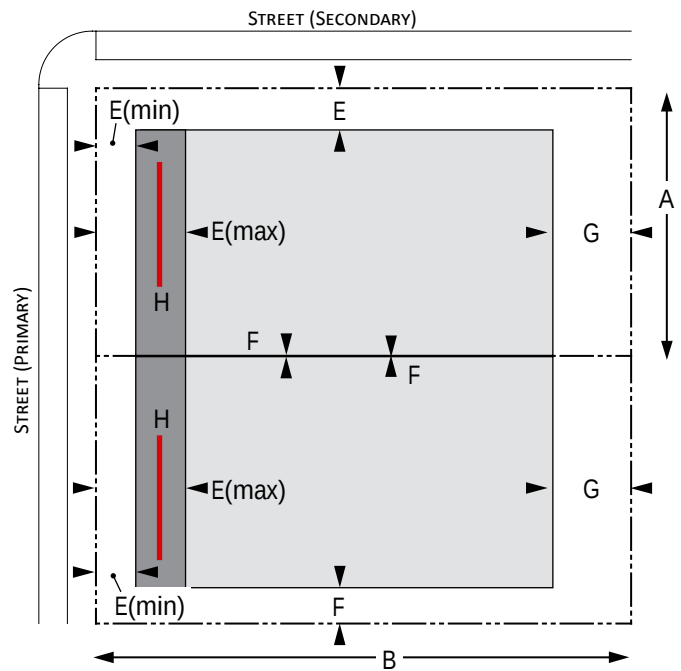
\* 10' Separation required from adjacent detached building.



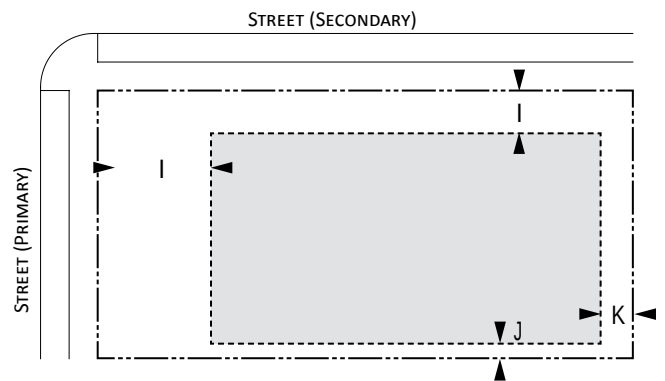
EXAMPLE

Cocoa Waterfront Overlay District  
May 2013

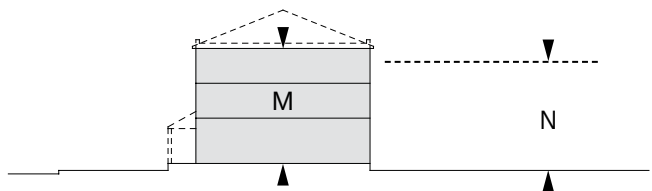
#### LOT REQUIREMENTS AND BUILDING ENVELOPE



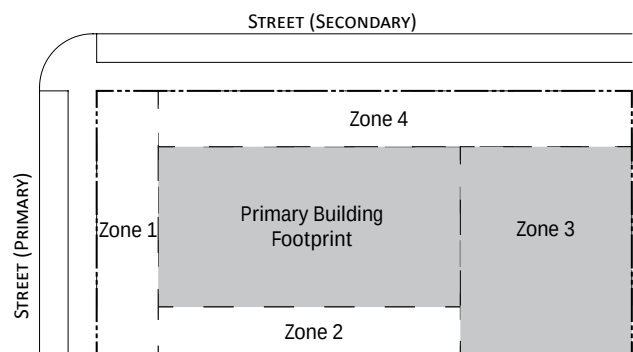
#### ACCESSORY STRUCTURE ENVELOPE



#### BUILDING HEIGHT



#### PARKING LOCATION





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 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 3, RU-1-7, or in accordance with this Section 5. Single-family and multi-family dwellings of not more than three (3) units per building constructed, platted and lawfully approved in accordance with the regulations of section 4A, RU-2-10, prior to the effective date of Ord. 02-2021 [April 13, 2021] shall be considered lawful, conforming lots and structures subject to all applicable conditions and requirements imposed by the city when said lots and structures were previously permitted.
- (3) Townhouse residential subdivisions as regulated in this section.

(B) ACCESSORY USES AND STRUCTURES.

- (1) Customary accessory uses clearly incidental and subordinate to the principal use and in keeping with the intent and purpose of the district.
- (2) Television dish receivers and antennae as regulated by article XIII, section 21, Television dish receivers and antennae.

(C) SPECIAL EXCEPTIONS.

- (1) Public parks and playgrounds.
- (2) Noncommercial cultural centers, social service centers, museums, galleries, community centers.
- (3) Private clubs and lodges.

- (4) Sewer lift stations.
  - (5) Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities.
  - (6) Security mobile home located upon public property.
  - (7) Child care centers, day nurseries, or kindergartens.
  - (8) Electronic communication/transmission facilities and exchanges.
  - (9) Bed and breakfast establishments as regulated by article XIII, section 24, Bed and breakfast establishments.
  - (10) Adult congregate living facility (ACLF).
- (D) PROHIBITED USES AND STRUCTURES.
- (1) All uses not specifically or provisionally permitted herein.
- (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. Reserved.

(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.

*Townhouse Residential Subdivision*

- (P) PURPOSE. This section is intended for townhouse type residential structures having both single- and multifamily characteristics. Its purpose is to encourage housing innovations in the grouping or separately owned dwelling units, so as to make efficient, economical, and aesthetically pleasing use of land so restricted that the same will be continually well maintained in order to preserve health, welfare, safety, morals, and convenience of the neighborhood and surrounding area.
- (Q) PERMITTED PRINCIPAL USES AND STRUCTURES. Permitted principal uses and structures shall be:
- (1) Townhouses provided that the area to be developed exceeds one (1) acre.
- (R) PERMITTED ACCESSORY USES AND STRUCTURES. Permitted accessory uses and structures shall be:
- (1) Recreation buildings or structures, playgrounds or parks, when accessory to and clearly subordinate in use and in keeping with the intent and purpose of the district.
  - (2) One common television antenna per group of dwelling units.
  - (3) Garage, carport, or space for housing or parking of private automobiles, provided such uses are attached to the principal building.
- (S) PROHIBITED USES AND STRUCTURES. Prohibited uses and structures shall be:
- (1) Commercial and industrial uses and structures.
  - (2) Business, professional, and personal service establishments.
  - (3) Individual outside antennas of any type.
- (T) MINIMUM LOT REQUIREMENTS. The minimum requirements for area and width of lots shall be:
- (1) *Area to be developed*—One acre.
  - (2) *Minimum lot area*.
    - a. With two-car garage—Two thousand four hundred (2,400) square feet.
    - b. With on-lot parking—Two thousand (2,000) square feet.
    - c. With off-lot parking—Two thousand (2,000) square feet.
  - (3) *Minimum lot width*.
    - a. With two-car garage—Twenty-eight (28) feet.
    - b. With on-lot parking—Twenty (20) feet.

- c. With off-lot parking—Twenty (20) feet.

(U) MINIMUM YARD REQUIREMENTS.

(1) *Front setback.*

- a. With two-car garage—Twenty-six (26) feet (with six (6) feet required to be landscaped).
- b. With on-lot parking—Twenty-six (26) feet (with six (6) feet required to be landscaped).
- c. With off-lot parking—Fifteen (15) feet (with six (6) feet required to be landscaped).

(2) *Rear setback*—Twenty-five (25) feet.

- (3) *Setbacks from the exterior boundaries* of this district shall not be less than twenty-five (25) feet. When any single-family district abuts this district, a substantial fence or landscaping of at least six (6) feet in height shall be provided along the boundary of the townhouse subdivision abutting said single-family district.

(4) *Side setback.*

- a. Fifteen-foot side setback required at the end of each group of units abutting a dedicated right-of-way or a public or private street.
- b. A spacing of twenty (20) feet between each group of townhouses shall be provided.
- c. All side yard spacing required shall remain unobstructed.

(V) MAXIMUM LOT COVERAGE BY ALL BUILDINGS. The maximum lot coverage shall be:

- (1) Forty percent (40%) of the site.

(W) MAXIMUM HEIGHT OF STRUCTURES. No portion intended for human occupancy shall exceed thirty-five (35) feet.

(X) MINIMUM FLOOR AREAS. The minimum floor area requirements for townhouse units shall be as follows (any patio area shall not be included with these minimum floor areas):

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

- (2) *Two (2) bedrooms*—Nine hundred (900) square feet plus one hundred (100) square feet for each additional bedroom.

(Y) MINIMUM OFF-STREET PARKING REQUIREMENTS. Two (2) parking spaces per dwelling unit.

(Z) MISCELLANEOUS PROVISIONS. The following miscellaneous provisions shall apply in this district:

- (1) Sidewalks shall be constructed on both sides of all streets within a townhouse subdivision.

- (2) All utilities distribution systems, including TV cable, telephone, and electrical systems shall be installed underground. Primary facilities providing service to the site may be exempted.
  - (3) The maximum length and/or width of any building shall be two hundred (200) feet.
  - (4) Sidewalks shall be installed along all public or private streets with city standards and specifications.
  - (5) Fencing: No fencing shall be permitted within the front or side yards as determined by the required setbacks. Rear yard fencing shall not exceed six (6) feet in height.
  - (6) Provisions satisfactory to the administration of the City of Cocoa shall be made to assure that nonpublic areas and common open space shall be maintained in a satisfactory manner, without expense to the City of Cocoa.
  - (7) Each townhouse unit shall be located on its own individual platted lot. If areas for common use of occupants of townhouse development are shown on the plat, such plat shall not be approved until satisfactory arrangements are made for maintenance as provided by this ordinance.
  - (8) A site plan is required in accordance with article XII and site plan review in accordance with the zoning code of the City of Cocoa.
  - (9) A development schedule shall be submitted for review to the planning and zoning board, who may approve subject to conditions, or disapprove. When submitted, the development schedule shall indicate:
    - a. The staging of construction and the staging of open space or other common use areas for conveyance, dedication, or reservation; the geographic stages in which the project will be built, the approximate date when construction of each stage shall begin, and its anticipated completion date. The initial stage shall require a minimum of one (1) acre. Provision for the construction of cultural and recreational facilities which are shown on the site plan shall proceed at an equivalent or greater rate as the construction of the dwelling units.
  - (10) Site plan: Refer to article XII, section 1.
  - (11) Curbing: An eight-inch concrete reinforced curb shall be provided as a separation between parking areas and open green islands and shall be so designed as to allow water to run from the parking areas into the green areas.
- (AA) DENSITY. Maximum of ten (10) dwelling units per acre for single-story units of fifteen (15) dwelling units per acre for two (2) or more story units.
- (BB)

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

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

(Ord. No. 1618-3, § 3; Ord. No. 1-78, § 4, 1-10-78; Ord. No. 13-78, § 3, 9-5-78; Ord. No. 11-81, § 1, 4-28-81; Ord. No. 22-81, §§ 1, 2, 9-22-81; Ord. No. 3-85, § 11, 1-8-85; Ord. No. 4-85, § 11, 2-12-85; Ord. No. 17-86, § 1(b), (c), 9-23-86; Ord. No. 16-90, § 2, 6-12-90; Ord. No. 19-96, § 2, 11-12-96; Ord. No. 26-98, § 2, 9-22-98; Ord. No. 23-2007, § 2, 7-10-07; Ord. No. 12-2020, § 3, 8-26-2020; Ord. No. 02-2021, § 2, 4-13-2021)

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. Single-family and multi-family dwellings of not more than four (4) units per building constructed, platted and lawfully approved in accordance with the regulations of section 4A, RU-2-10, prior to the effective date of Ord. 02-2021 [April 13, 2021] shall be considered lawful, conforming lots and structures subject to all applicable conditions and requirements imposed by the city when said lots and structures were previously permitted.
- (3) Townhouse residential subdivision (as regulated by section 5, RU-2-15 and this section).

(B) ACCESSORY USES AND STRUCTURES.

- (1) Customary accessory uses clearly incidental and subordinate to the principal use and in keeping with the intent and purpose of this district.
- (2) Limited retail and service establishments according to the following provisions:
  - a. The building complex must contain at least sixty (60) units.
  - b.



Private marinas to serve the residents of the principal structure, however, no watercraft shall be used for dwelling purposes.

(C) SPECIAL EXCEPTIONS.

- (1) Hotels and motels; provided, however, there shall be no more than forty (40) sleeping units per gross acre.
- (2) Principal uses and structures exceeding eighty (80) feet in height.
- (3) Public parks and playgrounds.
- (4) Noncommercial cultural centers, social service centers, museums, galleries, community centers.
- (5) Private clubs and lodges.
- (6) Sewer lift stations.
- (7) Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities.
- (8) Security mobile home located upon public property.
- (9) Child care centers, day nurseries or kindergartens.
- (10) Utilities.
- (11) Medical facilities.
- (12) Bed and breakfast establishments are regulated by article XIII, section 24, Bed and breakfast establishments.
- (13) Adult congregate living facility (ACLF).

(D) PROHIBITED USES AND STRUCTURES.

- (1) All uses not specifically or provisionally permitted herein.
- (2) Commercial establishments not specifically allowed in (B)(2).

(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; 5,445 square feet for single-family dwellings                |
| (2) | Minimum Lot Width                                                              | 150 feet; 50 feet for single-family dwellings                                    |
| (3) | Minimum Lot Depth                                                              | 100 feet                                                                         |
| (4) | Maximum Lot Coverage                                                           | 40 percent                                                                       |
| (5) | Minimum yards                                                                  |                                                                                  |
|     | Front                                                                          | 30 feet; 25 feet for single-family dwellings                                     |
|     | Side (Interior)                                                                | 10 feet; 8 feet for single-family dwellings                                      |
|     | Side (Corner)                                                                  | 25 feet; 15 feet for single-family dwellings                                     |
|     | Rear                                                                           | 25 feet; 15 feet for single-family dwellings                                     |
| (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 minimum of one bath.                      |                                                                                  |
|     | Said projects shall be exempt from Appendix A, article XI, section 6(F)(9).    |                                                                                  |
|     | Single-family dwelling units                                                   | 1,000 square feet                                                                |

|      |                                                                                        |                                                                                                         |
|------|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| (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 section 811 Only | Said units shall be exempt from the Minimum Average Floor Area Requirement                              |
| (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                                                                     |

(Ord. No. 1618-3, § 3; Ord. No. 1-78, § 4, 1-10-78; Ord. No. 13-78, § 3, 9-5-78; Ord. No. 26-81, § 1, 12-22-81; Ord. No. 3-85, § 12, 1-8-85; Ord. No. 4-85, § 12, 2-12-85; Ord. No. 17-86, § 1(d), 9-23-86; Ord. No. 7-88, § 5, 3-8-88; Ord. No. 17-89, § 4, 12-22-89; Ord. No. 16-90, §, 6-12-90; Ord. No. 19-96, § 2, 11-12-96; Ord. No. 6-98, § 1, 3-24-98; Ord. No. 26-98, § 3, 9-22-98; Ord. No. 20-2007, § 2, 6-5-07; Ord. No. 02-2021, § 2, 4-13-2021)

# USA TODAY CO.



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STATE OF WISCONSIN, COUNTY OF BROWN

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

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**CITY OF COCOA  
NOTICE OF PUBLIC HEARING  
ZONING TEXT AMENDMENT AND  
COMPREHENSIVE PLAN TEXT  
AMENDMENT**

**NOTICE IS HEREBY GIVEN THAT  
THE PLANNING & ZONING  
BOARD/LOCAL PLANNING  
AGENCY**

**AND THE COCOA CITY COUNCIL  
PROPOSE TO CONSIDER THE  
ADOPTION OF THE FOLLOWING  
ORDINANCES:**

ORDINANCE NO. 14-2026  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING FIGURE FLU-1 SET FORTH IN THE FUTURE LAND USE ELEMENT TO PROVIDE THE RU-2-25 ZONING DISTRICT IS AN ALLOWABLE ZONING DISTRICT IN THE MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY IN CERTAIN LOCATIONS; PROVIDING DATA AND ANALYSIS AND THE LEGAL BASIS SET FORTH IN THE RECITALS TO SUPPORT THE PROPOSED COMPREHENSIVE AMENDMENT; 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.

**AND**

ORDINANCE NO. 13-2026  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 5 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO MAKE CERTAIN CLARIFYING AMENDMENTS RELATED TO TOWNHOUSE RESIDENTIAL SUBDIVISIONS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

**Planning and Zoning Board  
PUBLIC HEARING**

**WILL BE HELD ON**  
September 2, 2026

**City Council First Reading  
PUBLIC HEARING**

**WILL BE HELD ON**  
September 8, 2026

**ALL HEARINGS WILL TAKE PLACE  
AT 6:00 P.M. OR SOON THEREAFTER  
IN THE COCOA CITY HALL  
COUNCIL CHAMBERS LOCATED AT  
66 STONE STREET, COCOA,  
FLORIDA 32922**

**General Notice Information:**

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

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

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

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

• City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

Documents 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) 433-8400.

Interested persons may submit their written comments or questions prior to the meeting through Email at [cityclerk@cocoafl.gov](mailto:cityclerk@cocoafl.gov) or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

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

• City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

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

# PLANNING & ZONING AGENDA ITEM

Memo Date: 08/21/2026  
Agenda Date: 9/2/2026  
Prepared By: Lucilene Ribeiro, Planner  
Through: Stockton Whitten, City Manager  
Requested Action: Consideration of Ordinance 14-2026, adopting a Large-Scale Comprehensive Plan Text Amendment to amend Figure FLU-1 of the Future Land Use Element to recognize the RU-2-25 Multiple-Family Dwelling District as an applicable zoning district within the Medium Density Residential (MDR) Future Land Use category only for properties located in the South of the Village (SV) Subdistrict of the Cocoa Waterfront Overlay District.

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## **BACKGROUND:**

The City has identified an existing inconsistency between the Future Land Use Element and the zoning/overlay framework that applies to a portion of the South of the Village neighborhood. The affected area is designated Medium Density Residential (MDR) on the Future Land Use Map, while parcels within the South of the Village Subdistrict include underlying RU-2-25 zoning. Figure FLU-1 presently identifies RU-1-7, RU-2-15, RM-4, and PUD as applicable zoning districts within MDR, but does not list RU-2-25. As a result, the adopted zoning and the adopted future land use framework do not fully align.

Ordinance 14-2026 is a targeted text amendment intended to correct that inconsistency without expanding eligibility for RU-2-25 throughout the City. The amendment adds RU-2-25 to Figure FLU-1, subject to a new location-specific note stating that RU-2-25 is an applicable zoning district in MDR only within the South of the Village Subdistrict of the Cocoa Waterfront Overlay District. The note further states that the MDR maximum density of 15 dwelling units per acre controls. Therefore, the amendment does not authorize the 25 dwelling units per acre otherwise associated with the RU-2-25 zoning district, in which the property remains designated MDR.

**GOAL 1.1:** Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

**Policy 1.1.1.1:** The adopted Future Land Use Map identifies appropriate locations for each land-use category. Maximum densities and intensities in Figure FLU-1 are not guaranteed for all sites, and zoning and land development regulations may impose tighter standards based on land use allocation criteria.

**Policy 1.1.2.4 - Medium Density Residential:** MDR areas are areas of moderate-density detached and attached housing. Appropriate locations should have access to at least a minor collector, preferably a major collector or higher-classified roadway; convenient access to community services; and, for new developments, provide open

space and buffering as required by the Land Development Regulations.

### **Waterfront Redevelopment Framework**

The Cocoa Waterfront Master Plan, prepared for the Cocoa Community Redevelopment Agency in 2008, established a community vision focused on enhancing downtown vibrancy and sustainability through increased opportunities for mixed-use residential development, strengthening the identity of Cocoa Village, improving pedestrian walkability and livability, enhancing connectivity to the riverfront, building upon the area's historic and cultural assets, and improving the overall appearance and quality of redevelopment. Through the planning process, the Master Plan recognized that the redevelopment area contained distinct neighborhoods with different development patterns and recommended creation of a form-based overlay district tailored to the design and architectural characteristics of individual subdistricts, including South of the Village.

In 2013, Ordinance No. 09-2013 implemented this recommendation by adopting the Cocoa Waterfront Overlay District, which regulates development through a Regulating Plan and building typologies that address lot configuration, building placement, scale, frontage, parking, and other elements of urban form. Within the South of the Village (SV) Subdistrict, the Regulating Plan specifically accommodates a variety of residential forms, including estate houses, houses, cottages, and townhouses throughout the subdistrict, with apartment buildings and courtyard apartments permitted at locations identified on the Regulating Plan. This range of building types reflects the Master Plan's intent to facilitate redevelopment while responding to the area's existing lot pattern, scale, and character. Accordingly, townhouse development within the South of the Village is intended to follow the more tailored, form-based standards of the Waterfront Overlay rather than conventional townhouse standards that may require larger lots or development configurations inconsistent with the smaller, established parcels found within the subdistrict.

For the properties addressed by this amendment, the current regulatory framework consists of an MDR Future Land Use designation, underlying RU-2-25 zoning, and the South of the Village subdistrict. The Overlay recognizes RU-2-25 within the subdistrict, while Figure FLU-1 of the Comprehensive Plan does not presently identify RU-2-25 as an applicable zoning district within MDR. This creates the present regulatory inconsistency addressed by Ordinance 14-2026.

The proposed amendment does not remove or supersede the Waterfront Overlay's form-based standards. Development would remain subject to the Regulating Plan, permitted building types, applicable site and design requirements, and the maximum density established by the MDR Future Land Use category.

### **Existing Planning Framework and Regulatory Consistency**

Available City records indicate that the area was designated R-4 multifamily residential on the 1959 zoning map and had transitioned to RU-2-25 zoning by the late 1980s. The City's 1998 Comprehensive Plan identified the area as Medium Density Residential. Staff does not rely on the timing or rationale for those earlier changes to support the present amendment; the current analysis is based on the adopted regulatory framework in effect today.

Today, the affected properties are designated Medium Density Residential on the Future Land Use Map and are zoned RU-2-25 within the South of the Village Subdistrict of the Cocoa Waterfront Overlay District. Figure FLU-1 allows a maximum density of 15 dwelling units per acre within MDR and currently lists RU-1-7, RU-2-15, RM-4, and PUD as applicable zoning districts, but it does not list RU-2-25. The Waterfront Overlay, however, recognizes the existing RU-2-25 zoning within South of the Village and does not identify RU-2-15 as an applicable zoning district within that subdistrict.

One potential way to address the inconsistency in Figure FLU-1 would be to rezone the affected RU-2-25 properties to a zoning district already listed in MDR, such as RU-2-15. Staff does not consider that approach to be the most direct solution because it would resolve the Comprehensive Plan inconsistency while creating a separate inconsistency with the Cocoa Waterfront Overlay, where RU-2-15 is not currently recognized as an applicable zoning district. Implementing that alternative would therefore require an additional amendment to the Waterfront Overlay, in addition to rezoning the affected properties.

Ordinance 14-2026 provides a narrower solution by recognizing the zoning district that already applies to the affected properties, but only within the South of the Village Subdistrict and only subject to the MDR maximum density of 15 dwelling units per acre. This approach avoids rezoning solely to match the Figure FLU-1 table, avoids the need to add RU-2-15 to the Waterfront Overlay, and preserves the current form-based regulatory framework for South of the Village.

Accordingly, the proposed amendment reconciles the current Future Land Use, zoning, and overlay regulations without increasing the residential density authorized by MDR and without expanding RU-2-25 as an applicable MDR zoning district elsewhere in the City.

## **PROPOSED AMENDMENT**

Ordinance 14-2026 amends Figure FLU-1, Standards for Future Land Use Categories, by adding RU-2-25 to the list of applicable zoning districts in the Medium Density Residential column and linking the designation to a new Note 11. Note 11 provides: "The RU-2-25 zoning district shall be considered an applicable zoning district in the Medium Density Residential Future Land Use category only in the South of Village Subdistrict of the Cocoa Waterfront Overlay District. The 15 du/acre maximum density shall control."



This approach is intentionally narrow. It does not change the Future Land Use Map, rezone property, or increase the maximum density allowed by the MDR land use category. Instead, it reconciles the City's Comprehensive Plan with an existing zoning and overlay condition in a specifically identified redevelopment area. Future development remains subject to the Waterfront Overlay regulating plan, applicable building types and design standards, site plan review, concurrency requirements, stormwater standards, utilities review, transportation review, and all other applicable development regulations.

## **COMPREHENSIVE PLAN AMENDMENT ANALYSIS**

Planning & Zoning staff has reviewed the proposed amendment under the criteria contained in Chapter 15, Article II, Sections 15-10 and 15-11 of the City Code and the applicable goals, objectives, and policies of the Comprehensive Plan.

### **(1) Whether the proposed amendment will have a favorable or unfavorable effect on the City's budget or the economy of the City or the region;**

**Staff Finding:** The amendment is expected to have a favorable or neutral fiscal effect. It removes a regulatory inconsistency that can delay or prevent reinvestment in properties already planned for medium-density residential use and already regulated by the South of the Village overlay. By allowing redevelopment to proceed under a consistent set of land-use, zoning, and overlay standards, the amendment may support property reinvestment and the area's taxable value. The text amendment creates no direct City expenditure.

### **(2) Whether the proposed amendment will diminish the level of service of public facilities;**

**Staff Finding:** The amendment does not increase the MDR maximum density and therefore does not, by itself, create additional development rights beyond 15 dwelling units per acre. Any future project will be reviewed for concurrency and site-specific impacts. Cocoa Utilities will review potable water and sanitary sewer demands; stormwater improvements must meet applicable City and regional standards; transportation impacts may require a trip memorandum or traffic analysis; solid waste service must comply with the City's service standards; and school concurrency will apply to residential development as required by the Public-School Facilities Element. Because the amendment is a text correction rather than a site-specific development approval, no reduction in adopted level of service is anticipated from the amendment itself.

### **(3) Whether there will be a favorable or unfavorable impact on the environment or the natural or historical resources of the City or the region as a result of the proposed amendment;**

**Staff Finding:** No direct adverse environmental or resource impact is anticipated. The

amendment does not approve physical development or alter environmental permitting requirements. Future redevelopment remains subject to the City's stormwater, floodplain, landscaping, tree protection, and other applicable development requirements. The Waterfront Overlay also regulates site and building form to protect the character of the redevelopment area.

**(4) Whether the proposed amendment is consistent with and its effect upon applicable state and regional planning requirements;**

**Staff Finding:** The amendment directs redevelopment to an established urban area with existing streets, utilities, public services, and an adopted redevelopment framework. This is consistent with the Community Planning Act's emphasis on plan amendments supported by data and analysis, and with state planning principles that favor the efficient use of existing urban infrastructure. The amendment will be processed in accordance with Section 163.3184, Florida Statutes, including transmittal and state review requirements applicable to comprehensive plan amendments.

**(5) Whether the City is able to provide adequate service from public facilities to the affected property, and whether the amendment will promote cost-effective use of or unduly burden public facilities below the level of service set in the Comprehensive Plan;**

**Staff Finding:** The South of the Village area is within the existing urban service area and is already designated MDR. The proposed amendment preserves the existing 15 du/acre land use cap rather than increasing it to the RU-2-25 zoning district's nominal 25 du/acre maximum. This limitation materially reduces the potential for the text amendment to create unplanned infrastructure demand. Site-specific capacity and improvement needs will continue to be addressed during development review.

**(6) Whether the amendment is compatible with surrounding neighborhoods and land uses;**

**Staff Finding:** The amendment improves compatibility between adopted planning layers. The South of the Village area contains an established mixture of residential, commercial, institutional, and redevelopment-oriented parcels, and the Waterfront Overlay was specifically designed to manage transitions in form, scale, building placement, access, and streetscape. Retaining the MDR 15 du/acre maximum ensures that the Comprehensive Plan continues to control overall residential intensity. At the same time, the overlay provides more detailed form-based standards to ensure compatibility with the surrounding neighborhood.

**(7) Whether approval of the amendment will cause the Comprehensive Plan to be internally inconsistent;**

**Staff Finding:** Approval will reduce, rather than create, internal inconsistency. The affected properties are designated MDR, retain RU-2-25 zoning, and are located within

the South of the Village Subdistrict, where the Waterfront Overlay recognizes RU-2-25. Figure FLU-1, however, does not presently list RU-2-25 as an applicable MDR zoning district. Rezoning the properties to RU-2-15 would address the Figure FLU-1 inconsistency but would create a separate inconsistency because RU-2-15 is not currently recognized within the South of the Village Waterfront Overlay. The proposed note provides a narrower reconciliation by recognizing the existing RU-2-25 zoning only within South of the Village and expressly retaining the 15 du/acre MDR maximum. This approach also advances Policies 1.1.10.7 and 1.1.10.8 regarding identification and correction of land use and zoning inconsistencies.

**(8) Whether the amendment will have a favorable or adverse effect on the ability of people to find adequate housing reasonably accessible to their places of employment;**

**Staff Finding:** The amendment is expected to have a favorable effect by removing a barrier to residential infill and redevelopment within an established urban neighborhood near U.S. 1, Cocoa Village, employment areas, services, and community facilities. The amendment does not mandate a particular housing product. Still, it allows the existing RU-2-25/overlay framework to operate within the MDR density limit, thereby preserving opportunities for a range of attached and multifamily housing forms contemplated by the Waterfront planning framework.

**(9) Whether the proposed amendment will promote or adversely affect the public health, safety, welfare, economic order, or aesthetics of the region or the City;**

**Staff Finding:** The amendment is expected to promote the public welfare by providing a clearer, more predictable regulatory framework for redevelopment while retaining the density safeguard established by the MDR Future Land Use category. Aesthetic and neighborhood character considerations will continue to be addressed through the Waterfront Overlay's form-based standards, which regulate plan, building typologies, frontage standards, circulation requirements, and redevelopment review thresholds.

**CONSISTENCY WITH KEY COMPREHENSIVE PLAN POLICIES**

- **Policy 1.1.2.4 - Medium Density Residential:** The proposed amendment remains within the MDR category and preserves its 15 du/acre maximum. Redevelopment will continue to be evaluated for roadway access, community services, open space, and buffering.
- **Policy 1.1.4.1 - Community Redevelopment Areas:** The City is directed to continue promoting vitality and redevelopment within its established redevelopment areas.
- **Policy 1.1.4.7 - Redevelopment Plans and the Future Land Use Map:** The amendment improves consistency between the adopted redevelopment framework and the Future Land Use standards.
- **Policy 1.1.4.10 - Infill and Redevelopment:** The City encourages infill and redevelopment in blighted areas or areas in transition and encourages housing where community services exist or are programmed.

- **Policies 1.1.10.7 and 1.1.10.8 - Plan/Zoning Consistency:** The Comprehensive Plan directs the City to identify and address incompatible or inconsistent existing land uses and to eliminate inconsistencies between the Official Zoning Map and the Future Land Use Map.
- **Policy 1.2.1.6 - Interconnected Urban Form:** Future infill and redevelopment should provide interconnected street-grid networks where feasible and promote walkability and multimodal travel.
- **Policy 1.2.2.1 - Form-Based Design:** The City may use form-based design standards in CRAs, major corridors, and waterfront areas; the Cocoa Waterfront Overlay is the adopted implementation tool for this area.

### **STAFF CONCLUSION**

Staff finds that Ordinance 14-2026 is a limited corrective amendment that resolves a conflict between the Medium Density Residential Future Land Use category and existing RU-2-25 zoning within the South of the Village Subdistrict. The amendment is geographically constrained to the Waterfront Overlay subdistrict, where the zoning and redevelopment framework already exists, and it expressly preserves the 15 du/acre MDR density cap. The amendment therefore provides regulatory consistency without creating a citywide expansion of RU-2-25 within MDR and supports the long-standing Waterfront Master Plan objective of facilitating coordinated infill and redevelopment in the South of the Village area.

### **PRIORITY AREA CONNECTION:**

Economic and Community Development

### **BUDGETARY IMPACT:**

N/A

### **PREVIOUS ACTION:**

### **RECOMMENDED MOTION:**

Staff recommends that the Planning & Zoning Board recommend APPROVAL to the City Council of Ordinance 14-2026, adopting a Large-Scale Comprehensive Plan Text Amendment to amend Figure FLU-1 to recognize RU-2-25 as an applicable zoning district within the Medium Density Residential Future Land Use category only in the South of the Village Subdistrict of the Cocoa Waterfront Overlay District, subject to the 15 dwelling units per acre maximum density of the MDR Future Land Use category.

# USA TODAY CO.



PO Box 631244 Cincinnati, OH 45263-1244

## **AFFIDAVIT OF PUBLICATION**

Trimaine Smith  
Monica Arsenault  
Cocoa City Hall  
65 Stone Street  
Cocoa FL 32922

STATE OF WISCONSIN, COUNTY OF BROWN

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

BRE Brevard Florida Today 08/23/2026  
BRE floridatoday.com 08/23/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/23/2026

Legal Clerk

Notary, State of WI, County of Brown

5.15.27

My commission expires

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NANCY HEYRMAN  
Notary Public  
State of Wisconsin

**CITY OF COCOA**  
**NOTICE OF PUBLIC HEARING**  
**ZONING TEXT AMENDMENT AND**  
**COMPREHENSIVE PLAN TEXT**  
**AMENDMENT**

**NOTICE IS HEREBY GIVEN THAT**  
**THE PLANNING & ZONING**  
**BOARD/LOCAL PLANNING**  
**AGENCY**

**AND THE COCOA CITY COUNCIL**  
**PROPOSE TO CONSIDER THE**  
**ADOPTION OF THE FOLLOWING**  
**ORDINANCES:**

ORDINANCE NO. 14-2026  
 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING FIGURE FLU-1 SET FORTH IN THE FUTURE LAND USE ELEMENT TO PROVIDE THE RU-2-25 ZONING DISTRICT IS AN ALLOWABLE ZONING DISTRICT IN THE MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY IN CERTAIN LOCATIONS; PROVIDING DATA AND ANALYSIS AND THE LEGAL BASIS SET FORTH IN THE RECITALS TO SUPPORT THE PROPOSED COMPREHENSIVE AMENDMENT; 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.

**AND**

ORDINANCE NO. 13-2026  
 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 5 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO MAKE CERTAIN CLARIFYING AMENDMENTS RELATED TO TOWNHOUSE RESIDENTIAL SUBDIVISIONS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

**Planning and Zoning Board**  
**PUBLIC HEARING**

**WILL BE HELD ON**  
 September 2, 2026

**City Council First Reading**  
**PUBLIC HEARING**

**WILL BE HELD ON**  
 September 8, 2026

**ALL HEARINGS WILL TAKE PLACE**  
**AT 6:00 P.M. OR SOON THEREAFTER**  
**IN THE COCOA CITY HALL**  
**COUNCIL CHAMBERS LOCATED AT**  
**66 STONE STREET, COCOA,**  
**FLORIDA 32922**

**General Notice Information:**

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

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

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

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

• City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

Documents 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) 433-8400.

Interested persons may submit their written comments or questions prior to the meeting through Email at [cityclerk@cocoafl.gov](mailto:cityclerk@cocoafl.gov) or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

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

• City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

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

**ORDINANCE NO. 14-2026**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING FIGURE FLU-1 SET FORTH IN THE FUTURE LAND USE ELEMENT TO PROVIDE THE RU-2-25 ZONING DISTRICT IS AN ALLOWABLE ZONING DISTRICT IN THE MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY IN CERTAIN LOCATIONS; PROVIDING DATA AND ANALYSIS AND THE LEGAL BASIS SET FORTH IN THE RECITALS TO SUPPORT THE PROPOSED COMPREHENSIVE AMENDMENT; 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.**

**WHEREAS**, section 163.3161 et. seq., Florida Statutes, established the Community Planning Act, which was formerly known as the Local Government Comprehensive Planning and Land Development Regulation Act; and

**WHEREAS**, the Community Planning Act requires each municipality in the State of Florida to prepare, adopt, and update a Comprehensive Plan; and

**WHEREAS**, the purpose of this Ordinance is to amend Figure FLU-1 set forth in the Future Land Use Element of the Comprehensive Plan, which establishes the uses and zoning districts allowed in each future land use category; and

**WHEREAS**, the City Council finds that it is desirable to enact this amendment, and hereby provides the data and analysis and legal basis set forth herein to support the Comprehensive Plan amendment approved hereunder; and

**WHEREAS**, the text amendment herein is intended to add the R-U-2-25, Multiple-Family Dwelling District, to the list of “Applicable Zoning Districts” in the Medium Density Residential Future Land Use category; and

**WHEREAS**, adding the RU-2-25 zoning district to the list of allowable zoning districts in the Medium Density Residential Future Land Use category will resolve an existing inconsistency for the South of Village Subdistrict of the Cocoa Waterfront Overlay District, which has a Future Land Use designation of Medium Density Residential and an underlying zoning district of RU-2-25; and

**WHEREAS**, the addition of the RU-2-25 zoning district to the Medium Density Residential

City of Cocoa  
Ordinance No. 14-2026  
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Future Land Use category will allow for the South of Village neighborhood to continue to develop in accordance with the medium density character that currently exists and shall remain subject to the maximum density of 15 du/acre as dictated by the Medium Density Residential future land use designation that currently exists; and

**WHEREAS**, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed amendment set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby approves and adopts the Comprehensive Plan Amendment set forth hereunder; and

**WHEREAS**, the City Council of the City of Cocoa hereby finds that this Ordinance is 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 true and correct and are fully incorporated herein by this reference as data and analysis to support the adoption of this Ordinance.

**Section 2. Authority.** This Ordinance is adopted in compliance with, and pursuant to, the Community Planning Act, sections 163.3161 et. seq., Florida Statutes.

**Section 3. Purpose and Intent.** It is hereby declared to be the purpose and intent of this Ordinance to adopt a comprehensive plan amendment incorporating the revisions stated herein as part of the City of Cocoa Comprehensive Plan.

**Section 4. Adoption of Amendment to the Future Land Use Element.** The City of Cocoa Comprehensive Plan, Future Land Use Element, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from this Ordinance of text existing in the Cocoa Comprehensive Plan, Future Land Use Element. It is intended that the text in the Future Land Use Element denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

## **FUTURE LAND USE ELEMENT**

\* \* \*

### **FIGURE FLU-1 STANDARD FOR FUTURE LAND USE CATEGORIES**

\* \* \*

Residential and Conservation Future Land Use Categories:

City of Cocoa  
Ordinance No. 14-2026  
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|                                         | <b>Very Low Density Residential</b>                         | <b>Low Density Residential</b>                                  | <b>Medium Density Residential</b>                            | <b>High Density Residential</b>                                | <b>Conservation</b>                      | <b>Rural Urban Transition</b>                                       |
|-----------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------|
| <b>Maximum Density</b>                  | 4 du/acre                                                   | 7 du/acre <sup>1</sup>                                          | 15 du/acre                                                   | 25 du/acre                                                     |                                          | 1 du/2.5 acres                                                      |
| <b>Allowable Uses</b>                   | Residential, Institutional, and Open Space/Recreational     | Residential, Institutional, and Open Space/Recreational         | Residential, Institutional, and Open Space/Recreational      | Residential, Institutional, Office and Open Space/Recreational | Conservation and Open Space/Recreational | Residential, Conservation, Open Space/Recreational, and Agriculture |
| <b>Applicable Zoning Districts</b>      | RE, RA, RR-1, RR-2, RU-1-10, RU 1-7, RU 1-7A, RM-3, and PUD | RU-1-10, RU-1-7, RU-1-7A, RU-2-10, RU-2-15, RM-3, RM-4, and PUD | RU-1-7, RU 2-15, <u>RU-2-25<sup>11</sup></u> , RM-4, and PUD | RU-2-15, RU 2-25, Inst, and PUD                                | Not Applicable                           | RA, RR-1, and RR-2                                                  |
| <b>Maximum Impervious Surface Ratio</b> | .40<br>.65 w/PUD                                            | .65                                                             | .70                                                          | .80                                                            | .10                                      | .30                                                                 |

NOTES FOR FIGURE FLU-1:

1. Maximum density may be increased up to 12 due/acre as part of a planned residential development or planned redevelopment activities (*Policy 1.2.3.C*).
2. An additional 5 units per acre may be achieved if residential units are developed as part of a vertical mixed use project.
3. Maximum FAR in the Cocoa RDA is 2.0 and a bonus may permit up to an additional 2.5 FAR in the Central Business District outside the Cocoa Village Overlay sub-district. An additional 25 units per acre may be achieved in certain areas within the Cocoa RDA.
4. Four (4) acre maximum land area for new Neighborhood Commercial and one (1) acre maximum site land area.
5. Minimum land area of 50 acres and minimum cumulative gross floor area of 500,000 sq. ft. for all structures.
6. Commercial uses that are complementary to and support industrial development and operations.
7. Maximum residential density shall be 25 du/acre, except where reduced by the underlying

zoning district regulations.

8. Residential uses shall be permitted only where allowed in the underlying zoning district.
9. Notwithstanding the base level maximum density stated in the above chart and Notes 2 & 3, the maximum density may be increased by the City Council for certain approved redevelopment projects on properties designated Cocoa Village and South End Subdistrict with a Commercial/Mixed Use Large (CL) building type on the Cocoa Waterfront Overlay District Regulating Plan pursuant to Policy 1.1.2.6.
10. "Floating solar facility" as defined in Section 163.32051, F.S., shall be permitted in all future land use categories subject to applicable land development regulations in the Code of Ordinances.
11. The RU-2-25 zoning district shall be considered an applicable zoning district in the Medium Density Residential Future Land Use category only in the South of Village Subdistrict of the Cocoa Waterfront Overlay District. The 15 du/acre maximum density shall control.

\* \* \*

**Section 5.**     **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 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.**     **Incorporation into Comprehensive Plan.**     Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of Cocoa Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**Section 8.**     **Effective Date.**     The effective date of the Comprehensive Plan Amendment adopted by this Ordinance shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete pursuant to section 163.3184(3)(c)(4.), Florida Statutes. If the plan amendment is timely challenged, the plan amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land use dependent on this plan amendment may be issued before it has become effective. After and from the effective date of this plan amendment, the Comprehensive Plan Amendment set forth herein shall amend the City of Cocoa Comprehensive Plan and become a part of that plan and the plan amendment shall have the legal status of the City of Cocoa Comprehensive Plan, as amended.

**ADOPTED** by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
**Michael C. Blake, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Monica Arsenault, CMC, City Clerk**

Legal Ad: \_\_\_\_\_

LPA/P&Z: \_\_\_\_\_

First Reading: \_\_\_\_\_

Legal Ad: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Effective Date: \_\_\_\_\_