

**MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
November 3, 2021**

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

I. CALL TO ORDER:

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

ROLL CALL:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Todd Anderson	Board Member
Jeri Blanco	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Russell Sengel	Board Member
Justin Simpson	Board Member
Aleck Greenwood	Alternate Member
Jesse Heredia	Alternate Member
Debbie Joyce	School Board Representative

PRESENT:

Michael Dobrin	Chairperson
Al Washington	Vice Chairperson
Jeri Blanco	Board Member
Marilyn Green	Board Member
Susan Mock	Board Member
Justin Simpson	Board Member
Aleck Greenwood	Alternate Member

ABSENT:

Todd Anderson	Board Member
Russell Sengel	Board Member
Jesse Heredia	Alternate Member
Debbie Joyce	School Board Representative

STAFF PRESENT:

Kristin Eick, Board Attorney; Alix Bernard, Senior Planner; Cindy Thurman, Planning and Zoning Manager; and Monica Arsenault, Recording Secretary.

Chairperson Dobrin led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of November 3, 2021

- * **MOTION BY BOARD MEMBER BLANCO; SECONDED BY VICE CHAIRPERSON WASHINGTON TO APPROVE THE NOVEMBER 3, 2021 AGENDA AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, BLANCO, GREEN, GREENWOOD, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (7-0)

2. MINUTES: Meeting of October 6, 2021

- * **MOTION BY VICE CHAIRPERSON WASHINGTON; SECONDED BY BOARD MEMBER GREEN TO APPROVE THE OCTOBER 6, 2021 MINUTES AS WRITTEN.**

AYES: DOBRIN, WASHINGTON, BLANCO, GREEN, GREENWOOD, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (7-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. Home Based Businesses

Ms. Thurman explained that in July 2021 the Florida State Legislature passed a new law in regard to how Home-Based Businesses are regulated at the local level. In order for the city to be in compliance with the new law it is necessary to modify our local code. The City's existing home occupation ordinance, Appendix A, Zoning, Article XIII Supplementary District Regulations, Section 17, must be substantially amended and stricken to conform to the statutory requirements. Current requirements for home occupations that must be eliminated from the City Code include, but are not limited to:

- The prohibition of home occupations in the RE zoning district.

- The designation of home occupations as a special exception in RU-2-10 zoning district.
- The limitation of home occupations to home office, preparation and fabrication of arts and handicrafts to be sold off-premises, and use by a physician, surgeon, dentist, lawyer, clergyman and other professional persons for consultation or emergency treatment.
- The prohibition of retail sales on the premises.
- No home occupation may be conducted in a free standing or attached accessory building or structure.
- The home occupation cannot occupy more than 20% of the floor area of the residence.

The statute provides that a home-based business may operate in an area zoned for residential use and may not be prohibited, restricted, regulated, or licensed in a manner different from other businesses in a local government's jurisdiction except as otherwise provided by the statute.

The statute includes criteria that home-based businesses must meet to operate in an area zoned for residential use. To be considered a home-based business under the bill, a business must meet the following criteria:

- The activities of the home-based business must be secondary to the property's use as a residential dwelling.
- The business employees who work at the residential dwelling must also reside in the residential dwelling, except that up to two employees or independent contractors who do not reside at the residential dwelling may work at the business.
- Parking related to the business activities of the home-based business must comply with local zoning requirements. The business may not generate a need for parking greater in volume than a similar residence where no business is conducted. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.
- As viewed from the street, the use of the residential property must be consistent with the uses of the residential areas surrounding the property. Any external modifications to a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- All business activities must comply with any relevant local or state regulations concerning signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. However, such regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors, may not be more stringent than those that apply to a residence where no business is conducted.

- All business activities must comply with any relevant local, state, and federal regulations concerning the use, storage, or disposal of hazardous materials. However, such regulations on a business may not be more stringent than those that apply to a residence where no business is conducted.

Chairperson Dobrin asked if there tends to be a lot of complaints by neighbors due to home-based businesses. In response, Ms. Thurman explained that from time to time there are complaints that tend to be handled by Code Enforcement due to home-based businesses not abiding by the rules such as setting up signage outside their homes, etc.

Board member Blanco asked if staff knows how many home-based businesses there are currently. In response, Ms. Thurman stated that she could certainly obtain that information as the City maintains business tax receipts for home-based businesses, however she does not know the number off the top of her head. She noted that she would find out.

Board member Blanco asked if staff has noticed an uptick in the amount of home-based businesses in the City. In response, Ms. Thurman explained that it varies from year to year.

Alternate member Greenwood inquired about parking at home-based businesses. In response, Board Attorney Eick explained that they would still need to meet the requirements that are in the ordinance.

Board Attorney Eick also clarified that while the city cannot impose additional licensing requirements on home-based businesses it can continue to require business tax receipts.

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MOTION BY ALTERNATE MEMBER GREENWOOD; SECONDED BY BOARD MEMBER BLANCO TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE 11-2021 IN REGARD TO HOME OCCUPATIONS.

AYES: DOBRIN, WASHINGTON, BLANCO, GREEN, GREENWOOD, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (7-0)

B. Private Property Rights

Ms. Thurman explained that in July 2021 the Florida State Legislature passed a new law in regard to Private Property Rights. In order for the City to be in compliance with the new law it is necessary to modify the City's Comprehensive Plan.

Additions to the City's Comprehensive Plan include:

- The right of a property owner to physically possess and control his or her interests in the property, including easements, leases or mineral rights.

- The right of a property owner to use, maintain, develop and improve his or her property for personal use of any other person, subject to state law and local ordinances.
- The right of the property owner to privacy and to exclude others from property to protect the owner's possessions and property.
- The right of the property owner to dispose of his or her property through sale or gift.

* **MOTION BY ALTERNATE MEMBER GREENWOOD; SECONDED BY BOARD MEMBER GREEN TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE COMPREHENSIVE PLAN TEXT AMENDMENT CONSISTENT WITH FLORIDA STATUTE CHAPTER 163: A CITY INITIATED REQUEST TO IMPLEMENT A NEW PRIVATE PROPERTY RIGHTS ELEMENT TO THE CITY'S COMPREHENSIVE PLAN.**

AYES: DOBRIN, WASHINGTON, BLANCO, GREEN, GREENWOOD, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (7-0)

VII. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, December 1st at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VIII. ADJOURNMENT:

* **MOTION BY BOARD MEMBER BLANCO; SECONDED BY BOARD MEMBER SIMPSON TO ADJOURN THE REGULAR MEETING OF NOVEMBER 3, 2021.**

AYES: DOBRIN, WASHINGTON, BLANCO, GREEN, GREENWOOD, MOCK, SIMPSON

MOTION PASSED UNANIMOUSLY (7-0)

MEETING WAS ADJOURNED AT 6:37 PM.



Michael Dobrin, Chairperson

Respectfully Submitted By:

Planning & Zoning Board
Regular Meeting
November 3, 2021



Monica Arsenault, Recording Secretary