

# **City of Cocoa**

65 Stone Street  
Cocoa, FL 32922



## **Meeting Agenda**

**Wednesday, November 6, 2024**

**6:00 PM**

**Cocoa City Council Chambers**

**Planning and Zoning / Local Planning Agency**

## I. OPENING MATTERS

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

## II. APPROVAL OF AGENDA AND MINUTES:

### AGENDA:

- 24-634 Request approval of the Agenda for the Planning & Zoning Board Regular Meeting held on Wednesday, November 6th, 2024, either as written or with amendments

Attachments: [PZ Short Agenda Nov 6 \(002\).pdf](#)

### MINUTES:

- 24-635 Request Board approval of the Minutes of the Planning & Zoning Meeting held on October 2, 2024, either as is or with amendments

Attachments: [10-2 draft.docx2.pdf](#)

## III. OLD BUSINESS

## IV. NEW BUSINESS:

- A. 24-628 Consideration of an Expedited State Review Comprehensive Plan Text Amendment to City of Cocoa Future Land Use Element Policy 1.1.2.6(F), relating to the Mixed-Use future land use category, to provide additional flexibility for allowable uses on the ground floor of vertical mixed-use buildings eligible for density bonuses under the Comprehensive Plan..End

Attachments: [Ordinance 14-2024 Future Land Use Mixed Use Policy PZ 10703063.pdf](#)

- B. [24-627](#) Ordinance No. 15-2024 A Consideration of a City-initiated Ordinance amending the official Zoning Map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, and generally located adjacent to state road 520 near the intersections with Virginia Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on exhibit "A" attached here to from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G). - POSTPONE TO NEXT MEETING.

**Attachments:** [Ordinance 15-2024 - Rezoning Pine Grove Park.pdf](#)  
[Exhibit 'A' Pine Grove Park Zoning Amendment Location.pdf](#)  
[Exhibit 'B' Pine Grove Park Future Land Use Map.pdf](#)  
[Exhibit 'C' Pine Grove Park Zoning Amendment.pdf](#)  
[Exhibit D Ordinance 11-2004.pdf](#)  
[Exhibit E Ordinance 03-2006.pdf](#)  
[Exhibit F Prior County Zoning Map.pdf](#)  
[Legal Ad P&Z Pine Grove Park ZMA Oct2 affidavit.pdf](#)

- C. [24-629](#) Consideration of a Zoning Text Amendment to Appendix A, Article XIII, Section 22 of the City of Cocoa Code, amending tree protection and preservation standards and procedures related to waivers of these requirements.  
n..End

**Attachments:** [Ordinance -2024 Tree Protection Amendments PZ](#)  
[10703063.pdf](#)

- D. [24-630](#) Consideration of a Zoning Text Amendment Appendix A, Article V of the code of the City of Cocoa to define Transportation Terminals, a permitted use applicable to properties located in M-1 zoning district and as a special exception use in C-G General Commercial district and commercial mixed use PUDs.

**Attachments:** [Ordinance 19-2024 - Transportation Terminals.pdf](#)  
[10717189.pdf](#)

## V. TREE BOARD

NONE

## VI. OTHER BUSINESS

PLANNING AND ZONING BOARD OPEN DISCUSSION

**VII. NEXT MEETING DATE:**

The next regularly scheduled meeting of the Planning and Zoning Board will be on Wednesday, December 4, 2024 at 6:00 PM at the Cocoa City Hall, 65 Stone Street, Cocoa, Florida.

**VIII. ADJOURNMENT**

**NOTICE TO THE PUBLIC:**

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

Additionally, interested persons may view or listen to the meeting electronically at the following internet sites:

(1) <https://tinyurl.com/s5e875r> or

(2) <https://cocoa.legistar.com/DepartmentDetail.aspx?ID=26365&GUID=FF9D3369-D354-4FAB-800A-57D0AEE30153&Mode=MainBody>

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

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

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

Although members of the public are entitled to be heard by the City Council on certain items on the meeting agenda pursuant to the City Council Rules of Procedure, members of the public are not entitled to an immediate response by either administrative staff members or Council; however, the City Council or administrative staff may provide a response at their discretion. When presenting before the City Council, all comments or questions should be directed to the Mayor or the chair of the meeting. Comments or questions should not be made directly to administrative staff without permission from the Mayor or chair.

Public debate by individual speakers from the audience on public hearing items shall be limited to three (3) minutes. Applicants or representatives of recognized groups with special interests in a matter shall be limited to ten (10) minutes; and total debate on a single issue shall be limited to thirty (30) minutes. Only one presentation per person per item shall be allowed.

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

This agenda is posted on the Municipal Bulletin Board.





Legislation Details (With Text)

**File #:** 24-634      **Version:** 1      **Name:**  
**Type:** Agenda      **Status:** Agenda Ready  
**File created:** 11/1/2024      **In control:** Planning and Zoning / Local Planning Agency  
**On agenda:** 11/6/2024      **Final action:**  
**Title:** Request approval of the Agenda for the Planning & Zoning Board Regular Meeting held on Wednesday, November 6th, 2024, either as written or with amendments  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [PZ Short Agenda Nov 6 \(002\).pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM**

**Memo Date:** November 1, 2024  
**Agenda Date:** November 6, 2024  
**Prepared By:** Abigail Bass, Assistant City Clerk  
**Through:** Tammy Gemmati, Administrative Services Director  
**Requested Action:**  
Request approval of the Agenda for the Planning & Zoning Board Regular Meeting held on Wednesday, November 6th, 2024, either as written or with amendments

**BACKGROUND:**

N/A

**BUDGETARY IMPACT:**

N/A

**PREVIOUS ACTION:**

N/A

**RECOMMENDED MOTION:**

Request approval of the Agenda for the Planning & Zoning Board Regular Meeting held on Wednesday, November 6th, 2024, either as written or with amendments



## Planning and Zoning

65 Stone Street • Cocoa, FL 32922

PHONE: (321) 433-8635

FAX: (321) 433-8685

### AGENDA

#### Regular Meeting

November 6, 2024

6:00 p.m.

#### I. **OPENING MATTERS:**

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

#### II. **APPROVAL OF AGENDA AND MINUTES:**

AGENDA: Regular Meeting of November 6, 2024

MINUTES: Regular Meeting of October 2, 2024

#### III. **OLD BUSINESS: None**

#### IV. **NEW BUSINESS:**

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

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

##### **B. PZ 24-02100004 ZONING MAP AMENDMENT PINE GROVE PARK | ORD 15-2024**

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

**C. PZ 24-02000005 ZONING TEXT AMENDMENT – TREE PROTECTION | ORD 18-2024**

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

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

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

**V. TREE BOARD:**

None

**VI. OTHER BUSINESS:**

Planning and Zoning Board Open Discussion

**VII. NEXT MEETING DATE:**

Wednesday, December 4, 2024 at 6:00 pm

**VIII. ADJOURNMENT**

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**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 [marсенault@cocoafl.gov](mailto:marсенault@cocoafl.gov).

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

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

**Public Participation Information:**

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

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

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

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

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

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

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

**Special Information for Quasi-Judicial Hearings:**

Any person that (1) can demonstrate that they may suffer special damages different in kind and degree from that of the general public at large; and (2) wishes to present factual or expert witnesses and/or evidence at the quasi-judicial hearing is highly encouraged to immediately contact Lucilene Ribeiro, Senior Planner, at (321) 433-8510 or, to make proper arrangements for presentation of witnesses and/or evidence. All witnesses should be identified and all evidentiary documents and exhibits that are intended to be distributed to the BOA, P&Z/LPA and City Council should be submitted to Ms. Selig via email or mail at least three (3) days prior to the hearing.

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Legislation Details (With Text)

**File #:** 24-635      **Version:** 1      **Name:**  
**Type:** Minutes      **Status:** Agenda Ready  
**File created:** 11/1/2024      **In control:** Planning and Zoning / Local Planning Agency  
**On agenda:** 11/6/2024      **Final action:**  
**Title:** Request Board approval of the Minutes of the Planning & Zoning Meeting held on October 2, 2024, either as is or with amendments

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [10-2 draft.docx2.pdf](#)

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

**Memo Date:** November 1, 2024  
**Agenda Date:** November 6, 2024  
**Prepared By:** Abigail Bass, Assistant City Clerk  
**Through:** Tammy Gemmati, Administrative Services Director  
**Requested Action:**  
Request Board approval of the Minutes of the Planning & Zoning Meeting held on October 2, 2024, either as is or with amendments

**BACKGROUND:**

N/A

**BUDGETARY IMPACT:**

N/A

**PREVIOUS ACTION:**

N/A

**RECOMMENDED MOTION:**

Request Board approval of the Minutes of the Planning & Zoning Meeting held on October 2, 2024, either as is or with amendments

**MINUTES  
CITY OF COCOA  
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY  
REGULAR MEETING  
OCTOBER 2, 2024**

**A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on October 2, 2024 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.**

**I. CALL TO ORDER:**

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

**ROLL CALL:**

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

**PRESENT:**

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

**ABSENT:**

|                   |              |
|-------------------|--------------|
| Tamisha Findlay   | Board Member |
| Katherine Stewart | Alternate    |

**STAFF PRESENT:**

Abbey Bass, Assistant City Clerk; Jennifer Webster, City Planner; Stockton Whitten, City Manager.

Chairperson Park led the assembly in the Pledge of Allegiance.

**II. APPROVAL OF AGENDA AND MINUTES:**

1. AGENDA: Meeting of October 2, 2024

- \* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY VICE CHAIRPERSON ANDERSON TO APPROVE THE OCTOBER 2, 2024 REGULAR MEETING AGENDA AS WRITTEN.**

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

**MOTION PASSED UNANIMOUSLY (7-0)**

2. MINUTES: Regular Meeting of September 4, 2024.

- \* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY BOARD MEMBER MANFREDI TO APPROVE THE SEPTEMBER 4, 2024 REGULAR MEETING MINUTES AS WRITTEN.**

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

**MOTION PASSED UNANIMOUSLY (7-0)**

**III. OLD BUSINESS:**

None.

**IV. NEW BUSINESS:**

**A. PZ 24-07000005 ZONING TEXT AMENDMENT CG Major Recreational Equipment Sales | ORD 13-2024**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, amending the zoning ordinance of the City of Cocoa to add major recreational equipment sales and rental and limited types of commercial vehicle and heavy equipment sales and rental to the list of permitted uses in the General Commercial (CG) Zoning District and establishing conditions for such use; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

Patrick Murray with RVI presented the item via powerpoint<sup>1</sup>.

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<sup>1</sup> Exhibit A: C-G zoning district zoning text amendment

Board member Greenwood asked if this was similar to the heavy duty equipment rental on Highway 520 in Cocoa and asked how it is different from what we already have.

Ms. Webster advised she was not familiar with the business that was being referred to and she would have to do more research.

Tom Sullivan, the applicant, elaborated on the business and how it will be focusing on smaller trailers and other similar items. They will be limited to smaller trailers and no major recreational vehicles.

Board member Chabot inquired what they mean by the term “major recreational vehicles”.

Mr. Sullivan advised it is more limited to the use of utility trailers and not to the full extent of the definition.

Board member Greenwood asked what is currently existing at that property or will they be having to build or alter the property.

Mr. Sullivan advised it was the location of an old Burger King that the company already owns. He advised the company has already come in and started to clean up the property and remove trash and debris.

\*

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

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

**MOTION PASSED UNANIMOUSLY (7-0)**

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; amending the official zoning map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, and generally located adjacent to State Road 520 near the intersections with Virginia

Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on exhibit "A" attached hereto, from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G); providing for the repeal of prior inconsistent ordinances and resolutions, severability, and an effective date. – **POSTPONE TO NEXT MEETING.**

- \* **MOTION BY VICE CHAIRPERSON ANDERSON; SECONDED BY BOARD MEMBER CHABOT TO POSTPONE THE ITEM TO THE NOVEMBER 6, 2024 PLANNING AND ZONING MEETING.**

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

**MOTION PASSED UNANIMOUSLY (7-0)**

**V. TREE BOARD:**

Vice Chairperson Anderson spoke about a large oak tree that was removed from Range road right outside of Cocoa Highschool. He inquired as to why this wasn't ran by the board and inquired whether it was the school board who removed it or if a permit was pulled.

Ms. Webster advised this was the first time she had heard of this and asked the exact location of the tree.

City Manager Whitten advised that he would look into this.

**VI. OTHER BUSINESS:**

Board Member Greenwood presented to the board the idea of going through the existing city ordinances to help protect the city and make sure there aren't loop holes that could potentially harm the city.

**VII. NEXT MEETING DATE:**

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

**VIII. ADJOURNMENT:**

- \* **MOTION BY VICE CHAIRPERSON ANDERSON; SECONDED BY BOARD MEMBER GREENWOOD TO ADJOURN THE MEETING.**

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

**MOTION PASSED UNANIMOUSLY (7-0)**

**MEETING ADJOURNED AT 7:00PM.**

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Wesley Park, Chairperson

**Respectfully Submitted By:**

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Abigail Bass, Assistant City Clerk



Legislation Details (With Text)

**File #:** 24-628      **Version:** 1      **Name:**  
**Type:** Agenda      **Status:** Agenda Ready  
**File created:** 10/30/2024      **In control:** Planning and Zoning / Local Planning Agency  
**On agenda:** 11/6/2024      **Final action:**  
**Title:** Consideration of an Expedited State Review Comprehensive Plan Text Amendment to City of Cocoa Future Land Use Element Policy 1.1.2.6(F), relating to the Mixed-Use future land use category, to provide additional flexibility for allowable uses on the ground floor of vertical mixed-use buildings eligible for density bonuses under the Comprehensive Plan..End

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Ordinance 14-2024 Future Land Use Mixed Use Policy PZ 10703063.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

**Memo Date:** October 24, 2024  
**Agenda Date:** November 6, 2024  
**Prepared By:** Alexis Crespo, AICP - Planning Consultant  
**Through:** Stockton Whitten - City Manager  
**Requested Action:**

Consideration of an Expedited State Review Comprehensive Plan Text Amendment to City of Cocoa Future Land Use Element Policy 1.1.2.6(F), relating to the Mixed-Use future land use category, to provide additional flexibility for allowable uses on the ground floor of vertical mixed-use buildings eligible for density bonuses under the Comprehensive Plan

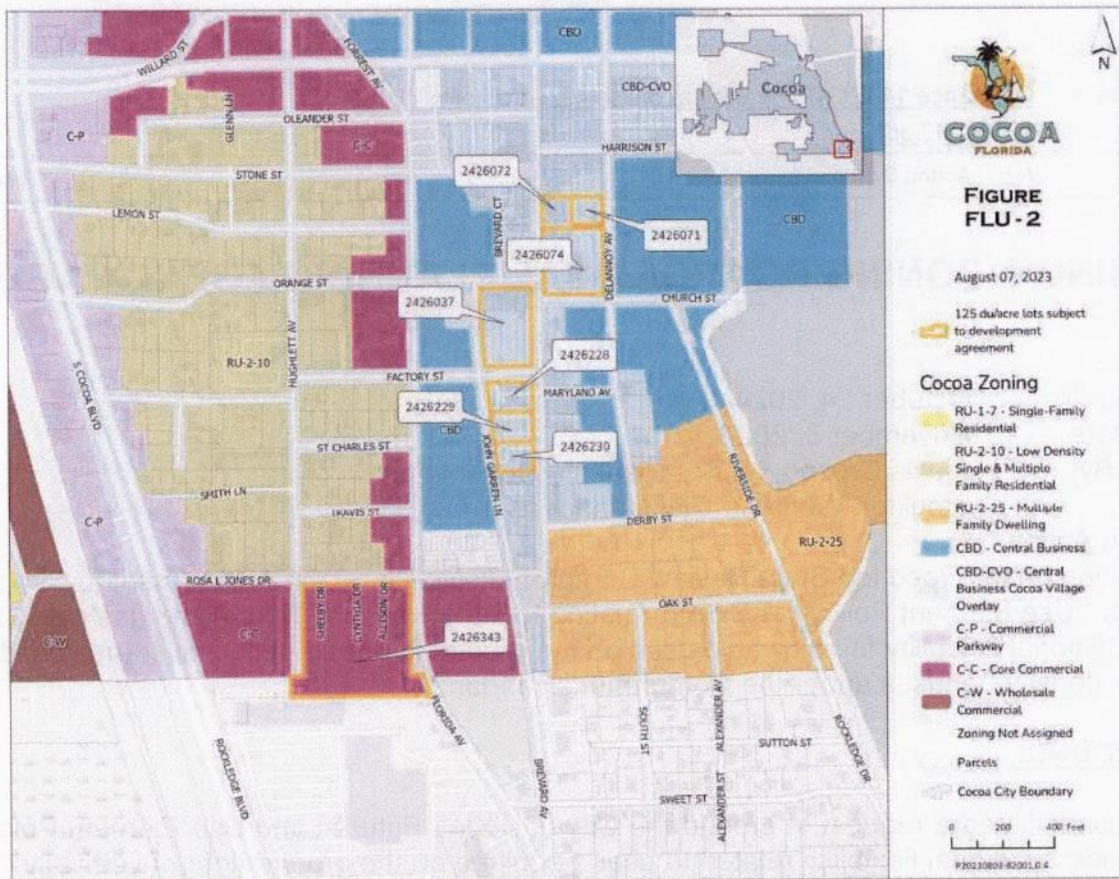
### BACKGROUND:

The City has initiated a request to amend the City of Cocoa Future Land Use Element Policy 1.1.2.6 (F) to provide additional flexibility related to uses permitted on the ground floor of vertically mixed-use buildings eligible for density bonuses under the Comprehensive Plan. No changes are proposed to the maximum allowable density or intensity in this category via this text amendment. A full description of the request and its impact on the Comprehensive Plan are outlined below.

In 2010, the City created the Mixed-Use (MU) Future Land Use (FLU) category. The MU FLU is intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation corridors. Accordingly, the majority of parcels designated with the MU FLU are generally located along SR 520, US 1, Brunson Blvd., King St., and the Cocoa Village Area, as more accurately shown on the attached FLU Map.

The density that is generally allowed within the MU FLU category is 25 du/acre and includes a bonus of up to 5 du/acre if residential housing units are developed as part of a vertically integrated mixed-use project, where both residential and non-residential uses are located in the same building, typically with ground floor non-residential uses and upper floor dwelling units. Thus, the maximum allowable density per FLU Element Policy 1.1.2.6 is 30 du/acre utilizing this density bonus.

Over the last several years, the City of Cocoa has created multiple policies to ensure that redevelopment opportunities within the Community Redevelopment Agency (CRA) are available. The City also adopted policies that allow for “vertically mixed-use projects” to occur in very limited geographical areas, specifically on +/- 8.82 acres within the Cocoa Village and South-End Subdistricts to develop at densities of up to 125 du/acre, subject to approval of a development agreement approved at the discretion of the City Council after consideration of many factors as outlined in Policy 1.1.2.6. The map below shows the location of those +/- 8.82 acres.



In addition, five (5) parcels, totaling +/- 5.72 acres, including the recently added 915 Florida Ave. property, have been designated with a commercial/mixed use large (CL) building type on the Cocoa Waterfront Overlay District Regulating Plan, which allows vertically integrated mixed-use buildings constructed to a maximum of eight (8) stories in height, again subject to approval of a Development Agreement by the City Council.

As provided in Ordinance 07-2023, the very limited geographical areas deemed conditionally

appropriate for the 125 du/acre program were, in part, designated due to lack of historically significant development on the site or absence of development. These properties were identified in the Cocoa Community Redevelopment Area's Redevelopment Plan as particular "catalytic" sites in the Cocoa Village area for redevelopment.

#### **Proposed Text Amendment:**

The existing Mixed Use FLU Policy 1.1.2.6(F) states:

"For a mixed-use building, only retail sales, offices and services and restaurants are permitted on the ground floor."

The City proposes that this language be modified as follows:

"For Except as provided herein, for a vertical mixed-use building, density bonuses as provided in Figure FLU 1 and this Policy 1.1.2.6(b) shall only be permitted where at least 51% of the total building length of the ground floor street frontage is devoted to occupiable space for retail sales, offices and services available to the general public, and restaurants, or a combination thereof are permitted on the ground floor. The total building length of the ground floor street frontage shall be measured by determining the length of the vertical, mixed use building on the ground floor on all street frontages up to a maximum of two (2) street frontages which shall be the two longest sides of the building with street frontage. For purposes of this Policy, pedestrian and vehicle driveways and ingress and egress corridors may be subtracted from the building length on each street prior to calculating the required percentage of the building length that must be devoted to the ground floor commercial uses on such street frontage. The required 51% of the total building length of the ground floor street frontage that is devoted to occupiable space for the ground floor commercial uses listed in this Policy may be distributed among street frontages as deemed most advantageous by the applicant, which may include locating the ground floor commercial uses entirely on one street. Non-commercial uses, uses otherwise permitted by the underlying zoning district, and parking to serve the vertical, mixed use building or the general public may occur on the remainder of the street frontage or within the interior of the building."

In sum, the City proposes flexibility to utilize 51% of the total building ground floor for retail sales, offices and services available to the general public, and restaurants, or a combination thereof rather than requiring 100% of the ground floor to be occupied by these uses when seeking density bonuses for vertical mixed use buildings. The remaining 49% of the first floor may be used for residential uses per the proposed text change. This modification allows for greater flexibility in design and outcome of vertically mixed-use buildings, which City staff believes will allow for projects to align with market demand. The proposed amendment will also allow an applicant for development to distribute the 51% devoted to ground floor commercial uses listed in the Policy on the street frontages they believe to be most advantageous.

#### **Consistency with Comprehensive Plan Policies and Objectives:**

Pursuant to the City's Land Development Regulations Chapter 15, Article II, Sec. 15-11(c) - Comprehensive Plan Amendment Standards, the following shall be considered by Land Planning Agency and City Council:

##### **a. Whether the proposal favorably or unfavorably impacts the city's budget, or the**

**economy of the region.**

**Staff Finding:** The request has the potential to positively economic impact the City through redevelopment that will increase the tax base and encourage similar redevelopment in Cocoa Village. As was noted in the 2022 staff report related to the creation of the 125 du/acre density program, development opportunities provided by the City's unique density bonus program's increase land value, which generates new Cocoa CRA taxes and benefits the local economy through the spending power of new residents.

**b. Whether the proposal will diminish the service level of public facilities.**

**Staff Finding:** Objective 14.1.1 of the Comprehensive Plan, Capital Improvement Element establishes the adopted level of service (LOS) standards for public facilities within the City that must be met prior to issuance of development permits.

The proposed text amendment will not increase the allowable density or intensity of the site, but rather modifies the percentage of the ground floor that must be non-residential. Accordingly, the proposed amendments are not anticipated to negatively impact the adopted levels of service for public facilities within the City. Impacts on the City's public facilities and infrastructure will be reviewed through applications for Development Agreement and site plans. An analysis done in October 2022 found that amendments to allow up to 125 du/acre would not generally negatively affect or diminish the service levels of applicable public facilities.

Generally, high density mixed-use in the City has the potential to reduce automobile dependency and increase the ability of residents to live a more sustainable lifestyle due to residents' proximity to services, job opportunities, retail and entertainment. Thus, the amendment may have a positive impact on public facilities.

**c. Whether the proposal favorably or unfavorably impacts the environment, or the natural or historical resources of the city or the region.**

**Staff Finding:** The amendment is not anticipated to affect any natural or historical resources. When a site is developed, the developer will be required to provide all environmental and historical studies as required by the Land Development Code at time of site plan permitting.

**d. Whether the proposal is consistent with goals, policies, and objectives of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, Florida Administrative Code.**

State Comprehensive Plan, Chapter 187.201(15) LAND USE

Policy 15(b)3: "Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities."

**Staff Finding:** The proposed amendment will provide additional opportunity for developments with a mix of uses combining living, working, shopping and recreational activities.

East Central Florida Comprehensive Regional Policy Plan

Policy 10.7.2 Transit corridors should provide for a mixture of commercial, office, institutional, and residential uses in multi-story buildings to create a walkable pedestrian friendly environment.

Policy 10.14 Vacant or underutilized retail sites should be seen as opportunity sites for assembly and redevelopment as mixed use (retail, office, and residential) centers, especially along corridors currently served by transit or planned to be served by transit.

**Staff Finding:** The proposed text amendment will provide additional flexibility to support mixed-use development along transit corridors, as well as redevelopment of existing sites. The Cocoa Village area is serviced by Space Coast Area Transit (SCAT) Route 6, with access to Routes 1 and 4 (via Route 6).

- e. **Whether the proposal will favorably or unfavorably affect the city's ability to provide adequate public facilities, and whether the proposal will reduce the level of service for affected public facilities below the level of service set in the comprehensive plan.**

**Staff Finding:** The proposed amendment would not alter the City's ability to provide adequate public facilities set by the comprehensive plan to lands under the Mixed-Use FLU designation based on the information provided in item b above.

- f. **Whether the proposal is incompatible with surrounding neighborhoods and land uses.**

**Staff Finding:** As explained above, the proposed amendment is not incompatible with surrounding neighborhoods based on the goals of the Waterfront Master Plan, Cocoa CRA Redevelopment Plan, and existing MU FLU policies which encourage vertical mixed-use buildings. It is also directly adjacent to mixed-use planning occurring in the City of Rockledge, as noted earlier. Proper bulk requirements will be included in any future Development Agreement, as required when utilizing the 125 du/acre bonus density program.

Policy 13.1.2.1: The City staff will evaluate development projects in Cocoa to include an assessment of impacts on the comprehensive plans of adjacent jurisdictions.

Policy 13.1.2.2: The City staff will assess future amendments to its comprehensive plan, including the Future Land Use and Capital Improvements elements, for impact on the comprehensive plans of adjacent jurisdictions.

Policy 13.1.2.3: The City shall coordinate with the City of Rockledge to institute joint planning activities in areas of joint concern and influence. The activities shall include land use, landscaping, urban design and urban form of new development in the area.

**Staff Finding:** The amendment does not increase density or intensity that would result in incompatibilities with surrounding lands. The text amendment will allow some of the ground floor of the mixed-use building to be utilized for residential uses, while maintaining significant square footage on the ground floor for non-residential uses as intended by the MU FLU category.

- g. **Whether the proposal 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 proposed FLU amendment will provide opportunity for additional forms of housing closer to commercial uses, places of employment, and multimodal transportation options.

- h. If the amendment being requested is consistent with all the elements of the comprehensive plan.

**Staff Finding:** The proposed FLU amendment is consistent with the following Comprehensive Plan policies:

**Future Land Use Element, Policy 1.1.2.6 Mixed-Use (MU).** The Mixed-Use land use category is intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation corridors (such as SR 520 and US 1). Based on current land use trends, the City estimates that the mix of uses in the mixed-use category will be 50 percent residential and 50 percent non-residential. The Floor Area Ratio (FAR) measure shall not be applied to residential developments, or the residential portion of a mixed-use building or development.

**Future Land Use Element, Objective 1.2.1: Smart Growth Principles.** New development in the City shall incorporate "Smart Growth" principles that will lead to compact development standards as opposed to conventional development standards that encourage urban sprawl.

**Future Land Use Element, Policy 1.2.1.6:** New development, as well as infill development shall provide interconnected street grid networks, where feasible, to disperse traffic and encourage walkability. Developments may include a hierarchy of narrow streets, boulevards, and alleys; high quality pedestrian networks; designs that encourage a greater use of bicycles, rollerblades, scooters and walking as daily transportation; connectivity to public transit; and a land use mix that demonstrates reduced external trips by encouraging internal trips.

**Housing Element, GOAL 3.1:** The City shall encourage and promote the provision of decent, safe, and sanitary housing to meet the needs of the present and future population of the City.

**Objective 3.1.1, Housing Supply:** Assist the private sector to create additional units and preserve existing units to satisfy the projected demand of dwelling units of various types, sizes, and costs which will be needed to house the City's anticipated population through the planning horizon.

**Policy 3.1.1.1:** The City's Future Land Use Map shall provide adequate lands to accommodate the projected housing growth.

**Policy 3.1.1.2:** The City shall continue to provide land use designations and zoning districts on the Future Land Use and the Official Zoning Maps to ensure a variety of housing types including single family, duplex, and multifamily are allowed within the City.

**Policy 3.1.1.6:** The City shall promote mixed-use developments that include provisions for a wide variety of housing types and prices.

**GOAL 3.7:** The City shall promote opportunities for the creation of housing and infill development within the City.

**Objective 3.7.1, Infill Development:** The City shall continue to promote infill housing development by supporting alternative development standards where appropriate and feasible.

**STRATEGIC PLAN CONNECTION:**

Enable growth through enhanced and modernized infrastructure. Maintain and attract new industry, jobs and investment through targeted marketing efforts, data collection and maintenance. Improve residential development and rehabilitation programs to ensure a diversity of housing options.

**BUDGETARY IMPACT:**

Noted above.

**PREVIOUS ACTION:**

Enter text here

**RECOMMENDED MOTION:**

Staff recommends that the Planning & Zoning Board recommend APPROVAL to City Council regarding the proposed Expedited State Review Comprehensive Plan Text Amendment to Policy 1.1.2.6(F) providing additional flexibility related to uses permitted on the ground floor of vertical mixed-use buildings eligible for density bonuses

**ORDINANCE NO. 14-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING A POLICY IN THE FUTURE LAND USE ELEMENT RELATED TO THE MIXED-USE FUTURE LAND USE CATEGORY, ESTABLISHING THE AUTHORIZED USES PERMITTED ON THE GROUND FLOOR OF A MIXED USE BUILDING, SUCH MIXED-USE BUILDINGS BEING ELIGIBLE FOR RESIDENTIAL DENSITY BONUSES GENERALLY OF AN ADDITIONAL FIVE (5) DWELLING UNITS PER ACRE FOR VERTICAL MIXED-USE BUILDINGS AND UP TO 125 DWELLING UNITS PER ACRE FOR VERTICAL MIXED-USE PROJECTS IN THE VERY LIMITED GEOGRAPHICAL AREA IDENTIFIED IN POLICY 1.1.2.6 OF THE COMPREHENSIVE PLAN AND REQUIRING A DEVELOPMENT AGREEMENT BY THE CITY COUNCIL UNDER CERTAIN TERMS AND CONDITIONS DEEMED NECESSARY AND ACCEPTABLE TO THE CITY COUNCIL; FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE, AND LEGAL STATUS OF THE PLAN AMENDMENT.**

**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**, in accordance with the provisions of the Community Planning Act, the Local Planning Agency of the City of Cocoa held a duly noticed public hearing, in accordance with the procedures established in Chapter 163, Part II, Florida Statutes, on the proposed comprehensive plan amendment; 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**, in 2010, the City Council created a new future land use category, Mixed-Use (MU), which was intended to provide a mixture of residential, commercial, office, recreational, and institutional uses along the major transportation corridors in the City, such as SR 520 and US1, and in the Cocoa Village; and

**WHEREAS**, the adoption of the Mixed-Use future land use category was intended to strengthen support of redevelopment activities and place a stronger emphasis on quality, integrated development incorporating “smart growth” principles that would lead to compact development as opposed to conventional development standards and reduce urban sprawl; and

**WHEREAS**, the Mixed-Use future land use category was also intended to promote energy efficient land use patterns and assist in the reduction of greenhouse gas emissions by encouraging such integrated and compact development; and

**WHEREAS**, to encourage the compact, walkable, energy-efficient land development within the Mixed-Use future land use category, the Comprehensive Plan policies for such Mixed-Use category authorized a density bonus of up to five (5) dwelling units per acre, in addition to the twenty-five (25) dwelling unit per acre generally authorized, for vertical mixed use buildings; and

**WHEREAS**, Policy 1.1.2.6 of the City’s Comprehensive Plan, further establishing the intent of the Mixed-Use future land use category, provides that mixed use buildings within a single development will be “highly encouraged” in this category and;

**WHEREAS**, for a mixed-use building in the Mixed-Use future land use category, “only retail sales, offices and services and restaurants” are currently permitted on the ground floor; and

**WHEREAS**, attracting a limited number of new large, vertical mixed-use projects to certain limited areas within the Cocoa Village is consistent with the City’s and the Cocoa Community Redevelopment Agency’s redevelopment plans and will help ensure the long-term viability and vibrancy of the Cocoa Village as a distinct, attractive, and safe place to live, work, and visit; and

**WHEREAS**, consequently, the City Council previously adopted via Ordinances 07-2022 and 17-2023 amendments to Policy 1.1.2.6 to authorize up to 125 dwelling units per acre for certain very limited geographic areas in the Cocoa Waterfront Overlay District (“CWOD”), subject to approval of a development agreement in the discretion of the City Council after consideration of a number of factors, including but not limited to, economic and social benefits to the City and Community Redevelopment Agency, aesthetic quality and character, architectural design, and physical and visual scale; compatibility and harmony with the special and distinctive character of the Cocoa Village, including the South End Subdistrict, if applicable, and waterfront district; impact upon public facilities; and adequacy of on-site parking and impact of off-site parking; and

**WHEREAS**, the City Council desires to provide additional flexibility related to uses permitted on the ground floor of vertical mixed-use buildings eligible for density bonuses under the Comprehensive Plan to encourage the development of such buildings to fulfill the goals and objectives of the Mixed-Use future land use category; and

**WHEREAS**, revising the requirement that ground floor uses must consist entirely of retail sales, offices, services, and restaurants reflects the fact that market conditions may not support such commercial uses on every street frontage of a proposed mixed-use building; and

**WHEREAS**, providing for such flexibility may stimulate the development of mixed use buildings in the City of Cocoa while still ensuring that commercial uses are integrated into such buildings to create compact, walkable, and energy-efficient development that will benefit the citizens of the City of Cocoa; and

**WHEREAS**, allowing the construction of high-density residential mixed-use projects within the urban core of the Mixed-Use future land use area also provides for the economical use of City resources and infrastructure and provides opportunities for significant work, live, and recreation options that will allow residents to reduce their automobile dependence and live a more sustainable lifestyle; and

**WHEREAS**, the City Council finds that this Ordinance serves a legitimate government interest related to implementing the goals and objectives set forth in the Cocoa Waterfront Master Plan, Agency Redevelopment Plan, and promoting catalyst redevelopment opportunities that will improve the social and economic interests of the City of Cocoa; and

**WHEREAS**, the City Council of the City of Cocoa hereby finds this Ordinance is in the best interest 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.

**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 the adoption of this Ordinance):

\* \* \*

## **I - FUTURE LAND USE ELEMENT**

\* \* \*

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

\* \* \*

Commercial, Industrial, Open Space/Recreational, Institutional and Mixed-Use Future Land Use Categories

|                                         | <b>Commercial</b>                                                                         | <b>Neighborhood Commercial</b>                                              | <b>Regional Activity Center</b>                                                                | <b>Industrial</b>                      | <b>Open Space Recreational</b> | <b>Institutional</b> | <b>Mixed Use</b>                                                                               |
|-----------------------------------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------|----------------------|------------------------------------------------------------------------------------------------|
| <b>Maximum Intensity/Density</b>        | 1.0 FAR, 25 du/acre <sup>7</sup>                                                          | 0.75 FAR, 25 du/acre <sup>7</sup>                                           | 0.50 FAR, 25 du/acre, and 45 hotel rooms /acre                                                 | 1.50 FAR                               | 0.25 FAR                       | 1.0 FAR 25 du/acre   | 25 du/acre <sup>2,3&amp;9</sup><br>1.0 FAR <sup>3</sup>                                        |
| <b>Allowable Uses</b>                   | Commercial, Office, Institutional, Residential <sup>8</sup> , and Open Space/Recreational | Commercial, Residential, Office, Institutional, and Open Space/Recreational | Commercial, Industrial, Hotel, office, Residential, Institutional, and Open Space/Recreational | Industrial and Commercial <sup>6</sup> | Not Applicable                 | Institutional        | Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space/Recreational |
| <b>Minimum Transportation Access</b>    | 4 lane collector<br>2 lane arterial                                                       | 2 lane collector                                                            | 1 lane arterial that intersects SR 528 or I-95                                                 | 2 lane collector<br>2 lane arterial    | Not applicable                 | Not applicable       | Not applicable                                                                                 |
| <b>Applicable Zoning Districts</b>      | C-G, C-W, C-P, C-C, P-S, and PUD                                                          | C-N, C-R, R-P, P-S, and PUD                                                 | UMD                                                                                            | M-1 and M-2                            | All Districts                  | All Districts        | CBD, CBD-CVO, C-C, C-N, C-R, P-S, PUD, R-P, UMD                                                |
| <b>Maximum Impervious Surface Ratio</b> | 0.90                                                                                      | 0.80                                                                        | 0.95                                                                                           | 0.75                                   | 0.25                           | 0.65                 | 0.95<br>1.0 in CBD                                                                             |

NOTES FOR FIGURE FLU-1:

1. Maximum density may be increased up to 12 du/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.

\* \* \*

**Policy 1.1.2.6: Mixed-Use (MU).**

(a). The Mixed-Use land use category is intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation corridors (such as SR 520 and US 1). The mixed-use could be developed as single uses on separate parcels or as a mixture of uses within a single development. Based on current land use trends, the City estimates that the mix of uses in the mixed-use category will be 50 percent residential and 50 percent non-residential. The Floor Area Ratio (FAR) measure shall not be applied to residential developments, or the residential portion of a mixed-use building or development. The following criteria shall be used for determining appropriate locations for mixed-use land use areas.

- A. Areas within a quarter mile walking distances of public transit stations, transitional areas between high and low intensity uses, and areas adjacent to major corridors within the City are appropriate for Mixed-Use category.

- B. The land development regulations implementing this category shall encourage a compact and walkable environment to reduce vehicle miles of travel and encourage use of public transit.
- C. Development within mixed-use shall be encouraged to follow Transit Oriented Design (TOD) principles.
- D. Unified architectural and streetscape themes are encouraged for all developments within the Mixed-Use category.
- E. Mixed use buildings within a single development will be highly encouraged in this category.
- F. ~~For~~ Except as provided herein, for a vertical mixed-use building, density bonuses as provided in Figure FLU 1 and this Policy 1.1.2.6(b) shall only be permitted where at least 51% of the total building length of the ground floor street frontage is devoted to occupiable space for retail sales, offices and services available to the general public, and restaurants, or a combination thereof are permitted on the ground floor. The total building length of the ground floor street frontage shall be measured by determining the length of the vertical, mixed use building on the ground floor on all street frontages up to a maximum of two (2) street frontages which shall be the two longest sides of the building with street frontage. For purposes of this Policy, pedestrian and vehicle driveways and ingress and egress corridors may be subtracted from the building length on each street prior to calculating the required percentage of the building length that must be devoted to the ground floor commercial uses on such street frontage. The required 51% of the total building length of the ground floor street frontage that is devoted to occupiable space for the ground floor commercial uses listed in this Policy may be distributed among street frontages as deemed most advantageous by the applicant, which may include locating the ground floor commercial uses entirely on one street. Non-commercial uses, uses otherwise permitted by the underlying zoning district, and parking to serve the vertical, mixed use building or the general public may occur on the remainder of the street frontage or within the interior of the building.
- G. If residential housing units are developed as part of a vertical mixed use project a bonus of up to 5 units per acre may be achieved, excluding projects approved by city council pursuant to subsection (b).
- H. For the purposes of analyzing public facilities impacts of proposed Future Land Use Map amendments, a mix of 50% residential and 50% non-residential land area split shall be utilized.

(b). Notwithstanding the maximum density stated in Figure FLU 1, a maximum density of up to 125 dwelling units per acre may be permitted for a specific redevelopment project with residential housing units developed as part of a vertical mixed-use project, subject to the discretion of the City Council and following conditions:

A. The vertical mixed-use project is located in the downtown community redevelopment area and on property designated Cocoa Village Subdistrict or South End Subdistrict on the Cocoa Waterfront Overlay District Regulating Plan and located on real property designated (outlined) on the following map:

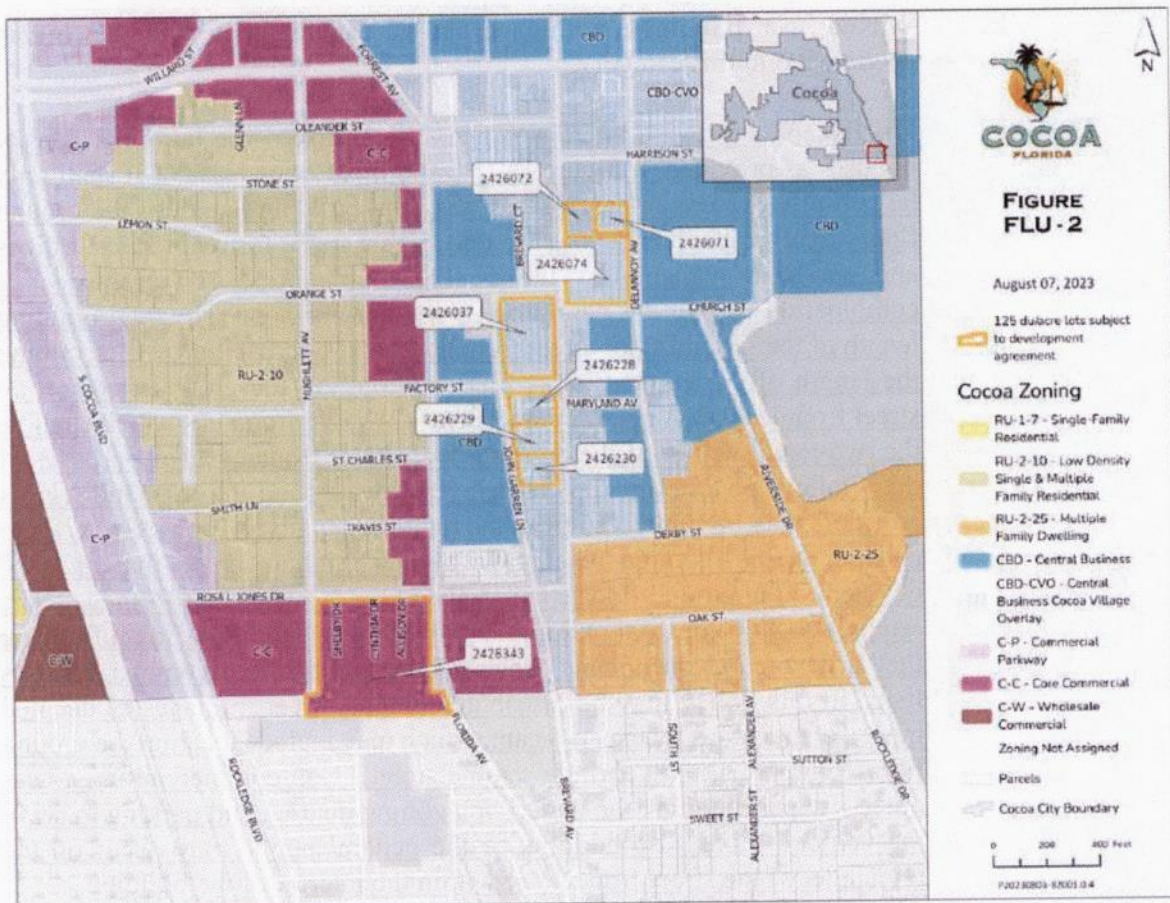


FIGURE FLU-2

B. The vertical mixed-use project is on property upon which a Commercial/Mixed Use Large (CL) building type is permitted on the Cocoa Waterfront Overlay District Regulating Plan; and

C. The maximum density for the project is approved by the City Council by a development agreement after considering the following factors:

- (i). Economic and social benefits to the City and Community Redevelopment Agency;
- (ii). Aesthetic quality and character, architectural design, and physical and visual scale;
- (iii). Any proposed enhancements that a developer will commit to completing by development agreement that will significantly bring the overall quality of the proposed development above and beyond the minimum requirements set forth in the City Code and will serve the public health, safety, and welfare of the citizens and visitors of Cocoa;
- (iv). Compatibility and harmony with the special and distinctive character of the Cocoa Village, including the South End Subdistrict, if applicable, and waterfront district;
- (v). Impact upon public facilities;
- (vi). Adequacy of on-site parking and impact of off-site parking;
- (vii). Consistency with the CRA Community Redevelopment Plan and Waterfront Master Plan;
- (viii). Proven first-hand experience of the developer to successfully complete one or more projects of such physical and visual scale and design, as evidenced by a written portfolio identifying and describing previously completed or substantially completed projects by the developer;
- (ix). The negotiated terms and conditions of the development agreement including a development schedule deemed acceptable to the City Council;
- (x). Impact on environmental concerns and incorporation of "green" community designs;
- (xi). In the discretion of the City Council, a recommendation from the Cocoa Community Redevelopment Agency if the project could foreseeably affect or impact the Agency or the Agency's Redevelopment Plan, or require an Agency contribution to support the project;
- (xii). Compliance with the applicable land development regulations and comprehensive plan policies;

(xiii). Any other factors as may be deemed relevant by the City Council.

\* \* \*

**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 \_\_\_\_\_, 2024.

---

**Michael C. Blake, Mayor**

**ATTEST:**

---

**Monica Arsenault, City Clerk**

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

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

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

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

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

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



Florida

GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

**AFFIDAVIT OF PUBLICATION**

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

STATE OF WISCONSIN, COUNTY OF BROWN

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

10/25/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/25/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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MARIAH VERHAGEN  
Notary Public  
State of Wisconsin

od # 10703063 10/25/24

CITY OF COCOA  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN THAT  
THE PLANNING & ZONING  
BOARD/LOCAL PLANNING  
AGENCY

AND THE COCOA CITY COUNCIL  
PROPOSE TO CONSIDER THE  
FOLLOWING ORDINANCES:

PZ 74-00500002 COMPREHENSIVE  
PLAN TEXT AMENDMENT ORD  
14-2024

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF  
COCOA, BREVARD COUNTY,  
FLORIDA, ADOPTING A LARGE  
SCALE COMPREHENSIVE PLAN  
TEXT AMENDMENT; AMENDING  
A POLICY IN THE FUTURE LAND  
USE ELEMENT RELATED TO  
THE MIXED-USE FUTURE LAND  
USE CATEGORY, ESTABLISHING  
THE AUTHORIZED USES  
PERMITTED ON THE GROUND  
FLOOR OF A MIXED USE BUILD-  
ING, SUCH MIXED-USE BUILD-  
INGS BEING ELIGIBLE FOR  
RESIDENTIAL DENSITY  
BONUSES GENERALLY OF AN  
ADDITIONAL FIVE (5)  
DWELLING UNITS PER ACRE  
FOR VERTICAL MIXED-USE  
BUILDINGS AND UP TO 125  
DWELLING UNITS PER ACRE  
FOR VERTICAL MIXED-USE  
PROJECTS IN THE VERY  
LIMITED GEOGRAPHICAL AREA  
IDENTIFIED IN POLICY 1.1.2.6 OF  
THE COMPREHENSIVE PLAN  
AND REQUIRING A DEVELOP-  
MENT AGREEMENT BY THE  
CITY COUNCIL UNDER CERTAIN  
TERMS AND CONDITIONS  
DEEMED NECESSARY AND  
ACCEPTABLE TO THE CITY  
COUNCIL; FOR THE REPEAL OF  
PRIOR INCONSISTENT ORDI-  
NANCES AND RESOLUTIONS,  
INCORPORATION INTO THE  
COMPREHENSIVE PLAN, SEVER-  
ABILITY, AND AN EFFECTIVE  
DATE, AND LEGAL STATUS OF  
THE PLAN AMENDMENT.

~ AND ~

PZ 74-02000005 ZONING TEXT  
AMENDMENT - TREE PROTEC-  
TION ORD 14-2024

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF  
COCOA, BREVARD COUNTY,  
FLORIDA, AMENDING THE  
ZONING ORDINANCE OF THE  
CITY OF COCOA REGARDING  
TREE PROTECTION AND  
PRESERVATION; AMENDING  
PROCEDURES RELATED TO  
WAIVERS OF TREE PROTECTION  
AND PRESERVATION REQUIRE-  
MENTS; PROVIDING FOR THE  
REPEAL OF PRIOR INCONSIST-  
ENT ORDINANCES AND RESO-  
LUTIONS, INCORPORATION INTO  
THE CODE, SEVERABILITY, AND  
AN EFFECTIVE DATE.

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

November 6, 2024

CITY COUNCIL 1ST PUBLIC HEAR-  
ING WILL BE HELD ON

November 12, 2024

ALL HEARINGS WILL TAKE  
PLACE AT 6:00 P.M. OR SOON  
THEREAFTER IN THE COCOA  
CITY HALL COUNCIL CHAM-  
BERS LOCATED AT

65 STONE STREET, COCOA, FL

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk, Monica Arsenault, at least 48 hours prior to the meeting by telephone at (321) 433-8484 or via email at [monica.arsenault@cocoafl.org](mailto:monica.arsenault@cocoafl.org). 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, 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:  
The public may inspect the agenda items, ordinances, and supporting documents at the Community Services Department, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8481, or on the City's website at the following link prior to the meeting: <https://cocoa.legistar.com/Calendar.aspx>

Interested persons may submit their written comments or questions prior to the meeting through Email at [meetings@cocoafl.org](mailto:meetings@cocoafl.org)

Viewing in Real Time. Interested persons may view and listen to the hearings live at the following internet address:

<https://cocoa.legistar.com/Calendar.aspx>  
The City is not responsible for technical difficulties that may occur while viewing or listening online.



Legislation Details (With Text)

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |   |                                             |  |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---|---------------------------------------------|--|
| File #:        | 24-627                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Version:      | 1 | Name:                                       |  |
| Type:          | Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Status:       |   | Agenda Ready                                |  |
| File created:  | 10/28/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | In control:   |   | Planning and Zoning / Local Planning Agency |  |
| On agenda:     | 11/6/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Final action: |   |                                             |  |
| Title:         | Ordinance No. 15-2024 A Consideration of a City-initiated Ordinance amending the official Zoning Map designation of sixteen (16) parcels of real property, totaling 8.36 acres, more or less, and generally located adjacent to state road 520 near the intersections with Virginia Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on exhibit "A" attached here to from Brevard County Single-Family Residential (RU-1-9), General Retail Commercial (BU-1), and Retail, Warehousing & Wholesale Commercial (BU-2) to City of Cocoa General Commercial (C-G). - POSTPONE TO NEXT MEETING. |               |   |                                             |  |
| Sponsors:      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |   |                                             |  |
| Indexes:       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |   |                                             |  |
| Code sections: |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |   |                                             |  |
| Attachments:   | <a href="#">Ordinance 15-2024 - Rezoning Pine Grove Park.pdf</a><br><a href="#">Exhibit 'A' Pine Grove Park Zoning Amendment Location.pdf</a><br><a href="#">Exhibit 'B' Pine Grove Park Future Land Use Map.pdf</a><br><a href="#">Exhibit 'C' Pine Grove Park Zoning Amendment.pdf</a><br><a href="#">Exhibit D Ordinance 11-2004.pdf</a><br><a href="#">Exhibit E Ordinance 03-2006.pdf</a><br><a href="#">Exhibit F Prior County Zoning Map.pdf</a><br><a href="#">Legal Ad P&amp;Z Pine Grove Park ZMA Oct2 affidavit.pdf</a>                                                                                                             |               |   |                                             |  |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA  
ITEM**

Memo Date: October 28, 2024  
Agenda Date: November 6, 2024  
Prepared By: Jennifer Webster - Planner, City of Cocoa  
Through: Stockton Whitten - City Manager

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

**BACKGROUND:**

The Subject Parcels are generally located adjacent to State Road 520 near the intersections of

Virginia Avenue, Ruth Street, and Aurora Street, in Cocoa, Florida, more particularly depicted and described on Exhibit "A".

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

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

### **STATISTICS**

**Future Land Use Designation:** Current: Commercial

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

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

**Council District:** District 1 - Councilmember Alex Goins

**Legal Ad Date:** September 17, 2024 (original hearing date of October 2, 2024, postponed to date and time certain November 6<sup>th</sup>, 2024)

### **Overview of Surrounding Area:**

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

### **ANALYSIS**

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

**Single-family residential, RU-1-9.** There is one parcel in the Subject area with the former County

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

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

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

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

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

### **Legally non-conforming Uses of Land**

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

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

*Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following*

provisions:

- (A) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance; unless such use is changed to a use permitted in the district in which such use is located;
- (B) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
- (C) If any such nonconforming use of land ceases for any reason for a period of more than one hundred eighty (180) consecutive days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district which such land is located;
- (D) No additional structure which does not conform to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

#### **I. Rezoning Analysis**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Staff Finding:** Any new construction is required to meet the requirements of the City Code to ensure

light and air to adjacent areas are not reduced. However, as these properties are existing and the intent of this rezoning request is for them to continue in their current uses, it is not anticipated that this rezone will reduce light and air to adjacent areas.

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

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

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

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

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

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

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

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

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

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

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

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

### **Consistency with Comprehensive Plan Policies and Objectives**

The proposed C-G "General Commercial" zoning designation is consistent with the allowable uses

under the "Commercial" Future Land Use per the City of Cocoa Comprehensive Plan, per Figure FLU -1, the *Standards for Future Land Use Categories*.

### **Concurrency Management/Adequate Public Facilities**

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

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

### **BUDGETARY IMPACT:**

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

### **PREVIOUS ACTION:**

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

### **RECOMMENDED MOTION:**

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

**ORDINANCE NO. 15-2024**

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

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

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

**WHEREAS**, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; and

**WHEREAS**, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, the Planning and Zoning Board, citizens, and all interested parties submitting comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Cocoa Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

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

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

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

**Section 2. Zoning Map Amendment.** That the Official Zoning Map of the City of Cocoa, as described in the City of Cocoa Code, Article VIII, Section 1, is hereby amended to include a change of classification from Brevard County Zoning Single-Family Residential (RU-1-9) (Parcel 1), General Retail Commercial (BU-1) (Parcel 14), and Retail, Warehousing, & Wholesale Commercial (BU-2) (remainder of parcels) to City of Cocoa General Commercial (C-G) for the parcels of real property identified by Tax Parcel ID Numbers 24-36-32-29-4-1 (Parcel 1), 24-36-32-29-4-20 (Parcel 2), 24-36-32-31-\*-12 (Parcel 3), 24-36-32-29-4-5 (Parcel 4), 24-36-32-29-4-21 (Parcel 5), 24-36-32-29-4-4 (Parcel 6), 24-36-32-29-4-3 (Parcel 7), 24-36-32-29-4-2 (Parcel 8), 24-36-32-31-\*-11 (Parcel 9), 24-36-32-31-\*-1 (Parcel 10), 24-36-32-29-5-1 (Parcel 11), 24-36-32-29-5-2 (Parcel 12), 24-36-32-00-276 (Parcel 13), 24-36-32-29-4-6 (Parcel 14), 24-36-32-29-5-3 (Parcel 15), and 24-36-32-28-\*-30 (Parcel 16), as further depicted and legally described on **Exhibit "A,"** attached hereto and incorporated herein by this reference. City Staff are hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

**Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent Ordinances and Resolutions adopted by the City Council, or parts of prior Ordinances and Resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

**ADOPTED** by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2024.

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**MICHAEL C. BLAKE, Mayor**

**ATTEST:**

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**MONICA ARSENAULT, CMC**  
**City Clerk**

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

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION

Legal Description of Subject Property:

Parcel 1:

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

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

Parcel 2:

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

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

From the Northeast corner of Pine Acres Subdivision, Plat Book

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

Parcel 3:

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

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

Parcel 4:

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

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

Parcel 5:

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

COMMENCE at the Northeast corner of Block 4 of the Plat of PINEGROVE PARK, a subdivision of the East 1/2 of the Southwest 1/4 and part of the South 1/2 of the Northwest 1/4, Section 32, Township 24 South, Range 38 East and recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida; run thence Westerly along the North line of said Block 4 and the South line of State Road 520 a distance of 75 feet to the Point of beginning of the land herein described; from said Point of Beginning, run Westerly along the North line of said Block 4 and the South line of State Road 520, a distance of 140 feet to a point; thence Southerly parallel to and 215 feet West of the East line of said Block 4, a distance of 150 feet to a Point; thence Easterly parallel to and 150 feet South of the North line of said Block 4, a distance of 140 feet; thence Northerly parallel to and 75 feet West of the East line of said Block 4, a distance of 150 feet to the Point of Beginning.

Parcel 6:

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

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

AND

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

Parcel 7:

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

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

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

Parcel 8:

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

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

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

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

Parcel 9:

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

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

Parcel 10:

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

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

Parcel 11:

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

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

AND

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

AND

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

Parcel 12:

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

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

Parcel 13:

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

**PARCEL 1**

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

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

TOGETHER WITH A PARCEL OF LAND;

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

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

**PARCEL 2:**

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

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

Parcel 14:

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

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

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

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

Parcel 15:

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

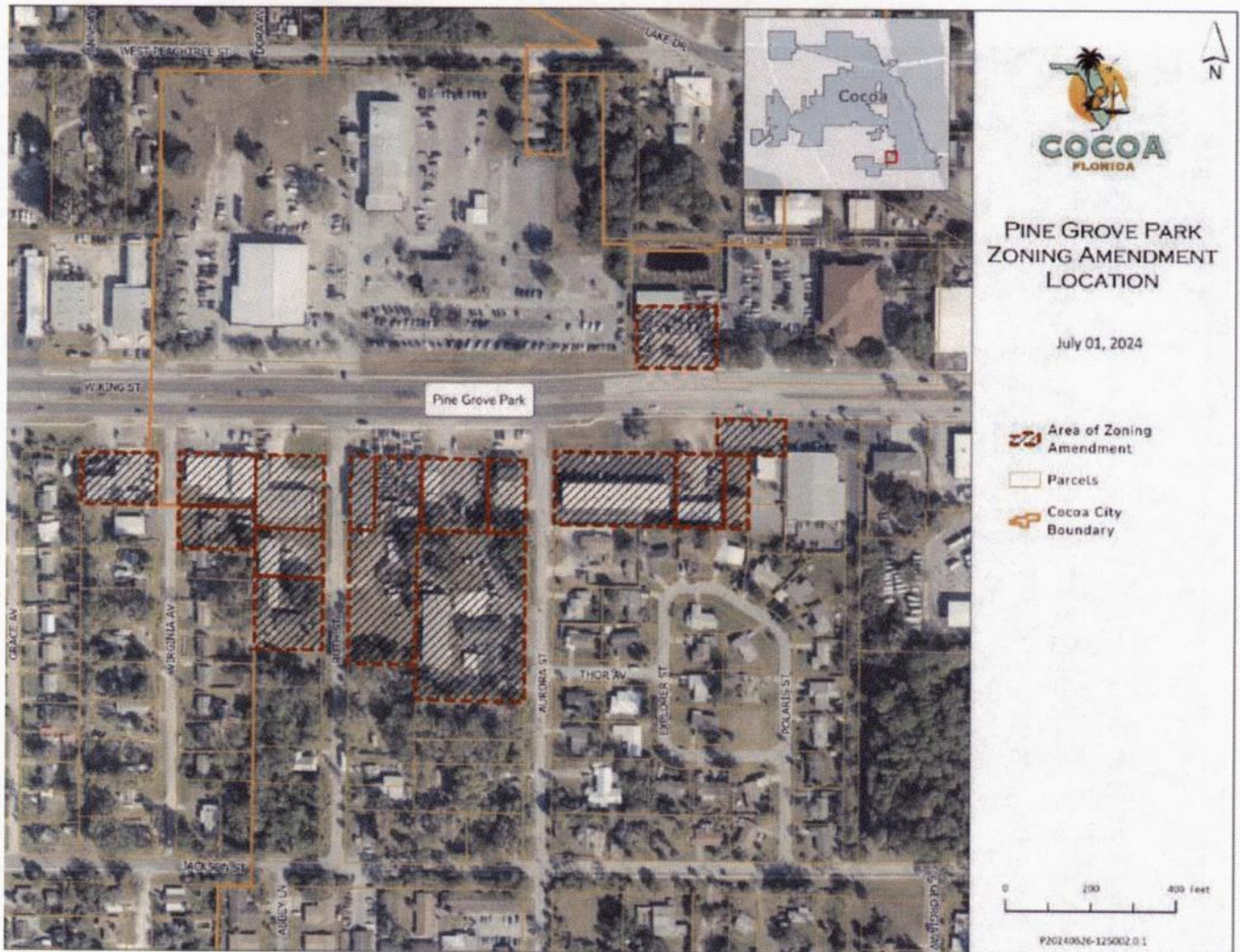
The West 250 feet of the North 150 feet of Block 5, Plat of Pine Grove Subdivision, according to the map or plat thereof as recorded in Plat Book 9, Page 24, Public Records of Brevard County, Florida.

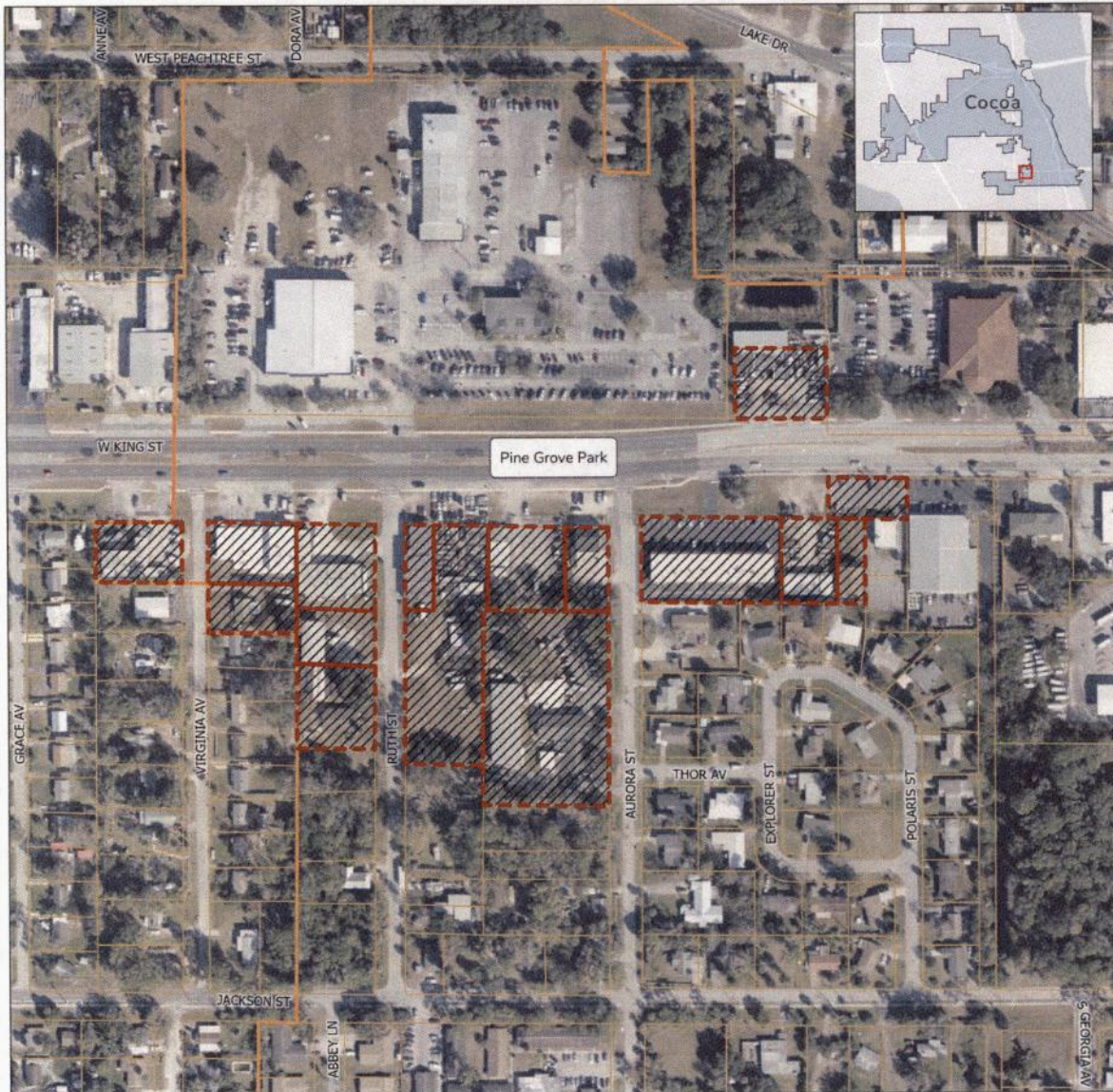
Parcel 16:

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

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

**Depiction of Subject Properties:**





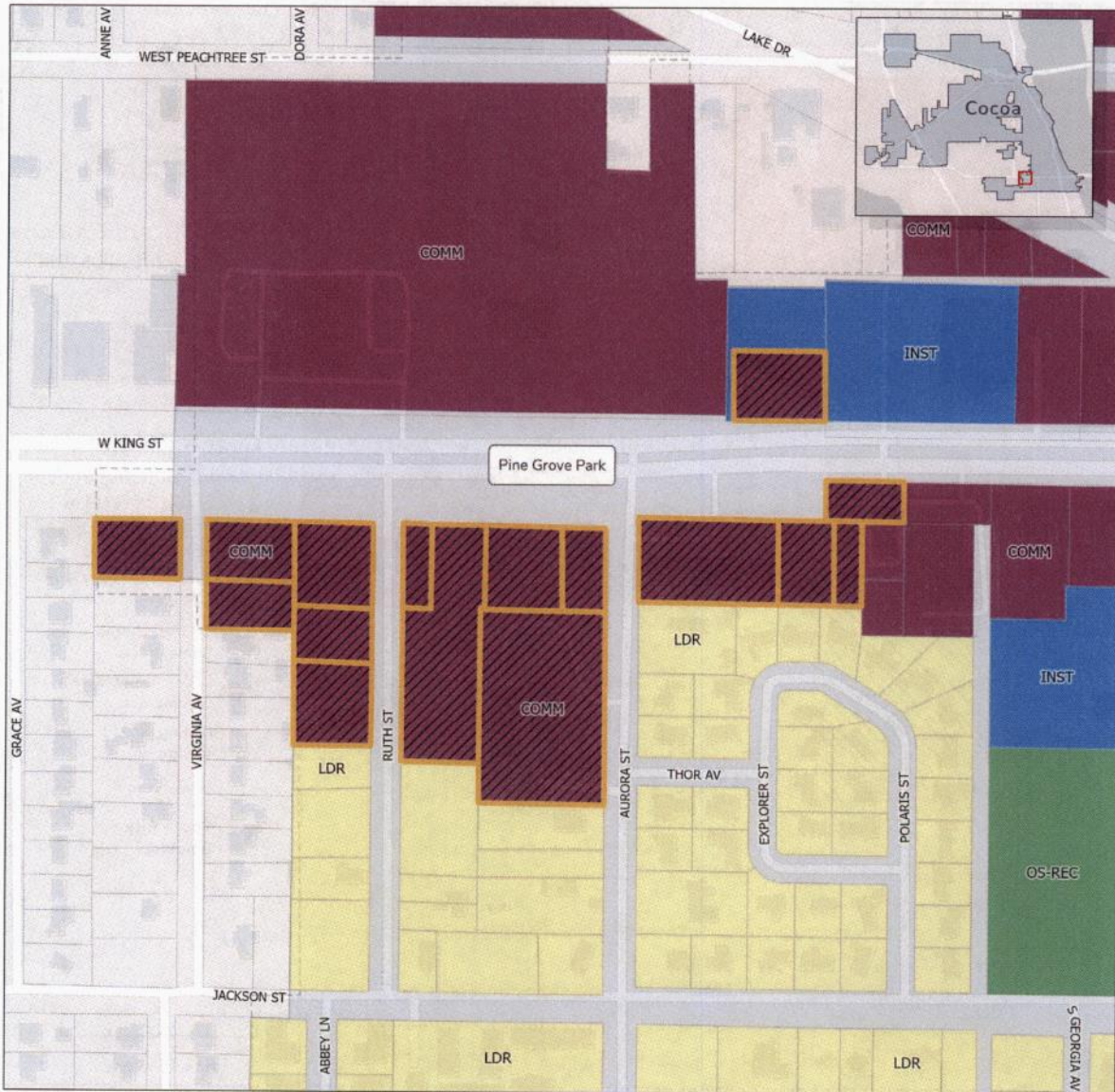
# PINE GROVE PARK ZONING AMENDMENT LOCATION

July 01, 2024

-  Area of Zoning Amendment
-  Parcels
-  Cocoa City Boundary

0 200 400 Feet

P20240626-125002.0.1



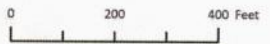
### PINE GROVE PARK FUTURE LAND USE

August 19, 2024

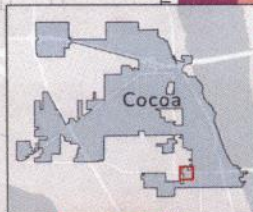
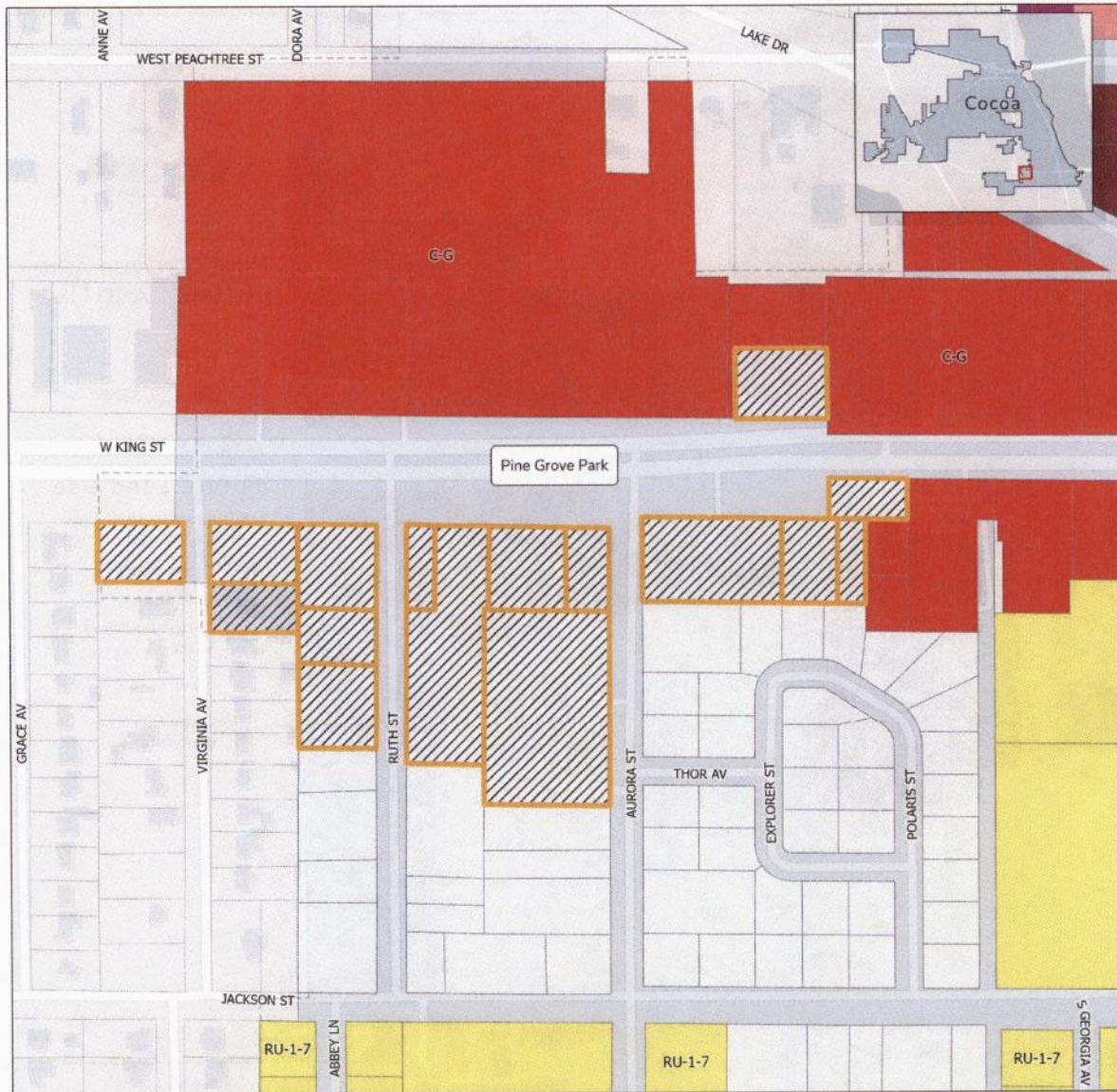
Subject Parcels

#### Future Land Use

- Low Density Residential
- Commercial
- Institutional
- Recreation/Open Space
- Parcels
- Cocoa City Boundary



P20240626-125002.0.3



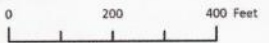
**PINE GROVE PARK  
ZONING AMENDMENT**

July 01, 2024

 Area of Zoning  
Amendment

**Cocoa Zoning**

-  RU-1-7 - Single-Family Residential
-  RU-2-15 - Multiple Family Dwelling
-  C-N - Neighborhood Commercial
-  C-G - General Commercial
-  C-W - Wholesale Commercial
-  Zoning Not Assigned
-  Parcels
-  Cocoa City Boundary



P20240626-125002.0.2

**ORDINANCE NO 11-2004.**

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

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

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

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

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

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

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

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

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

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

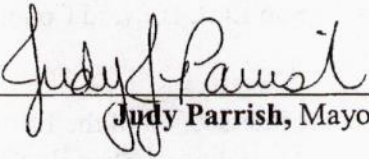
**Section 3. City Boundaries Redefined; Cocoa Charter Amended.** Pursuant to Section 166.031(3), Florida Statutes, and Section 171.091, Florida Statutes, the City of Cocoa Charter, Article 1, Section 1, is hereby amended to redefine the corporate boundaries of the City of Cocoa to include real property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

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

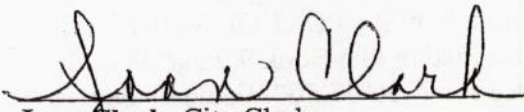
**Section 5. Severability.** Should any section or provision of this Ordinance, or any portion hereof, any paragraph, sentence, or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not effect the validity of the remainder hereto as a whole or part thereof to be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

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

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

  
Judy Parrish, Mayor

**ATTEST**

  
Joan Clark, City Clerk

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

## EXHIBIT "A"

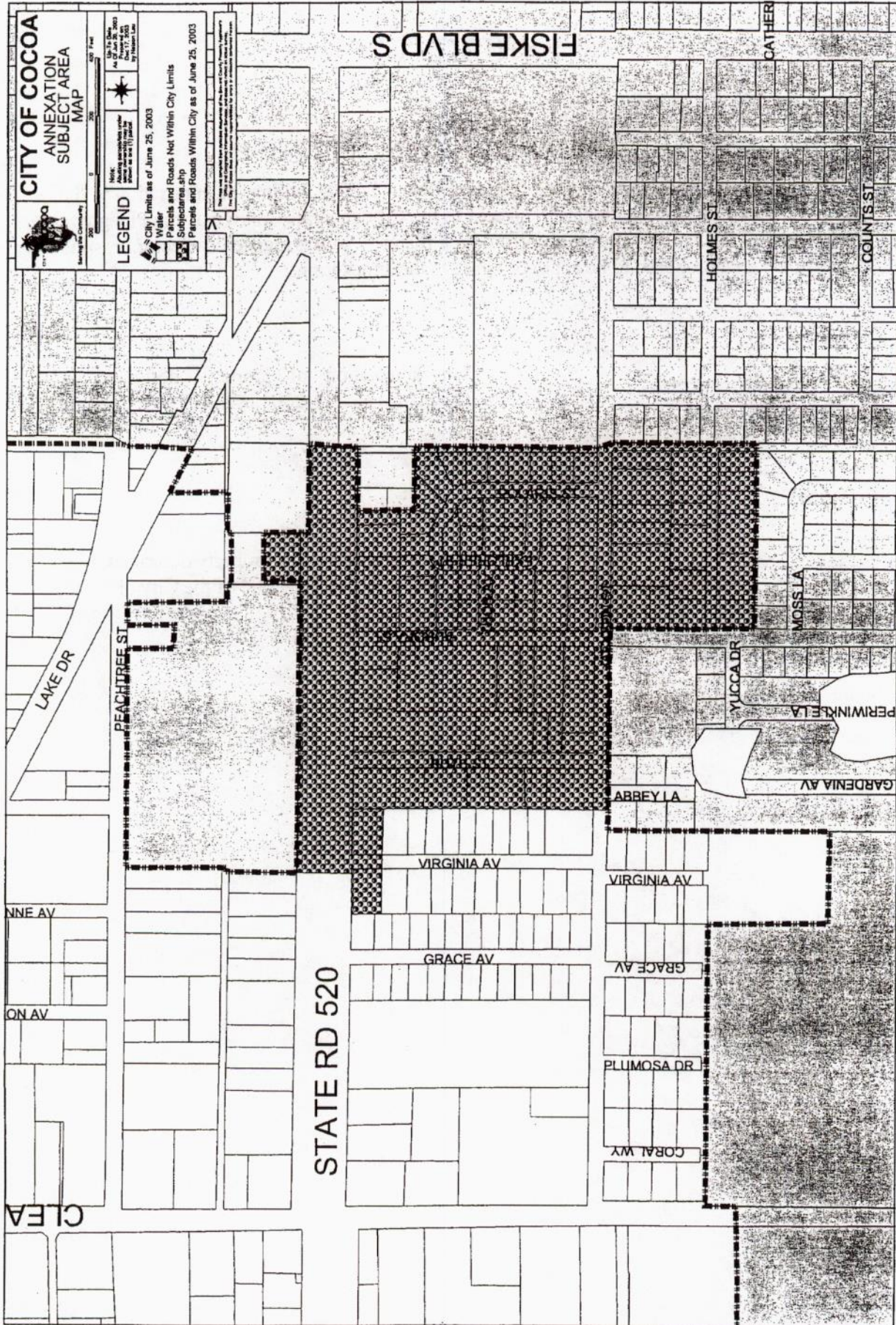
### Legal Description

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

BEGIN at the intersection of the East line of the Northwest  $\frac{1}{4}$  of said Section 32 with the North right of way line of State Road No. 520, said point being the *Point of Beginning*; thence run N 89°31'55" W, along said North right of way line, a distance of 295.16 feet to a point of right of way transition; thence run N 00°28'05" E, along said transition, a distance of 27.50 feet to the Southeast corner of Lot 32 of the PLAT OF SUBDIVISION OF BLOCK NO. 1 OF PINE GROVE PARK, recorded in Plat Book 9, Page 34 of the public records of Brevard County, Florida; thence run N 00°07'56" W, along the East line of said lot, a distance of 132.80 feet to a point on the South line of the North 118.66 feet of said Lot 32; thence run N 89°59'23" W, along said South line and its Westerly extension, a distance of 170.60 feet; thence run S 00°23'58" E, a distance of 132.33 feet to a point on the North right of way line of State Road No. 520; thence run N 89°28'34" W along said North right of way, a distance of 989.00 feet to a point on the Southwest corner of Lot 17 of said PINE GROVE PARK subdivision; thence run S 00°28'13" W, a distance of 200.00 feet to a point on the South right of way line of State Road No. 520; thence run N 89°42'30" W, a distance of 141.55 feet to a point on the Northwest corner of Lot 1 of the PLAT OF PINE ACRES, recorded in Plat Book 9, Page 46 of the public records of Brevard County, Florida; thence run S 00°17'30" W, along the West line of said Lot 1, a distance of 110.00 feet to a point on the Southwest corner of said Lot 1; thence run S 89°42'30" E, a distance of 350.00 feet to a point on the Southeast corner of Lot 11 of said PLAT OF PINE ACRES; thence run S 00°17'30" W, a distance of 774.70 feet to a point on the South right of way line of Jackson Street; thence run S 89°37'15" E, along said South right of way line, a distance of 615.00 feet to a point on the East right of way line of Aurora Street; thence run S 00°09'20" W, along the said East right of way line, a distance of 498.80 feet to a point on the North line of Block "A", PINEGROVE PARK, UNIT NO. 2, FIRST ADDITION, as recorded in Plat Book 17, Page 88, public records of Brevard County, Florida; thence run S 89°37'15" E, a distance of 641.52 feet to a point on the East line of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 32; thence run N 00°07'55" W along the East line of said quarter section and the East line of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 32, a distance of 1180.90 feet to a point which is the Easterly projection of the South line of a tract of land described in Deed Book 344, Page 182 of the public records of Brevard County, Florida; thence run N 89°31'55" W, along said line, a distance of 230.00 feet to a point on the Southwest corner of the tract of land described in Deed Book 344, Page 182 of the public records of Brevard County, Florida; thence run N 00°07'55" W, along said tract of land, a distance of 200.00 feet to a point on the South right of way line of State Road No. 520; thence run S 89°31'55" E, a distance of 230.00 feet to a point on the East line of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 32; thence run N 00°07'55" W, along the East line of said quarter section, a distance of 172.50 feet to a point on the North right of way line of State Road No. 520, said point being the *Point of Beginning*.

Containing 39.51 acres more or less.

# EXHIBIT "B"



## EXHIBIT "C"

### PINEGROVE ANNEXATION REFERENDUM

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

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

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

## CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA

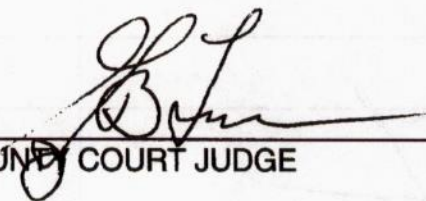
COUNTY OF BREVARD

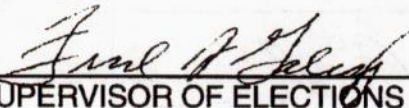
We, the undersigned, George B. Turner, County Court Judge, Fred D. Galey, Supervisor of Elections, and Sue Carlson, Member of the Board of County Commissioners, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 18th day of May, 2004, and proceeded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

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

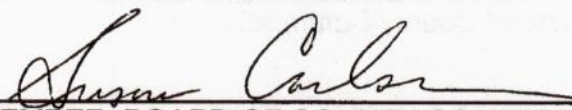
For annexation of property described in Ordinance No. 11-2004 of the City of Cocoa  
received 32 votes

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

  
\_\_\_\_\_  
COUNTY COURT JUDGE

  
\_\_\_\_\_  
SUPERVISOR OF ELECTIONS

(SEAL)

  
\_\_\_\_\_  
MEMBER, BOARD OF COUNTY COMMISSIONERS

# REPORT ON CONDUCT OF ELECTION

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

Brevard County, Florida

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

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

☐ YES ☒ NO

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

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

☐ YES ☒ NO

If yes, please explain: \_\_\_\_\_

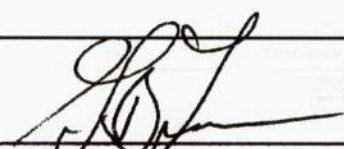
\_\_\_\_\_

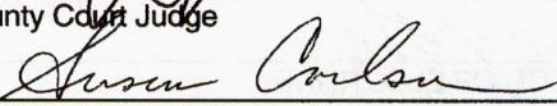
3. Do you know of any other problems which the canvassing board feels should be made a part of the official election record?

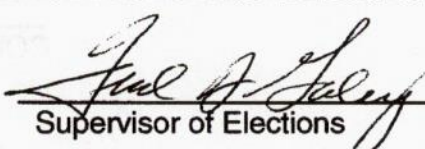
☐ YES ☒ NO

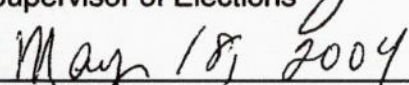
If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

  
County Court Judge

  
Member, Board of County Commissioners

  
Supervisor of Elections

  
Date Signed

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



**ORDINANCE NO. 03-2006**

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

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

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

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

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

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

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

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

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

**Scott Ellis**

Clerk Of Courts, Brevard County

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

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

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

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

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

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

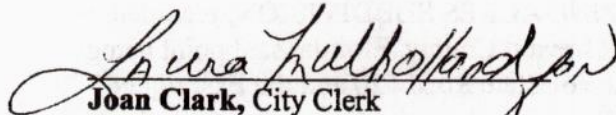
**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

**ADOPTED** by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the 24 day of January, 2006.



  
Michael C. Blake, Mayor

**ATTEST**

  
Joan Clark, City Clerk

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



CFN 2006027358  
OR Book/Page: 5597 / 5397

## EXHIBIT "A"

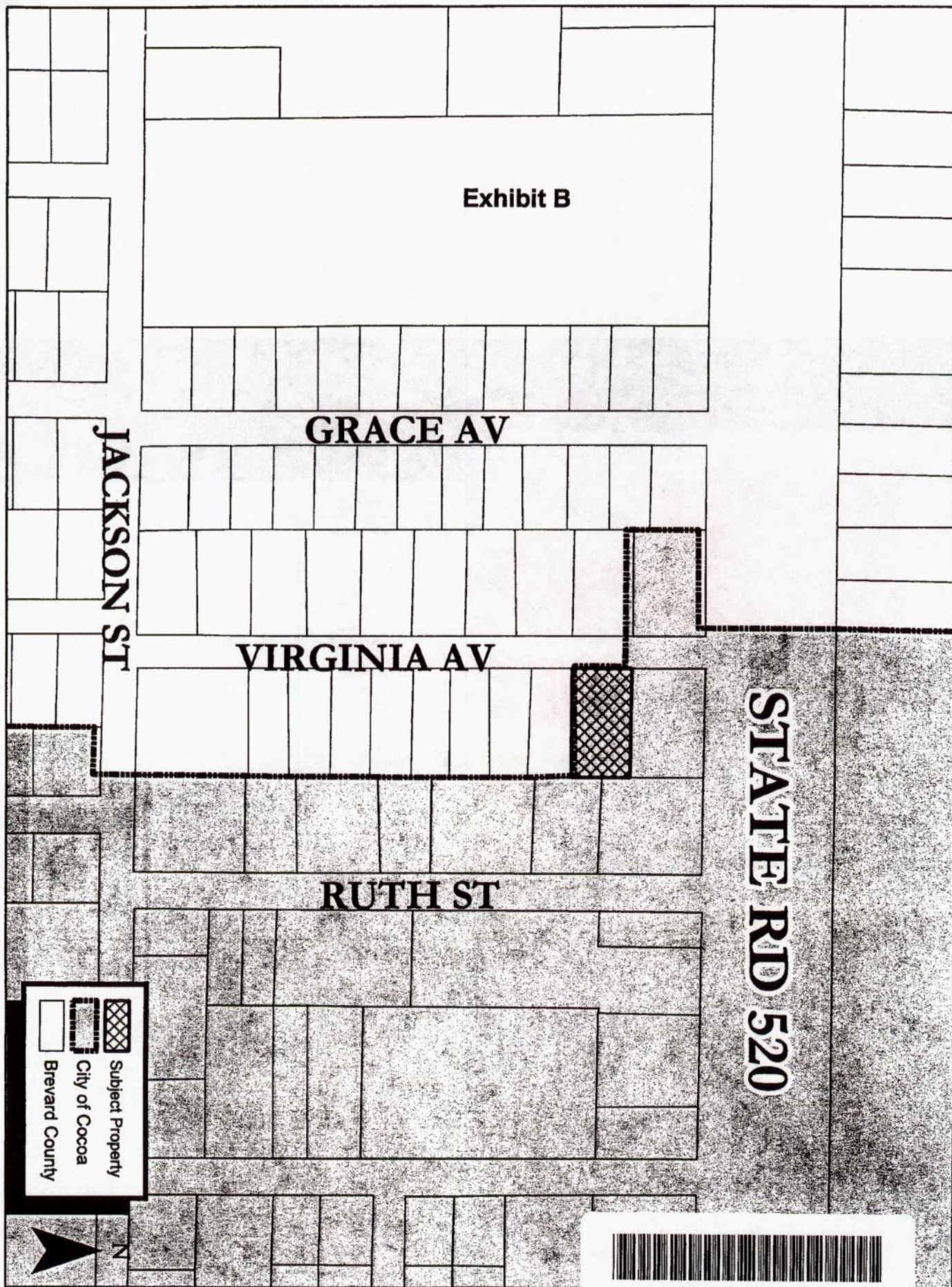
### Legal Description

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

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

Containing 0.275 acres more or less.

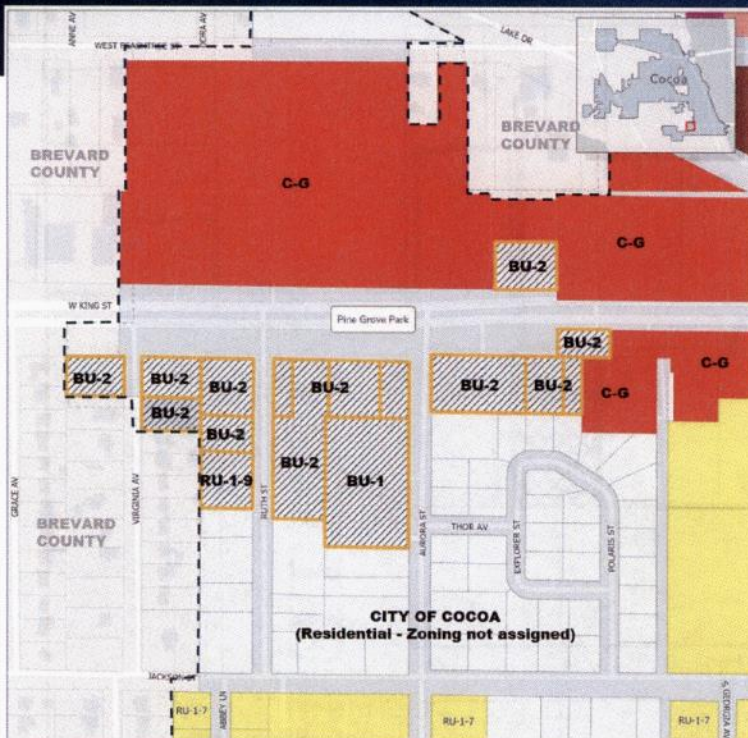




# EXHIBIT "F"

## PRIOR BREVARD COUNTY ZONING MAP

**COCOA**  
FLORIDA



### MAP LEGEND:

Area of Zoning Amendment

### Cocoa Zoning

RU-1-7 - Single-Family Residential

C-G - General Commercial

C-W - Wholesale Commercial

Zoning Not Assigned

Parcels

Cocoa City Boundary

Map Date: November 6, 2024



PO Box 631244 Cincinnati, OH 45263-1244

**AFFIDAVIT OF PUBLICATION**

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

STATE OF WISCONSIN, COUNTY OF BROWN

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

09/17/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/17/2024

Keegan Ileron  
Legal Clerk

M. H. H.  
Notary, State of WI, County of Brown

8.25.26

My commission expires

|                   |          |              |
|-------------------|----------|--------------|
| Publication Cost: | \$316.64 |              |
| Tax Amount:       | \$0.00   |              |
| Payment Cost:     | \$316.64 |              |
| Order No:         | 10572253 | # of Copies: |
| Customer No:      | 1127247  | 1            |
| PO #:             |          |              |

**THIS IS NOT AN INVOICE!**

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

MARIAH VERHAGEN  
Notary Public  
State of Wisconsin

Ad# 9/17/2024

CITY OF COCOA  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN  
THAT  
THE PLANNING & ZONING  
BOARD/LOCAL PLANNING  
AGENCY

AND THE COCOA CITY COUNCIL  
PROPOSES TO CONSIDER THE  
FOLLOWING ORDINANCE:

PZ 24-62186084 PINE GROVE  
PARK ZONING MAP AMEND-  
MENT IORD 15-2024

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

TAX PARCEL ID NUMBERS:  
TAX PARCEL ID 24 3632-29-4-1, 115  
RUTH ST, COCOA, FL 32922; TAX  
PARCEL ID 24 3632-29-4-20, RUTH  
ST COCOA FL 32922; TAX PARCEL  
ID 24 3632-31-1-12, 112 VIRGINIA  
AVE COCOA FL 32922; TAX  
PARCEL ID 24 3632-29-4-5, W 1305  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-29-4-21, W 1313  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-29-4-4, W 1315  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-29-4-3, W 1325  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-29-4-2, W 1335  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-31-1-11, W 1343  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-31-1-1, W 1411  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-29-5-1, W 1231  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-29-5-2, W 1233  
KING ST COCOA FL 32922; TAX  
PARCEL ID 24 3632-00-276, W KING  
ST COCOA FL 32922; TAX PARCEL  
ID 24 3632-29-4-6, 111 AURORA ST  
COCOA FL 32922; TAX PARCEL ID  
24 3632-29-5-3, W 1265 KING ST  
COCOA FL 32922; TAX PARCEL ID  
24-36-32-28-1-30, W 1236 KING ST  
COCOA FL 32922.

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

October 2nd, 2024

CITY COUNCIL 1st PUBLIC  
HEARING WILL BE HELD ON

October 8th, 2024

ALL HEARINGS WILL TAKE  
PLACE AT 6:00 P.M. OR SOON  
THEREAFTER IN THE  
COCOA CITY HALL COUNCIL  
CHAMBERS LOCATED AT 45  
STONE STREET, COCOA, FL

General Notice Information:  
This is a public meeting. Interested  
parties are hereby advised that they  
may appear at said meeting and be  
heard. The facility wherein this  
public meeting will be held is acces-  
sible to the physically handicapped.  
In accordance with the Americans  
With Disabilities Act, persons need-  
ing assistance to participate in any  
of these proceedings should contact  
the City Clerk, Monica Arsenault, at  
least 48 hours prior to the meeting  
by telephone at (321) 433-8464 or via  
email at ,

The City hereby advises the public  
that if a person decides to appeal  
any decision made by the BOA, P&Z  
Board/LPA or City Council with  
respect to any matter considered at  
its meeting or hearing, that person  
will need a record of the proceed-  
ings 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 consti-  
tute consent by the City for the  
introduction or admission into  
evidence of otherwise inadmissible  
or irrelevant evidence, nor does it  
authorize challenges or appeals  
otherwise not allowed by law.

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

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

Interested persons may submit their  
written comments or questions prior  
to the meeting through Email at  
[meetings@cocoafl.org](mailto:meetings@cocoafl.org).

Viewing in Real Time. Interested  
persons may view and listen to the  
hearings live at the following Inter-  
net address:

<https://cocoa.legistar.com/Calendar.aspx>  
The City is not responsible for  
technical difficulties that may occur  
while viewing or listening online.



Legislation Details (With Text)

**File #:** 24-629      **Version:** 1      **Name:**  
**Type:** Agenda      **Status:** Agenda Ready  
**File created:** 10/30/2024      **In control:** Planning and Zoning / Local Planning Agency  
**On agenda:** 11/6/2024      **Final action:**  
**Title:** Consideration of a Zoning Text Amendment to Appendix A, Article XIII, Section 22 of the City of Cocoa Code, amending tree protection and preservation standards and procedures related to waivers of these requirements.  
n..End

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Ordinance -2024 Tree Protection Amendments PZ 10703063.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

**Memo Date:** October 30, 2024  
**Agenda Date:** November 6, 2024  
**Prepared By:** Lucilene Ribeiro - Planner  
**Through:** Stockton Whitten - City Manager  
**Requested Action:**

Consideration of a Zoning Text Amendment to Appendix A, Article XIII, Section 22 of the City of Cocoa Code, amending tree protection and preservation standards and procedures related to waivers of these requirements.

n

### BACKGROUND:

The applicant, City of Cocoa, requests that the Tree Board/Planning & Zoning Board consider an amendment to the Land Development Code, Appendix A, Zoning, Article XIII, Section 22 of the City's Zoning Ordinance. This amendment aims to update tree preservation and replacement requirements, particularly for palm trees, and to clarify that the appropriate boards and the City Council will oversee waiver-related decisions. The goal is to support tree assessment and equitably balance tree preservation with the encouragement of beneficial development within the City.

Ordinance No. 20-2023, approved on October 24, 2023, introduced a new tree preservation credit system and clarified tree replacement standards. It established guidelines for tree replacement, adjusted standards related to Arbor Mitigation Fund contributions when on-site replacement is impractical, and specified credits for preserved trees, as well as penalties for unauthorized tree

removal.

The 2024 ordinance amendment builds on these protections established by Ordinance No. 20-2023, aiming to further enhance tree protection and preservation regulations by:

### **1. Tree Definition Expansion and Tree Replacement Standards**

Palm trees will be recognized as “trees” requiring replacement in the event of removal only if they meet a minimum trunk diameter of 12 inches and grow to at least 15 feet in height. The amendment provides that should a palm tree meeting the definition of a “tree” be removed, it need only be replaced by one 3” replacement tree, regardless of the diameter of the palm tree removed. Given their distinct characteristics and lower contribution to canopy coverage, the City has placed these restrictions to prioritize ecologically beneficial tree species.

### **2. Preservation Credits for Trees Preserved**

Under Appendix A, Article XIII, Section 22. (E) (d), Table 1, the existing tree ordinance grants three additional replacement credits for each tree preserved in a public conservation area dedicated to or conveyed to the City as part of a development project (excluding jurisdictional wetlands). The required minimum area that must be dedicated to or conveyed to the City in order to qualify for the additional credits has been increased from one-half acre to one acre, and the minimum width has been raised from 75 feet to 125 feet, unless otherwise approved by the City Council. The baseline tree planting requirements still apply.

### **3. Waivers**

The authority to grant waivers from article XIII section 22, Landscaping Requirements and Tree Preservation been transferred from the Board of Adjustment to the Planning and Zoning Board. The Planning and Zoning Board dually serves as the City’s Tree Board and is familiar with analyzing site plans, including landscaping plans. However, whenever a waiver related to the contribution amount to the Arbor Mitigation Fund is requested, such applications will be determined solely by the City Council.

This change centralizes waiver authority for the tree and landscape code within the Planning and Zoning Board/Tree Board while reserving decisions on Arbor Mitigation Fund contributions for the City Council.

### **I. Staff Analysis**

*Pursuant to Appendix A, Zoning, Article XXI, Amendment, Section 1(G)(2), the planning board shall consider and study:*

*a. The need and justification for the change.*

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

In compliance with Appendix A, Zoning, Article XXI, Amendment, Section 1(G)(2) of the City Code, the planning board reviewed the following key elements:

### **Need and Justification for Change**

In 2023, the City of Cocoa proposed new standards for landscaping, land clearing, and tree protection and replacement after finding that large-scale site developments often incurred high arbor mitigation fees. Developers frequently sought relief from these fees through Development Agreements, which granted partial or full waivers in exchange for property improvements exceeding the city's minimum requirements. This new amendment builds on that approach, establishing a standardized ordinance to reduce the need for ongoing negotiations over mitigation fees, while enhancing tree preservation and replacement regulations to ensure compliance.

Ordinance 18-2024 addresses the following identified needs:

- Introducing specific provisions for palm trees, which are subject to replacement only if they exceed certain size thresholds.
- Creating a clear waiver process for developers, enabling case-by-case flexibility for waiver from landscape requirements and Tree Preservation if site constraints limit on-site tree replacement.

### **Relationship and consistency with Comprehensive Plan Policies and Objectives**

The amendment aligns with the City of Cocoa's comprehensive plan, particularly in areas related to sustainable development and urban beautification. By refining landscape and tree preservation standards, this ordinance will enhance compliance with local zoning codes designed to support the city's environmental and community health objectives.

The proposed changes will not negatively impact existing neighborhoods and will help clarify requirements for tree mitigation and the use of the Arbor Mitigation Fund. Additionally, these changes will not adversely affect the City's level of service standards.

**Objective 12.1.6: Hydrology, Vegetation and Wildlife.** Protect and conserve soils and native vegetation communities, and maintain the natural functions of the City's ecological zones in a manner consistent with Goals, Objectives and Policies of the Future Land Use Element.

### **STRATEGIC PLAN CONNECTION:**

This amendment advances the City's strategic goals of environmental sustainability, community beautification, and quality of life for residents.

### **BUDGETARY IMPACT:**

N/A.

**PREVIOUS ACTION:**

March 14, 2017 - City Council approved Ordinance 03-2007

December 12, 2018 - City Council approved Ordinance 12-2018

August 26, 2020 - City Council approved Ordinance 12-2020

October 24, 2023 - City Council approved Ordinance 20-2023

**RECOMMENDED MOTION:**

Staff recommends that the Planning and Zoning Board recommend approval of Ordinance 18-2024 as presented.

ORDINANCE NO. \_\_-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA REGARDING TREE PROTECTION AND PRESERVATION; AMENDING PROCEDURES RELATED TO WAIVERS OF TREE PROTECTION AND PRESERVATION REQUIREMENTS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the City Council desires to ensure that the City continues to realize the benefits provided by its urban forests, as recognizes by its "Tree City USA," designation; and

WHEREAS, the City Council further desires to amend its tree preservation and replacement requirements related to replacement of palm trees and to ensure that the appropriate boards and the City Council will make decisions related to waivers from this ordinance; and

WHEREAS, on November 6, 2024, the City's Planning and Zoning Board/Local Planning Agency/Tree Board 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; and

NOW, THEREFORE, BE IT ORDAINED 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 of the City Council of the City of Cocoa.

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

\* \* \*

#### Sec. 22. – Landscape requirements.

\* \* \*

(B) DEFINITIONS. [For the purpose of this section, certain words or terms used herein shall be interpreted as follows:]

\* \* \*

*Tree:* A woody or fibrous perennial plant with an upright trunk which normally grows, or is capable of growing, to an overall height of a minimum height of fifteen (15) feet in the central coastal area of Florida, and having a trunk diameter of six (6) inches or greater as measured diameter at breast height (d.b.h.) or four and one-half (4½) feet above actual grade. For purposes of subsection (E), palm trees shall be considered a tree only to the extent that it has a trunk diameter of twelve (12) inches or greater as measured at breast height (d.b.h.) and is a palm tree species which normally grows, or it capable of growing, to an overall height of a minimum of fifteen (15) feet or greater in the central coastal area of Florida.

\* \* \*

#### (E) TREE PROTECTION AND PRESERVATION.

\* \* \*

##### (5) Tree replacement.

- (a) As a condition of granting a tree removal permit, the applicant shall be required to replace trees being removed at its sole cost.
- (b) Tree species. Whenever possible and practicable, trees should be replaced with the same species as those removed 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. When palm trees are removed, they are required to be replaced as provided in Table 2 only when the tree has a trunk diameter of twelve (12) inches or greater as measured at breast height (d.b.h.) and is a palm tree species which normally grows, or it capable of growing, to an overall height of a minimum of fifteen (15) feet or greater in the central coastal area of Florida. 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 (35) percent 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 (structure and seven and one-half (7 ½) feet around the perimeter) 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 trees in the city, the following credits shall be applied to reduce the number of replacement trees required by this section, excluding wetland areas that are to remain undisturbed and existing conservation areas:

**TABLE 1.**

| D.B.H of Preserved Tree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Reduction in Replacement Trees* ** |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 6"—23"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | For every 12" preserved, 1 credit  |
| 24"—35"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 8 Credits                          |
| 36"—42"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 10 Credits                         |
| Greater than 42"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 12 Credits                         |
| * One credit is equivalent to a 3" replacement tree.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                    |
| ** For each tree located within a public conservation area dedicated to the city as part of a development project or within an area to be conveyed to the city (excluding jurisdictional wetlands determined by the St. John's River Water Management District or the U.S. Army Corp of Engineers, or as depicted on the map of existing wetlands in the city comprehensive plan), three (3) additional replacement tree credits may be applied for each tree preserved within the area. However, the minimum tree planting requirements set forth in Subsection (D) shall still apply. Such public conservation area or land area conveyed to the city must be at least <del>one-half</del> <u>one</u> acre with widths not less than <del>75</del> <u>one-hundred twenty-five (125)</u> feet, unless otherwise approved by the city council. |                                    |

- (e) Size and number of replacement trees. Where replacement tree(s) are required, the appropriate number of trees shall be planted as provided in Table 2, less any replacement credit for preserved trees. Further, trees removed within the building envelope (structure and seven and one-half (7 ½) feet around the perimeter) 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.

**TABLE 2—Tree Replacement Standards**

| D.B.H. of Protected Tree          | Number of Replacement Trees Required for Each Tree Removed | Minimum Size of Replacement Tree | Total Replacement Required (Inches)         |
|-----------------------------------|------------------------------------------------------------|----------------------------------|---------------------------------------------|
| <u>Palm Tree (12" or greater)</u> | <u>1</u>                                                   | <u>3"</u>                        | <u>3"</u>                                   |
| 6"—12"                            | 1                                                          | 3"                               | 3"                                          |
| 13"—23"                           | 4                                                          | 3"                               | 12"                                         |
| 24" and above (Specimen)          | Minimum of 9                                               | 3"                               | Minimum 27" or equivalent to inches removed |

\* \* \*

- (h) Waiver. ~~The board of adjustment~~ Except as provided herein, the planning and zoning board may grant a waiver to provisions of this subsection in accordance with the criteria and procedures established in Article XVII, Section 8 of the Zoning Ordinance related to Waivers from certain Code provisions, 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. Any applications for a waiver related to the contribution amount to the Arbor Mitigation Fund shall be solely determined by the City Council after considering whether 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.

\* \* \*

## ARTICLE XVII. – BOARD OF ADJUSTMENT: POWERS AND DUTIES

\* \* \*

(A) GRANTED BY BOARD OF ADJUSTMENT. The board of adjustment may grant a waiver from the strict application of the following provisions or sections of the Cocoa Code, providing the procedures in section 8(C) are followed and findings made:

- ~~(1) Article XIII, section 22—Landscaping Requirements;~~
- ~~(2-1)~~ Article XIII, section 19—Stormwater Retention Facilities;
- ~~(3-2)~~ Article XIII, section 5—Visual Screens (fences, walls, hedges);
- ~~(4-3)~~ Article XII—Off-street Parking and Loading Regulations;
- ~~(5) Article XI—Tree Preservation;~~
- ~~(6-4)~~ Chapter 18, article IV, Division 2. Standards and Specifications, section 18-120(D) Concrete Curb and Gutter;
- ~~(7-5)~~ Chapter 3, Advertising and Signs;
- ~~(8-6)~~ Article XIII, section 4—Access Control; and
- ~~(9-7)~~ Article XIII, section 15—Vehicular Use Areas.

**Section 3. Incorporation into Code.** This Ordinance shall be incorporated into the City Code of 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 4. Repeal of Prior Inconsistent Ordinances and Resolution.** All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

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

**ADOPTED** by the City Council of the City of Cocoa, Florida, in a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

**ATTEST:**

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

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



PO Box 631244 Cincinnati, OH 45263-1244

**AFFIDAVIT OF PUBLICATION**

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

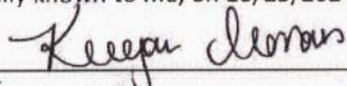
STATE OF WISCONSIN, COUNTY OF BROWN

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

10/25/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/25/2024

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

8.25.26

My commission expires

|                   |                      |              |
|-------------------|----------------------|--------------|
| Publication Cost: | \$316.64             |              |
| Tax Amount:       | \$0.00               |              |
| Payment Cost:     | \$316.64             |              |
| Order No:         | 10703063             | # of Copies: |
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| PO #:             | PZ430 Brevard & Tree |              |

THIS IS NOT AN INVOICE!

*Please do not use this form for payment remittance*

MARIAH VERHAGEN  
Notary Public  
State of Wisconsin

od # 10703063 10/25/24  
CITY OF COCOA  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN THAT  
THE PLANNING & ZONING  
BOARD/LOCAL PLANNING  
AGENCY

AND THE COCOA CITY COUNCIL  
PROPOSE TO CONSIDER THE  
FOLLOWING ORDINANCES:

PZ 24-00500007 COMPREHENSIVE  
PLAN TEXT AMENDMENT ORD  
14-2024

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF  
COCOA, BREVARD COUNTY,  
FLORIDA, ADOPTING A LARGE  
SCALE COMPREHENSIVE PLAN  
TEXT AMENDMENT; AMENDING  
A POLICY IN THE FUTURE LAND  
USE ELEMENT RELATED TO  
THE MIXED-USE FUTURE LAND  
USE CATEGORY; ESTABLISHING  
THE AUTHORIZED USES  
PERMITTED ON THE GROUND  
FLOOR OF A MIXED USE BUILD-  
ING, SUCH MIXED-USE BUILD-  
INGS BEING ELIGIBLE FOR  
RESIDENTIAL DENSITY  
BONUSES GENERALLY OF AN  
ADDITIONAL FIVE (5)  
DWELLING UNITS PER ACRE  
FOR VERTICAL MIXED-USE  
BUILDINGS AND UP TO 125  
DWELLING UNITS PER ACRE  
FOR VERTICAL MIXED-USE  
PROJECTS IN THE VERY  
LIMITED GEOGRAPHICAL AREA  
IDENTIFIED IN POLICY 1.1.2.6 OF  
THE COMPREHENSIVE PLAN  
AND REQUIRING A DEVELOP-  
MENT AGREEMENT BY THE  
CITY COUNCIL UNDER CERTAIN  
TERMS AND CONDITIONS  
DEEMED NECESSARY AND  
ACCEPTABLE TO THE CITY  
COUNCIL; FOR THE REPEAL OF  
PRIOR INCONSISTENT ORDI-  
NANCES AND RESOLUTIONS,  
INCORPORATION INTO THE  
COMPREHENSIVE PLAN, SEVER-  
ABILITY, AND AN EFFECTIVE  
DATE, AND LEGAL STATUS OF  
THE PLAN AMENDMENT.  
~ AND ~

PZ 24-02000005 ZONING TEXT  
AMENDMENT - TREE PROTEC-  
TION ORD 18-2024

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF  
COCOA, BREVARD COUNTY,  
FLORIDA, AMENDING THE  
ZONING ORDINANCE OF THE  
CITY OF COCOA REGARDING  
TREE PROTECTION AND  
PRESERVATION; AMENDING  
PROCEDURES RELATED TO  
WAIVERS OF TREE PROTECTION  
AND PRESERVATION REQUIRE-  
MENTS; PROVIDING FOR THE  
REPEAL OF PRIOR INCONSIS-  
TENT ORDINANCES AND RESO-  
LUTIONS, INCORPORATION INTO  
THE CODE, SEVERABILITY, AND  
AN EFFECTIVE DATE.

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

November 4, 2024  
CITY COUNCIL 1ST PUBLIC HEAR-  
ING WILL BE HELD ON

November 12, 2024  
ALL HEARINGS WILL TAKE  
PLACE AT 6:00 P.M. OR SOON  
THEREAFTER IN THE COCOA  
CITY HALL COUNCIL CHAM-  
BERS LOCATED AT

45 STONE STREET, COCOA, FL

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

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 proceed-  
ings 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 consti-  
tute consent by the City for the  
introduction or admission into  
evidence of otherwise inadmissible  
or irrelevant evidence, nor does it  
authorize challenges or appeals  
otherwise not allowed by law.  
The BOA, PZ Board/LPA and City  
Council reserve the right to continue  
or postpone hearings to a date  
certain without re-advertising.

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

Interested persons may submit their  
written comments or questions prior  
to the meeting through Email at  
[meetings@cocoafl.org](mailto:meetings@cocoafl.org)

Viewing In Real Time Interested  
persons may view and listen to the  
hearings live at the following inter-  
net address:

<https://cocoa.legistar.com/Calendar.aspx>  
The City is not responsible  
for technical difficulties that may  
occur while viewing or listening  
online



## Legislation Details (With Text)

**File #:** 24-630      **Version:** 1      **Name:**  
**Type:** Agenda      **Status:** Agenda Ready  
**File created:** 10/30/2024      **In control:** Planning and Zoning / Local Planning Agency  
**On agenda:** 11/6/2024      **Final action:**  
**Title:** Consideration of a Zoning Text Amendment Appendix A, Article V of the code of the City of Cocoa to define Transportation Terminals, a permitted use applicable to properties located in M-1 zoning district and as a special exception use in C-G General Commercial district and commercial mixed use PUDs.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Ordinance 19-2024 - Transportation Terminals.pdf](#)  
[10717189.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

**Memo Date:** October 29, 2024  
**Agenda Date:** November 6, 2024  
**Prepared By:** Lucilene Ribeiro - Planner  
**Through:** Stockton Whitten - City Manager  
**Requested Action:**

Consideration of a Zoning Text Amendment Appendix A, Article V of the code of the City of Cocoa to define Transportation Terminals, a permitted use applicable to properties located in M-1 zoning district and as a special exception use in C-G General Commercial district and commercial mixed use PUDs.

### **BACKGROUND:**

Ordinance No. 19-2024 proposes an amendment to the City of Cocoa Zoning Ordinance to establish a definition for "Transportation Terminals" and to distinguish it from the "Truck Parking Facilities" definition set forth in Ordinance 07-2024.

This ordinance responds to the need for a clear classification of transportation-related facilities, as current city zoning designations reference transportation terminals without providing a specific definition.

Under the proposed ordinance, "Transportation Terminals" encompass facilities that support the assembly and dispersal of both passengers and freight. These facilities are characterized by the inclusion of infrastructure such as buildings, equipment, berths, loading bays, freight yards, and warehouses. Passenger transportation terminals offer services like ticketing and security, while

freight terminals provide storage and loading amenities. Facilities used primarily for short term or long-term vehicle parking shall not be considered transportation terminals

The M-1 zoning district in the City of Cocoa is designated for light industrial uses under the City's industrial future land use category, as outlined in the Comprehensive Plan and Zoning regulations. This district includes operations associated with manufacturing, warehousing, materials processing, and distribution, also permits transportation-related facilities, including truck terminals and distribution centers, to support light industrial activities and the transportation of goods.

Given that M-1 zoned properties are adjacent to residential areas, including multifamily residential, residential agricultural, and single-family residential zoning, careful consideration must be given to minimizing the impact of industrial operations on these lower-intensity land uses.

Industrial developments should employ mitigation strategies to buffer these differences in land use intensity. These measures aim to reduce visual, noise, and traffic impacts and maintain the residential character of neighboring zones. These strategies not only comply with Cocoa's zoning policies but also ensure that industrial activities coexist sustainably with residential areas, preserving the quality of life for residents in adjacent properties.

Including a definition for transportation terminals helps prevent misinterpretations with other similar, more intensive and traffic-generating industrial uses, such as truck parking facilities, which are designated for the M-2 zoning district and are discouraged from being located near residential or low-intensity commercial areas.

## I. Staff Analysis

*Pursuant to Appendix A, Zoning, Article XXI, Amendment, Section 1(G)(2), the planning board shall consider and study:*

- a. The need and justification for the change.*
- b. The relationship of the proposed amendment to the purposes and objective of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.*

The introduction of a formal definition for "Transportation Terminals" is justified by the need for clarity in zoning regulations. It helps ensure that appropriate zoning requirements are met and enforced. This definition supports orderly urban development and aligns with city goals to provide structured guidelines for public and commercial transportation facilities.

The proposed zoning text amendment is anticipated to assist in attaining the following City goals and appears to be consistent with the following cited policies of the Comprehensive Plan.

## FUTURE LAND USE

**Policy 1.1.2.10: Industrial (IND).** Industrial areas shall be regarded as appropriate for activities

associated with industrial development, which can include materials processing, materials assembly, product manufacturing, and storage of finished products. Uses can include manufacturing facilities, warehouse distribution centers and truck terminals. The following criteria shall be used for determining appropriate locations for industrial land use designations on the future land use map.

D. Industrial development shall be designed to minimize the negative impacts on lower intensity land uses through such means as, for example, landscaping and appropriate transitional uses including low scale professional offices or medium density residential development.

**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.

**Objective 1.1.5: Neighborhood Protection.** The City shall ensure that additional growth and development will be respectful of established neighborhoods that define much of the City's character.

#### TRANSPORTATION

**Policy 2.1.2.1:** Since 2009, the City has been exempt from state-mandated transportation concurrency. However, the City will continue to monitor transportation as a matter of local law as addressed in this Comprehensive Plan.

**Policy 2.1.2.2:** As part of the Concurrency Management System, the City shall review proposed new developments for their impact on the roadway network.

**Policy 2.1.12.2** - Encourages land use that supports public transit along designated corridors, which aligns with the establishment of transportation terminals

Staff concluded that the proposed changes will aligned with the goals set forth in the City of Cocoa Comprehensive Plan and aims to support zoning regulations.

#### BUDGETARY IMPACT:

N/A

#### PREVIOUS ACTION:

City Council approved on July 23, 2024 Ordinance 07-2024 amending the Zoning Ordinance of the City of Cocoa to add truck parking facilities to the list of permitted uses in the M-2 zoning district and providing a definition of truck parking facilities.

#### RECOMMENDED MOTION:

Staff recommends that the Planning and Zoning Board recommend approval of Ordinance 19-2024 as presented.

**ORDINANCE NO. \_\_\_\_-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA TO DEFINE TRANSPORTATION TERMINALS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the City currently provides “transportation terminals” are a permitted use in the M-1 zoning district; passenger transportation terminals with subordinate freight facilities are a special exception use in the C-G zoning district; and passenger transportation terminals are a special exception use within commercial/mixed-use PUDs; and

**WHEREAS**, the City Council desires to provide a definition for the term “transportation terminals” in the Zoning Ordinance; and

**WHEREAS**, a “transportation terminal” use is different and distinct from “truck parking facilities,” which is a permitted use recently established via Ordinance 07-2024 only in the M-2, Manufacturing and Industrial District; and

**WHEREAS**, the Planning and Zoning Board and City Staff of the City of Cocoa have recommended approval of this Ordinance; and

**WHEREAS**, the City Council of the City of Cocoa held two duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, the Planning and Zoning Board, citizens, and all interested parties submitting comments and supporting data and analysis, and after complete deliberation, hereby finds the requested change consistent with the City of Cocoa Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

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

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

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

**Section 2. Zoning Text Amendment.** The City of Cocoa Code of Ordinances Appendix A, Article V, 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 Appendix A, Article V. It is intended that the text in Appendix A, Article V 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 V. – DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

\* \* \*

TRANSPORTATION TERMINALS. A transportation terminal includes both passenger transportation terminals and freight transportation terminals. Transportation terminals are facilities where passengers or freight are assembled and dispersed during transportation and must include facilities, buildings, and equipment used for the transportation or movement of people or goods. Passenger transportation facilities allow passengers to access modes of transportation such as buses, ferries, or trains, for example, and include ancillary services such as ticketing, food and security services. Freight transportation terminals shall include facilities such as berths, loading bays, freight yards, storage facilities, and warehouses to move and disperse goods. Facilities used primarily for short term or long term parking of vehicles shall not be considered transportation terminals.

\* \* \*

**Section 3. Incorporation Into Code.** This Ordinance shall be incorporated into the City Code of 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 4. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent Ordinances and Resolutions adopted by the City Council, or parts of prior Ordinances and Resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall

be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

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

**ADOPTED** by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2024.

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**MICHAEL C. BLAKE, Mayor**

**ATTEST:**

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**MONICA ARSENAULT, City Clerk**

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

**Order Confirmation****Not an Invoice**

|                   |                                                                                 |
|-------------------|---------------------------------------------------------------------------------|
| Account Number:   | 1127247                                                                         |
| Customer Name:    | City Of Cocoa - Te                                                              |
| Customer Address: | City Of Cocoa - Te<br>65 Stone ST<br>Accounting Division<br>Cocoa FL 32922-7982 |
| Contact Name:     | Brian Dale                                                                      |
| Contact Phone:    |                                                                                 |
| Contact Email:    | bdale@cocoaf1.gov                                                               |
| PO Number:        |                                                                                 |

|                    |            |
|--------------------|------------|
| Date:              | 10/28/2024 |
| Order Number:      | 10717189   |
| Prepayment Amount: | \$ 0.00    |

|                   |          |
|-------------------|----------|
| Column Count:     | 1.0000   |
| Line Count:       | 119.0000 |
| Height in Inches: | 0.0000   |

Print

| Product                   | #Insertions | Start - End             | Category            |
|---------------------------|-------------|-------------------------|---------------------|
| BRE Brevard Florida Today | 1           | 10/31/2024 - 10/31/2024 | Govt Public Notices |
| BRE floridatoday.com      | 1           | 10/31/2024 - 10/31/2024 | Govt Public Notices |

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

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|------------------------------------------|----------|
| Total Cash Order Confirmation Amount Due | \$248.33 |
| Tax Amount                               | \$0.00   |
| Service Fee 3.99%                        | \$9.91   |
| Cash/Check/ACH Discount                  | -\$9.91  |
| Payment Amount by Cash/Check/ACH         | \$248.33 |
| Payment Amount by Credit Card            | \$258.24 |

|                           |          |
|---------------------------|----------|
| Order Confirmation Amount | \$248.33 |
|---------------------------|----------|

## Ad Preview

A0007100-100104

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

PZ 14-0000001 - City of Cocoa  
PZ 14-0000002 - City of Cocoa  
PZ 14-0000003 - City of Cocoa  
PZ 14-0000004 - City of Cocoa

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF  
COCOA, BREVARD COUNTY,  
FLORIDA, AMENDING THE  
ZONING ORDINANCE OF THE  
CITY OF COCOA TO DEFINE  
TRANSPORTATION TERMINALS;  
PROVIDING FOR THE REPEAL  
OF PRIOR INCONSISTENT ORDI-  
NANCES AND RESOLUTIONS;  
INCORPORATION INTO THE  
CODE, SEVERABILITY; AND AN  
EFFECTIVE DATE.  
PLANNING & ZONING BOARD/  
LOCAL PLANNING AGENCY  
PUBLIC HEARING WILL BE  
HELD ON  
MAY 14, 2014

CITY COUNCIL TO PUBLIC HEAR-  
ING WILL BE HELD ON  
MAY 14, 2014  
ALL HEARINGS WILL TAKE  
PLACE AT 6:30 P.M. OR SOON  
THEREAFTER IN THE  
COCOA CITY HALL COUNCIL  
CHAMBERS LOCATED AT  
65 STONE STREET, COCOA, FL  
General Notice Information:

This is a public meeting. Interested  
parties are hereby notified that they  
may appear at said meeting and be  
heard. The facility wherein this  
public meeting will be held is accessi-  
ble to the physically handicapped.  
In accordance with the Americans  
With Disabilities Act, persons need-  
ing assistance to participate in any  
of these proceedings should contact  
the City Clerk of the City of Cocoa,  
located below, at least 48 hours prior  
to the meeting: Monica Arsenault,  
City Clerk, 65 Stone Street, Cocoa,  
by telephone at (321) 433-8464 or via  
email at [monica@cocoinc.net](mailto:monica@cocoinc.net).  
Pursuant to Section 384.005, Florida  
Statutes, the City hereby advises the  
public that if a person decides to  
appeal any decision made by the  
BZA, P&Z Board/LPA or City Coun-  
cil with respect to any matter  
considered at its meeting or hear-  
ing, that person will need a record  
of the proceedings and for such  
purpose, affected persons may need  
to ensure that a verbatim record of  
the proceedings is made, and such  
record shall include the testimony  
and evidence used which the record  
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 sanctions  
otherwise not allowed by law.

The BZA, P&Z Board/LPA and City  
Council reserve the right to continue  
or postpone hearings in 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  
<http://www.cocoinc.net/calendar>.

8442  
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 pho-  
ning (321) 433-8461.

Interested persons may submit their  
written comments or questions prior  
to the meeting through Email at  
[comments@cocoinc.net](mailto:comments@cocoinc.net) or via E-  
comments through the online  
agenda at the link above. Any rec-  
ommendations 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 access-  
ing the meetings on the following  
Internet address:  
• City of Cocoa meeting calendar at  
<http://www.cocoinc.net/calendar>.

8443  
However, the City is not responsible  
for technical difficulties that may  
occur while attempting to view or  
listen to the meeting on the internet.