City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda

Wednesday, August 16, 2023

6:00 PM

Special Meeting

Cocoa City Council Chambers

Planning and Zoning / Local Planning Agency

I. CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

23-483 Approve the Agenda of the August 16, 2023 Special Planning & Zoning Meeting, as written or with amendments.

Attachments: PZ Short Agenda August 16 2023 FINAL

MINUTES:

23-400 Approve the June 7, 2023 Regular Meeting Minutes as written or with amendments.

Attachments: 06-07-2023 DRAFT.pdf

Exhibit A - June 7 2023 PZ Presentation.pdf

III. OLD BUSINESS: NONE

IV. NEW BUSINESS:

A. 23-486 Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one parcel totaling 6.61 acres from Brevard County RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling).

Attachments: Exhibit A - Location Map Jim McKnight.pdf

Exhibit B - Zoning Map Jim McKnight.pdf

Exhibit C - FLU Map Jim McKnightpdf.pdf

Exhibit D - Application jim McKnight .pdf

Exhibit E- Ordinance No 15-2023.docx

Exhibit F - Legal Ad.pdf

B. 23-490 Consideration of a Land Development Code Amendment to amend the list of permitted uses related to restaurants in the M-2 District.

Attachments:
- Ordinance No. 16-2023.docx
- Exhibit A - Zoning Map Pint & Pistol.pdf
- Exhibit B - FLU Map Pint & Pistol.pdf
- Exhibit C - Application Pint & Pistol.pdf
- Exhibit D - Ordinance 04-2019 (Amending Appendix A Indoor Shooting Range
- Exhibit E - Affidavit Display Legal Ad P&Z Aug 16.pdf

C. 23-492 Consideration of an Expedited State Review Comprehensive Plan Text Amendment to expand the very limited geographic area by which vertical mixed-use projects may be built at 125-units per acre, to include a +/- 4.32 acre parcel of City-owned land located at 915 Florida Ave., Cocoa, Florida (Brevard County Parcel ID 24-36-33-80-23).

Attachments:
- Ordinance No. 17-2023 Future Land Use Amendment 915 Florida Ave
- Exhibit A - 915 Florida Avenue Location Map
- Exhibit B - 915 Florida Avenue FLU Map
- Exhibit C - Proposed 915 Florida Avenue FLU-2
- Exhibit D - Proposed Regulating Plan Map August 2023.pdf
- Exhibit E - Excerpts of 2022 CRA Plan 1.pdf
- Exhibit F - Letter -Brevard Avenue FLU - City of Cocoa.pdf
- Exhibit G - Legal Ad.pdf

D. 23-487 Consideration of a Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District and to amend the list of permitted and special exception uses in the South End Subdistrict of the Cocoa Waterfront Overlay District.

Attachments:
- Ordinance No. 18-2023 _ LDC Text Amendment _ 915 Florida Ave
- Exhibit A - Edited Regulating Plan Map August 2023.pdf
- Exhibit B - Excerpts of 2022 CRA Plan 1.pdf
- Exhibit C - School Board Letter.pdf
- Exhibit E - Affidavit Display Legal Ad P&Z Aug 16.pdf

E. 23-493 Consideration of a Zoning Text Amendment regarding height and placement of Visual screens, including fences and walls for certain residential uses.

Attachments:
- Exhibit A - Ordinance No. 19-2023 - Zoning Text Amend Visual Screens v2.pdf
- Exhibit B - Affidavit Legal Ad Visual Screens P&Z Aug 16.pdf

V. TREE BOARD:
TREE BOARD:

VI. OTHER BUSINESS:

VII. NEXT MEETING DATE:

The next regularly scheduled meeting of the Planning and Zoning Board will be on Wednesday, September 6, 2023, 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: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@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, 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.

Legislation Details (With Text)

File #:	23-483	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	8/9/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	8/16/2023			**Final action:**	
Title:	Approve the Agenda of the August 16, 2023 Special Planning & Zoning Meeting, as written or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	PZ Short Agenda August 16 2023 FINAL				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: August 11, 2023
Agenda Date: August 16, 2023
Prepared By: Lori Chabot, Recording Secretary
Through: Luci Ribeiro, Planner
Requested Action:
Approve the Agenda of the August 16, 2023 Special Planning & Zoning Meeting, as written or with amendments.

BACKGROUND:

The Planning and Zoning Board approve the Agenda at the beginning of the meeting.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

The Planning and Zoning Board approves the Agenda of all its meetings following transcription.

RECOMMENDED MOTION:

Approve the Agenda of the August 16, 2023 Special Planning & Zoning Meeting, as written or with amendments.

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

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
August 16, 2023
6:00 p.m.

I. OPENING MATTERS:
1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES:
1. AGENDA: Meeting of August 16, 2023
2. MINUTES: Meeting of July 12, 2023

III. OLD BUSINESS: None

IV. **NEW BUSINESS:**

PZ 23-02100007 Vacant Lot N Range Road Zoning Map Amendment | Ordinance 15-2023

A. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA;** AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 6.61 ACRES, MORE OR LESS, AND GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH RANGE ROAD AND KATHI KIM STREET, AND WEST OF CLEARLAKE ROAD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY MEDIUM-DENSITY MULTIPLE-FAMILY RESIDENTIAL (RU-2-10) TO CITY OF COCOA MULTIPLE-FAMILY DWELLING (RU-2-15); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. Tax Parcel ID 24-36-30-00-256.

PZ 23-02000005 Pint & Pistol, LLC Zoning Text Amendment | Ordinance No. 16-2023

B. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA;** AMENDING APPENDIX A, ARTICLE XI, SECTION 19, OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO AMEND THE LIST OF PERMITTED USES RELATED TO RESTAURANTS IN THE M-2 DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PZ 23-00500004 915 Florida Ave Comp Plan Text Amendment | Ordinance No. 17-2023

C. 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 AUTHORIZING THE CITY COUNCIL TO APPROVE BY DEVELOPMENT AGREEMENT RESIDENTIAL DENSITIES OF UP TO 125 DWELLING UNITS PER ACRE RELATED TO VERTICAL MIXED-USE PROJECTS; EXPANDING THE VERY LIMITED GEOGRAPHICAL AREA TO WHICH THE POLICY APPLIES TO INCLUDE A PARCEL OF CITY-OWNED LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ROSA L. JONES DRIVE AND FLORIDA AVENUE AND WHICH IS MORE PARTICULARLY DESCRIBED HEREIN BY PARCEL INFORMATION AND MAP THAT CONSISTS OF APPROXIMATELY 4.32 ACRES, MORE OR LESS, AND IS DESIGNATED MIXED-USE FUTURE LAND USE ON THE FUTURE LAND USE MAP AND WHICH IS DESIGNATED SOUTH END (SE) SUBDISTRICT WITH A COMMERCIAL/MIXED-USE LARGE (CL) BUILDING TYPE ON THE COCOA WATERFRONT OVERLAY DISTRICT REGULATING PLAN; REQUIRING A DEVELOPMENT AGREEMENT BY THE CITY COUNCIL TO APPROVE SUCH PROJECTS ON SUCH REAL PROPERTY UNDER CERTAIN TERMS AND CONDITIONS DEEMED NECESSARY AND ACCEPTABLE TO THE CITY COUNCIL; FOR THE REPEAL OF PRIOR INCONSISTENT

PZ 23-00500004 CWOD Zoning Text Amendment | Ordinance No. 18-2023

D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW LARGE-SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE LIST OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI, SECTION 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA FOR THE WATERFRONT OVERLAY DISTRICT, SOUTH END SUBDISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PZ 23-02000006 Zoning Text Amendment | Ordinance 19-2023

E. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA RELATING TO HEIGHT OF VISUAL SCREENS, INCLUDING FENCES AND WALLS, FOR CERTAIN RESIDENTIAL USES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

VI. TREE BOARD:

None

VII. OTHER BUSINESS:

Planning and Zoning Board Open Discussion

VIII. NEXT MEETING DATE:

Wednesday, September 6th at 6:00 pm

IX. ADJOURNMENT

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the 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, 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 Dodie Selig, Planning and Zoning Manager, at (321) 433-8535 or lribeiro@cocoafl.org, 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.

Legislation Details (With Text)

File #:	23-400	**Version:**	1	**Name:**	
Type:	Minutes			**Status:**	Agenda Ready
File created:	6/22/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	8/16/2023			**Final action:**	
Title:	Approve the June 7, 2023 Regular Meeting Minutes as written or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	06-07-2023 DRAFT.pdf Exhibit A - June 7 2023 PZ Presentation.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: June 22, 2023
Agenda Date: July 12, 2023
Prepared By: Monica Arsenault, Recording Secretary
Through:
Requested Action:
Approve the June 7, 2023 Regular Meeting Minutes as written or with amendments.

BACKGROUND:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approve the June 7, 2023 Regular Meeting Minutes as written or with amendments.

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MINUTES
CITY OF COCOA
PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
REGULAR MEETING
June 7, 2023

A Regular meeting of the Planning & Zoning Board Local Planning Agency was held on June 7, 2023 at City Hall, 65 Stone Street, Cocoa, FL, as publicly noted.

I. CALL TO ORDER:

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

ROLL CALL:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Chris Bankhead	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member
Merrybeth Burgess	Alternate Member
Katherine Stewart	Alternate Member

PRESENT:

Justin Simpson	Chairperson
Michael Dobrin	Vice Chairperson
Todd Anderson	Board Member
Chris Bankhead	Board Member
Ron Chabot	Board Member
Aleck Greenwood	Board Member
Veronica Lopez	Board Member
Wesley Park	Board Member
Marcus Wheeler	Board Member

ABSENT:

Merrybeth Burgess	Alternate Member
Katherine Stewart	Alternate Member

STAFF PRESENT:

Luci Ribeiro, Planner; Kristin Eick, Board Attorney; and Monica Arsenault, Recording Secretary.

Chairperson Simpson led the assembly in the Pledge of Allegiance.

II. APPROVAL OF AGENDA AND MINUTES:

1. AGENDA: Meeting of June 7, 2023

* **MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER WHEELER TO APPROVE THE JUNE 7, 2023 REGULAR MEETING AGENDA AS WRITTEN.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

2. MINUTES: Meeting of April 5, 2023

* **MOTION BY BOARD MEMBER CHABOT; SECONDED BY BOARD MEMBER PARK TO APPROVE THE APRIL 5, 2023 MINUTES AS WRITTEN.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

1. PZ-23-00500001 – Ordinance 06-2023 (Parcel ID 24-36-28-76-A)

Ms. Ribeiro provided a presentation[1] and explained that this is for consideration of Ordinance 06-2023, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, to change the Future Land Use Map designation of (1) parcel of real property totaling approximately 5.88 acres from City of Cocoa "Commercial" to City of Cocoa "High Density Residential." The subject property is 5.88 acres located at 825 Forrest Avenue. The City is requesting to change this parcel from Commercial to High

[1] Exhibit A: P&Z Presentation 06/07/2023

Density Residential. Additionally, the property owner intends to construct multi-family units on a portion of the property, if the amendment and a subsequent zoning map amendment is approved.

Ms. Ribeiro shared that staff does not expect the level of service of public facilities to be diminished beyond their acceptable levels of service with this change. The Future Land Use of the surrounding area is a combination of Commercial, Neighborhood Commercial, High Density Residential, Medium Density Residential and Mixed-Use. All of these uses promote higher density residential development. The subject property was previously zoned RU-2-25 and RU-2-15 prior to it being rezoned to Institutional. The Institutional zoning was to allow an electronic sign to be placed. The property is located between principal arterial (US-1) and minor arterial (Forrest Ave) roadways. Access to these larger capacity roadways is typical for High Density Land Uses.

Ms. Ribeiro provided a location map of the property as well as the Future Land Use and Zoning map.

She stated that staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives. Staff recommends the Planning & Zoning Board recommend approval of Ordinance 06-2023 to the City Council.

Chairperson Simpson opened the hearing to the public.

Hannah French, Porchlight Foundation, talked about the non-profit and noted they are partnering with Matthew's Hope. She explained that Matthew's Hope does so much for the community, however she feels they are missing a transitional housing piece. She is here to share her support for this item.

Scott Billue, Founder of Matthew's Hope, shared that they have renovated the property to bring it up to Code and to help serve the community. Central Brevard is a desert for homeless services. He talked about youth, women and veteran homelessness in Brevard. The goal is to assist the homeless to reach the goal of independence and self-sustainability. It is not about providing a "hand-out" but rather project individuals towards a life of independence.

He added that they assist with an array of services, including general and mental health services, hygiene services, laundry facilities, etc. He invited everyone to come visit the organization to see what they're doing and hoped to obtain the support of the Board.

There being no further questions or comments the public portion of the hearing was closed.

Board member Anderson asked what the max capacity is on high density residential. In response, Ms. Ribeiro shared that it is twenty-five (25) units per acre.

Board member Chabot asked if they will be constructing new buildings on the property. In response, Mr. Billue shared they are not changing the footprint of the property and the

buildings are already pre-existing. If this item is approved, it would allow them to expand in the future, however there are no talks of that right now.

Board member Chabot asked how the applicants are vetted. In response, Mr. Billue shared that they do a background check on everyone that walks through the door, even people who do not reside there. Additionally, they conduct random drug testing and they do weekly inspections of their housing units. Any drug or alcohol use is not permitted. They also have forty security cameras on-site that have facial recognition capabilities.

Ms. Ribeiro clarified that staff is not asking the Board to consider rezoning the property this evening as that will be a separate application. Staff is only asking the Board to consider the Future Land Use at this time.

Board member Greenwood asked for further clarification regarding the types of individuals that will be residing at the property. Mr. Billue further clarified that anyone who does not pass a background check will not be allowed to reside at the property, however if these types of individuals notify them of where they are staying, they are willing to send a team out to their location to provide food, clothing and hygiene products.

Board member Wheeler asked where Matthew's Hope's funding comes from. In response, Mr. Billue explained that they have been in business for thirteen years and the majority of their funding comes from the community and their fundraisers because people have seen and believe in what they do. They are resourceful and even make their own furniture from old church pews.

Mr. Billue added that if they move forward with further partnership opportunities with Orange County then this will be the first time in thirteen years that they will receive grant funding.

Board member Anderson shared that while he is not opposed to what Matthew's Hope is doing, he does have an issue with changing the Future Land Use map to high density residential because if Matthew's Hope decides to sell their property next month, then the Board is potentially allowing someone else to come in and build twenty-five (25) units per acre. He asked that the Board consider the land use, not necessarily what the organization is doing.

Ms. French clarified that the request for high density residential zoning is being asked for because Matthew's Hope will have to come back in the future for a separate rezoning request for a small portion of the property.

Board Attorney Eick clarified that commercial future land use typically does not allow for residential use. Another option would be to consider medium density residential zoning to allow residence at the property. Medium density residential zoning of RU-2-15 would allow fifteen (15) units per acre.

Board member Park shared that he understands Board member Anderson's point, however if Matthew's Hope decides to sell their property to a high-rise community in the future they would still have to come back before the Board to get the rest of the property rezoned. He noted that he is in support of approving this item.

It was further clarified that the Board is not being asked to vote on a rezoning this evening, only to consider changing the Future Land Use. Further, they are only renovating the pre-existing building so if they wanted to largely expand and construct, they would have to come back before the Board with a large-scale site-plan.

Further discussion was held on medium density residential as an option.

Board Attorney Eick clarified that if a rezoning application were submitted and came back before the Board, the Board could decide at that time to vote on a lower density use.

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GREENWOOD TO RECOMMEND DENIAL OF ORDINANCE 06-2023 TO THE CITY COUNCIL.**

The Board Secretary called the roll.

AYES: ANDERSON, CHABOT, GREENWOOD, WHEELER

NAYS: SIMPSON, DOBRIN, BANKHEAD, LOPEZ, PARK

MOTION FAILED (4-5)

* **MOTION BY BOARD MEMBER LOPEZ; SECONDED BY BOARD MEMBER PARK TO RECOMMEND APPROVAL OF ORDINANCE 06-2023 TO THE CITY COUNCIL.**

The Board Secretary called the roll.

AYES: SIMPSON, DOBRIN, BANKHEAD, LOPEZ, PARK

NAYS: ANDERSON, CHABOT, GREENWOOD, WHEELER

MOTION PASSED (5-4)

2. <u>PZ-23-00500002 – Ordinance 07-2023 (Comp Plan FLU-1 RU-1-7)</u>

Ms. Ribeiro explained that this is in consideration of Ordinance 07-2023, adopting a Large-Scale Comprehensive Plan Text Amendment; amending figure FLU-1 set forth in the Future Land Use element to provide the RU-1-7 Zoning District as an allowable Zoning District in the Medium Density Residential Future Land use category and to provide the Institutional Zoning District as an allowable Zoning District in multiple Future Land Use categories.

The City is requesting this change to help encourage development within the Medium Density Residential (MDR) Land Use by adding single family residential (RU-1-7) as an allowable use. Currently there are a number of vacant properties zoned RU-1-7 within the

MDR that cannot be developed due to this conflict in the land use table. There are also a number of existing developed properties with this inconsistency. MDR allows for RU-2-15. RU-2-15 zoning district allows for single-family development as regulated by RU-1-7. Therefore, this amendment is already consistent with the City's zoning code.

Additionally, the City is initiating an amendment to clarify that the Institutional Zoning District is an allowable use within High Density Residential, Neighborhood Commercial, and Commercial Future Land Uses, rather than only Open Space Recreational and Institutional Future Land Uses. As part of Ordinance 13-2023, the City created the Institutional Zoning District to provide locations for public and semi-public facilities of religious, educational, health, or cultural nature. The intent was to help ensure that these uses were properly integrated into the community and institutional uses are already allowed in most of the remaining Future Land Use Categories.

Ms. Ribeiro pointed out that staff has determined that this amendment is consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives. Staff recommends that the Planning & Zoning Board recommend approval of Ordinance 07-2023 to the City Council.

Chairperson Simpson opened the hearing to the Board for any additional questions[2].

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER BANKHEAD TO RECOMMEND APPROVAL OF ORDINANCE 07-2023 TO THE CITY COUNCIL.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

3. <u>PZ-23-02000003 – Ordinance 08-2023 (Accessory Structure)</u>

Ms. Ribeiro explained that this item is to consider providing a recommendation of approval to the City Council regarding Ordinance 08-2023: Zoning Text Amendment regarding accessory structure regulations. She noted that the City Council requested that staff review and provide recommendations to update requirements related to setbacks for Accessory Structures at the March 20, 2023 Council meeting.

Furthermore, the City Council discussed staff's recommended changes to setbacks related to Accessory Structures at the April 25, 2023 Meeting and requested staff to proceed with the text amendment.

The main changes related to this ordinance are:

- Remove the required building to building setbacks on the same lot. Currently, no structure can be constructed within ten (10) feet of a building on the same lot. This would include

[2] There being no members of the public in attendance, the hearing was not opened to the public.

small sheds or pump houses that residents typically have adjacent to their homes. The change includes that no accessory structure may be placed to obstruct any ingress or egress points (exterior doors or windows).

- Clarify that only home-based businesses per FS 559.955 are allowed, except that retail transactions cannot be conducted within the accessory structure as provided in that statute.

- Clarify that "lots fronting two streets" means a through lot, which sits parallelly between two public or private roadways and it does not apply to corner lots.

- Provide direction that when accessory structures are constructed on corner lots, the front and corner lot setbacks will apply for the side adjacent to the roadway.

Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives. Staff recommends the Planning & Zoning Board recommend approval to the City Council of Ordinance 08-2023.

Chairperson Simpson opened the hearing to the Board for any additional questions[3].

Board member Park wished to fix one minor error which can be found under Section 6, Item B, to unstrike the word "lots".

* **MOTION BY BOARD MEMBER PARK; SECONDED BY BOARD MEMBER ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ORDINANCE 08-2023 AS WRITTEN WITH AN AMENDMENT TO UNSTRIKE THE WORD "LOTS" FROM SECTION 6, ITEM B.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

4. <u>PZ-23-02000004 – Ordinance 09-2023 (M-2)</u>

Ms. Ribeiro explained that this item is for the Board to consider providing a recommendation of approval to the City Council regarding Ordinance 09-2023: Zoning Text Amendment regarding the list of permitted and special exception uses related to Self-Service Storage Facilities within the M-2 Zoning District and certain subdistricts of the Cocoa Waterfront Overlay District and related to Retail Automotive Gasoline/Fuel Sales and Accessory Convenience Storages and Restaurants in the M-2 Zoning District.

The Planning and Zoning Board requested that Staff bring back an ordinance to allow Self-Service Storage Facilities in the M-2 Zoning District as a special exception. During that process, an application was received related to the minimum spacing requirements

[3] There being no members of the public in attendance, the hearing was not opened to the public.

for "retail automotive gasoline/fuel sales and accessory convenience stores and restaurants" in the M-2 District.

The proposed change for self-service storage facilities would allow this use as a special exception on parcels that are four (4) acres or less. This would promote growth on the smaller lots within this district, while still preserving larger parcels for more intense industrial uses, which are encouraged in M-2. The proposed change also corrects the Cocoa Waterfront Overlay subdistrict use table by removing this use within the underlying Central Business District.

The proposed change for retail automotive gasoline/fuel sales and accessory convenience stores and restaurants is related to the spacing requirements. Currently this use is not allowed within 4,000 feet of a property with the same proposed use, regardless of the zoning district. Staff believes that the intent of the spacing requirements was for the distance requirements to only apply within the same district.

This amendment clarifies that the 4,000 feet only applies within this district. This will continue to maintain separation of these uses within the district and provide for gasoline stations capable of servicing heavier industrial uses.

Chairperson Simpson opened the public hearing to the public.

Kim Rezanka, the attorney representing AGT, thanked the Board for their patience and noted that they are happy with the changes and hopes the Board will approve the item.

Mr. Michael DiChristopher added that he would like to thank Luci Ribeiro for her help with putting together the information to help the Board make their decision.

* **MOTION BY BOARD MEMBER GREENWOOD; SECONDED BY BOARD MEMBER WHEELER TO RECOMMEND APPROVAL OF ORDINANCE 09-2023 TO THE CITY COUNCIL.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

5. Lee Wenner Park Utility Easement

Ms. Ribeiro explained that this item is to consider providing a recommendation of approval of granting an easement to Pivotal Utility Holdings, Inc. (a.k.a. Florida City Gas) for the purposes of constructing, operating, and maintaining a pipeline located in Lee Wenner Park for the transportation of gas through the pipeline.

Pursuant to Appendix A, Zoning, Article IV, Section 2, the City Council shall be required to authorize all uses of land and development projects on any and all lands owned, leased, or controlled by the City of Cocoa within and outside the boundaries of the City. Further, the Planning and Zoning Board is required to provide a recommendation to the City

Council regarding such proposed uses of land and development projects on City-owned land.

Pivotal Utility Holdings, Inc (Florida City Gas) has requested to construct, operate, and maintain a pipeline through Lee Wenner Park. An easement is required for this to take place. Staff worked with Florida City Gas to find the area of least impact to the park's future renovations.

Florida City Gas will be required restore the areas to an equal or better condition. They will be required to relocate the gas main upon request from the City at Florida City Gas's expense. The City of Cocoa will be indemnified by Florida City Gas as to any and all claims, liabilities, fines, etc. related to the gas line as detailed in the easement. Additionally, Florida City Gas has agreed to compensate the City $112,400 for this easement based upon an appraisal.

Board member Wheeler asked if there are any environmental impact statements. In response, Board Attorney Eick shared that there is not one with the City of Cocoa but other permits will be required for underwater construction with other federal agencies.

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER GREENWOOD TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF GRANTING AN EASEMENT TO PIVOTAL UTILITY HOLDINGS, INC. (A.K.A. FLORIDA CITY GAS) FOR THE PURPOSES OF CONSTRUCTING, OPERATING AND MAINTAINING A PIPELINE LOCATED IN LEE WENNER PARK FOR THE TRANSPORTATION OF GAS THROUGH THE PIPELINE.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

V. OTHER BUSINESS:

1. Tree Board Update

Board member Greenwood shared that he attended a Code Board meeting and there was a case where some land clearing was done that did not follow the City's process and procedures. He liked the way the case was handled but hopes in the future that the City's licensed arborist can assist and be involved to keep cases like this from happening.

2. Recent Development

3. Open Discussion by Board Members

Ms. Ribeiro asked for a consensus from the Board to hold a Special meeting on July 12, 2023 as the Regular meeting falls immediately after Independence Day. A consensus was given by the Board to meet on July 12, 2023.

VI. NEXT MEETING DATE:

The next scheduled meeting for the Planning and Zoning Board will be held on Wednesday, July 12, 2023 at 6pm in Cocoa City Hall, 65 Stone St, Cocoa, FL 32922.

VII. ADJOURNMENT:

* **MOTION BY BOARD MEMBER ANDERSON; SECONDED BY BOARD MEMBER LOPEZ TO ADJOURN THE REGULAR MEETING OF JUNE 7, 2023.**

AYES: SIMPSON, DOBRIN, ANDERSON, BANKHEAD, CHABOT, GREENWOOD, LOPEZ, PARK, WHEELER

MOTION PASSED UNANIMOUSLY (9-0)

MEETING WAS ADJOURNED AT 8:02 PM.

_____
Justin Simpson, Chairperson

Respectfully Submitted By:

_____
Monica Arsenault, Recording Secretary

Exhibit A

Planning and Zoning Board Meeting

June 7, 2023

PZ-23-00500001 – Consideration of FLUM Amendment (Ordinance 06-2023)

- Consideration of Ordinance 06-2023, a Future Land Use Map (FLUM) Amendment consistent with Florida Statute Chapter 163, to change the Future Land Use Map designation of (1) parcel of real property totaling approximately 5.88 acres from City of Cocoa "Commercial" to City of Cocoa "High Density Residential."
- Subject Property is 5.88 Acres located at 825 Forrest Avenue
- City is requesting to change this parcel from Commercial to High Density Residential
- The property owner intends to construct multi-family units on a portion of the property, if the amendment and a subsequent zoning map amendment is approved

PZ-23-00500001 – Consideration of FLUM Amendment (Ordinance 06-2023)

- Staff does not expect the level of service of public facilities to be diminished beyond their acceptable levels of service with this change.
- The Future Land Use of the surrounding area is a combination of Commercial, Neighborhood Commercial, High Density Residential, Medium Density Residential and Mixed-Use. All of these uses promote higher density residential development.
- The subject property was previously zoned RU-2-25 and RU-2-15 prior to it being rezoned to Institutional. The Institutional zoning was to allow an electronic sign to be placed.
- The property is located between principal arterial (US-1) and minor arterial (Forrest Ave) roadways. Access to these larger capacity roadways is typical for High Density Land Uses.

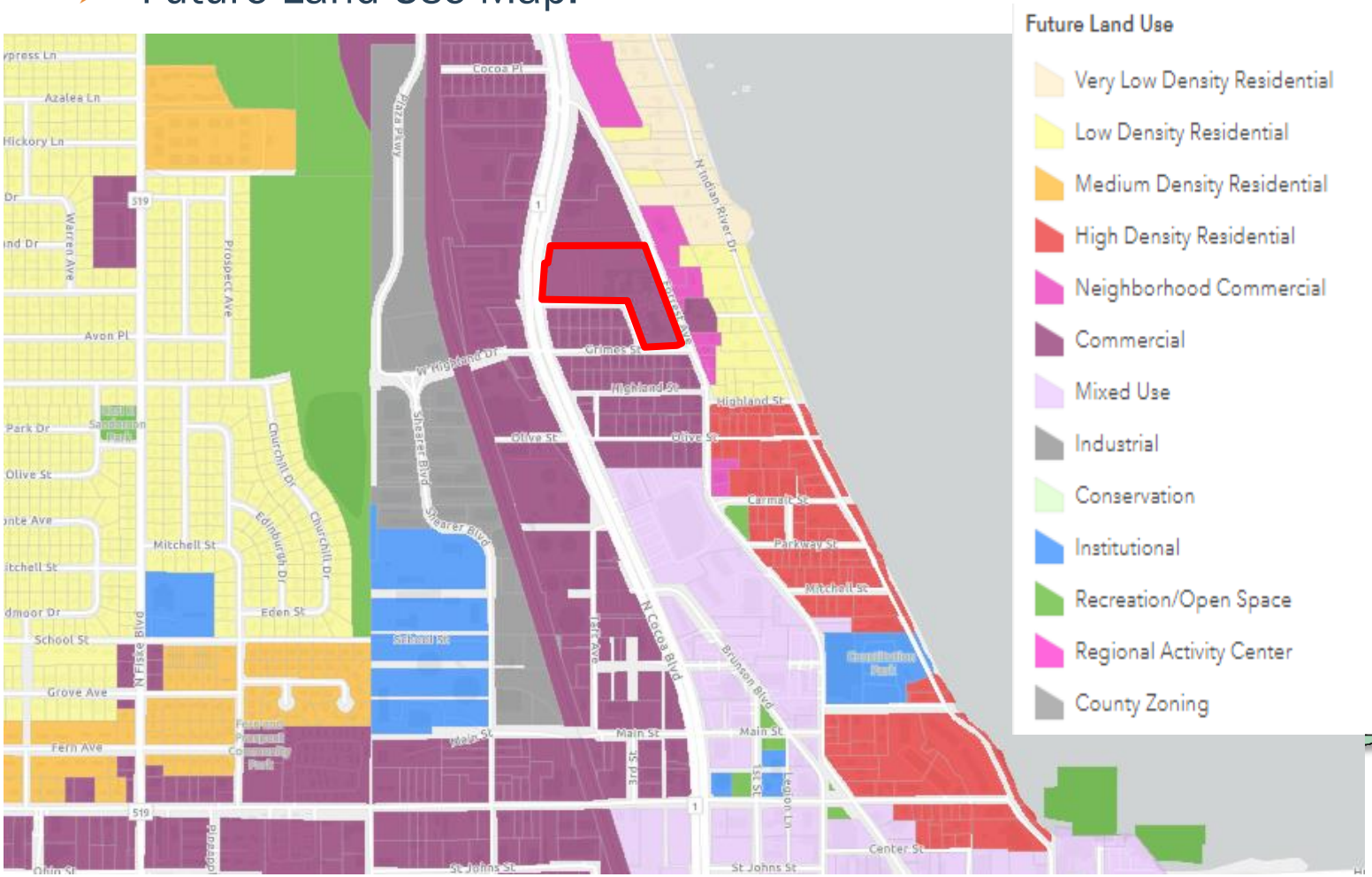
PZ-23-00500001 – Consideration of FLUM Amendment (Ordinance 06-2023)

- Location Map:



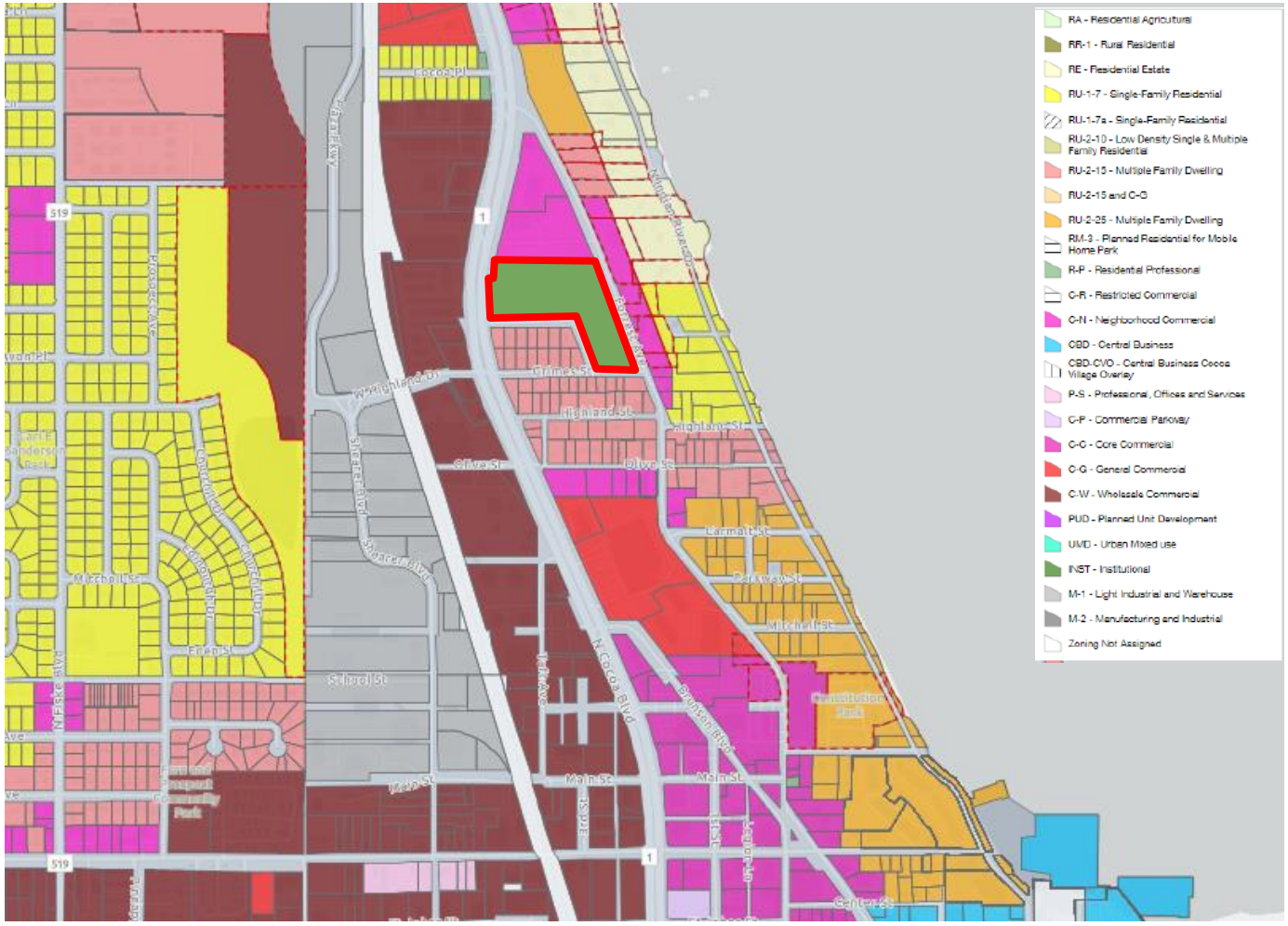
PZ-23-00500001 – Consideration of FLUM Amendment (Ordinance 06-2023)

- Future Land Use Map:



PZ-23-00500001 – Consideration of FLUM Amendment (Ordinance 06-2023)

- Zoning Map:



PZ-23-00500001 – Consideration of FLUM Amendment (Ordinance 06-2023)

- Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- Staff recommends the Planning & Zoning Board recommend **APPROVAL** to the City Council of Ordinance 06-2023.

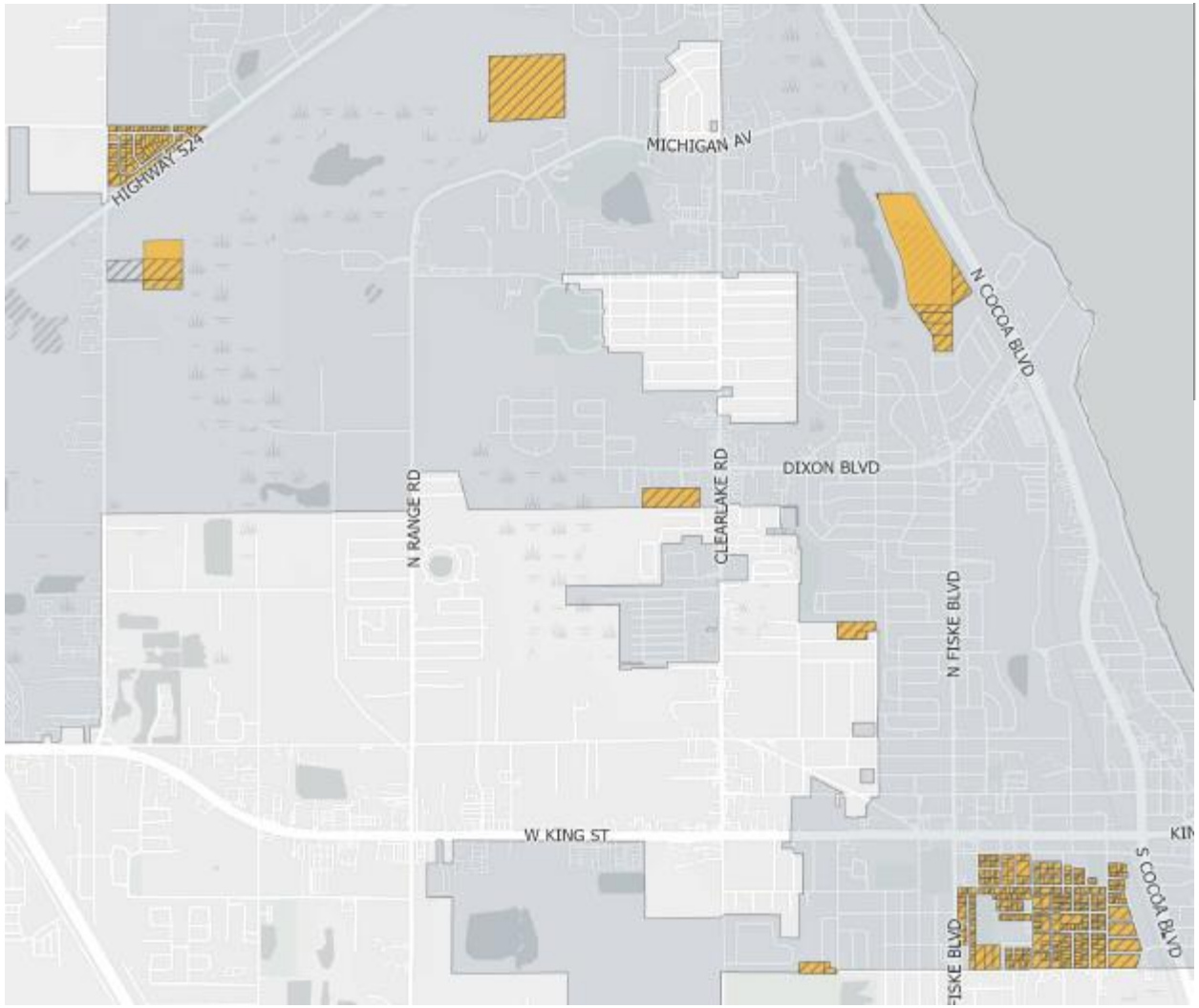
PZ-23-00500002 – Consideration of Comprehensive Plan Text Amendment (Ordinance 07-2023)

- Consideration of Ordinance 07-2023, adopting a Large-Scale Comprehensive Plan Text Amendment; amending figure FLU-1 set forth in the Future Land Use element to provide the RU-1-7 Zoning District as an allowable Zoning District in the Medium Density Residential Future Land use category and to provide the Institutional Zoning District as an allowable Zoning District in multiple Future Land Use categories.
- City is requesting this change to help encourage development within the Medium Density Residential (MDR) Land Use by adding single family residential (RU-1-7) as an allowable use.
- Currently there are a number of vacant properties zoned RU-1-7 within the MDR that cannot be developed due to this conflict in the land use table. There are also a number of existing developed properties with this inconsistency.
- MDR allows for RU-2-15. RU-2-15 zoning district allows for single-family development as regulated by RU-1-7. Therefore, this amendment is already consistent with the City's zoning code.

PZ-23-00500002 – Consideration of Comprehensive Plan Text Amendment (Ordinance 07-2023)

- Ordinance 07-2023, the City is also initiating an amendment to clarify that the Institutional Zoning District is an allowable use within High Density Residential, Neighborhood Commercial, and Commercial Future Land Uses, rather than only Open Space Recreational and Institutional Future Land Uses.
- As part of Ordinance 13-2023, the City created the Institutional Zoning District to provide locations for public and semi-public facilities of religious, educational, health, or cultural nature.
- The intent was to help ensure that these uses were properly integrated into the community and institutional uses are already allowed in most of the remaining Future Land Use Categories

PZ-23-00500002 – Consideration of Comprehensive Plan Text Amendment (Ordinance 07-2023)



MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CONFLICTING WITH RU-1-7 ZONING

May 31, 2023

- RU-1-7 - Single Family Residential (454 parcels)
- Medium Density Residential
- Cocoa City Boundary

PZ-23-00500001 – Consideration of FLUM Amendment (Ordinance 06-2023)

- Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- Staff recommends the Planning & Zoning Board recommend **APPROVAL** to the City Council of Ordinance 07-2023.

PZ-23-02000003– Consideration of Zoning Text Amendment (Ordinance 08-2023)

- Consider providing a recommendation of approval to the City Council regarding Ordinance 08-2023: Zoning Text AMENDMENT regarding accessory structure regulations.
- City Council requested Staff to review and provide recommendations to update requirements related to setbacks for Accessory Structures at the March 20, 2023 Meeting
- City Council discussed Staff's recommended changes to setbacks related to Accessory Structures at the April 25, 2023 Meeting and requested Staff to proceed with the text amendment
- The main changes related to this ordinance are:

PZ-23-02000003– Consideration of Zoning Text Amendment (Ordinance 08-2023)

- Remove the required building to building setbacks on the same lot. Currently, no structure can be constructed within 10 feet of a building on the same lot. This would include small sheds or pump houses that residents typically have adjacent to their homes. The change includes that no accessory structure may be placed to obstruct any ingress or egress points (exterior doors or windows)
- Clarify that only home-based businesses per FS 559.955 are allowed, except that retail transactions cannot be conducted within the accessory structure as provided in that statute.
- Clarify that “lots fronting two streets” means a through lot, which sits parallelly between two public or private roadways and it does not apply to corner lots.
- Provide direction that when accessory structures are constructed on corner lots, the front and corner lot setbacks will apply for the side adjacent to the roadway.

PZ-23-02000003– Consideration of Zoning Text Amendment (Ordinance 08-2023)

- Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- Staff recommends the Planning & Zoning Board recommend **APPROVAL** to the City Council of Ordinance 08-2023.

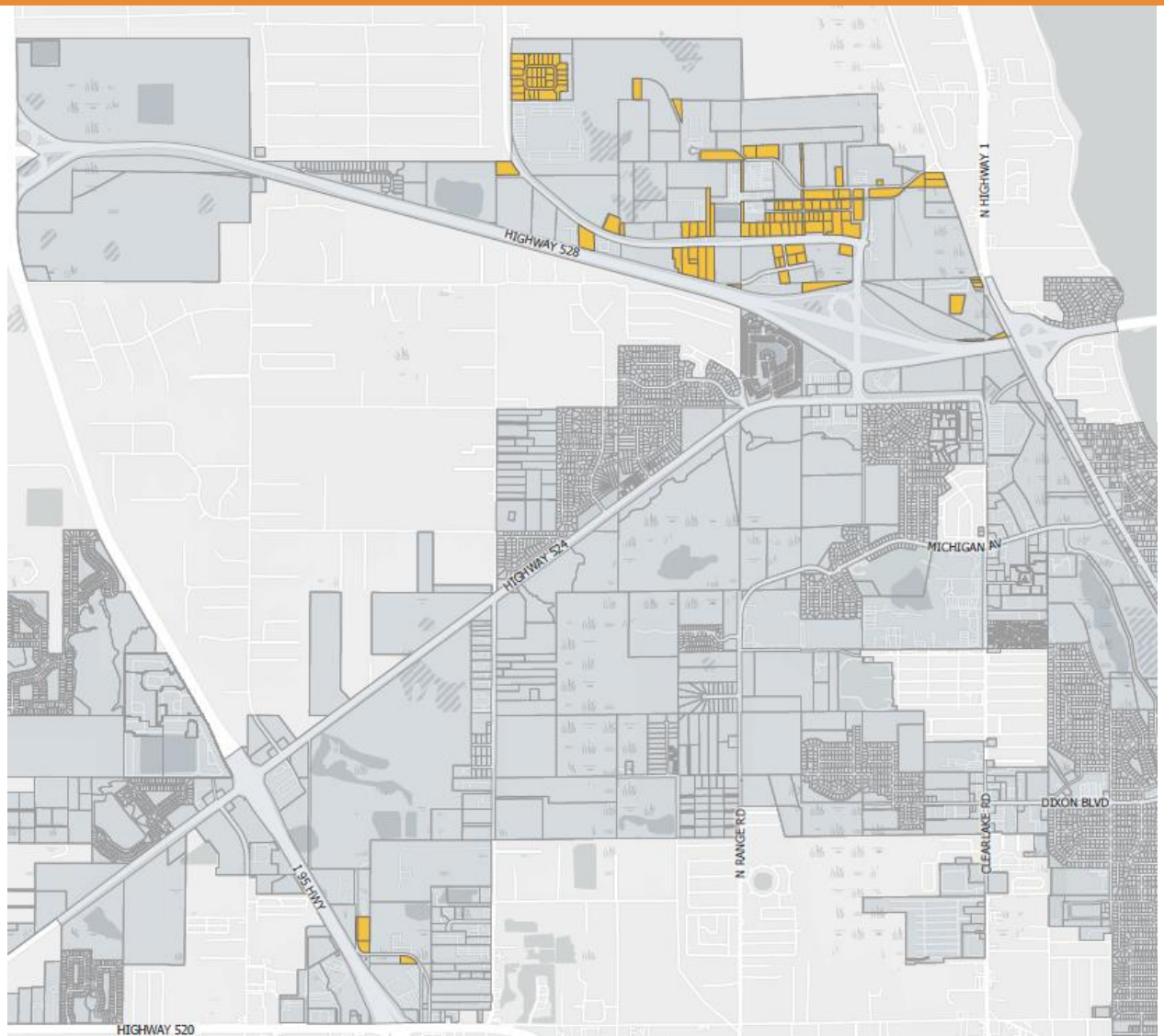
PZ-23-02000004– Consideration of Zoning Text Amendment (Ordinance 09-2023)

- Consider providing a recommendation of approval to the City Council regarding Ordinance 09-2023: Zoning Text AMENDMENT regarding the list of permitted and special exception uses related to Self-Service Storage Facilities within the M-2 Zoning District and certain subdistricts of the Cocoa Waterfront Overlay District and related to Retail Automotive Gasoline/Fuel Sales and Accessory Convenience Storages and Restaurants in the M-2 Zoning District.
- The Planning and Zoning Board requested that Staff bring back an ordinance to allow Self-Service Storage Facilities in the M-2 Zoning District as a special exception. During that process, an application was received related to the minimum spacing requirements for “Retail automotive gasoline/fuel sales and accessory convenience stores and restaurants in the M-2 District.

PZ-23-02000004– Consideration of Zoning Text Amendment (Ordinance 09-2023)

- The proposed change for self-service storage facilities would allow this use as a special exception on parcels that are 4 acres or less. This would promote growth on the smaller lots within this district, while still preserving larger parcels for more intense industrial uses, which are encouraged in M-2. The proposed change also corrects the Cocoa Waterfront Overlay subdistrict use table by removing this use within the underlying Central Business District.

PZ-23-02000004– Consideration of Zoning Text Amendment (Ordinance 09-2023)



M-2- Manufacturing and Industrial Zoning: Less than or equal to 4 acres

May 09, 2023

City of Cocoa Zoning

- M-2 - Manufacturing and Industrial (130 parcels)
- Cocoa Parcels
- Cocoa City Boundary

COCOA FLORIDA

PZ-23-02000004– Consideration of Zoning Text Amendment (Ordinance 09-2023)

- The proposed change for retail automotive gasoline/fuel sales and accessory convenience stores and restaurants is related to the spacing requirements. Currently this use is not allowed within 4,000 feet of a property with the same proposed use, regardless of the zoning district. Staff believes that the intent of the spacing requirements was for the distance requirements to only apply within the same district.
- This amendment clarifies that the 4,000 feet only applies within this district. This will continue to maintain separation of these uses within the district and provide for gasoline stations capable of servicing heavier industrial uses.

PZ-23-02000004– Consideration of Zoning Text Amendment (Ordinance 09-2023)

- Staff has determined this amendment to be consistent with both the Code of the City of Cocoa and the Comprehensive Plan Policies and Objectives
- Staff recommends the Planning & Zoning Board recommend **APPROVAL** to the City Council of Ordinance 09-2023.

Consideration of a Utility Easement at Lee Wenner Park

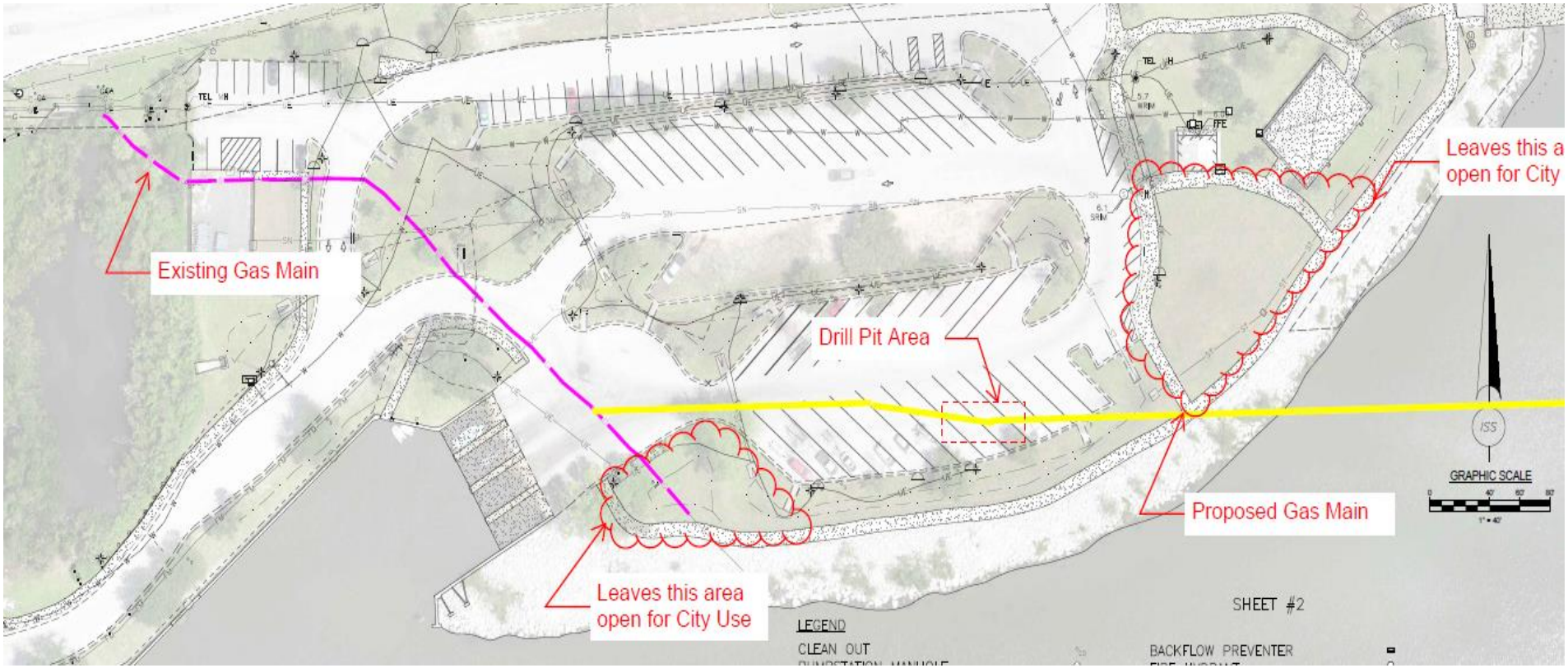
- Consider providing a recommendation of approval of granting an easement to Pivotal Utility Holdings, Inc. (a.k.a. Florida City Gas) for the purposes of constructing, operating, and maintaining a pipeline located in Lee Wenner Park for the transportation of gas through the pipeline.

- Pursuant to Appendix A, Zoning, Article IV, Section 2, the City Council shall be required to authorize all uses of land and development projects on any and all lands owned, leased, or controlled by the City of Cocoa within and outside the boundaries of the City. Further, the Planning and Zoning Board is required to provide a recommendation to the City Council regarding such proposed uses of land and development projects on City-owned land.

Consideration of a Utility Easement at Lee Wenner Park

- Pivotal Utility Holdings, Inc (Florida City Gas) has requested to construct, operate, and maintain a pipeline through Lee Wenner Park. An easement is required for this to take place.
- Staff worked with Florida City Gas to find the area of least impact to the park's future renovations.
- Florida City Gas will be required restore the areas to an equal or better condition.
- Florida City Gas will be required to relocate the gas main upon request from the City at Florida City Gas's expense.
- The City of Cocoa will be indemnified by Florida City Gas as to any and all claims, liabilities, fines, etc. related to the gas line as detailed in the easement.
- Florida City Gas has agreed to compensate the City $112,400 for this easement based upon an appraisal.

Consideration of a Utility Easement at Lee Wenner Park



Consideration of a Utility Easement at Lee Wenner Park

- Staff recommends that the Planning and Zoning Board recommend **APPROVAL** to the City Council of granting an easement to Pivotal Utility Holdings, Inc. (a.k.a. Florida City Gas) for the purposes of constructing, operating, and maintaining a pipeline located in Lee Wenner Park for the transportation of gas through the pipeline.

Legislation Details (With Text)

File #:	23-486	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	8/9/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	8/16/2023			**Final action:**	
Title:	Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one parcel totaling 6.61 acres from Brevard County RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling).				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Exhibit A - Location Map Jim McKnight.pdf Exhibit B - Zoning Map Jim McKnight.pdf Exhibit C - FLU Map Jim McKnightpdf.pdf Exhibit D - Application jim McKnight .pdf Exhibit E- Ordinance No 15-2023.pdf Exhibit F - Legal Ad.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: August 4, 2023
Agenda Date: August 16, 2023
Prepared By: Stephen Noto - Planning Consultant
Through: Stockton Whitten - City Manager
Requested Action:
Consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one parcel totaling 6.61 acres from Brevard County RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling).

BACKGROUND:

The applicant, Mr. James P. McKnight, on behalf of the property owner, Mr. Ralph McCoig of Edita Realty, Inc., is requesting to amend the Zoning Map designation of one parcel totaling 6.61 acres from Brevard County RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling) as depicted on Exhibit A. The parcel ID number for the subject property is 24-36-30-00-256. The subject property is located east of N. Range Rd., and abuts the cul-de-sac of both Kathi Kim St., and Delys St., which are located in unincorporated Brevard County.

The current Future Land Use (FLU) designation of the parcel is Low Density Residential, LDR. This FLU designation allows a maximum density of 7 du/acre. The proposed RU-2-15 zoning district is

consistent with the LDR FLU per Figure FLU-1 of the Future Land Use Element of the City of Cocoa Comprehensive Plan. However, is it important to note that the Low Density Residential future land use designation provides for a 7 unit per acre maximum density, which will supersede the 15 units per acre typically allowed in the RU-2-15 zoning district. The reason for the requested change is two-fold. First, the subject property was annexed into the City of Cocoa in 2007 (Ordinance No. 03-2007) and was not given a City of Cocoa zoning category. A FLU of LDR was applied, but not a zoning category. In order for any type of activity to occur on the subject property, a zoning category is required. The requested RU-2-15 zoning district is similar in nature to the previously applied Brevard County zoning category of RU-2-10, Medium-Density Multiple-Family Residential. The second reason for the request is that the applicant proposes to subdivide the property into four lots to develop four total duplex buildings, for a total of 8 residential units, across the 6.61 acres at a density of 1.21 du/acre. Of note is that +/- 4.09 acres of the subject property are forested wetlands. As such, the remaining +/-2.52 acres would be developed at a density of 3.17 du/acre.

The provisions of the RU-2-15 Residential district are intended to apply to an area of medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect medium density residential development, maintaining an adequate amount of open space for such development. The applicant has submitted a concept plan (Exhibit D) showing the proposed four lot subdivision, with access from both Kathi Kim St., and Delys St. Lots 1 and 2 would access from Kathi Kim St., and Lots 3 and 4 would access from Delys St. Both streets are existing public rights-of-way in unincorporated Brevard County. Those streets are the only legal public access to the subject property. The portion of the subject property that is wetland will not be disturbed. Please note the concept plan is for illustrative purposes only and is non-binding. Demonstration of full compliance with the Code of Ordinances will be required at the time of site plan and subdivision plan review.

Future Land Use Designation: Current: Low Density Residential

Zoning District: Current: Brevard County RU-2-10 (Medium-Density Multiple-Family Residential)

Proposed: City of Cocoa RU-2-15 (Multiple Family Residential)

Existing Land Use: Vacant Residential Land

Council District: District 3 - Councilmember Dyal

Legal Ad Date: August 1, 2023

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	LDR, Low Density Residential	No Zoning Applied	Vacant Residential Land

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South	Brevard County RES 15 (15 Units Per Acre)	Brevard County GU, General Use/Brevard County RU-2-10, Medium-Density Multiple-Family Residential	Saturn Elementary School/Grazing Land
East	LDR, Low Density Residential	RU-1-7, Single-Family Residential District	Vacant Residential Land
West	Brevard County RES 15 (15 Units Per Acre)	Brevard County RU-2-10, Medium-Density Multiple-Family Residential	Single-Family Residences/Duplexes

I. Rezoning Analysis

The Planning & Zoning Division staff have reviewed the criteria contained in Appendix A of the City of Cocoa, Article XXI, Section 1(G) as follows, and as provided by the applicant:

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

Staff Finding: The surrounding FLU is City of Cocoa LDR and Brevard County RES 15. The surrounding zoning is RU-2-15 and unassigned to the north and Brevard County RU-2-10 to the west, and RU-1-7 to the east. The subject property is immediately surrounded by vacant land, except for the single-family and duplex homes located on both Kathi Kim St. and Delys St. (Brevard County RU-2-10). The Brevard County RU-2-10 zoning district allows for multi-family dwellings, duplexes, resort dwellings, and single-family attached dwellings. The proposed zoning district, which would allow for duplex units and multi-family units is not contrary to the established land use pattern, particularly where the LDR future land use will cap residential density at 7 dwelling units per acre on the site. As previously stated, the subject property had a Brevard County zoning category of RU-2-10. The requested City of Cocoa zoning district is similar in nature. In addition, the existing LDR FLU allows less density per acre than the existing parcels to the west that are located in unincorporated Brevard County.

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

Staff Finding: As noted above, the surrounding zoning districts are Brevard County RU-2-10, RU-1-7 and RU-2-15. The development pattern would be consistent with the developed lots immediately adjacent to the west of the subject property on Kathi-Kim Street and Delys Street, which are zoned for medium-density, multiple-family development.

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: Per the US Census, between 2017 and 2020, US households held approximately 2.60 persons per house. As such, this development is expected to generate approximately 8 units and 21 people, though the concept plan is not a binding development plan at this time. However, the rezoning to RU-2-15 will not alter the maximum population density as the Future Land Use designation of the property of Low Density Residential will

remain unchanged. As such, the maximum density will remain 7 dwelling units an acre, in accordance with the City's Comprehensive Plan, with a maximum of 47 units developable if the entire property was to be developed. The applicant is only seeking to develop the 2.52 acres that are not wetlands, at a density of 3.17 units per acre. A thorough concurrency review will occur during the subdivision and site plan review processes, but it is not expected to diminish the level of service for public facilities such as schools, utilities, and streets.

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

Staff Finding: The property was annexed in 2007, and was not given a zoning category, just a FLU designation. The requested zoning district is consistent with the FLU designation of LDR.

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 existing FLUM designation of the subject property is LDR. The proposed rezoning is consistent with Future Land Use Element Policy 1.1.2.3. Further, Figure FLU-1, Standards for Future Land Use Categories, showed that RU-2-15 is an applicable zoning district for the LDR FLU category.

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

Staff Finding: The subject property is required to have a City of Cocoa zoning category in order for any type of activity to occur. The requested zoning district is similar in nature to the previously applied Brevard County RU-2-10.

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

Staff Finding: The maximum density allowed by the FLU designation of 7 dwelling units per acre will not change. The subject property may be developed in a similar manner as the properties on Kathi Kim St., and Delys St. Both Kathi Kim St., and Delys St. are public right-of -way's giving and provide the legal access to the subject property. The properties to the north, west, and south are vacant.

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. As noted above, the maximum density of 7 dwelling units per acre remains unchanged. Based on a staff analysis of ITE Code 220 (Low-Rise), a maximum of 47 dwelling units would generate 344 daily trips. Given that the project is only proposed as 8 total units, the traffic impact would be very minimal. Per the Space Coast Transportation Planning Organization (TPO) Transportation data Management System, 2-way data collected on N. Range Rd. adjacent to Oak Haven Ln., showed 5,970 average annual daily trips in 2022 on N. Range Rd. The adopted LOS for N. Range Rd., is 'E', and is identified as an Urban Major Collector. As of the most recent AADT count, there are roughly 10,000 AADT's available on the roadway within its adopted LOS (Space Coast TRP 'Segments Functional Classification, Maximum Acceptable Volume - MAV -

and Levels of Service - LOS, 2020). As previously stated, Kathi Kim St. and Delys St. are both public right-of-way's which provide legal access to the subject property. If the concept plan were to be developed as proposed, two buildings (four units) would access from Kathi Kim St., and two buildings (four units) would access from Delys St. The proposed concept plan is not binding with a full engineering review being required at a later date as part of the processes of developing the subject property.

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

Staff Finding: The applicant will be required to provide full engineering design as part of the subdivision and site plan review process. In addition, the wetlands on the property are not planned to be impacted during or after the development.

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. It is not anticipated that this project will bring such negative impact.

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

Staff Finding: It is not anticipated that property values would be affected by the proposed rezoning. Uses that are similar in nature generally have a positive value impact upon each other.

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

Staff Finding: It is not anticipated that the proposed rezoning would be a deterrent to the improvement or development of adjacent property.

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 will not constitute a grant of special privilege to the property owner of the subject property as contrasted with the public welfare. The applicant does not have a zoning district applied to the subject property, and is required to have one.

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

Staff Finding: The subject property currently does not have a City zoning district. The proposed district is similar in nature to the Brevard County zoning district it previously had and is similar to the developed property adjacent to it.

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 complement the existing residential scale 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: It is not impossible to find other adequate sites in the city for the proposed use, however the subject property needs a City designation, and the property owner has the right to develop their property in accordance with all relevant codes.

Consistency with Comprehensive Plan Policies and Objectives

The proposed RU-2-15 zoning designation is consistent with the allowable uses under the "Medium Density Residential" Future Land Use per the City of Cocoa Comprehensive Plan.

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.

Consistent with the requirements of Article IV (Concurrency Management System), Chapter 15 of the Code of the City of Cocoa, the applicant/developer will be required to submit a final application for concurrency review prior to issuance of any City of Cocoa permits. 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. However, because the maximum density remains unchanged, no further impact to public facilities is anticipated by the rezoning.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

None

RECOMMENDED MOTION:

Staff recommends that the Planning & Zoning Board recommend APPROVAL to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one parcel totaling 6.61 acres from Brevard County RU-2-10 (Medium-Density Multiple -Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling).

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COCOA
FLORIDA

24-36-30-00-256
Location

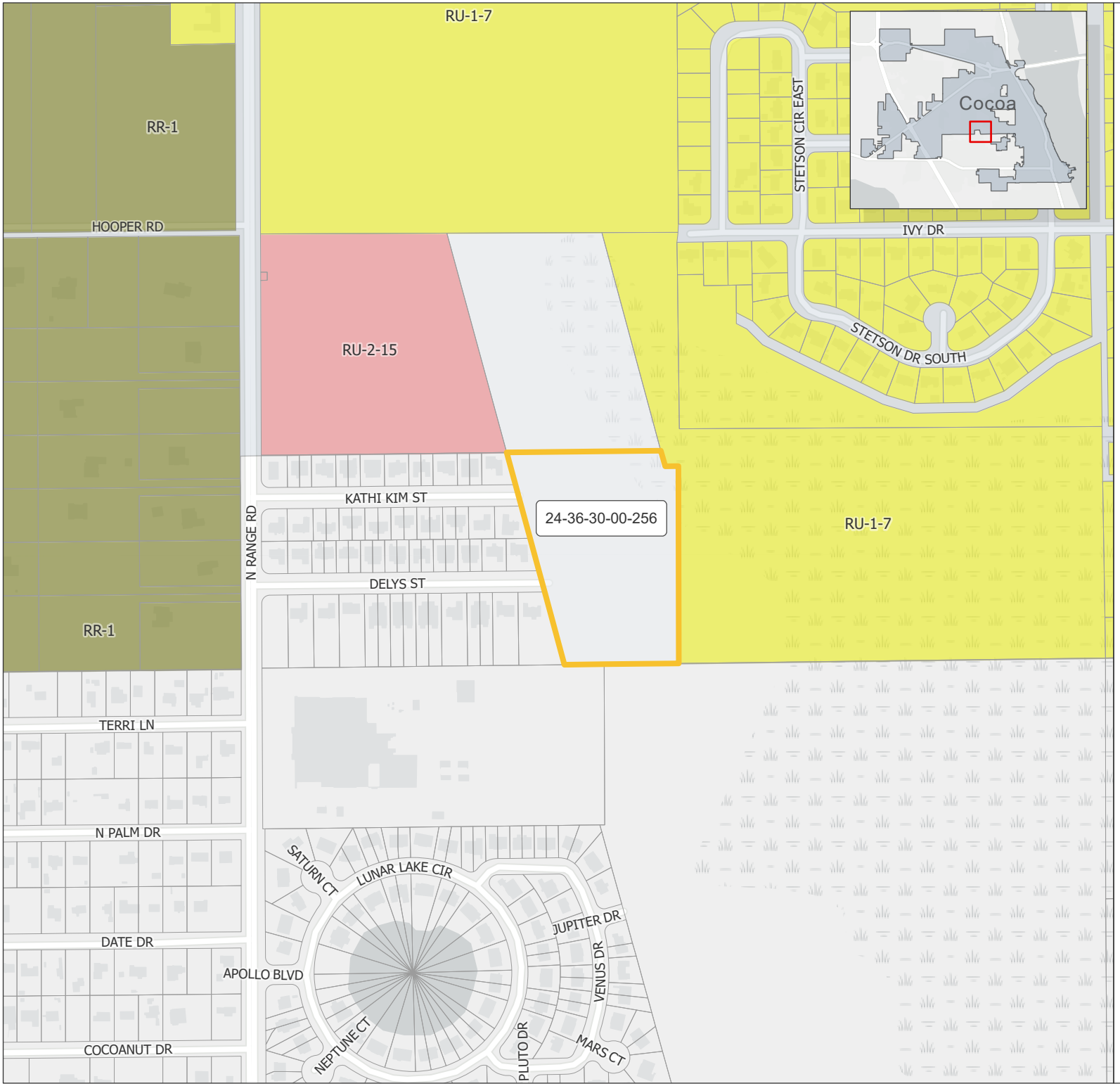
July 20, 2023

Subject Parcel
Parcels
Cocoa City Boundary

N

0 200 400 Feet

P20230718-78001.0.1



COCOA
FLORIDA

24-36-30-00-256
ZONING

July 20, 2023

Subject Parcel

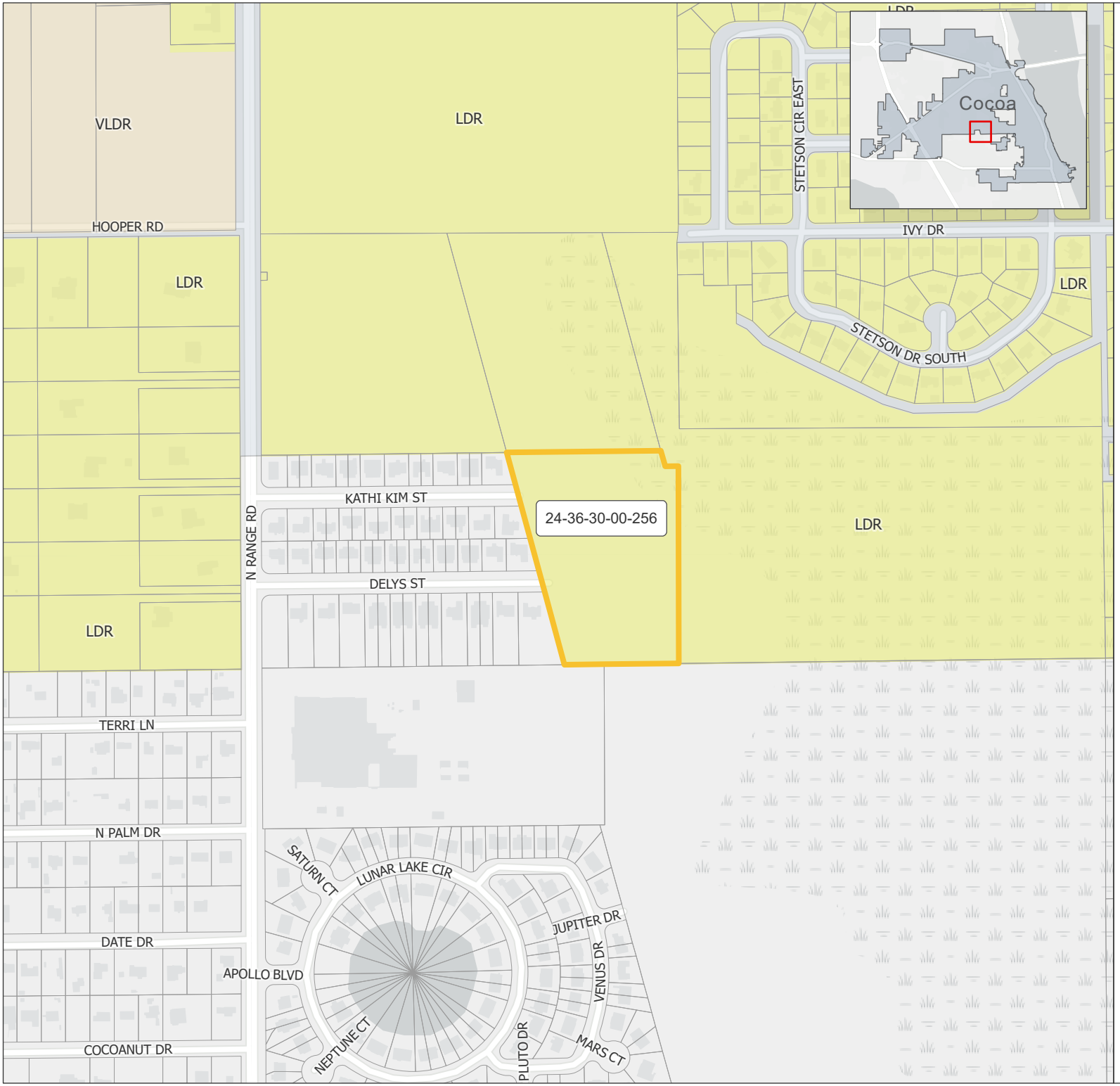
Cocoa Zoning

- RR-1- Rural Residential
- RU-1-7 - Single-Family Residential
- RU-2-15 - Multiple Family Dwelling
- Zoning Not Assigned
- Parcels
- Cocoa City Boundary

N

0 200 400 Feet

P20230718-78001.0.2



COCOA
FLORIDA

24-36-30-00-256
Future Land Use

July 20, 2023

Subject Parcel

Future Land Use

- Very Low Density Residential
- Low Density Residential
- Parcels
- Cocoa City Boundary

N

0 200 400 Feet

P20230718-78001.0.3

$42 → 4 acres $1648 $350 fee

Application # **PZ** - _____ - _____

Serving the Community

ZONING MAP AMENDMENT APPLICATION (MAP ONLY)

Community Services Department
Planning and Zoning Division
65 Stone Street
Cocoa, Florida 32922

Phone: (321) 433-8535
Fax: (321) 433-8543
Web: http://www.cocoafl.org

This form is divided into steps, which will help you prepare your application, provide supplemental items, and prepare for the Planning & Zoning Board and City Council hearings. A pre-application meeting with Staff is **required**.

For Office Use Only - Date Received

Stamp Only When Application is Fully Complete

Please TYPE or PRINT this application neatly.

1. **Existing Zoning Category:** RU2-10 (County)
2. **Proposed Zoning Category:** RU2-15 (City) CAP OF 7 D.U./Acre
3. **Existing Future Land Use Category:** Residential 7
4. **Proposed Future Land Use Category (*if applicable*):** Residential 7
5. **Applicant Information:** ** NOTE: Applicant is the main contact, who must attend the meeting!*

   Company (if applicable): _____
   Name: James P MCKNIGHT
   Mailing Address: 1675 S Tiske Blvd C211
   City: Rockledge State: FL Zip Code: 32955
   Phone #: N/A Fax #: N/A
   Mobile #: 321-698-1317 E-mail: Jimmcknight1956@gmail.com

6. **Property Owner Information:** ** Check here if same as Applicant →* ☐
   ** If more than one owner, attach additional sheet with names and addresses.*

   Company (if applicable): Edita Realty, Inc.
   Name: Ralph McCoig
   Mailing Address: 1013 Rockledge Drive
   City: Rockledge State: FL Zip Code: 32955
   Phone #: 321-633-5655 Fax #: _____
   Mobile #: 321-557-4252 E-mail: mcca@bellsouth.net

7. **Property Information:**

Street Address and Location: Range Road (adjacently east of Delys Street and Kathi-Kim Street

Parcel ID: * *If more than two Parcel IDs, attach additional sheet with Parcel IDs.*

24-36-30-00-256□□.□-□□□□.□□

□□-□□-□□-□□-□□□□□.□-□□□□.□□

Tax Account Numbers: * *If more than two Tax Account #s, attach additional sheet with Tax Account #s.*

2423192 □□□□□□□

Land Area: 6.61 Acres ~~square feet~~ or _____ acres

Existing Use(s) on Property: vacant undeveloped

Proposed Use(s) on Property: multifamily (duplex lots)

8. **Please submit the following items in order complete the application:**

a. ☑ **Notarized application.**

b. ☑ **List of owners within 500 feet.** A "radius map package" from Brevard County containing a certified mailing list with mailing labels and a map of all property owners of record who reside within a 500-foot radius of the subject property is required for public notice. It is the applicant's responsibility to request these materials with the Brevard County GIS Department that are available free of charge. Inquiries need to be emailed to servicedesk@brevardfl.gov and forwarded to the **City of Cocoa Planning and Zoning Department** when available.

c. ☐ **Application fee.** Please make checks payable to the 'City of Cocoa' and submit payment **ONLY** to the Community Services Department. Public mail notice and legal advertising fees must also be paid a few weeks after application submittal. See Schedule of Fees, Charges and Expenses for applicable fees.

d. ☑ **Proof of ownership.** A copy of the most recent recorded warranty deed is required.

e. ☑ **Letter of authorization.** If the applicant is not the property owner, a notarized letter of authorization or agent affidavit is required, unless the applicant is the Attorney of the owner. Each property owner must complete a separate authorization form or other suitable documentation to allow the agent to act upon his/her behalf. A sample "Letter of Authorization" form is available from the City.

f. ☑ **Corporate documents.** If the applicant/owner is representing a company, articles of incorporation which show the applicant/owner is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (http://www.sunbiz.org/corpweb/inquiry/search.html).

g. ☑ **Certified boundary survey.** Submit a certified survey showing all existing structures and all proposed structures.

h. ☑ **Legal description.** Submit a typed copy of the legal description. It may be submitted on a computer disk or by e-mail.

i. ☑ **Additional information (optional).** Submit any information that may be helpful in understanding the request. This may include a site plan drawing, photos, sketches, elevations, or letters from adjoining property owners. ANNEXATION ORDINANCE

9. **Application filing deadline.** The application filing deadline is on the first day of each month at 5:00 pm for public hearings that are held in the following month. For Zoning Map Amendment applications that are submitted concurrently with other applications, the earlier filing deadline shall apply.

10. **Application filing procedure.** This application, together with all required exhibits and attachments, shall be completed and filed with the Planning and Zoning Division.

Public hearings process information – please read this!

11. **Dates and locations of public hearings.** All zoning map amendments require one hearing in front of the Planning & Zoning Board and two hearings in front of the City of Cocoa Council.

12. **Board types.** The Planning & Zoning Board is an advisory board to the City Council and therefore is only authorized to make recommendations. City Council is an authoritative body and is able to make binding decisions.

13. **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the application. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.

14. **Preparing for the public hearings.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the application request. The City assumes no responsibility or liability relating to the applicant's failure to research and know all applicable laws including, but not limited to state, federal, and city laws, codes, land development regulations, and the comprehensive plan.

15. **Exhibits at public hearings.** If photographs, documents, maps or other materials are provided to the Board/Council as evidence at the public hearing, the applicant must leave those instruments with the Recording Secretary. By law those instruments automatically become part of the public records and cannot be returned to the applicant.

16. **Witnesses at public hearings.** For the purposes of making a decision on the application, the Board/Council shall only consider testimony of qualified witnesses. A witness is determined by the Board/Council and is generally based on:
    a. The witness has personal knowledge of the fact in which the witness will testify; and/or
    b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
        1. *Layman witness*: Testimony of a witness other than an expert witness is qualified only if:
            - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
            - The opinions and inferences do not require any special knowledge, skill experience or training.
        2. *Expert witness*. Testimony of an expert witness is qualified only if:
            - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
            - The witness is adequately qualified to express an opinion on the matter.

17. **Planning & Zoning Board vs. City Council actions.** If the Planning & Zoning Board finds that the facts presented in the matter justify approval, it may recommend to approve the request, or a portion thereof, and it may specify any conditions deemed necessary to preserve the intent of the City of Cocoa Code. If the Board finds that the facts presented do not justify approval, it may recommend to deny the request and will specify the reasons for denial. A decision is usually made at the same meeting that the hearing is held. Regardless of the outcome, the application will be forwarded to the City Council for consideration where a final decision can be made.

18. In order to approve a zoning map amendment, the Planning & Zoning Board and City Council must consider and study the criteria listed below (as described in Appendix A, Article XXII, Section 1 (G)(1) of the City of Cocoa Code). Please provide your consideration of the following criteria and any pertinent data and evidence that may be useful to the Planning & Zoning Board and City Council. Use extra sheets if necessary.

a. Whether or not the proposed change is contrary to the established land use pattern.

Land Use patterns in this area is residential, both single family and multi-family. Therefore the request is consistent with the Future Land Use Designation of RES 7 and the Comprehensive Plan.

b. Whether or not the proposed change would create an isolated district unrelated to adjacent and nearby districts.

The property has not received City of Cocoa Zoning though annexed in 2018. It is currently zoned RU-2-10 (County) and surrounding properties are single family and multi family, so this is not isolated as requested, but is rather consistent with the character of the area

c. Whether or not 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.

The proposed zoning is limited to seven dwelling units per acre; however, a significant portion of the property is wetlands, thereby limiting density by virtue of only building on the uplands. The property is currently served by two public streets that are cul-de-sacs that actually encroach on the property. There are no concurrency issues as to schools, transportation or utilities.

d. Whether or not existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

This parcel is 6.61 acres and surrounded by residential properties, both developed and undeveloped. District boundaries are correct – this is not a zoning change but a post annexation / comprehensive plan zoning designation

e. Whether or not the proposed change would be contrary to the land use plan and would have an adverse effect on the comprehensive plan.

Again, the property is designated as RU-2-10 with County Zoning Map. This will actually down zone the property with a maximum density of 7 units per acre. Not an adverse impact on the Comprehensive Plan

f. Whether or not changed or changing conditions make the passage of the proposed amendment necessary.

Property is in need of designation as City of Cocoa zoning has never been assigned to property

g. **Whether or not the proposed change will adversely influence living conditions in the neighborhood.**

Proposal for multi-family (duplexes) is consistent with the residential character of the area.

h. **Whether or not the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.**

Proposal for duplex lots will have minimal impact on two residential streets (Delys and Kathi-Kim). Main roadway is Range Road and currently has no capacity issues.

i. **Whether or not the proposed change will create a drainage problem.**

Property has wetlands on east side and will be left in current pristine condition. Development will require stormwater plan when plat is submitted for duplex lots.

j. Whether or not the proposed change will seriously reduce light and air to adjacent areas.

The proposal is for residential units, most likely one or two story units. Therefore, it should have no impact on light access or the flow of air.

k. Whether or not the proposed change will adversely affect property values in the adjacent areas.

The proposal for residential units is consistent with the existing area, therefore it will have no negative impact on neighboring areas, but probably will enhance values with new construction

l. Whether or not the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Adjacent property (developed) is single and two family structures under County regulations. All structures will comply with City of Cocoa Zoning and Building regulations.

m. Whether or not the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

The property has not been zoned since annexation (Ordinance attached). The zoning requested is consistent with the Comprehensive Plan and the Future Land Use Map.

n. Whether or not there are substantial reasons why the property cannot be used in accord with existing zoning.

Property cannot be developed under County regulations which are not in compliance with City of Cocoa Zoning and Comprehensive Plan requirements. As it stands, no zoning on property currently.

o. Whether or not the change suggested is out of scale with the needs of the neighborhood.

This is a subjective question but the plan for duplex development is consistent with the adjoining neighborhood to the west.

p. Whether or not the it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

The property requires a Zoning designation so this does not apply.

19. Signatures and Notarization.

STATE OF Florida COUNTY OF Brevard. I, James P McKnight being first duly sworn, depose and say that:

☑ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

☐ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed and understand this application and applicable petition, and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing. I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

James P McKnight
(APPLICANT SIGNATURE)

Karla S. Gwinn
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known ☑ OR Produced Identification ☐

Notary Public State of Florida
Karla S Gwinn
My Commission GG 926274
Expires 11/11/2023

Type of I.D. Produced _____

Karla S Gwinn
(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 15th day of June, 2023

FOR OFFICE USE ONLY

Fee of $ _____ in cash ☐ or check ☐ (No. _____) payable to the "City of Cocoa".

Receipt Number: _____

Date: _____

Signature from Planning & Zoning Division:

_____

CFN 2016068482, OR BK 7591 Page 503, Recorded 04/13/2016 at 11:59 AM, Scott Ellis, Clerk of Courts, Brevard County Doc. D: $0.70

Prepared By and Return To:
Ralph J. McCoig
1037 Pathfinder Way Ste. 140
Rockledge, FL 32955

Parcel ID No: 24-36-30-00-256

QUIT CLAIM DEED

Made this 1st day of April, 2016 by Summerley Properties LLC and Ralph J. McCoig, hereinafter called the grantor, to EDITA REALTY, INC. whose post office address is 1037 Pathfinder Way, Suite 140, Rockledge, FL 32955, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, Legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth, that the grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim to the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situated in Brevard County, Florida, viz:

Part Of S 657.01 Ft Of NW 1/4 Of Nw 1/4 As Des In Orb 2425 Pg 2129 according to the Plat thereof, as recorded in Plat Book 30 Page(s) 12, of the Public Records of Brevard County, Florida.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither the Grantor or any members of the household of Grantor reside thereon.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and To Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed and sealed in our presence:

Witness: Ann N. Padlein
Printed Name: Ann N. Padlein
Witness: Margaret B. Clark
Printed Name: MARGARET B. CLARK

Grantor: _____

State of Florida
County of Brevard
The foregoing instrument was acknowledged before me this 1st day of April, 2016, by Ralph McCoig, who is personally known to me or has produced _____ as identification.

KARLA S GWINN
MY COMMISSION # FF935503
EXPIRES November 11, 2019
(407) 398-0153 FloridaNotaryService.com

Karla S Gwinn
Notary Public
Print Name: Karla S Gwinn
My Commission Expires: 11/11/2019

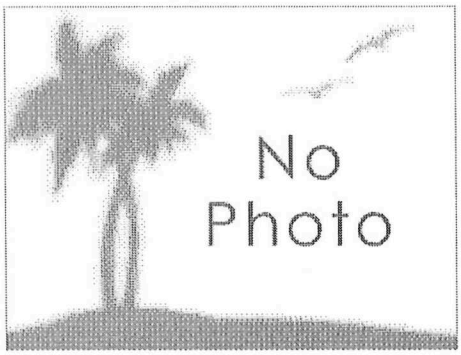
Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700
https://www.bcpao.us

PROPERTY DETAILS

Account	2423192
Owners	EDITA REALTY INC
Mailing Address	1013 ROCKLEDGE DR ROCKLEDGE FL 32955
Site Address	NONE
Parcel ID	24-36-30-00-256
Property Use	9908 - VACANT RESIDENTIAL LAND (MULTI-FAMILY, UNPLATTED)
Exemptions	NONE
Taxing District	23D0 - COCOA
Total Acres	6.61
Subdivision	--
Site Code	0001 - NO OTHER CODE APPL.
Plat Book/Page	0000/0000
Land Description	PART OF S 657.01 FT OF NW 1/4 OF NW 1/4 AS DES IN ORB 2425 PG 2129 EX PB 30 PG 12



VALUE SUMMARY

Category	2022	2021	2020
Market Value	$24,160	$21,380	$21,380
Agricultural Land Value	$0	$0	$0
Assessed Value Non-School	$23,510	$21,380	$21,380
Assessed Value School	$24,160	$21,380	$21,380
Homestead Exemption	$0	$0	$0
Additional Homestead	$0	$0	$0
Other Exemptions	$0	$0	$0
Taxable Value Non-School	$23,510	$21,380	$21,380
Taxable Value School	$24,160	$21,380	$21,380

SALES/TRANSFERS

Date	Price	Type	Instrument
04/01/2016	--	QC	7591/0503
01/28/2010	--	QC	6107/1774
01/12/2010	--	QC	6097/1008
12/02/2004	$131,000	WD	5396/2637
04/22/1983	$116,800	WD	2425/2129

No Data Found

Generated on 6/12/2023 2:41:03 PM

EDITA REALTY INC.

1037 Pathfinder Way
Suite 140
Rockledge, Florida
32955
321-633-5655

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Ralph Mccoig being the owner of Edita Realty, Inc.

Authorize James McKnight to act on my behalf which may include, representing me in Public Hearings before Brevard County pertaining to the submittal of the attached application.

- ☐ Comprehensive Plan Amendment
- ☐ Rezoning
- ☐ Variance
- ☐ Administrative Action
- ☐ Development Plan

Ralph Edita Realty, Inc. — President

Signature — Title

State Of Florida

County Of Brevard

The foregoing instrument was acknowledged before me this 8th day of August 2022

By Ralph McCoig who is personally known to me or has produced _____

As identification and who did (did not) take an oath.

Karla S Gwinn
Signature of Notary Public

Notary Public State of Florida
Karla S Gwinn
My Commission GG 926274
Expires 11/11/2023

11/11/2023
Commission Expires

2022 FLORIDA PROFIT CORPORATION ANNUAL REPORT

FILED
Feb 08, 2022
Secretary of State
8873561088CC

DOCUMENT# P00000042436

Entity Name: EDITA REALTY, INC.

Current Principal Place of Business:

1037 PATHFINDER WAY
SUITE 140
ROCKLEDGE, FL 32955

Current Mailing Address:

1037 PATHFINDER WAY
SUITE 140
ROCKLEDGE, FL 32955

FEI Number: 59-3643670

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

MCCOIG, RALPH
1037 PATHFINDER WAY
SUITE 140
ROCKLEDGE, FL 32955 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent — Date

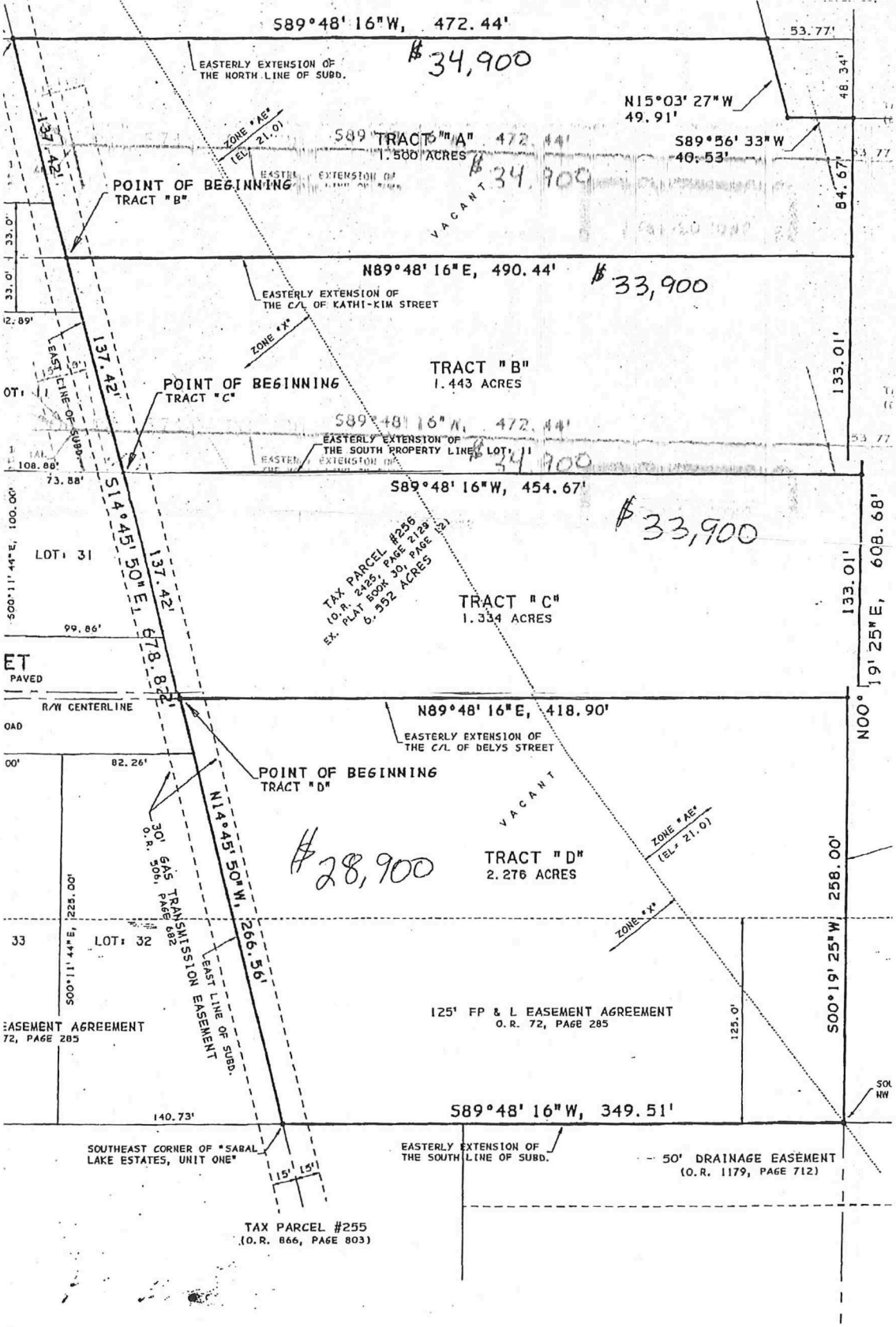
Officer/Director Detail :

Title	D
Name	MCCOIG, RALPH
Address	1037 PATHFINDER WAY, SUITE 140
City-State-Zip:	ROCKLEDGE FL 32955

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: RALPH MCCOIG PRESIDENT 02/08/2022

Electronic Signature of Signing Officer/Director Detail — Date

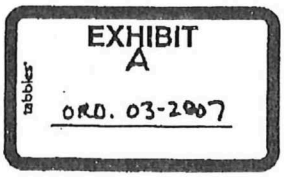


SURVEY – Tracts A, B, C, D

LEGAL DESCRIPTION FOR ANNEXATION INTO THE CITY OF COCOA, FLORIDA

A parcel of land lying in the Northwest ¼ of the Northwest ¼ of Section 30, Township 24 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of SABAL LAKE ESTATES, UNIT ONE recorded in Plat Book 30, Page 12, of the Public Records of Brevard County, Florida; thence run South 14 degrees 45.50 feet East, along the East line of said SABAL LAKE ESTATES, UNIT ONE, a distance of 678.82 feet to the Southeast corner of said SABAL LAKE ESTATES, UNIT ONE; thence North 89 degrees 48.16 feet East, along the Easterly extension of the South line of said SABAL LAKE ESTATES, UNIT ONE, a distance of 349.51 feet to the Southeast corner of said Northwest ¼ of the Northwest ¼ of Section 30; thence North 00 degrees 19.25 feet East, along the East line of said Northwest ¼ if the Northwest ¼ of Section 30; a distance of 608.68 feet to a point on the South line of lands described in Deed Book 69, Page 62 of said Public Records; thence South 89 degrees 56.33 feet West along said South line, a distance of 40.53 feet to the Southwest corner of said lands; thence North 15 degrees 03.27 feet West, along the west line of said lands, a distance of 49.91 feet to the point of intersection with the Easterly extension of the North line of said SABAL LAKE ESTATES, UNIT ONE; thence South 89 degrees 48.16 feet West, along said Easterly extension a distance of 472.44 feet to the Point of Beginning.



Annexation Ordinance

CFN 07026990, OR BK 5744 Page 3859, Recorded 01/30/2007 at 02:57 PM, Scott Ellis Clerk of Courts, Brevard County

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

5

ORDINANCE NO. 03-2007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA ANNEXING APPROXIMATELY 6.56 ACRES OF REAL PROPERTY GENERALLY LOCATED EAST OF RANGE ROAD AND EAST OF KATHI-KIM AND DELYS STREETS; 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.

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, Ralph McCoig and Summerley Properties, LLC has petitioned the City of Cocoa for annexation of a parcel of land identified by Brevard County Parcel Identification Number 24-36-30-00-00256.0-0000.00; 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

OR BK 5744 PG 3812

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

OR BK 5744 PG 3812

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 23rd day of January, 2007.

Michael C. Blake, Mayor

ATTEST

Joan Clark, City Clerk

First Reading: January 9, 2007
Second Reading: January 23, 2007
Effective Date: January 23, 2007

LEGAL DESCRIPTION FOR ANNEXATION INTO THE CITY OF COCOA, FLORIDA

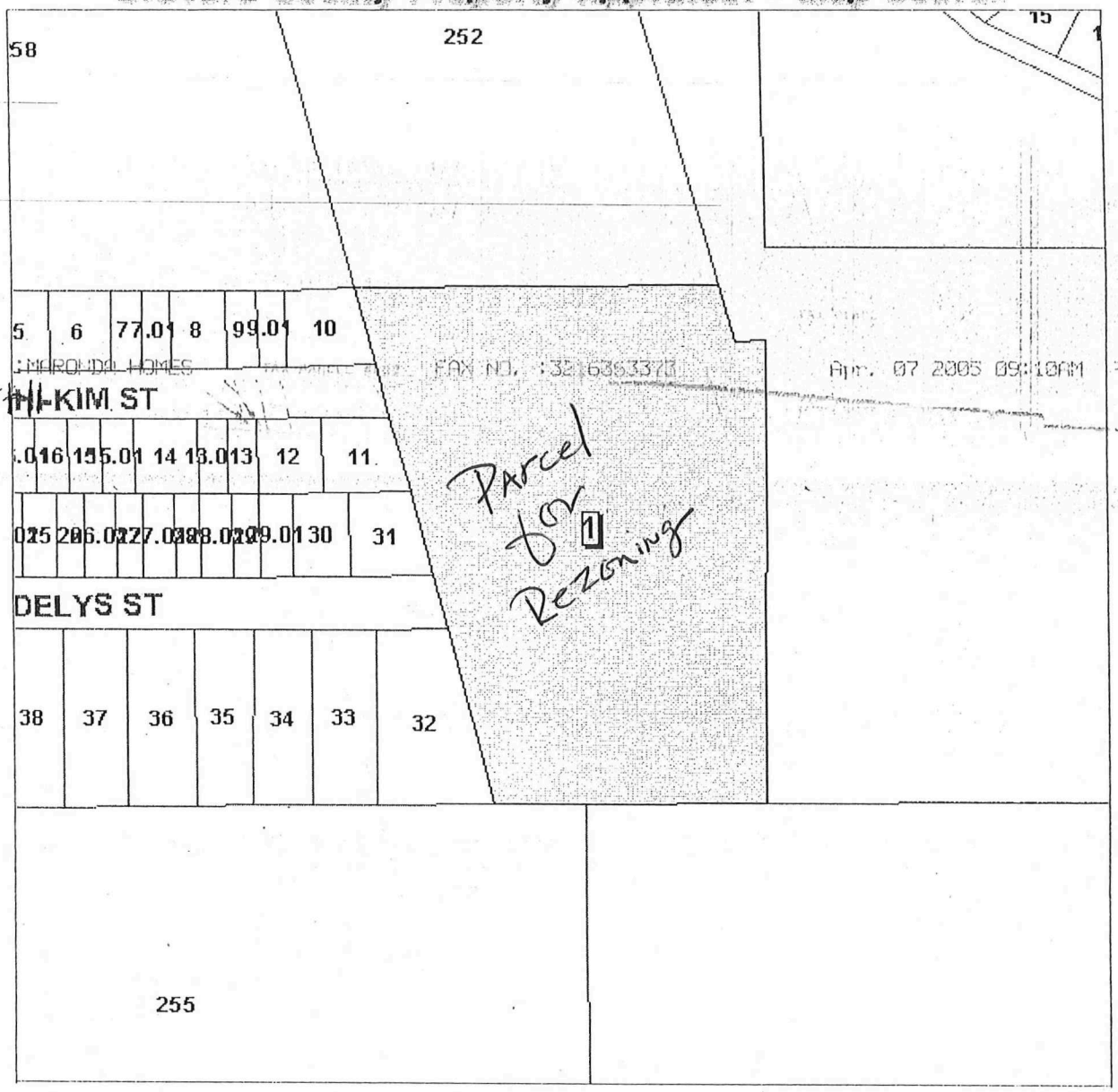
A parcel of land lying in the Northwest ¼ of the Northwest ¼ of Section 30, Township 24 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of SABAL LAKE ESTATES, UNIT ONE recorded in Plat Book 30, Page 12, of the Public Records of Brevard County, Florida; thence run South 14 degrees 45.50 feet East, along the East line of said SABAL LAKE ESTATES, UNIT ONE, a distance of 678.82 feet to the Southeast corner of said SABAL LAKE ESTATES, UNIT ONE; thence North 89 degrees 48.16 feet East, along the Easterly extension of the South line of said SABAL LAKE ESTATES, UNIT ONE, a distance of 349.51 feet to the Southeast corner of said Northwest ¼ of the Northwest ¼ of Section 30; thence North 00 degrees 19.25 feet East, along the East line of said Northwest ¼ if the Northwest ¼ of Section 30; a distance of 608.68 feet to a point on the South line of lands described in Deed Book 69, Page 62 of said Public Records; thence South 89 degrees 56.33 feet West along said South line, a distance of 40.53 feet to the Southwest corner of said lands; thence North 15 degrees 03.27 feet West, along the west line of said lands, a distance of 49.91 feet to the point of intersection with the Easterly extension of the North line of said SABAL LAKE ESTATES, UNIT ONE; thence South 89 degrees 48.16 feet West, along said Easterly extension a distance of 472.44 feet to the Point of Beginning.

EXHIBIT
A

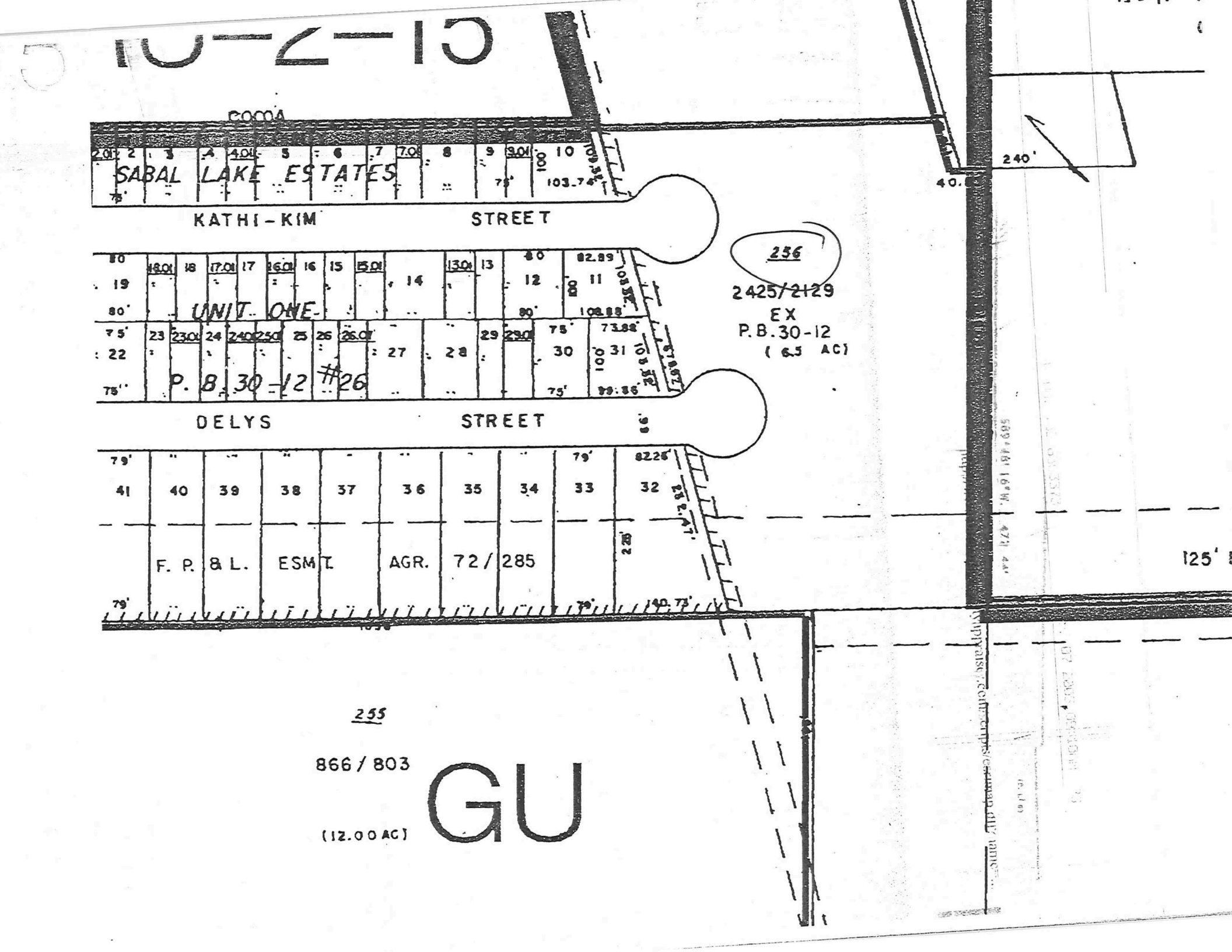
Legend
City of Cocoa
Brevard County
Subject Property
Adjacent Annexation
EXETER DR
ROLLINS DR
COOPER DR
STETSON CIR E
IVY DR
STETSON CT
STETSON DR
STETSON CIR W
KATHI-KIM ST
DELYS ST
LUNAR LAKE CIR
SATURN CT
RANGE RD N

Brevard County Property Appraiser - Map Search

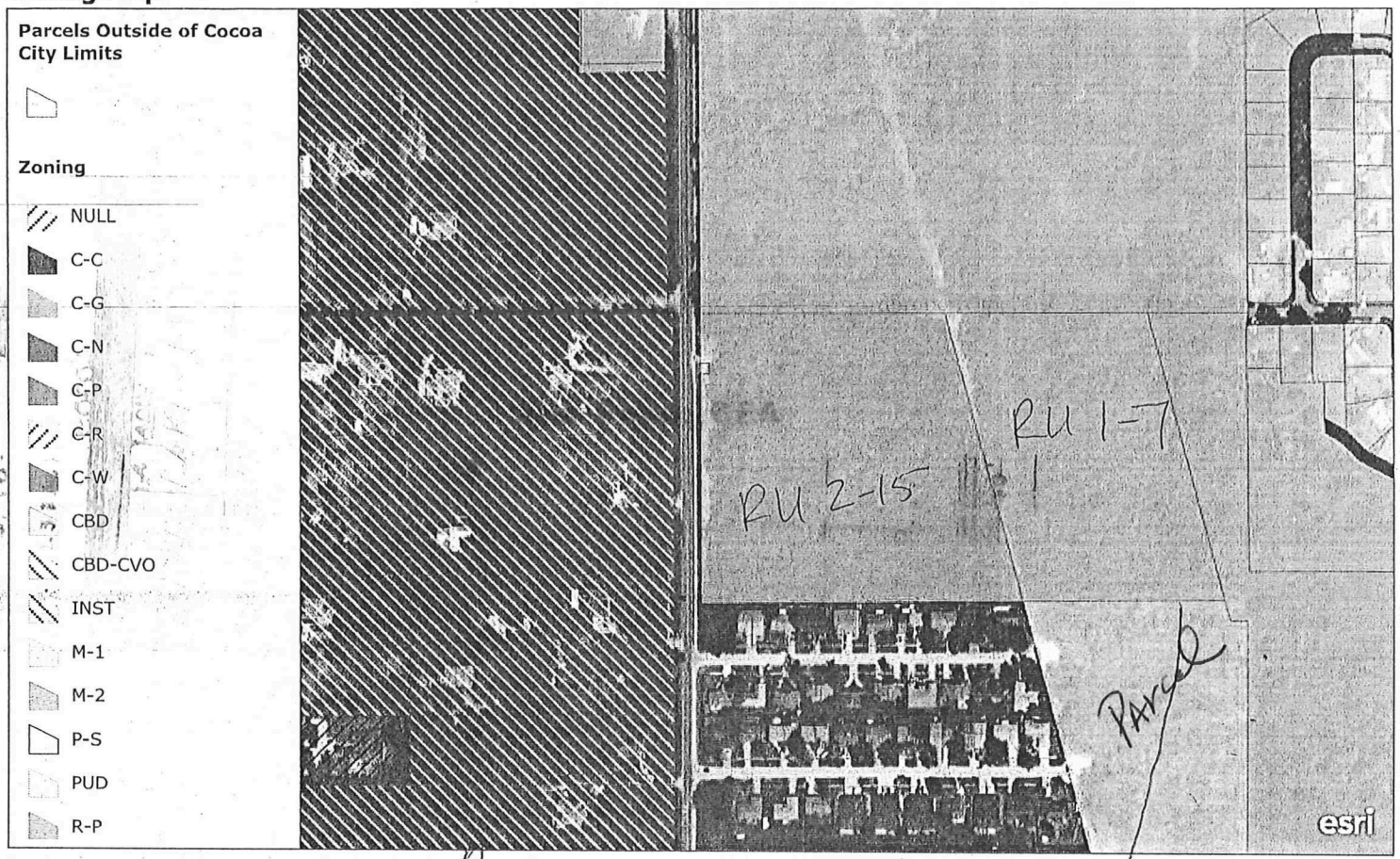


3

5/3/2005 3:41 PM


10-2-15
COMA
SABAL LAKE ESTATES
KATHI-KIM STREET
UNIT ONE
P. B. 30-12 #26
DELYS STREET
256
2425/2129
EX
P.B. 30-12
(6.5 AC)
F. P. & L. ESMT.
AGR.
72/285
255
866/803
(12.00 AC)
GU
240'
125'

Zoning Map



City of Cocoa Zoning within a defined sphere. This map displays four layers: Parcels, defined by the area sphere, the area sphere, zoning within Cocoa City Limits and Cocoa City Limits. The basemap is from open street maps.

State of Florida, USDA FSA, DigitalGlobe, GeoEye

~~RU 2-15~~
RR 1

(1) Rezone to single family
(2) Subdivision plat - pre + final
(3) Building permits

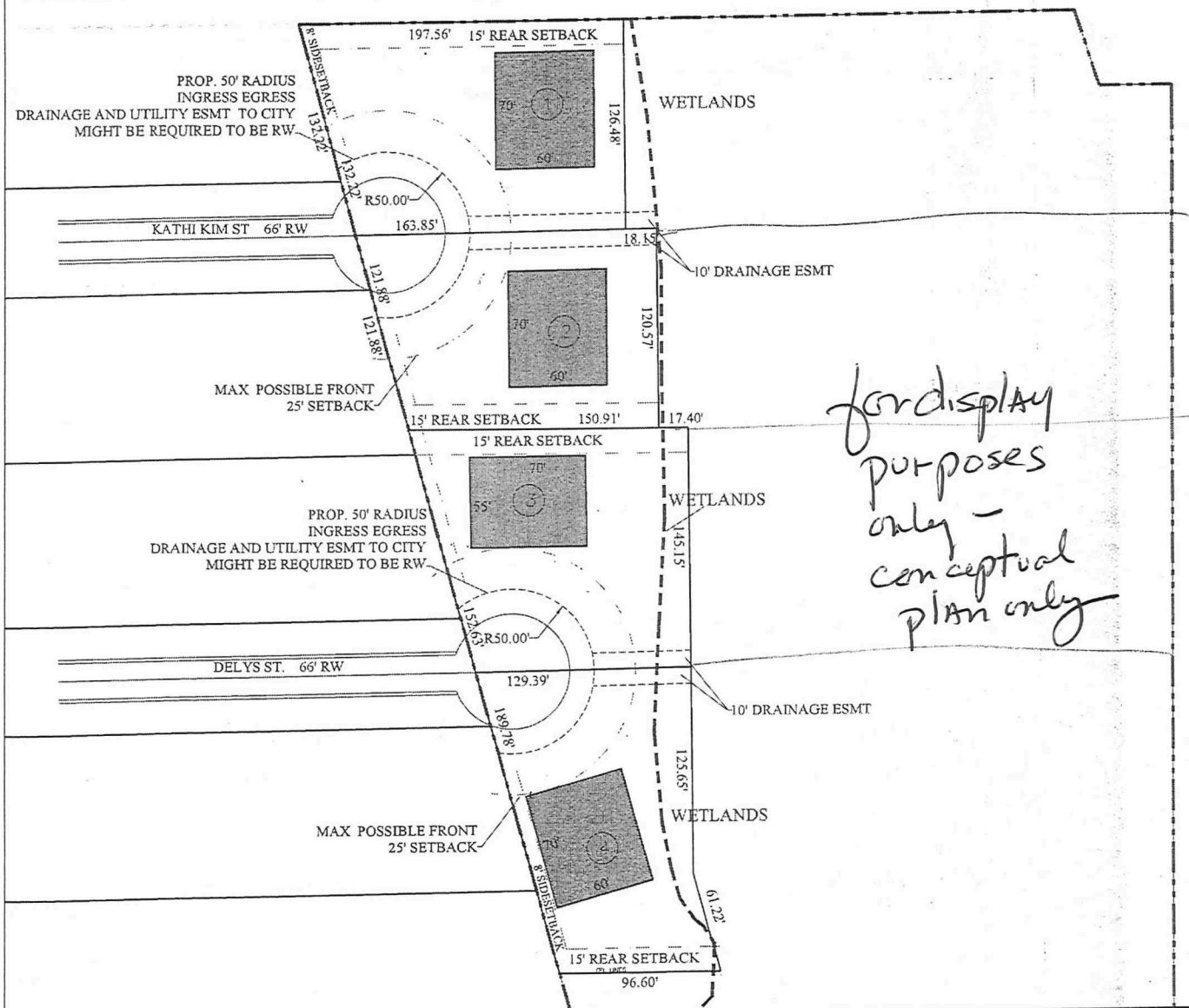
(1) Rezone
done

- RU-1-7 - Basic Zoning

some with townhouses

- Rick will investigate a RU-1-10

(2) Need to be rezoned Cocoa RU 2-1 for duplex up to



for display purposes only - conceptual plan only

allows

FUTURE LANE USE
LOW DENSITY RESIDENTIAL

ZONING: RU-1-7 , MIGHT NEED TO BE REZONE
CITY ZONING MAP SEEMS TO SHOW NO ZONIN

MIN. LOT WIDTH 75'
MIN. LOT DEPTH 100'
SETBACKS:
FRONT: 25'
SIDE. 8'
REAR: 15'

NOTE THAT THE CITY MAY NOT CONSIDER THI
AS LEGAL LOTS SINCE THEY DO NOT HAVE THI
MINIMUM ~~75'~~ OF FRONTAGE ON A ROAD RW

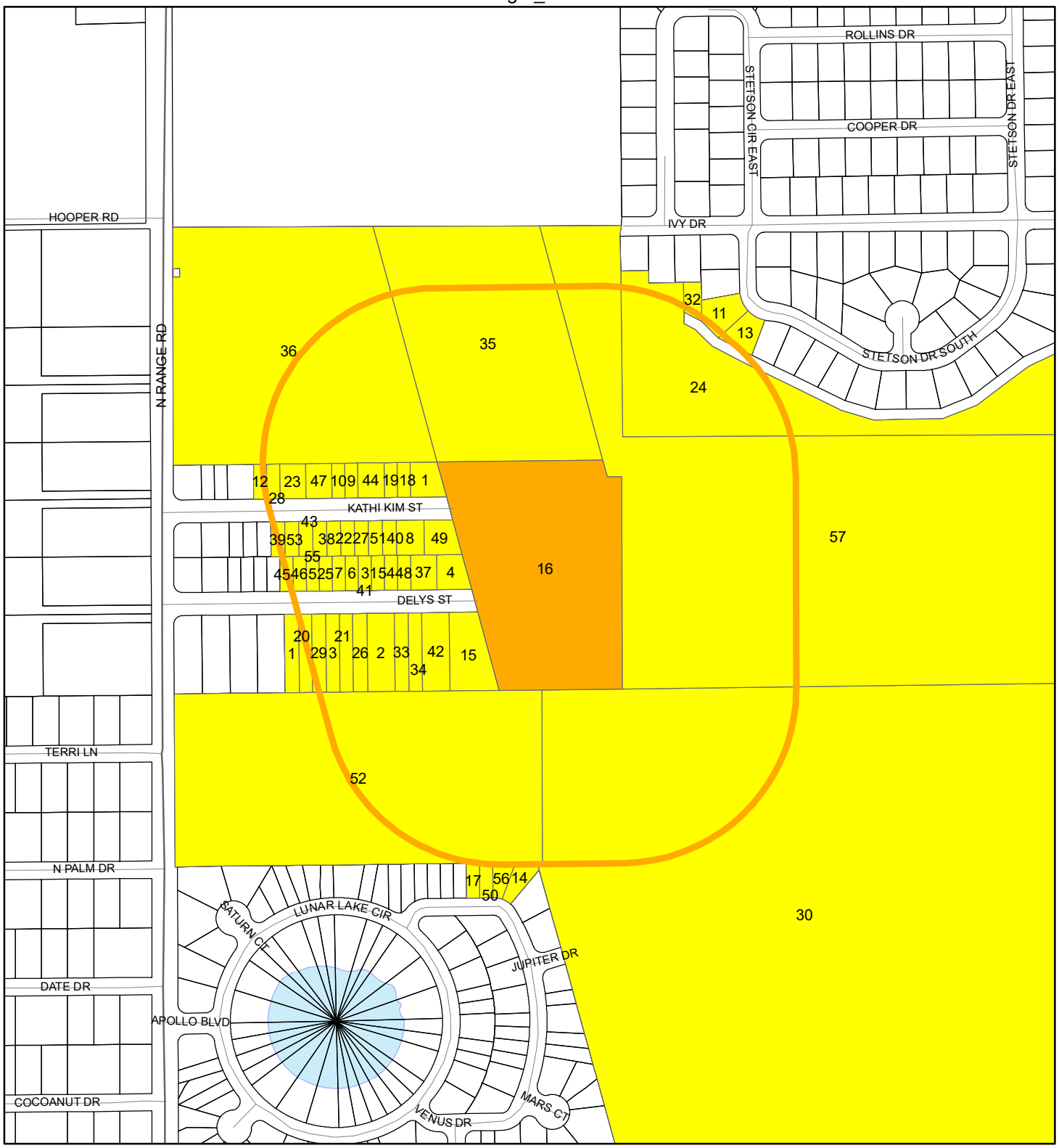
TO DO THAT YOU MIGHT HAVE TO DEDICATE
50' RADIUM CUL DE SAC ROAD RW WHERE THE
50' EASEMENT IS SHOWN

DRAWN: R. KORN REVIEW: R. KORN CHECKED: R. KORN APPROVED: P.C.	11-6-18	R.K. ENGINEERING AND ASSOCIATES OF BREVARD, INC. CONSULTING ENGINEERING AND LAND PLANNING 3206 S. HOPKINS AVE., UNIT 70 TITUSVILLE, FLORIDA 32780 CA #27334 PHONE: (321) 544-7486 EMAIL: rick@rkcivildesign.com	KATHI KIM ST AND DELYS ST. COCOA, FL	CONCEPUTAL LOT LAYOUT

- Presently zoned - RE - Resident Estate
- Land is in City of Cocoa

RADIUS MAP

EDITA REALTY INC
McKnight_2423192



N
W E
S

1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 6/12/2023

- Buffer
- Subject Property
- Notify Property
- Parcels

AUSTIN, DOUGLAS F
AUSTIN, KIMBERLY L
2425 DELYS STREET
COCOA FL 32926-

BAGNELL, KELLY
2441 DELYS ST
COCOA FL 32926-5374

BATES, BRANDON JOSHUA
RIVERA, JESSICA
2402 DELYS ST
COCOA FL 32926-5349

BENTON, JODY JAKES
BENTON, BILLY E JR
4108 13TH AVE S
GREAT FALLS MT 59405-8027

BERRY, BONNIE J
2434 DELYS ST
COCOA FL 32926-

BLACKMON, ARIELUS T
2436 DELYS ST
COCOA FL 32926-5349

BURKES, TAMARA S
2411 KATHI-KIM ST
COCOA FL 32926-

CAULKINS, DANIEL A
1464 WELLINGTON CIR
ROCKLEDGE FL 32955-4321

CAULKINS, DELMAR E
CAULKINS, DONNA R
2430 KATHI KIM ST
COCOA FL 32926-5347

CHAMBERLAIN, HENRY A
CHAMBERLAIN, JESSIE W
1361 S STETSON DR
COCOA FL 32922-5461

CHAMBLISS, WALTER
2454 KATHI KIM ST
COCOA FL 32926-5372

COLLINS, ZANETTA
1357 S STETSON DR
COCOA FL 32922-5461

DAVIS, MELDRICK
719 VENUS DR
COCOA FL 32926-5336

DRIGGERS, CODY ALAN
2401 DELYS ST
COCOA FL 32926-5373

EDITA REALTY INC
1013 ROCKLEDGE DR
ROCKLEDGE FL 32955-2900

FITZ, MARK W
FITZ, KIMBERLY G
1800 OAK DR N
ROCKLEDGE FL 32955-

FORESTER, GLENN
KNOWLES, BRIGITTE
5527 COUNTY RD 121
FT PAYNE AL 35968-

FORESTER, GLENN E
KNOWLES, BRIGITTE K
4005 NATURE LN
COCOA FL 32926-3552

GATELL, DAGMAR
2449 DELYS ST
COCOA FL 32926-5374

GAULDEN, LEONARD
2435 DELYS ST
COCOA FL 32926-5373

GLORIA SMITH HANNAFORD REVOCABLE TRUST
2429 KATHI KIM ST, UNIT W
COCOA FL 32926-5371

GOULD, GREGORY M
2444 -2446 KATHI-KIM ST
COCOA FL 32926-

GRANT, ROBERT D,JR
375 W VENETIAN CT
MERRITT ISLAND FL 32953-4140

GRETH, HOLLY ANN
3249 KENNESAW CT
ORLANDO FL 32826-3552

HENDERSON, PAMELA
2433 DELYS ST
COCOA FL 32926-5373

HOFFMAN, REBECCA LYNNE
2427 KATHI KIM ST
COCOA FL 32926-5371

HOFFMAN, SARAH
TIDD, BRENDAN
2452 KATHI KIM ST
COCOA FL 32926-5372

JAGEL, F KEITH
JAGEL, KIM
2443 DELYS ST
COCOA FL 32926-5374

JAMES L ZUHLKE & CLAIRE A
ZUHLKE REVOCABLE LIVING TRUST
PO BOX 237657
COCOA FL 32923-7657

JAMES, SHARDAE DANYEAL
2426 DELYS ST
COCOA FL 32926-5349

JOHNSTON, ROBERT STANLEY
JOHNSTON, GUINDOLA
860 POINSETTIA AVE
TITUSVILLE FL 32796-3788

JONES, WILLIE
2419 DELYS ST
COCOA FL 32926-5373

JORDAN, MICHAEL DAVID
2417 DELYS STREET
COCOA FL 32926-

KARALI ASSOCIATES LLC
2642 FAKNLAKE TR
ORLANDO FL 32828-

KARALI ASSOCIATES LLC
2642 FAWNLAKE TR
ORLANDO FL 32828-

LACEY, TABETHA
LACEY, DENNIS
2410 DELYS ST
COCOA FL 32926-5349

LATTKE, HILDA S
1346 NELSON CT
ROCKLEDGE FL 32955-5103

MC COY, CHARLENE D
2451 KATHI-KIM ST
COCOA FL 32926-

MCGARITY, DONNIVAN
2419 KATHI KIM ST
COCOA FL 32926-5371

MCGHEE, LILLIE D
MCGHEE, KENNETH B
2428 DELYS ST
COCOA FL 32926-5349

MENENDEZ-BARRERA, MARINA I
2409 DELYS ST
COCOA FL 32926-5373

MUHSHNA, SHAFIQUIL
2437 KATHI KIM ST
COCOA FL 32926-5371

NESMITH, ROBERT
NESMITH, ALICIA
2420 KATHI KIM ST
COCOA FL 32926-5347

PALMER, VICTORIA M
3205 NOTTINGHAM LN
COCOA FL 32926-6609

PALMER, VICTORIA MARIE
3205 NOTTINGHAM LN
COCOA FL 32926-6609

PARKER, MARY P
2436 KATHI KIM ST
COCOA FL 32926-5347

REID, ERIC M
REID, TAMBRA S
1900 WORCHESTER WAY
MERRITT ISLAND FL 32953-2622

RIDOLF, CYNTHIA
2403 KATHI KIM ST
COCOA FL 32926-5371

ROMERO, ESTEBAN JOSE
CERPA, LAURA
110 ISLAND BEACH BLVD
MERRITT ISLAND FL 32952-5016

S FISKE BLVD LAND TRUST
125 E MERRITT ISLAND CSWY,
107-127
MERRITT ISLAND FL 32952-3699

SCHOOL BOARD OF BREVARD COUNTY FL
#1131 SATURN ELEMENTARY ATTN:
ACCOUNTS P
2700 JUDGE FRAN JAMIESON WAY
VIERA FL 32940-6699

SIMMONS, SHAUNI
BATTLE, FRED,III
2445 KATHI KIM ST
COCOA FL 32926-5348

SMITH, HELLEN J
2420 DELYS ST
COCOA FL 32926-5349

THAKKAR, VASANT K
THAKKAR, GITA V TRUSTEES
3805 STARLIGHT AVE
MERRITT ISLAND FL 32953-8044

WILSON, PENNY L
717 VENUS DR
COCOA FL 32926-

YODER, TAD EDWARD
6206 RIVERWALK LN, UNIT 1
JUPITER FL 33458-7907

PAGE 1 OF 1

TYPE OF SURVEY:

☐ BOUNDARY ■ CONSTRUCTION ☐ CONDOMINIUM
☐ ALTA/NSPS ☐ TOPOGRAPHIC ☐ SPECIAL PURPOSE

PURPOSE OF SURVEY (SEE GENERAL NOTES BELOW):

PURCHASE/REFINANCE BOUNDARY SURVEY

BEARING REFERENCE:

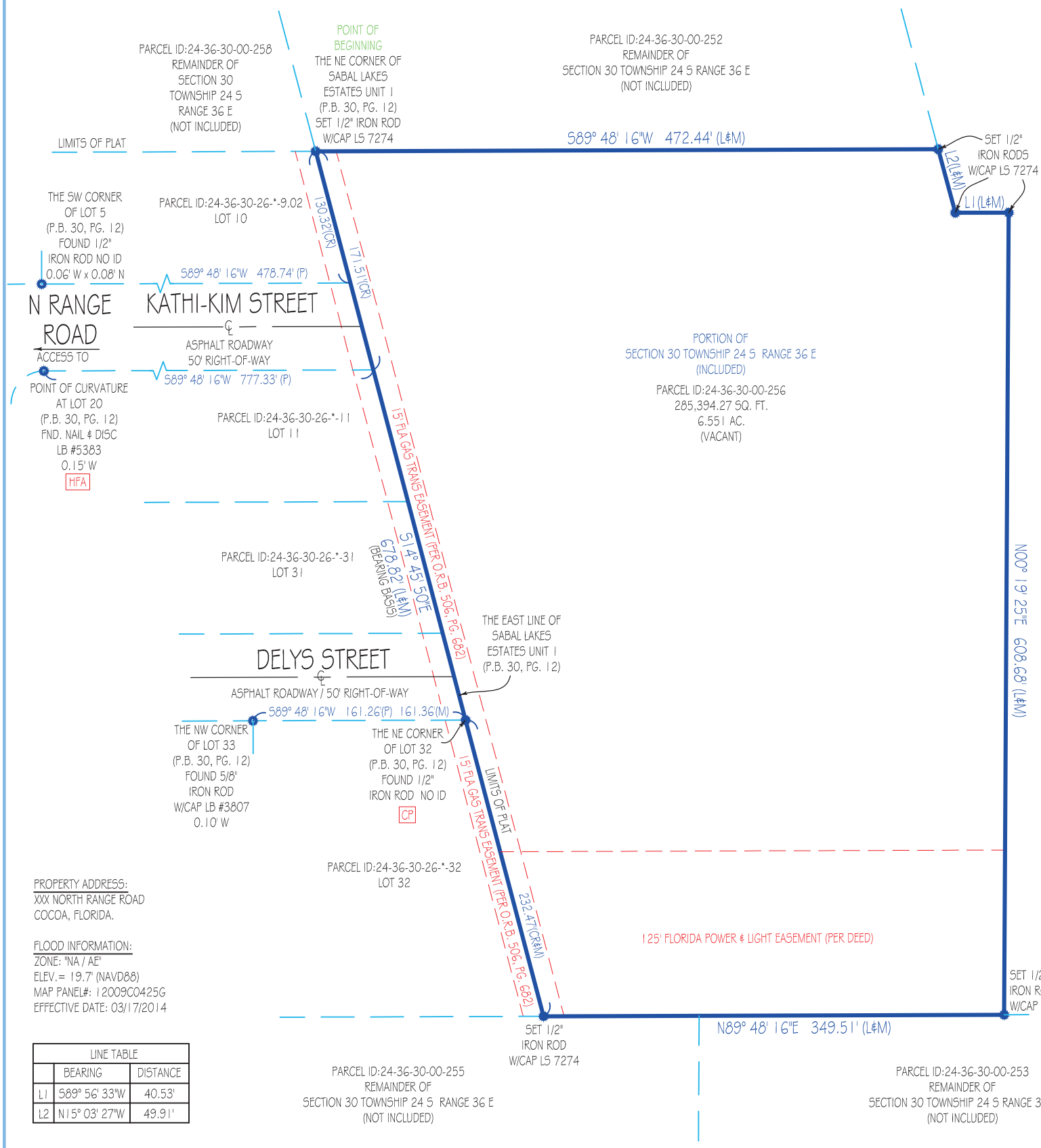
THE EAST LINE OF SABAL LAKES ESTATES UNT 1 AS S 14°45'50" E
AS REFERENCED IN SUBJECT PROPERTY LEGAL DESCRIPTION.
ALL BEARINGS SHOWN HEREON REFERENCED THERETO.

SCALE:1"=100'

CERTIFIED TO
RALPH MCCOIG



AERIAL PHOTOGRAPH
(MAY NOT SHOW LATEST IMPROVEMENTS)
(NOT-TO-SCALE)



LEGAL DESCRIPTION:
A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGIN AT THE NORTHEAST CORNER OF "SABAL LAKES ESTATES, UNIT ONE", RECORDED IN PLAT BOOK 30, PAGE 12 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN S. 14 DEGREES 45'50"E., ALONG THE EAST LINE OF SAID "SABAL LAKES ESTATES, UNIT ONE", A DISTANCE OF 678.82 FEET TO THE SOUTHEAST CORNER OF SAID "SABAL LAKE ESTATES, UNIT ONE"; THENCE N. 89 DEGREES 48'16"E., ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID "SABAL LAKE ESTATES, UNIT ONE", A DISTANCE OF 349.51 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30; THENCE N. 00 DEGREES 19'25"E., ALONG THE EAST LINE OF SAID NORTHWEST 1/4 IF THE NORTHWEST 1/4 OF SECTION 30; A DISTANCE OF 608.68 FEET TO A POINT ON THE SOUTH LINE OF LANDS DESCRIBED IN DEED BOOK 69, PAGE 62 OF SAID PUBLIC RECORDS; THENCE S. 89 DEGREES 56'33"W., ALONG SAID SOUTH LINE, A DISTANCE OF 40.53 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE N. 15 DEGREES 03'27"W., ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 49.91 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID "SABAL LAKE ESTATES, UNIT ONE"; THENCE S. 89 DEGREES 48'16"W., ALONG SAID EASTERLY EXTENSION A DISTANCE OF 472.44 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A GAS TRANSMISSION LINE EASEMENT RECORDED IN O.R. BOOK 506, PAGE 682; SUBJECT TO A 125.00 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT AGREEMENT RECORDED IN O.R. BOOK 72, PAGE 285.

PROPERTY ADDRESS:
XXX NORTH RANGE ROAD
COCOA, FLORIDA.

FLOOD INFORMATION:
ZONE: "NA / AE"
ELEV.= 19.7' (NAVD88)
MAP PANEL#: 12009C0425G
EFFECTIVE DATE: 03/17/2014

LINE TABLE		
	BEARING	DISTANCE
L1	S89° 56' 33"W	40.53'
L2	N15° 03' 27"W	49.91'

"CP" = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

Platted Easements & Notable Conditions (unplatted easements also listed if provided): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.

- 15' FLORIDA GAS TRANSMISSION EASEMENT ALONG WESTERLY BOUNDARY LINE OF SUBJECT LOT.
- 125' FLORIDA POWER & LIGHT EASEMENT ALONG SOUTHERLY BOUNDARY LINE OF SUBJECT LOT.
- 15' FLORIDA GAS TRANSMISSION EASEMENT ADJACENT TO WESTERLY BOUNDARY LINE OF SUBJECT LOT.

This survey has been issued by the
following Landtec Surveying office:
700 West Hillsboro Boulevard, Suite 4-100
Deerfield Beach, FL 33441
Office: (561) 367-3587
Fax: (561) 465-3145
www.Landtecsurvey.com

ABBREVIATION LEGEND (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING):

A OR AL = ARC LENGTH	EL OR ELEV = ELEVATION	PRC = POINT OF REVERSE CURVE	M = MEASURED	WM = WATER METER
C/O = CLEANOUT	P = PLAT	PT = POINT OF TANGENCY	OHC = OVERHEAD CABLE	WV = WATER VALVE
CA = CENTRAL ANGLE	PC = POINT OF CURVE	EM = ELECTRIC METER	QTR = QUARTER	
CATV = CABLE TV RISER	PCC = POINT OF COMPOUND	F.F.E. = FINISHED FLOOR ELEV.	R = RADIUS	
CF = CALCULATED FROM FIELD	CURVE	FIR = FOUND IRON ROD	RNG = RANGE	
CH = CHORD DISTANCE	PH = POOL HEATER	FN = FOUND NAIL	SEC = SECTION	
CONC. = CONCRETE	PI = POINT OF INTERSECTION	FND = FOUND	TR = TELEPHONE RISER	
CR = CALCULATED FROM RECORD	POB = POINT OF BEGINNING	G.F.F.= GARAGE FINISHED FLOOR	TWP = TOWNSHIP	
DE = DRAINAGE EASEMENT	POC = POINT OF COMMENCEMENT	L= LEGAL DESCRIPTION	UE = UTILITY EASEMENT	
	PP = POOL PUMP		UP = UTILITY POLE	

SYMBOLS (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING - NOT TO SCALE):

= UTILITY POLE, = LIGHT POLE, = CATCH BASIN, = FIRE HYDRANT, = MANHOLE, = WATER VALVE, WM = WATER METER, W = WELL, ℄ = CENTER LINE, P = PARTY WALL, A/C = AIR CONDITIONER, SL = SEPTIC LID, X = ELEV. SHOT, = HANDICAP PARKING SPACE, = SEC. QTR. CORNER, = SECTION CORNER

LINETYPES:
BOUNDARY
BUILDING
EASEMENT
CHAIN LINK FENCE
WOOD FENCE
PLASTIC FENCE
OVERHEAD CABLE

GENERAL NOTES:
1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. AS INDICATED ABOVE, UNDER "PURPOSE OF SURVEY", IF THIS SURVEY HAS BEEN PREPARED FOR A PURCHASE OR REFINANCE, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES, AND IS NOT INTENDED FOR USE IN DESIGN OR CONSTRUCTION PURPOSES. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ABOVE.
7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8. ANY CORNERS SHOWN AS "SET" HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN 2 BUSINESS WEEKS OF SAID DATE AND ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) #7274.

Job Nr: 181383-CE | Date of Field Work : 07/26/2023 | Drawn by: E.I.

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062. PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

SIGNATURE _____
DATE: 8-1-2023
PABLO ALVAREZ - PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 7274 (NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

Elevations, if shown:

Benchmark: _____
Benchmark Elev.: _____
Benchmark Datum: _____
Elevations on Drawing are in:
N.G.V.D.29 ☐ N.A.V.D.88 ☐

Revisions:	

PRINTING INSTRUCTIONS:
WHEN PRINTING THIS PDF IN ADOBE. SELECT "ACTUAL SIZE" TO ENSURE CORRECT SCALING.
DO NOT USE "FIT".

LANDTEC SURVEYING and Lien

LICENSED BUSINESS No. 8507

ORDINANCE NO. 15-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 6.61 ACRES, MORE OR LESS, AND GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH RANGE ROAD AND KATHI KIM STREET, AND WEST OF CLEARLAKE ROAD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY MEDIUM-DENSITY MULTIPLE-FAMILY RESIDENTIAL (RU-2-10) TO CITY OF COCOA MULTIPLE-FAMILY DWELLING (RU-2-15); 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), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; 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 Council.

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 RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple-Family Dwelling) for the real property depicted and legally described on **Exhibit A**, attached hereto and incorporated herein by this

reference. City Staff is 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 _____, 2023.

_____
MICHAEL C. BLAKE, Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION

Legal Description of Subject Property

A parcel of land lying in the Northwest ¼ of the Northwest ¼ of Section 30, Township 24 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Begin at the Northeast corner of SABAL LAKE ESTATES, UNIT ONE recorded in Plat Book 30, Page 12, of the Public Records of Brevard County, Florida; thence run South 14 degrees 45.50 feet East, along the East line of said SABAL LAKE ESTATES, UNIT ONE, a distance of 678.82 feet to the Southeast corner of said SABAL LAKE ESTATES, UNIT ONE; thence North 89 degrees 48.16 feet East, along the Easterly extension of the South line of said SABAL LAKE ESTATES, UNIT ONE, a distance of 349.51 feet to the Southeast corner of said Northwest ¼ of the Northwest ¼ of Section 30; thence North 00 degrees 19.25 feet East, along the East line of said Northwest ¼ if the Northwest ¼ of Section 30; a distance of 608.68 feet to a point on the South line of lands described in Deed Book 69, Page 62 of said Public Records; thence South 89 degrees 56.33 feet West along said South line, a distance of 40.53 feet to the Southwest corner of said lands; thence North 15 degrees 03.27 feet West, along the west line of said lands, a distance of 49.91 feet to the point of intersection with the Easterly extension of the North line of said SABAL LAKE ESTATES, UNIT ONE; thence South 89 degrees 48.16 feet West, along said Easterly extension a distance of 472.44 feet to the Point of Beginning.

Depiction of Subject Property



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

PUBLICATION	TOLL-FREE	Local #	Email
Florida Today	888-516-9220	321-242-3632	BRELegals@gannett.com

Customer: CITY OF COCOA - TE

Address: 65 STONE ST
COCOA FL 32922
USA

Ad No.: 0005784978

Pymt Method Invoice

Order Amount 408.63

Run Times: 1

No. of Affidavits: 1

Run Dates: 08/01/23

Text of Ad:

Ad#5784978 08/01/2023

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:
COMPREHENSIVE PLAN
TEXT AMENDMENTS and
ZONING MAP AMENDMENTS

PZ 23-02100007 Vacant Lot N Range Road Zoning Map Amendment | Ordinance 15-2023

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 6.61 ACRES, MORE OR LESS, AND GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH RANGE ROAD AND KATHI KIM STREET, AND WEST OF CLEARLAKE ROAD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY MEDIUM-DENSITY MULTIPLE--FAMILY RESIDENTIAL (RU-2-10) TO CITY OF COCOA MULTIPLE-FAMILY DWELLING (RU-2-15); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. Tax Parcel ID 24-36-30-00-256.

PZ 23-00500004 915 Florida Ave Comp Plan Text Amendment | Ordinance No. 17-2023

B. 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 AUTHORIZING THE CITY COUNCIL TO APPROVE BY DEVELOPMENT AGREEMENT RESIDENTIAL DENSITIES OF UP TO 125 DWELLING UNITS PER ACRE RELATED TO VERTICAL MIXED-USE PROJECTS; EXPANDING THE VERY LIMITED GEOGRAPHICAL AREA TO WHICH THE POLICY APPLIES TO INCLUDE A PARCEL OF CITY-OWNED LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ROSA L. JONES DRIVE AND FLORIDA AVENUE AND WHICH IS MORE PARTICULARLY DESCRIBED HEREIN BY PARCEL INFORMATION AND MAP THAT CONSISTS OF APPROXIMATELY 4.32 ACRES, MORE OR LESS, AND IS DESIGNATED MIXED-USE FUTURE LAND USE ON THE FUTURE LAND USE MAP AND WHICH IS DESIGNATED SOUTH END (SE) SUBDISTRICT WITH A COMMERCIAL/MIXED-USE LARGE (CL) BUILDING TYPE ON THE COCOA WATERFRONT OVERLAY DISTRICT REGULATING PLAN; REQUIRING A DEVELOPMENT AGREEMENT BY THE CITY COUNCIL TO APPROVE SUCH PROJECTS ON SUCH REAL PROPERTY UNDER CERTAIN TERMS AND CONDITIONS DEEMED NECESSARY AND ACCEPTABLE TO THE CITY COUNCIL; FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLU-

TIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE, AND LEGAL STATUS OF THE PLAN AMENDMENT.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY PUBLIC HEARING WILL BE HELD ON August 16, 2023

CITY COUNCIL 1st PUBLIC HEARING WILL BE HELD ON August 22, 2023

ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT 65 STONE STREET, COCOA, 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 of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the 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, 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) 433-8451.

Interested persons may submit their written comments or questions prior to the meeting through Email at 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.

Legislation Details (With Text)

File #:	23-490	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	8/9/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	8/16/2023			**Final action:**	
Title:	Consideration of a Land Development Code Amendment to amend the list of permitted uses related to restaurants in the M-2 District.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Ordinance No. 16-2023.pdf Exhibit A - Zoning Map Pint & Pistol.pdf Exhibit B - FLU Map Pint & Pistol.pdf Exhibit C - Application Pint & Pistol.pdf Exhibit D - Ordinance 04-2019 (Amending Appendix A_ Indoor Shooting Ranges).pdf Exhibit E - Affidavit Display Legal Ad P&Z Aug 16.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: August 7, 2023
Agenda Date: August 16, 2023
Prepared By: Stephen Noto - Planning Consultant
Through: Stockton Whitten - City Manager
Requested Action:
Consideration of a Land Development Code Amendment to amend the list of permitted uses related to restaurants in the M-2 District.

BACKGROUND:

The applicant, Mr. Robert B. Scale, of Pint & Pistol, LLC, has requested the City amend the Land Development Code (LDC) as it relates to restaurants in the M-2 Zoning District to allow restaurants in the district to serve liquor. Currently, restaurants in the M-2 Zoning District may only serve beer and wine. Pint & Pistol currently operates at 2911 Oxbow Cir, Cocoa, FL 32926, as a shooting range with restaurant that serves beer and wine. The applicant wishes to also serve liquor as part of the restaurant use.

Future Land Use Designation: Current: IND, Industrial
Zoning District: Current: M-2, Manufacturing and Industrial District
Existing Land Use: Pint & Pistol Shooting Range and Restaurant
Council District: District 3 - Councilmember Dyal
Legal Ad Date: August 1, 2023

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	IND, Industrial	M-2, Manufacturing and Industrial District	Vacant Industrial Land
South	IND, Industrial	M-2, Manufacturing and Industrial District	Light Manufacturing
East	IND, Industrial	M-2, Manufacturing and Industrial District	Vacant Industrial Land
West	RES 1:2.5 Residential (1 unit per 2.5 acres)	Brevard County GU, General Use	Single-Family Residences

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 objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

Need and justification for the change.

Restaurants are currently allowed in the following districts:

- C-N, Neighborhood Commercial, with the following conditions:
    - Outdoor entertainment shall be prohibited;
    - The restaurant shall be required to close no later than 10:00 PM on Sunday through Thursday and no later than 12:00 AM on Friday and Saturday; and
    - Walls and/or opaque vegetative screening buffers shall be required between the restaurant and adjacent properties with residential zoning designations.
- C-G, General Commercial, with the same restrictions as C-N noted above.
- CBD, Central Business District, by right with no additional restrictions.
- C-C, Core Commercial District, with bars and lounges allowed only as an accessory use to restaurant.
- PUD, Planned Unit Development, with the following conditions:
    - Outdoor entertainment shall be prohibited;
    - The restaurant shall be required to close no later than 10:00 PM on Sunday through Thursday and no later than 12:00 AM on Friday and Saturday; and
- UMD, Urban Mixed-Use District, including the sale and service of alcoholic beverages for on-

site consumption.

The M-2, Manufacturing and Industrial District, allows for the following limited commercial uses:

1. Retail sales of carpet, tile, pool, furniture, construction products or materials sold directly to the end user (builder, installer, or homeowner).
2. Restaurants located within one (1) principal structure, *including the sale of beer and wine for on-site consumption only*, with a minimum three thousand (3,000) linear feet spacing requirement between restaurant uses as measured between the nearest property lines. This distance requirement shall not apply if the proposed restaurant is part of a master planned industrial park and the restaurant is located within four hundred (400) feet of Grissom Parkway.
3. Business service establishments.
4. Veterinary hospitals, clinics, and animal boarding facilities.
5. Indoor shooting ranges, with ancillary retail sales and restaurant subject to the requirements of subsection (A)(12)(d)2. of this section, shall be permitted with the following conditions:
    a. All firing shall take place within a completely enclosed building.
    b. Site plan applications for the development of an indoor shooting range shall include a plan by a Florida registered engineer demonstrating that the building is soundproof and appropriately designed for such use.

The applicant wishes to modify Section 2, as shown above, to strike “including the sale of beer and wine for on-site consumption only”. By doing so, the applicant would be able to sell beer, wine, and liquor. The applicant and any future restaurant in M-2 would still be required to follow all Florida Division of Alcoholic Beverages and Tobacco licensing requirements, as well as separation requirements from schools and other sensitive uses as outlined by the Florida Statutes. In accordance with App. A, Zoning, Article XIII, Section 20, Alcoholic Beverages, the sale of alcoholic beverages for on-premise consumption is allowed as an accessory use where the restaurant has seating accommodations for at least 40 persons, excluding seats or stools in a bar or lounge area, and has a kitchen to prepare and serve meals when open for business.

Given that the M-2 zoning district is the only zoning district to specifically detail the types of alcohol that may be sold, this revision will make the language more consistent with the other zoning categories that allow for restaurants. In addition, the City has been supportive of the Applicant’s business by supporting and approving other, similar code amendments. This amendment will continue that trend and may allow for other service-based industry uses to occur in the M-2 zoning district.

Relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan.

This request relates to both Goal 1.1 and Objective 1.1.1 of the Future Land Use Element:

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 1.1.1: Future Land Use Categories Established. The City hereby establishes land use categories and a Future Land Use Map (FLUM) that provide for compatible and coordinated land

uses, allowing for the protection of natural and historic resources as well as maximizing economic development opportunities.

By being allowing a mixture of appropriate commercial uses and providing for flexibility within the administration of those uses, the City is providing for a broad range of land use activities, as well as maximizing economic development opportunities.

Figure FLU-1 of the FLU Element continues to be met as the subject property will continue to comply with the overlying FLU designation of IND, Industrial. Additionally, Policy 1.1.2.10 (B) states:

Commercial and office uses that are complementary to and support industrial development and operations may be permitted within industrial designated areas.

The applicant was able to take advantage of these policies by opening his facility within the M-2 district, as allowed by the Comprehensive Plan and Land Development Code. This code amendment will expand the implementation of this policy.

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

Approval Ordinance 04-2019 to allow indoor shooting ranges as a permitted use subject to certain conditions, including ancillary retail sales and restaurant in the M-2 (Manufacturing and Industrial) Zoning District on May 8, 2019.

RECOMMENDED MOTION:

Staff recommends that the Planning & Zoning Board recommend APPROVAL to City Council to amend the list of permitted uses related to restaurants in the M-2 District, as outlined in the Land Development Code.

ORDINANCE NO. 16-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 19, OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO AMEND THE LIST OF PERMITTED USES RELATED TO RESTAURANTS IN THE M-2 DISTRICT; 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 § 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City currently allows restaurants as a permitted use in the M-2, Manufacturing and Industrial, District, subject to multiple conditions including that restaurants may only serve beer and wine for on-site consumption; and

WHEREAS, the City desires to amend Appendix A, Article XI, Section 19, of the Zoning Ordinance to remove the condition placed on restaurants in the M-2 District which restricts alcohol sales to beer and wine only, and to allow instead for restaurants in the M-2 district to serve liquor as well as beer and wine; and

WHEREAS, the City intends for the conditions placed on restaurants in the M-2 District, other than those related to the types of alcohol which may be served for on-site consumption, to remain unchanged; 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. **Code Amendment.** The City of Cocoa Code of Ordinances Appendix A, Zoning, Article XI, Section 19, 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, Article XI, Section 19. It is intended that the text in Appendix A, Article XI, Section 19, denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

* * *

APPENDIX A – ZONING

* * *

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 19. – District and intent – M2 Manufacturing and Industrial District

* * *

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

* * *

(11) Limited commercial uses, as identified in this section, shall be permitted with the following conditions:

a. Commercial uses shall only be located on property having a minimum of one hundred fifty (150) feet of frontage along Grissom Parkway.

b. Commercial uses shall only be located within four hundred (400) feet of Grissom Parkway, as measured from the right-of-way line. All on-site commercial-related improvements, such as retention, parking, loading/unloading, etcetera, shall be contained within this four hundred (400) foot area. Retention areas may be provided outside of the four hundred (400) foot requirement if the proposed commercial use is part of a master planned industrial park with an associated retention system.

c. Commercial uses shall have no outdoor storage or display.

d. Commercial uses shall be limited to:

* * *

2. Restaurants located within one (1) principal structure~~, including the sale of beer and wine for on-site consumption only,~~ with a minimum three thousand (3,000) linear feet spacing requirement between restaurant uses as measured between the nearest property lines. This distance requirement shall not apply if the proposed restaurant is part of a master planned industrial park and the restaurant is located within four hundred (400) feet of Grissom Parkway.

* * *

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

Section 4. **Incorporation Into Code.** This Ordinance shall be incorporated into the City Code of 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 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.

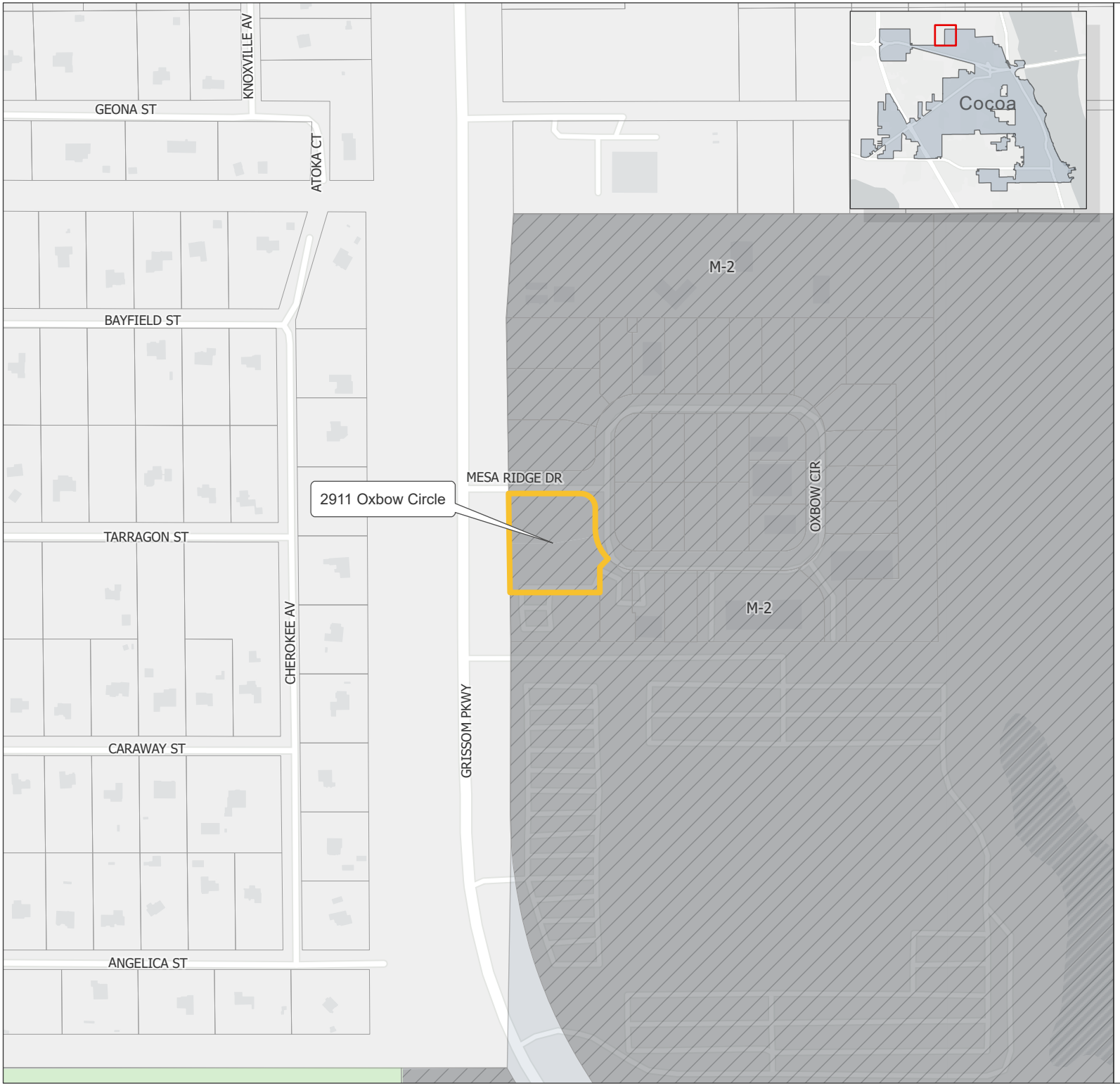
ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2023.

_____
MICHAEL C. BLAKE
Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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



COCOA
FLORIDA

2911 Oxbow Circle Zoning

July 20, 2023

Subject Parcel

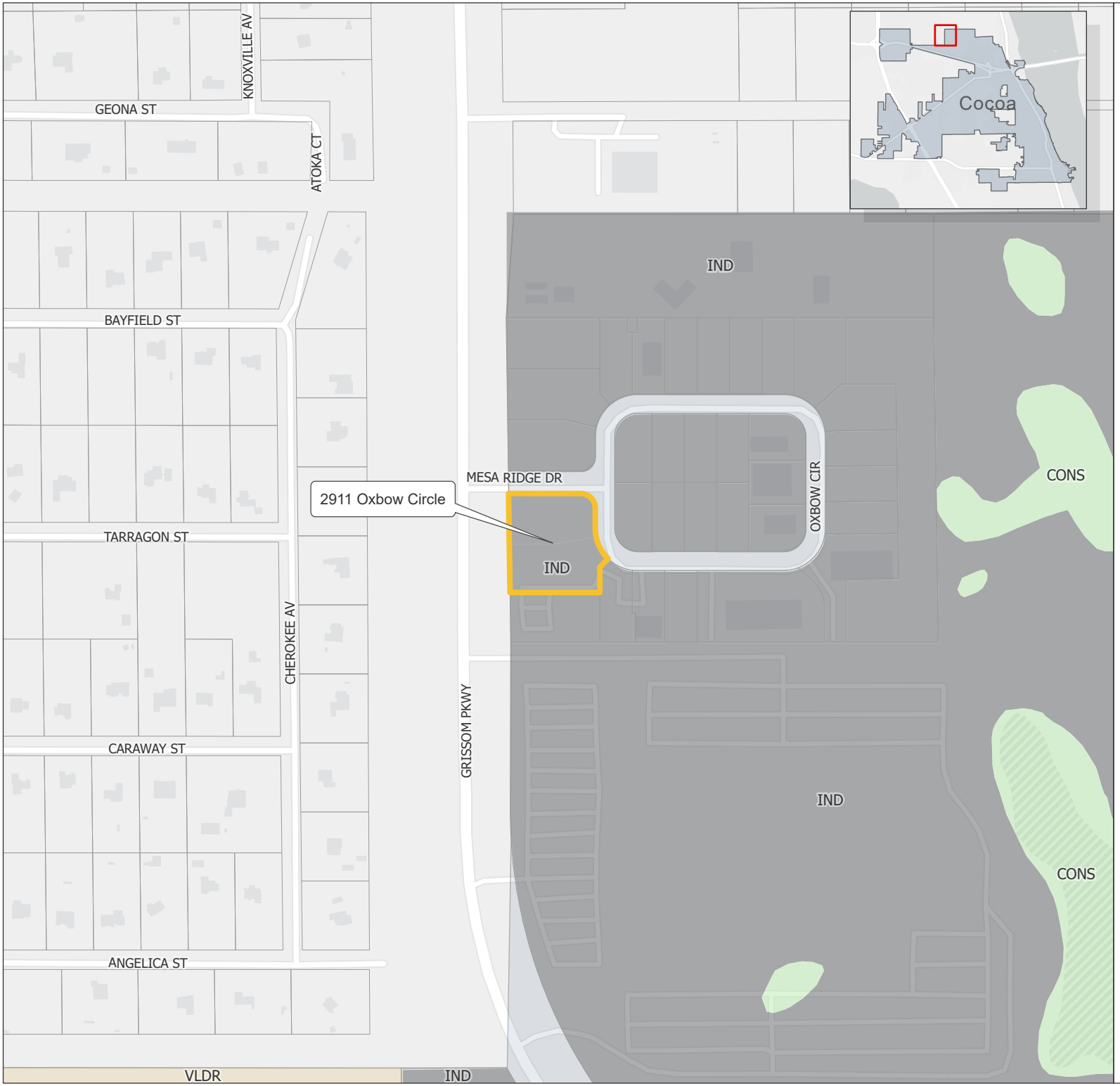
Cocoa Zoning

- RA - Residential Agricultural
- M-2 - Manufacturing and Industrial
- Parcels
- Cocoa City Boundary

N

0 200 400 Feet

P20230720-79001.0.2



COCOA
FLORIDA

2911 Oxbow Circle
Future Land Use

July 20, 2023

Subject Parcel

Future Land Use

- Very Low Density Residential
- Industrial
- Conservation
- Parcels
- Cocoa City Boundary

N

0 200 400 Feet

P20230720-79001.0.3

Application # PZ - _____ - _____

Serving the Community

ZONING ORDINANCE AMENDMENT APPLICATION (TEXT ONLY)

Community Services Department
Planning and Zoning Division
65 Stone Street
Cocoa, Florida 32922

Phone: (321) 433-8535
Fax: (321) 433-8543
Web: http://www.cocoafl.org

This form is divided into steps, which will help you prepare your application, provide supplemental items, and prepare for the Planning & Zoning Board and City Council hearings. A pre-application meeting with Staff is **required**.

For Office Use Only - Date Received

Stamp Only When Application is Fully Complete

Please TYPE or PRINT this application neatly.

1. **Request:** MODIFY THE M2 ZONING LANGUAGE WHICH ALLOWS RESTAURANTS TO SELL BEER AND WINE FOR ON SITE CONSUMPTION TO NOW INCLUDE LIQUOR.

2. **Applicable City Code Section(s):** SEC 19 - DISTRICT AND INTENT - M2 MANUFACTURING AND INDUSTRIAL DISTRICT, A.11.d.2.

3. **Applicant Information:** ** NOTE: Applicant is the main contact, who must attend the meeting!*

   Company (if applicable): PINT + PISTOL, LLC

   Name: ROBERT (BOB) SCALES

   Mailing Address: 1415 N. ATLANTIC AVE

   City: COCOA BEACH State: FL Zip Code: 32931

   Phone #: 321-508-4803 Fax #: NA

   Mobile #: 321-508-4803 E-mail: BSCALES@PINTPISTOL.COM

4. **Please submit the following items in order complete the application:**

   a. ☑ **Notarized application.**

   b. ☑ **Application fee.** Please make checks payable to the 'City of Cocoa' and submit payment **ONLY** to the Community Services Department. Public mail notice and legal advertising fees must also be paid a few weeks after application submittal. See Schedule of Fees, Charges and Expenses for applicable fees.

   c. ☑ **Corporate documents.** If the applicant is representing a company, articles of incorporation which show the applicant is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (http://www.sunbiz.org/corpweb/inquiry/search.html).

   d. ☑ **Additional information.** Submit any information that may be helpful in understanding the request. This may include, but limited to, desired ordinance text, examples, photos, sketches, elevations, and letters.

5. **Application filing procedure.** This application, together with all required exhibits and attachments, shall be completed and filed with the Planning and Zoning Division.

Public hearings process information – please read this!

6. **Dates and locations of public hearings.** All zoning text ordinance amendments require one hearing in front of the Planning & Zoning Board and two hearings in front of the City of Cocoa Council.

7. **Board types.** The Planning & Zoning Board is an advisory board to the City Council and therefore is only authorized to make recommendations. City Council is an authoritative body and is able to make binding decisions.

8. **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the application. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.

9. **Preparing for the public hearings.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the application request. The City assumes no responsibility or liability relating to the applicant's failure to research and know all applicable laws including, but not limited to state, federal, and city laws, codes, land development regulations, and the comprehensive plan.

10. **Exhibits at public hearings.** If photographs, documents, maps or other materials are provided to the Board/Council as evidence at the public hearing, the applicant must leave those instruments with the Recording Secretary. By law those instruments automatically become part of the public records and cannot be returned to the applicant.

11. **Witnesses at public hearings.** For the purposes of making a decision on the application, the Board/Council shall only consider testimony of qualified witnesses. A witness is determined by the Board/Council and is generally based on:
    a. The witness has personal knowledge of the fact in which the witness will testify; and/or
    b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
        1. *Layman witness*: Testimony of a witness other than an expert witness is qualified only if:
            - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
            - The opinions and inferences do not require any special knowledge, skill experience or training.
        2. *Expert witness*. Testimony of an expert witness is qualified only if:
            - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
            - The witness is adequately qualified to express an opinion on the matter.

12. **Planning & Zoning Board vs. City Council actions.** If the Planning & Zoning Board finds that the facts presented in the matter justify approval, it may recommend to approve the request, or a portion thereof, and it may specify any conditions deemed necessary to preserve the intent of the City of Cocoa Code. If the Board finds that the facts presented do not justify approval, it may recommend to deny the request and will specify the reasons for denial. A decision is usually made at the same meeting that the hearing is held. Regardless of the outcome, the application will be forwarded to the City Council for consideration where a final decision can be made.

13. Zoning Text Amendment Petition

I, the undersigned, hereby petition the City of Cocoa Council for a zoning text amendment as specified below:

a. In order to approve a zoning text ordinance amendment, the Planning & Zoning Board and City Council must consider and study the criteria listed below (as described in Appendix A, Article XXII, Section 1 (G)(2) of the City of Cocoa Code). Please provide your consideration of the following criteria and any pertinent data and evidence that may be useful to the Planning & Zoning Board and City Council.

a. The need and justification for the change.

IN ORDER TO CONTINUE GROWTH OF THE GRISSOM PARKWAY CORRIDOR AND MAINTAIN JOB GROWTH WE ARE PROPOSING THE ENHANCEMENT OF ENTERTAINMENT VENUES AND SELECTION CHOICES FOR RESTAURANT PATRONS WITH THE ADDITION OF IN HOUSE LIQUOR SALES.

b. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

Applicant's Signature

7/6/23
Date

JOSEPH ROBIN SCALES
Applicant's Printed Name

14. Signatures and Notarization.

STATE OF FL COUNTY OF BREVARD. I, JROBERT SCALES being first duly sworn, depose and say that:

☑ I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.

☐ I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed and understand this application and applicable petition, and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing. I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

(APPLICANT SIGNATURE)

(Print, Type or Stamp Commissioned Name of Notary Public)

CARLA NEAL
MY COMMISSION # HH 111544
EXPIRES: March 30, 2025
Bonded Thru Notary Public Underwriters

Personally Known ☑ OR Produced Identification ☐

Type of I.D. Produced N/A

(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 6th day of July, 2023

FOR OFFICE USE ONLY

Fee of $ _____ in cash ☐ or check ☐ (No. _____) payable to the "City of Cocoa".

Receipt Number: _____

Date: _____

Signature from Planning & Zoning Division:

_____

Detail by Entity Name

Florida Limited Liability Company
PINT & PISTOL, LLC

Filing Information

Document Number	L19000157628
FEI/EIN Number	84-2262843
Date Filed	06/14/2019
Effective Date	06/14/2019
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	03/07/2023
Event Effective Date	NONE

Principal Address

2911 Oxbow Circle
Cocoa, FL 32926

Changed: 09/06/2022

Mailing Address

2911 Oxbow Circle
Cocoa, FL 32926

Changed: 09/06/2022

Registered Agent Name & Address

WELLS, JEFFERY
1415 N ATLANTIC AVE
COCOA BEACH, FL 32931

Name Changed: 03/07/2023

Address Changed: 03/07/2023

Authorized Person(s) Detail

Name & Address

Title MGR

WELLS, JEFFERY
1415 N ATLANTIC AVE
COCOA BEACH, FL 32931

Title AMBR

SCALES, ROBERT
1415 N ATLANTIC AVE
COCOA BEACH, FL 32931

Title AMBR

KENNEDY, MATTHEW J
7524 POULICNY LANE, LOT U6
MELBOURNE, FL 32940-7415

Annual Reports

Report Year	Filed Date
2021	04/29/2021
2022	03/15/2022
2023	01/10/2023

Document Images

03/07/2023 -- LC Amendment	View image in PDF format
01/10/2023 -- ANNUAL REPORT	View image in PDF format
03/15/2022 -- ANNUAL REPORT	View image in PDF format
08/31/2021 -- LC Amendment	View image in PDF format
04/29/2021 -- ANNUAL REPORT	View image in PDF format
06/18/2020 -- ANNUAL REPORT	View image in PDF format
06/14/2019 -- Florida Limited Liability	View image in PDF format

Sec. 19. - District and Intent—M2 Manufacturing and Industrial District.

The provisions of this district are intended to preserve the function of various industrial activities, warehousing and distribution without creating hazards or negatively influencing surrounding land uses. This district shall be located in areas accessible to collector or higher classification roadways and be served by public services and facilities. These districts shall be discouraged from locating next to areas designated for residential or low-intensity commercial uses.

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

(1) Industrial uses, industrial processing, and manufacturing.

(2) Commercial greenhouses.

(3) Schools (industrial and vocational in nature).

(4) Storage facilities (excluding salvage yards), including automobiles, mobile homes, commercial vehicles and heavy equipment, building materials, general, refrigerated, and recreational vehicles pursuant to Appendix A, Article XIII, Sec. 5 of the Code of the City of Cocoa.

(5) Research facilities:

a. Where the use does not involve:

1. Creation of excessive noise, fumes, dirt; or

2. Damage or interference with other properties.

b. Where all work is done within an enclosed structure.

(6) Transportation facilities; passenger and/or freight.

(7) Warehousing and distribution.

(8) Mobile home repair facilities.

(9) Contractor's office and storage yard, except scrap materials. Outside storage shall be effectively screened on all sides to avoid any deleterious effect upon adjacent properties and right of ways.

(10) Sales or rental of new and/or used commercial vehicles and heavy equipment, major recreational equipment, and mobile homes as regulated by appendix A, article XIII, section 28 of the Code of the City of Cocoa.

(11) Limited commercial uses, as identified in this section, shall be permitted with the following conditions:

a. Commercial uses shall only be located on property having a minimum of one hundred fifty (150) feet of frontage along Grissom Parkway.

b.

Commercial uses shall only be located within four hundred (400) feet of Grissom Parkway, as measured from the right-of-way line. All on-site commercial-related improvements, such as retention, parking, loading/unloading, etcetera, shall be contained within this four hundred (400) foot area. Retention areas may be provided outside of the four hundred (400) foot requirement if the proposed commercial use is part of a master planned industrial park with an associated retention system.

c. Commercial uses shall have no outdoor storage or display.

d. Commercial uses shall be limited to:

1. Retail sales of carpet, tile, pool, furniture, construction products or materials sold directly to the end user (builder, installer, or homeowner).
2. Restaurants located within one (1) principal structure, including the sale of beer and wine for on-site consumption only, with a minimum three thousand (3,000) linear feet spacing requirement between restaurant uses as measured between the nearest property lines. This distance requirement shall not apply if the proposed restaurant is part of a master planned industrial park and the restaurant is located within four hundred (400) feet of Grissom Parkway.
3. Business service establishments.
4. Veterinary hospitals, clinics, and animal boarding facilities.
5. Indoor shooting ranges, with ancillary retail sales and restaurant subject to the requirements of subsection (A)(12)(d)2. of this section, shall be permitted with the following conditions:
   a. All firing shall take place within a completely enclosed building.
   b. Site plan applications for the development of an indoor shooting range shall include a plan by a Florida registered engineer demonstrating that the building is soundproof and appropriately designed for such use.

(B) ACCESSORY USES AND STRUCTURES.

(1) Customary accessory buildings and uses are permitted; including operations required to maintain, or support any industrial use permitted in this district.

(2) Office buildings as an accessory to primary use and structure.

(3) Accessory retail sales on site.

(C) SPECIAL EXCEPTIONS.

(1) Principal structures listed in subsection (A) exceeding sixty (60) feet in height.

(2) Sewer lift stations, plants, power plants, and other utility activities.

(3) Telecommunication towers and facilities.

(4) Security trailers on public and private property.

ORDINANCE NO. 04-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 19 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW INDOOR SHOOTING RANGES AS A PERMITTED USE SUBJECT TO CERTAIN CONDITIONS, INCLUDING ANCILLARY RETAIL SALES AND RESTAURANT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the City desires to amend its zoning regulations to allow indoor shooting ranges as a permitted use, with limited conditions, and including ancillary retail sales and restaurant uses, in the M-2 Manufacturing and Industrial District; and

WHEREAS, this ordinance is not intended to, nor shall it have the effect of, regulating the field of firearms and ammunition, including the use, purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof, and nor shall it have the effect of regulating firearms and ammunition use at sport shooting and training ranges; and

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

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

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

Section 2. **Code Amendment.** The City of Cocoa Code of Ordinances, Appendix A, Article XI, Section 19, 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 XI, Section 19. It is intended that the text in Appendix A, Article XI, Section 19 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this ordinance):

APPENDIX A - ZONING

* * *

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 19. – District and intent – M-2 Manufacturing and Industrial District.

The provisions of this district are intended to preserve the function of various industrial activities, warehousing and distribution without creating hazards or negatively influencing surrounding land uses. This district shall be located in areas accessible to collector or higher classification roadways and be served by public services and facilities. These districts shall be discouraged from locating next to areas designated for residential or low-intensity commercial uses.

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* * *

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   a. All firing shall take place within a completely enclosed building.

   b. Site plan applications for the development of an indoor shooting range shall include a plan by a Florida registered engineer demonstrating that the building is soundproof and appropriately designed for such use.

* * *

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

Section 4. Incorporation Into Code. This Ordinance shall be incorporated into the City Code of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

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

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

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the 8th day of May, 2019.

JAKE WILLIAMS, JR., Mayor

ATTEST:

CARIE SLEALY, MMC
City Clerk

First Reading:	04/24/2019
Second Reading:	05/08/2019
Legal Ad Published:	04/24/2019 & 05/01/2019
Effective Date:	05/08/2019

Final Publication Date
8/1/2023

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Florida Today

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Brevard

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1

Customer Email
lribeiro@cocoafl.gov

Customer Name
Lucilene Ribeiro

Account Number (If Known)
6CI200

Name
Lucilene Ribeiro

Street
65 Stone Street

City
Cocoa

State
FL

ZIP Code
32922

Your Name
Laura Vergiels

Email Address
lvergiels@localiq.com

A Daily Publication By:

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

CITY OF COCOA TE
65 STONE ST
COCOA, FL 32922
ATTN LUCILENE RIBEIRO

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a 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 NOTICE

as published in **FLORIDA TODAY** in the issue(s) of

8/1/2023

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 1ST DAY OF AUGUST, 2023 by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

5.15.27

My commission expires

PUBLICATION COST: $623.60
AD NO: GCI1090707
CUSTOMER NO: 6CI200
PO#: PUBLIC NOTICE

NANCY HEYRMAN
Notary Public
State of Wisconsin

CITY OF COCOA
NOTICE OF PUBLIC HEARING

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

ZONING TEXT AMENDMENTS

PZ 23-02000005 Pint & Pistol, LLC Zoning Text Amendment I Ordinance No. 16-2023

A. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA;** AMENDING APPENDIX A, ARTICLE XI, SECTION 19, OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO AMEND THE LIST OF PERMITTED USES RELATED TO RESTAURANTS IN THE M-2 DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PZ 23-00500004 CWOD Zoning Text Amendment I Ordinance No. 18-2023

B. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA;** AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW LARGE-SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE LIST OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI, SECTION 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA FOR THE WATERFRONT OVERLAY DISTRICT, SOUTH END SUBDISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

**PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING WILL BE HELD ON
August 16, 2023**

**CITY COUNCIL 1st PUBLIC HEARING WILL BE HELD ON
August 22, 2023**

**ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, 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 of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the 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, 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) 433-8451.
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Chemicals

Continued from Page 1A

chemicals" because they don't readily break down into harmless compounds.

Where does PFAS come from?

In addition to being in foams used to fight fires at rocket launch centers, airports and military bases, PFAS was formerly used in Teflon coatings and other products made to resist heat, oil and stains. It's use has been voluntarily phased out in nonstick cookware and many other consumer products.

Why is PFAS bad?

Recent human and animal studies suggest that PFAS exposure reduces antibody responses to vaccines, as well as infectious disease resistance in general. Emerging science is finding links between the compounds and several types of cancers and other illnesses, if ingested or breathed in over many years. They are fraught with so many unknows, however, that even the U.S. Environmental Protection Agency is struggling to figure out how to deal with them.

Where at KSC has PFAS been found?

There are a few dozen known sites totaling more than 530 acres of presumed PFAS plumes at KSC, according to a FLORIDA TODAY analysis of Geographic Information System data obtained from NASA under the Freedom of Information Act.

The compounds also have shown up in blood and tissues of alligators, manatees, dolphins and other wildlife at and near KSC for years. A paper from 2017 published in the journal *Environmental Toxicology and Chemistry* documented that the blood of alligators caught between 2012 and 2015 at the space center had the highest levels of toxic fluorinated chemicals ever measured in the species.

Here's how NASA answered FLORIDA TODAY'S questions about the South Repeater building:

If an owner gives right-of-entry, and NASA finds a problem, will NASA cover the cost of cleaning it up?

NASA's priority is to protect human health and the environment. NASA is committed to the cleanup of PFAS affected groundwater originating from Kennedy, with Florida Department of Environmental Protection oversight.

NASA wants to determine whether affected groundwater has moved beyond our property. We also want to understand if individuals are on the City of Cocoa public water service and, if they have private wells, how they are using them.

We have tentatively identified locations that will help us determine if PFAS affected groundwater has moved beyond KSC's property boundary.



Firefighter Amy Midgett, with the North Carolina Fish & Game Commission, retreats from a wall of flames along US-92 just west of Daytona Beach, on June 28, 1998. Similar fires ravaged the Kennedy Space Center in Brevard County. KSC firefighters used firefighting foams now known to cause health and environmental threats to save structures at the space center, including the South Repeater Building. COPYRIGHT 1997 FLORIDA TODAY; AP

What do recent sampling results show?

The area on Kennedy with confirmed PFAS affected groundwater is approximately 69 acres and extends from the South Repeater Building to the west towards State Road 3. NASA has sampled for up to 29 PFAS that were analyzed using EPA approved analytical methods.

Three specific PFAS (PFOS, PFOA, and PFHxS) have been detected in concentrations above EPA's regional screening levels which are used to determine the need for additional investigation. NASA is initiating pilot studies for both restricting further movement as well as treating the PFAS affected groundwater.

Where can I find out more?

Contact Anne M. Chrest, KSC remediation program manager, via email at anne.m.chrest@nasa.gov, or visit https://public.ksc.nasa.gov/environmental/pfas/

CITY OF COCOA
NOTICE OF PUBLIC HEARING

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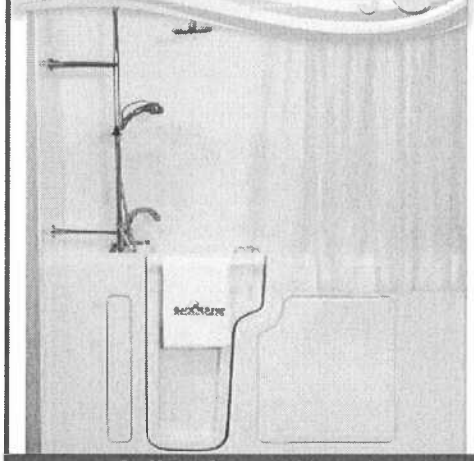
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Legislation Details (With Text)

File #:	23-492	**Version:**	1	**Name:**	
Type:	Report			**Status:**	Agenda Ready
File created:	8/10/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	8/16/2023			**Final action:**	
Title:	Consideration of an Expedited State Review Comprehensive Plan Text Amendment to expand the very limited geographic area by which vertical mixed-use projects may be built at 125-units per acre, to include a +/- 4.32 acre parcel of City-owned land located at 915 Florida Ave., Cocoa, Florida (Brevard County Parcel ID 24-36-33-80-23).				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Ordinance No. 17-2023 _ Future Land Use Amendment _ 915 Florida Ave Exhibit A - 915 Florida Avenue Location Map Exhibit B - 915 Florida Avenue FLU Map Exhibit C - Proposed 915 Florida Avenue FLU-2 Exhibit D - Proposed Regulating Plan Map August 2023.pdf Exhibit E - Excerpts of 2022 CRA Plan 1.pdf Exhibit F - Letter -Brevard Avenue FLU - City of Cocoa.pdf Exhibit G - Legal Ad.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: August 4, 2023
Agenda Date: August 16, 2023
Prepared By: Stephen Noto - Planning Consultant
Through: Stockton Whitten - City Manager
Requested Action:
Consideration of an Expedited State Review Comprehensive Plan Text Amendment to expand the very limited geographic area by which vertical mixed-use projects may be built at 125-units per acre, to include a +/- 4.32 acre parcel of City-owned land located at 915 Florida Ave., Cocoa, Florida (Brevard County Parcel ID 24-36-33-80-23).

BACKGROUND:

Request:

The applicant, City of Cocoa, requests to amend Future Land Element Figure FLU-1 Note 9, Figure FLU-2, and Policy 1.1.2.6, Mixed-Use (MU), to expand the very limited geographic area by which vertical mixed-use projects may be built at 125-units per acre, to include a +/- 4.32 acre parcel of City

-owned land located at 915 Florida Ave., Cocoa, Florida (Brevard County Parcel ID 24-36-33-80-23).

Future Land Use Designation: Current: MU, Mixed-Use

Zoning District: Current: C-C, Core Commercial District

Existing Land Use: Municipally Owned Land - Vacant

Council District: District 1 - Councilmember Goins

Legal Ad Date: August 1, 2023

Overview of Surrounding Area:

	Future Land Use Designations	Zoning Districts	Land Uses
North	LDR, Low Density Residential; MU, Mixed-Use	RU-2-10, Low Density Single-Family and Multiple-Family District; C-C, Core Commercial District	Vacant Residential/Single Family Residential/Utility
South	City of Rockledge Redevelopment Mixed Use	City of Rockledge RMU, Redevelopment Mixed Use	Multiple Tenant Retail Store
East	MU, Mixed-Use	C-C, Core Commercial District	Mixed Use Commercial Property/Retail Store
West	MU, Mixed-Use	C-C, Core Commercial District	Vacant Commercial Land

Background

The proposed comprehensive plan amendment has been administratively initiated by the City of Cocoa and is being presented pursuant to the requirements of Chapter 163, Florida Statutes, Community Planning Act, and Section 15-1 of the City Code. The Local Planning Agency is required to make recommendations to the City Council regarding the proposed comprehensive plan amendments based on the criteria set forth below.

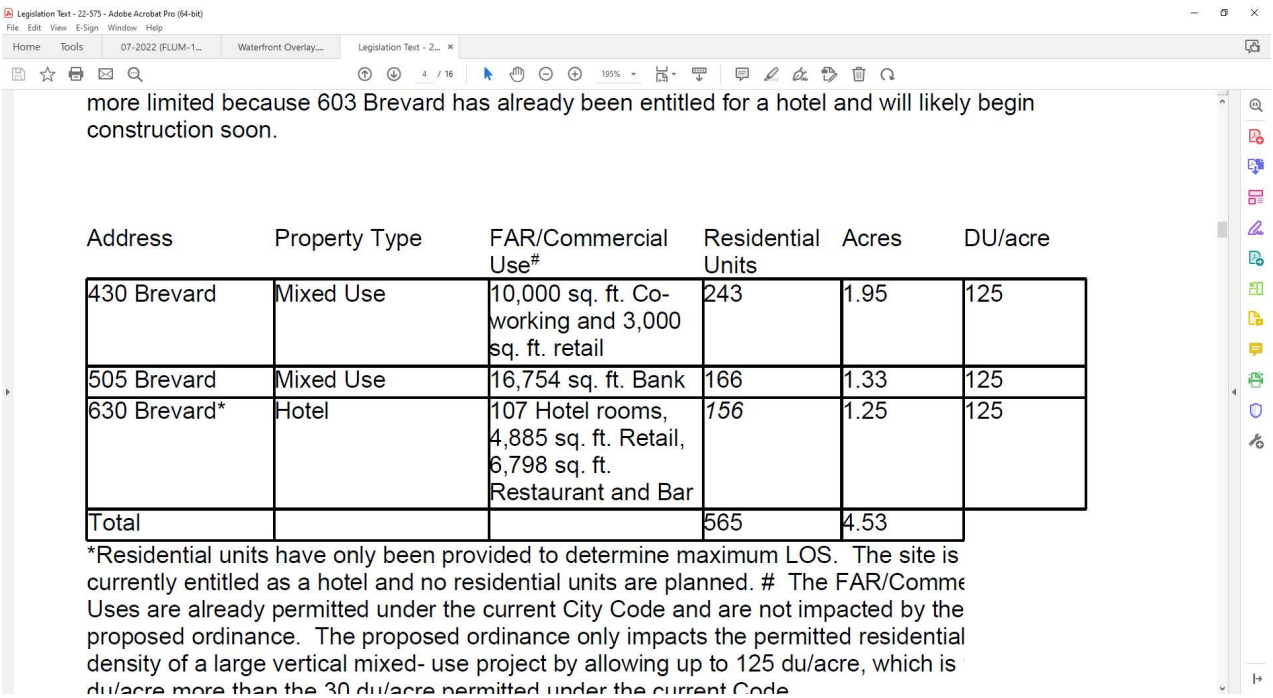
Over the last several years, the City of Cocoa has created multiple policies to ensure that redevelopment opportunities within the Community Redevelopment Agency (CRA) are available. The City created the MU, Mixed Use, Future Land Use (FLU) Designation in 2010. The FLU Element of the City's Comprehensive Plan states that the Mixed-Use land use category (MU FLU) is intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation corridors. The majority of parcels within the City that are designated as MU are generally located adjacent to certain portions of 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 allowed within the MU FLU category is typically 25 du/acre and includes a bonus of up to 5 du/acre if residential housing units are developed as part of a vertical mixed-use project, per FLU Element Policy 1.1.2.6, which brings the max du/acre total to 30 du/acre. To create additional opportunities, the City adopted policies that allow for vertically mixed-use projects to occur on +/- 4.5 acres within the Cocoa Village Subdistrict to develop at densities of up to 125 du/acre,

subject to and conditioned upon a development agreement approved in the discretion of the City Council after consideration of many factors outlined in Policy 1.1.2.6 via Ordinance 07-2022. In addition, four parcels totaling +/- 1.4 acres (the 603 Brevard site, formerly city hall) have been designated with a commercial/mixed use large (CL) building type on the Cocoa Waterfront Overlay District Regulating Plan, which allowed vertically 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, via Ordinance 06-2018.

The +/- 4.5 acres of property that may be permitted to develop at this density, are shown in the map below, which is the currently adopted Figure FLU-2 in the City's Comprehensive Plan, and contemplated the below development programming:





more limited because 603 Brevard has already been entitled for a hotel and will likely begin construction soon.

Address	Property Type	FAR/Commercial Use#	Residential Units	Acres	DU/acre
430 Brevard	Mixed Use	10,000 sq. ft. Co-working and 3,000 sq. ft. retail	243	1.95	125
505 Brevard	Mixed Use	16,754 sq. ft. Bank	166	1.33	125
630 Brevard*	Hotel	107 Hotel rooms, 4,885 sq. ft. Retail, 6,798 sq. ft. Restaurant and Bar	*156*	1.25	125
Total			565	4.53	

*Residential units have only been provided to determine maximum LOS. The site is currently entitled as a hotel and no residential units are planned. # The FAR/Comme Uses are already permitted under the current City Code and are not impacted by the proposed ordinance. The proposed ordinance only impacts the permitted residential density of a large vertical mixed- use project by allowing up to 125 du/acre, which is du/acre more than the 30 du/acre permitted under the current Code

The current request looks to build upon those adopted policies. The City of Cocoa owns +/- 4.32 acres of property at 915 Florida Avenue (subject property) at the southwest corner of Rosa Jones Dr., and Florida Ave. The subject property is currently noted within the Regulating Plan of the City of Cocoa Waterfront Overlay District as part of the South End (SE) Sub-District. The subject property also has the MU, Mixed Use, FLU designation, and the C-C, Core Commercial, zoning district.

The City wishes to maximize the redevelopment potential of the subject property by expanding the very limited geographical area where residential densities of up to 125 du/acre may be developed as vertical mixed-use projects, via a developer's agreement, to include the subject property.

For the reasons expressed further below, staff believes that the proposed expansion of the limited geographical area eligible for the 125 du/acre density is compatible with the City's Comprehensive Plan and the Cocoa Redevelopment Agency Redevelopment Plan. Importantly, the 915 Florida Avenue subject property was the former Oaks Mobile Home site, which the City acquired for purposes of redevelopment in 2016. The Cocoa Redevelopment Agency (Cocoa CRA) continues to seek major redevelopment opportunities to revitalize the Cocoa Community Redevelopment Area. The proposed amendment will continue to promote a more intense redevelopment consistent with the Redevelopment Plan. Specifically, the Redevelopment Plan identifies 915 Florida Avenue as one of

two “High Priority” “Catalyst Mixed Use Development Sites” in the Cocoa Community Redevelopment Area.

The Redevelopment Plan further provides: “In the South of the Village Sub-District the City acquired the former Oaks Mobile Home Park, a primarily vacant mobile home park with dilapidated and uninhabitable units, at the corner of Florida Avenue and Rosa L. Jones Blvd. The site is comprised of one main parcel and a smaller companion parcel, totaling just under 5 acres of vacant land *immediately suitable for development*. *This residential project is expected to serve as a catalyst for additional residential development in and around the Heart of Cocoa, although the site lies just outside the boundaries of the Heart of Cocoa, on the south side of Rosa L. Jones Boulevard*.” The Redevelopment Plan also suggests that the Cocoa CRA consider a residential redevelopment opportunity on the vacant/underutilized land south of Rosa L. Jones Blvd. between Florida Avenue and US-1 (mobile home site); acquire property or partner with private developer to purchase or develop the land; and budget appropriately for this action.

While the City has attempted to facilitate redevelopment of the 915 Florida Avenue property through prior requests for proposal, such efforts ultimately were not successful. Given the clear identification of the 915 Florida Avenue site as one of two sites in the Cocoa CRA that constitute high priority, catalytic redevelopment sites, the extension of the additional density of up to 125 du/acre, subject to and conditioned upon a future development agreement approved by the City Council, will facilitate the goals and priorities of the Cocoa CRA.

It should also be noted that the 603 Brevard (former City Hall), Chase Bank, and Bank of America sites were selected, in part, as eligible for the 125 du/acre program because these sites balanced the need to preserve the historic character of the Cocoa Village and waterfront while incentivizing redevelopment of old, non-historic buildings/sites that have outlived their relative usefulness. Historical properties such as the Porcher House, Cocoa Village Playhouse, Myrt Tharpe Square, Riverfront Park, Derby Street Chapel, and St. Mark’s were buffered by existing right-of-way or located a significant distance away from the area affected by the prior Comprehensive Plan Amendment.

These principles continue to apply to the proposed expansion of the 125 du/acre program to 915 Florida Avenue. As stated above, the site is vacant and was formerly a mobile home park. The subject property is located a distance away from all of these identified historical buildings. Although the site is located south of Rosa L. Jones Drive and across from the historical low residential density African American Neighborhood, commonly referred to as the Consent Decree Area (aka “Heart of Cocoa”), the subject property is also located on Florida Avenue, which borders the Consent Decree Area on the east and has undergone commercial revitalization in recent years and enjoys the benefits of the enhanced pedestrian streetscape installed on Florida Avenue. The site is also uniquely positioned near U.S. 1 and is bordered on the south by the City of Rockledge’s Redevelopment Mixed Use Area, which will likely be redeveloped to include up to 284 apartment units. The low density residential character of the Consent Decree Area will be maintained and, as identified in the Redevelopment Plan, it is anticipated that a high-quality, mixed-use redevelopment project will encourage additional, low density development in the Heart of Cocoa.

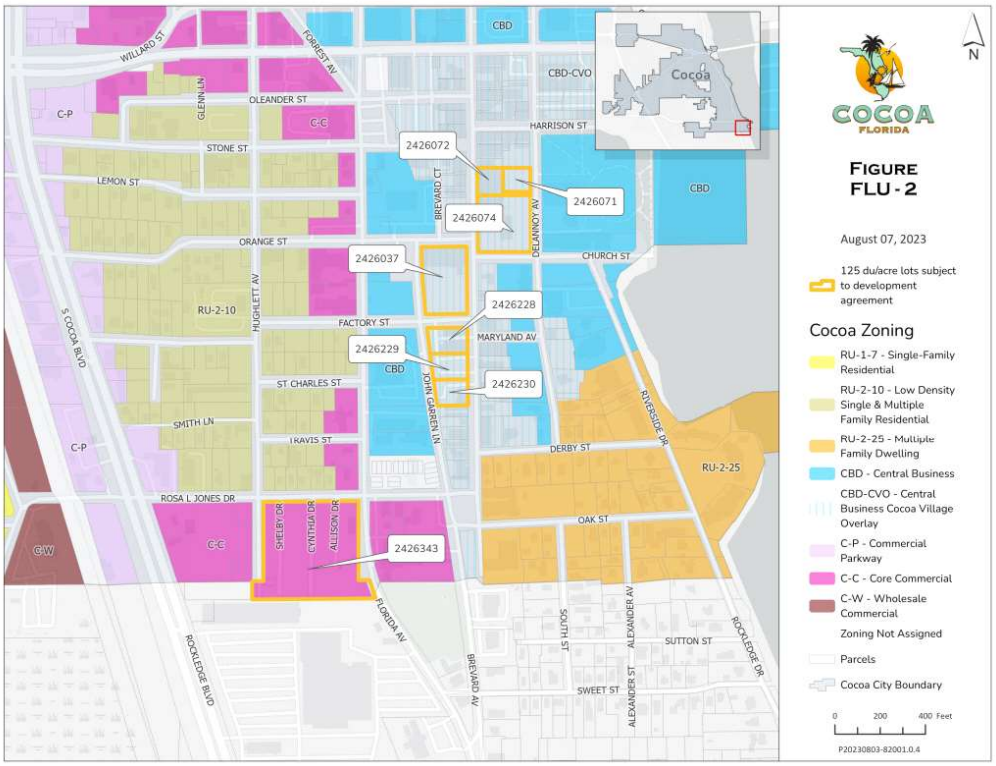
This request requires updating Future Land Element Figure FLU-1 Note 9 as follows (<u>underline</u> print notes the included text):

> “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."

and Policy 1.1.2.6, Mixed-Use (MU) as follows:

"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 (~~shaded~~ outlined) on the following map:"



"(iv). Compatibility and harmony with the special and distinctive character of the Cocoa Village, including the South End Subdistrict, if applicable, and waterfront district;"

The following analysis provides for technical detail related to the request and the potential impact to City services.

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.

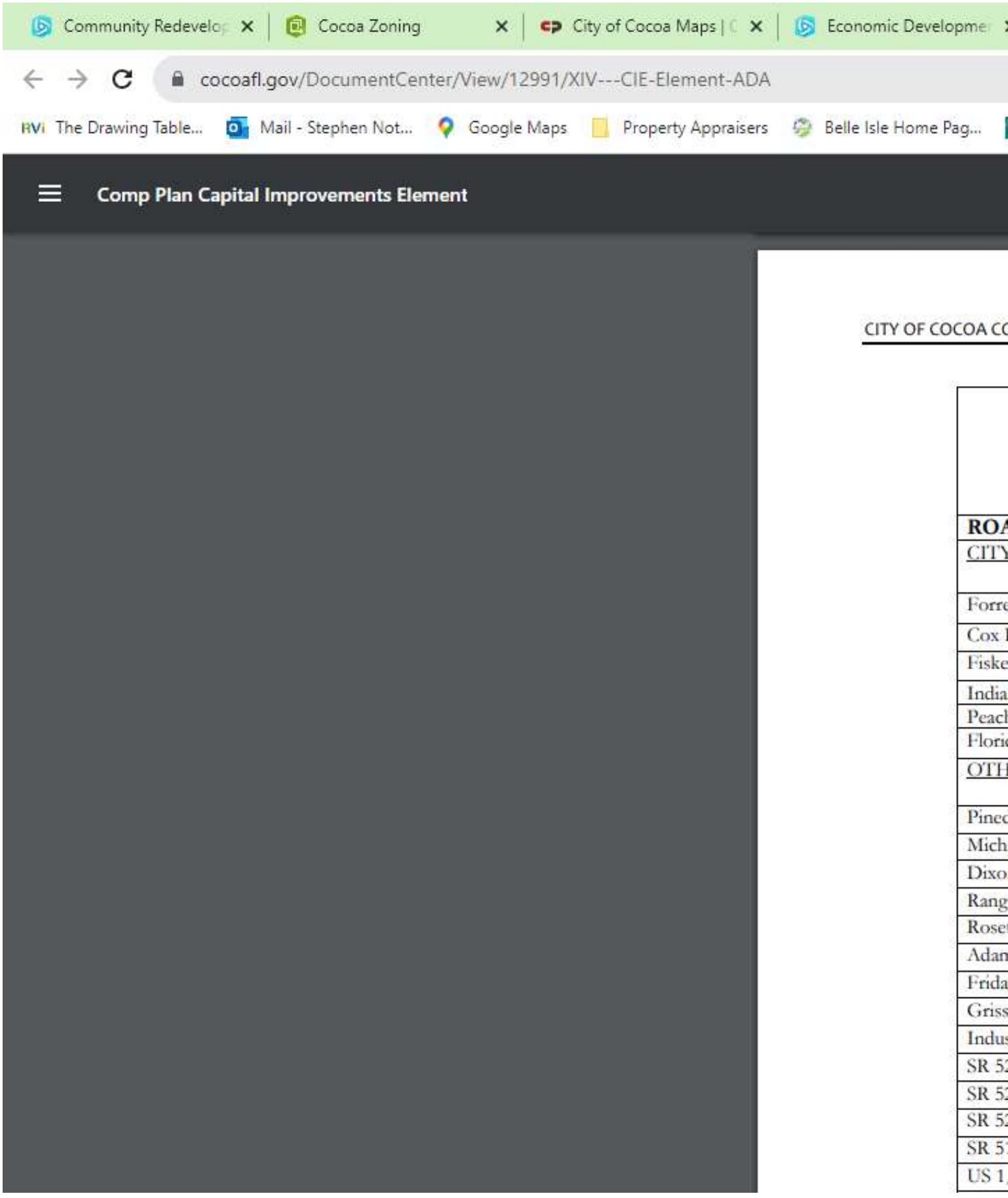
Staff Finding: The request to include the +/- 4.32 acres (915 Florida Avenue) to the existing policies will have a positive economic impact to the City and the economy of the region. As was noted in the 2022 staff report related to the creation of the 125 du/acre density program, the addition of the subject property would allow for greater development opportunities of property within the City, thus increasing land value, generating Cocoa CRA taxes and benefiting the local economy through the spending power of new residents.

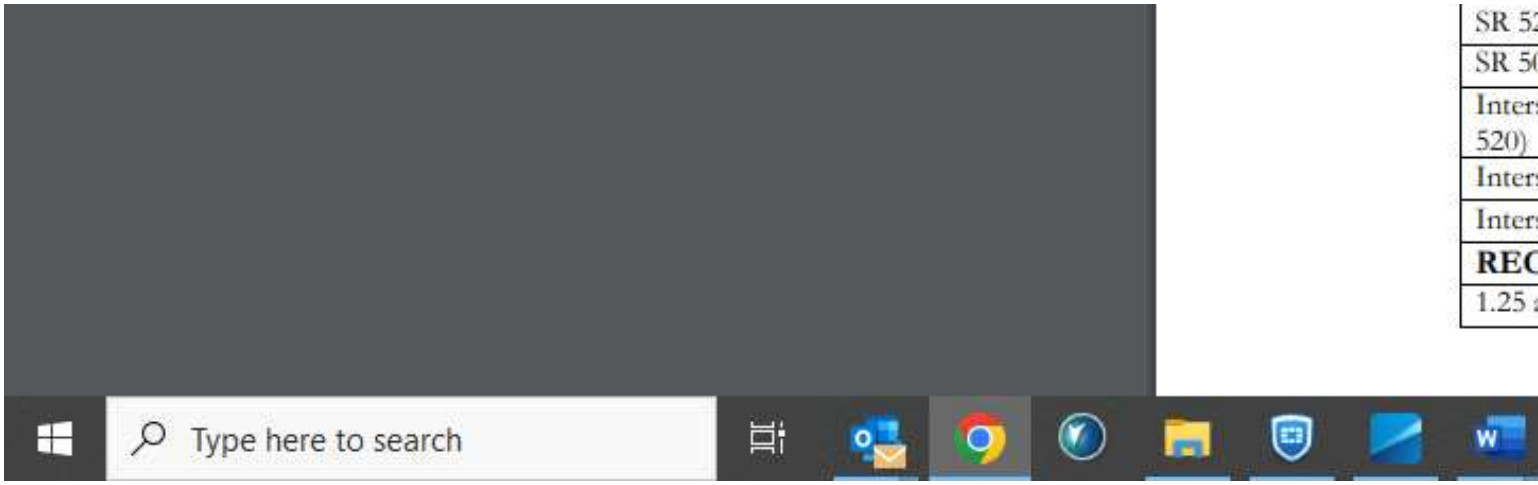
The original +/- 4.5 acres that were included in the program had an estimated assessment value of $90 million. Of note is that the subject property is currently City owned and currently not on the tax rolls. Through private development, the City, its residents, and business owners, will greatly benefit from the private investment that would occur on the property and the increased assessed values impact on the tax rolls.

The property is also uniquely situated to the south adjacent to the City of Rockledge city limits. The parcel(s) to the south have a zoning and future land use designation of Redevelopment Mixed Use (RMU). While the City of Rockledge doesn’t have a density program as unique as the 125 du/acre program, the RMU does allow for densities up to 25 du/acre and New Urbanism design standards, similar to the City of Cocoa’s vision for the Central Business District-Cocoa Village Overlay (CBD-CVO), and Waterfront Overlay District Regulating Plan. This type of land use adjacency and compatibility allows for a unique form of cross-jurisdictional economic impact that would greatly benefit both the City of Cocoa and the City of Rockledge. It may also allow for maximization of development design by incorporating similar bulk design standards and connectivity, which could also significantly benefit both Cities goals and objectives.

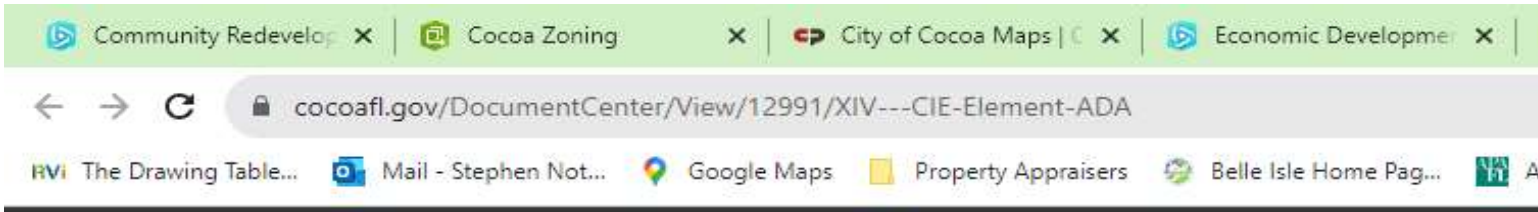
b. Whether the proposal will diminish the service level of public facilities.

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. The LOS standards are as follows:


Community Redevelo
Cocoa Zoning
City of Cocoa Maps |
Economic Developme
cocoafl.gov/DocumentCenter/View/12991/XIV---CIE-Element-ADA
The Drawing Table...
Mail - Stephen Not...
Google Maps
Property Appraisers
Belle Isle Home Pag...
Comp Plan Capital Improvements Element
CITY OF COCOA CO
ROA
CITY
Forre
Cox
Fiske
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Comp Plan Capital Improvements Element

Objective 14.1.1:
(LOS) standards fo
jurisdictional respons

Policy 14.1.1.1:

PUBLIC
WASTEW Source: Cl 64E 6.008 Administr Standard f Treatment Systems, F July 16, 20
STORMW MANAGE
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The analysis done in October 2022 found that the amendment to create the policies for the +- 4.5 acres would not negatively affect or diminish the service levels of applicable public facilities. Construction of high-density mixed-use projects within the City's urban core provides for coherent and economical use of the City's resources and infrastructure. Allowing high density mixed-use in the City will increase the land area available in the City for residential housing and commercial uses. These potential developments will 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. Such high-density residential and mixed-use projects will be located in the dense areas of the City where public facilities are available.

Potable Water: The City's utility infrastructure is capable of serving the proposed units with adequate water and pressure for its potable water system and its reclaim water system. The location of the site provides for efficient and effective provisions of service.

Reclaimed Water: Although the City does not have a specific LOS for reclaimed, the City has reclaimed services available. The developer will be required to hook-up to reclaimed services and such services will be provided in accordance with the City's terms and conditions of reclaimed service.

Wastewater: The City's sewer system has adequate capacity, and the additional density does not impact the level of service or the ability to convey sewer to the closest lift station.

Electrical Service: The proposed sites are currently served by Florida Power and Light and would continue to be serviced with any redevelopment.

Solid Waste: The City of Cocoa has a contract with Waste Management for all solid waste disposal. The current sites are currently served by Waste Management and will continue to be served through the City contract. Solid Waste service shall be provided to the sites in accordance with the applicable LOS standards and pursuant to the applicable requirements of the Waste Management Agreement and City Code.

Stormwater: The City requires site development techniques that encourage more efficient and climate resilient development practices that include, low impact development techniques that provide for site design, engineering and stormwater management to reduce stormwater runoff, encourage greater onsite storage and mitigate flood impacts such as pervious pavement and native vegetation. Any future development of the subject property will need to meet the climate resilient development practices for stormwater and will greatly improve the existing conditions of today. A full engineering and stormwater study will be required at time of site plan and will be reviewed by the City and St. John's River Water Management District to ensure compliance with all applicable codes.

Transportation: The proposal may minimally reduce the current level of service (LOS) of roadways within the impact area. The adopted minimum LOS for Florida Ave is “E”, and U.S. 1 is adopted at LOS “D”. Per the Space Coast Transportation Planning Organization (TPO) Transportation data Management System, 2-way data collected on Florida Ave. adjacent to Orange St., showed 4,080 average annual daily trips (AADT) in 2022. Similarly, US 1 adjacent to Orange St., showed 32,790 AADT in 2022.

Based on a preliminary analysis, if the subject property were developed with 375 dwelling units, and 35,000 sq. ft. of commercial space, approximately 3,805 daily trips would be generated. Based on that information, and as of the most recent AADT counts, there are over 11,000 AADT’s available on Florida Ave. and over 30,000 AADT available on US1 for both roadways to continue to operate within their adopted LOS (Space Coast TRP ‘Segments Functional Classification, Maximum Acceptable Volume - MAV - and Levels of Service - LOS, 2020).

A full traffic study will be required when a full development proposal is provided to the City.

Police: The City is committed to provide adequate police protection to all citizens. The department is continually evaluating the effectiveness of police services to provide a professional service at the highest level possible.

Fire: Due to the area of the amendment being in the core of the City, the amendment will not affect the Fire level of service in a noticeable way. The area is in the primary response zone of Cocoa Fire Rescue Station #2, on Brunson Blvd, which houses a 100’ Tower (ladder) truck w/ firefighting capabilities and a quick response medical squad. Backup to the area would be provided by Cocoa Fire Department Station 1 & 3 which each house 1 Engine Company & Station 1 is led by a District Chief. Mutual aid in the event of a fire would be provided by Brevard County Fire Rescue & Rockledge Fire Departments.

Schools: The subject property is located in the following Concurrency Areas: Tropical Elementary, McNair Middle, and Rockledge High School. A Concurrency Determination must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government. However, Brevard County Schools has issued a preliminary determination that the above-mentioned schools currently have capacity to serve the anticipated number of students generated by all properties eligible for the 125 du/acre program, including 915 Florida Avenue, which is attached to this report.

Parks: Residents will have access to three City of Cocoa parks in the area, including the Cocoa Riverfront Park, which has a playground, splash park, amphitheater, and recreational areas. The adopted LOS level is 1.25 acres of developed recreational area per 1000 population. Per the Parks and Recreation Master Plan, the City of Cocoa currently provides slightly over 17 Acres of parks per 1,000 residents. The number of park acreage within the City already exceeds the minimum requirement of the comprehensive plan and the proposed amendment will not negatively impact this LOS standard. Further, it is anticipated that each large vertical mixed use residential projects will provide some onsite recreational amenities for future residents.

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. The site

is currently not developed with any level of impervious area. When the site is developed, the developer will be required to provide all environmental and historical studies as required by the Land Development Code.

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 opportunities for mixed-use development along transit corridors as well as redevelopment of existing sites. The subject property is directly adjacent to 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 service capacities 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 a future Developer’s Agreement, as required if developed utilizing the 125 du/acre program.

Objective 13.1.2: Impacts of Development: The City of Cocoa shall ensure that the impacts resulting from the implementation of the comprehensive plan upon development in adjacent municipalities, unincorporated areas, regions and the State are evaluated and addressed with such jurisdictions.

Staff Finding: City of Cocoa staff has coordinated with the City of Rockledge staff about the proposed Amendment. The properties to the south within the City of Rockledge have a zoning and future land use designation of RMU, Redevelopment Mixed Use. As mentioned earlier in the report, the RMU designation is similar to the City of Cocoa's MU as it allows for a maximum density of 25 du/acre.
There are also building design standards, complete street type requirements, and a small density bonus program. A project is currently being proposed on those parcels which would allow for up to 284 apartment units.

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 land use programming occurring in the City of Rockledge adjacent to the subject property is one that is similar to what is being proposed. While the City of Rockledge does not have it's own density bonus program that is similar to City of Cocoa, the nature of it's proposed redevelopment, higher density multi-family, is one that is compatible to a multi-story mixed use building, and is complimentary to the South End subdistrict of the Cocoa Waterfront Overlay District Regulating Plan

As mentioned earlier in the report, the adjacent roadways Florida Ave. and US-1 both have the available capacity to support a conceptual buildout scenario on the subject property. The City would continue would continue to coordinate with the City of Rockledge during the plan review stage to ensure all future public infrastructure needs are met and that any shortfalls are addressed with the respective Capital Improvement Elements.

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 FLUM 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:

Budgeted N/A

PREVIOUS ACTION:

N/A

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 expand the very limited geographic area by which vertical mixed-use projects may be built at 125-units per acre, to include a +/- 4.32 acre parcel of City-owned land located at 915 Florida Ave., Cocoa, Florida (Brevard County Parcel ID 24-36-33-80-23).

ORDINANCE NO. 17-2023

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 AUTHORIZING THE CITY COUNCIL TO APPROVE BY DEVELOPMENT AGREEMENT RESIDENTIAL DENSITIES OF UP TO 125 DWELLING UNITS PER ACRE RELATED TO VERTICAL MIXED-USE PROJECTS; EXPANDING THE VERY LIMITED GEOGRAPHICAL AREA TO WHICH THE POLICY APPLIES TO INCLUDE A PARCEL OF CITY-OWNED LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ROSA L. JONES DRIVE AND FLORIDA AVENUE AND WHICH IS MORE PARTICULARLY DESCRIBED HEREIN BY PARCEL INFORMATION AND MAP THAT CONSISTS OF APPROXIMATELY 4.32 ACRES, MORE OR LESS, AND IS DESIGNATED MIXED-USE FUTURE LAND USE ON THE FUTURE LAND USE MAP AND WHICH IS DESIGNATED SOUTH END (SE) SUBDISTRICT WITH A COMMERCIAL/MIXED-USE LARGE (CL) BUILDING TYPE ON THE COCOA WATERFRONT OVERLAY DISTRICT REGULATING PLAN; REQUIRING A DEVELOPMENT AGREEMENT BY THE CITY COUNCIL TO APPROVE SUCH PROJECTS ON SUCH REAL PROPERTY 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, the City of Cocoa Community Redevelopment Agency ("Agency") was created in the 1980s to assist the City with redeveloping a legally described redevelopment area of the City including the downtown Cocoa Village, and the Agency continues to seek major redevelopment opportunities to revitalize the community redevelopment area, which would include the area known as the South End subdistrict of the Cocoa Waterfront Overlay District; and

WHEREAS, the Cocoa Village is an area of vital economic and social importance to the City of Cocoa and is a local and regional focal point for community activities and future redevelopment; 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 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, the City Council established the Cocoa Waterfront Overlay District ("CWOD") to implement the Cocoa Waterfront Mater Plan, dated November 2008, as updated in 2018 (the "Plan"), which requires the regulation of properties by sub-district that address design, scale, and appearance of developing property within the Cocoa Redevelopment Area; and

WHEREAS, the Plan recognizes, from a land use and redevelopment perspective, that the City needs to capture more local residential market revenue in the Cocoa Village, fill out and redevelop vacant land or old non-historical buildings around the Cocoa Village (including with large, vertical mixed-use buildings), reduce crime by getting more eyes on the street by increasing the number of full-time residents in the Cocoa Village, creating an 18-24 hour mixed-use place in the Cocoa Village, and consolidating parking to free-up land for infill development; and

WHEREAS, in furtherance of the Cocoa Waterfront Master Plan, the City Council continues to strive and make investments towards positioning and revitalizing the Cocoa Village as socially and economically supportive of the downtown waterfront area and community at large; and

WHEREAS, the City Council and Agency are prepared to continue to reinvest in its signature downtown waterfront to expand and revitalize the use of the waterfront for all residents and to increase the number of residential units within the Cocoa Village by affording enhanced redevelopment opportunities to construct large, vertical mixed-use projects with higher densities within certain limited areas of the Cocoa Village (expanding to the South End subdistrict) which are deemed suitable by the City Council for such redevelopment by Development Agreement setting forth terms and conditions deemed necessary and acceptable to the City Council in accordance with the long term vision of the downtown waterfront area and the community at large; and

WHEREAS, increasing the number of housing options and full-time residents in the Cocoa Village will promote a sense of livability and place, boost local businesses and community

engagement, and will enhance and revitalize the Cocoa Village's personality and ambiance consistent with the Plan and long-standing goals of the City of Cocoa and the Agency; and

WHEREAS, the Plan identifies the 915 Florida Avenue property as a high priority and catalytic redevelopment site within the redevelopment area, the redevelopment of which will stimulate economic growth in the South End of the Cocoa Village and provide a supportive residential population for the businesses within the Cocoa Village; and

WHEREAS, 915 Florida Avenue property is currently vacant and was acquired by the City for purposes of redevelopment of the former Oaks mobile home park that previously occupied the property; and

WHEREAS, the Cocoa Waterfront Overlay District is also intended to establish urban design standards to perpetuate the positive design elements and the residential and commercial development patterns found within the Cocoa Redevelopment Area and South End, and is defined by recognizable geographic boundaries that are suitable for establishing location criteria for new large, vertical mixed-use projects that will serve as a catalyst to enhance and compliment the City's downtown waterfront area and community at large; and

WHEREAS, the City Council desires to provide redevelopment opportunities for higher residential densities in high quality, large, vertical mixed-use buildings in the South End by proven and experienced developers that are capable of constructing such projects consistent and compatible with the City's vision, Plan, and Agency Plan; and

WHEREAS, the City Council finds that the comprehensive plan amendment set forth in this Ordinance is necessary to allow the City to maximize the potential mixed-use redevelopment opportunities and benefits contemplated by the Plan and the Agency's Plan;

WHEREAS, the City Council of the City of Cocoa previously adopted, in Ordinance No. 07-2022, amendments to the Comprehensive Plan Future Land Use Element allowing for the development of high density residential mixed-use projects, with up to 125 dwelling units per acre subject to an approved Development Agreement, for certain limited properties within the Cocoa Village subdistrict of the Waterfront Overlay District, and the City Council finds that adopting a similar Comprehensive Plan amendment for certain City-owned property within the South End will encourage further redevelopment and revitalization of the Waterfront Overlay District; and

WHEREAS, allowing the construction of high-density residential mixed-use projects within the urban core of the Cocoa Village, including the South End, 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 including revitalizing the South End; 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

	Commercial	Neighborhood Commercial	Regional Activity Center	Industrial	Open Space Recreational	Institutional	Mixed Use
Maximum Intensity/ Density	1.0 FAR, 25 du/acre[7]	0.75 FAR, 25 du/acre[7]	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[2,3&9] 1.0 FAR[3]
Allowable Uses	Commercial, Office, Institutional, Residential[8], 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[6]	Not Applicable	Institutional	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space/ Recreational
Minimum Transportation Access	4 lane collector 2 lane arterial	2 lane collector	1 lane arterial that intersects SR 528 or I-95	2 lane collector 2 lane arterial	Not applicable	Not applicable	Not applicable
Applicable Zoning Districts	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
Maximum Impervious Surface Ratio	0.90	0.80	0.95	0.75	0.25	0.65	0.95 1.0 in CBD

NOTES FOR FIGURE FLU-1:

1. Maximum density may be increased up to 12 due/acre as part of a planned residential development or planned redevelopment activities (*Policy 1.2.3.C*).
2. An additional 5 units per acre may be achieved if residential units are developed as part of a vertical mixed use project.
3. Maximum FAR in the Cocoa RDA is 2.0 and a bonus may permit up to an additional 2.5 FAR in the Central Business District outside the Cocoa Village Overlay sub-district. An additional 25 units per acre may be achieved in certain areas within the Cocoa RDA.
4. Four (4) acre maximum land area for new Neighborhood Commercial and one (1) acre maximum site land area.
5. Minimum land area of 50 acres and minimum cumulative gross floor

area of 500,000 sq. ft. for all structures.

6. Commercial uses that are complementary to and support industrial development and operations.
7. Maximum residential density shall be 25 du/acre, except where reduced by the underlying zoning district regulations.
8. Residential uses shall be permitted only where allowed in the underlying zoning district.
9. Notwithstanding the base level maximum density stated in the above chart and Notes 2 & 3, the maximum density may be increased by the City Council for certain approved redevelopment projects on properties designated Cocoa Village and South End Subdistrict with a Commercial/Mixed Use Large (CL) building type on the Cocoa Waterfront Overlay District Regulating Plan pursuant to Policy 1.1.2.6.

* * *

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

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 (~~shaded~~ outlined) on the following map:



[NEW]

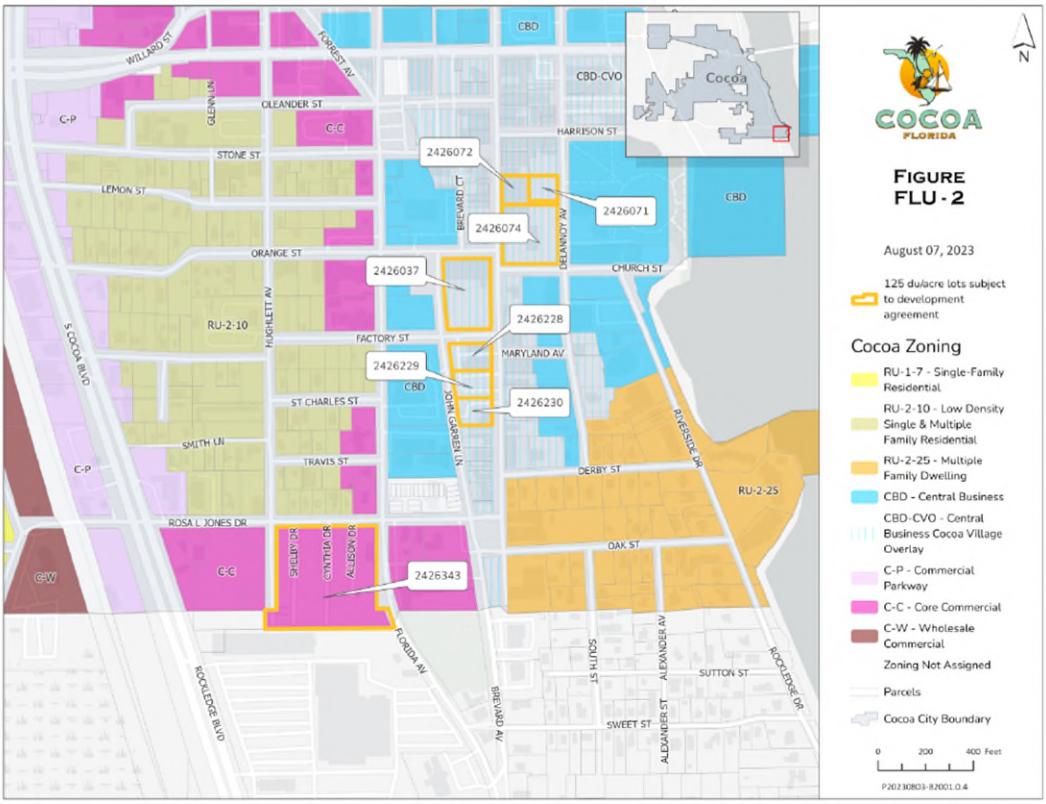


FIGURE FLU-2

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 _____, 2023.

_____

Michael C. Blake, Mayor

ATTEST:

_____

Carie Shealy, **MMC, City Clerk**

Legal Ad: _____

LPA/P&Z: _____

First Reading: _____

Legal Ad:_____

Second Reading: _____

Effective Date: _____



915 Florida Avenue Location

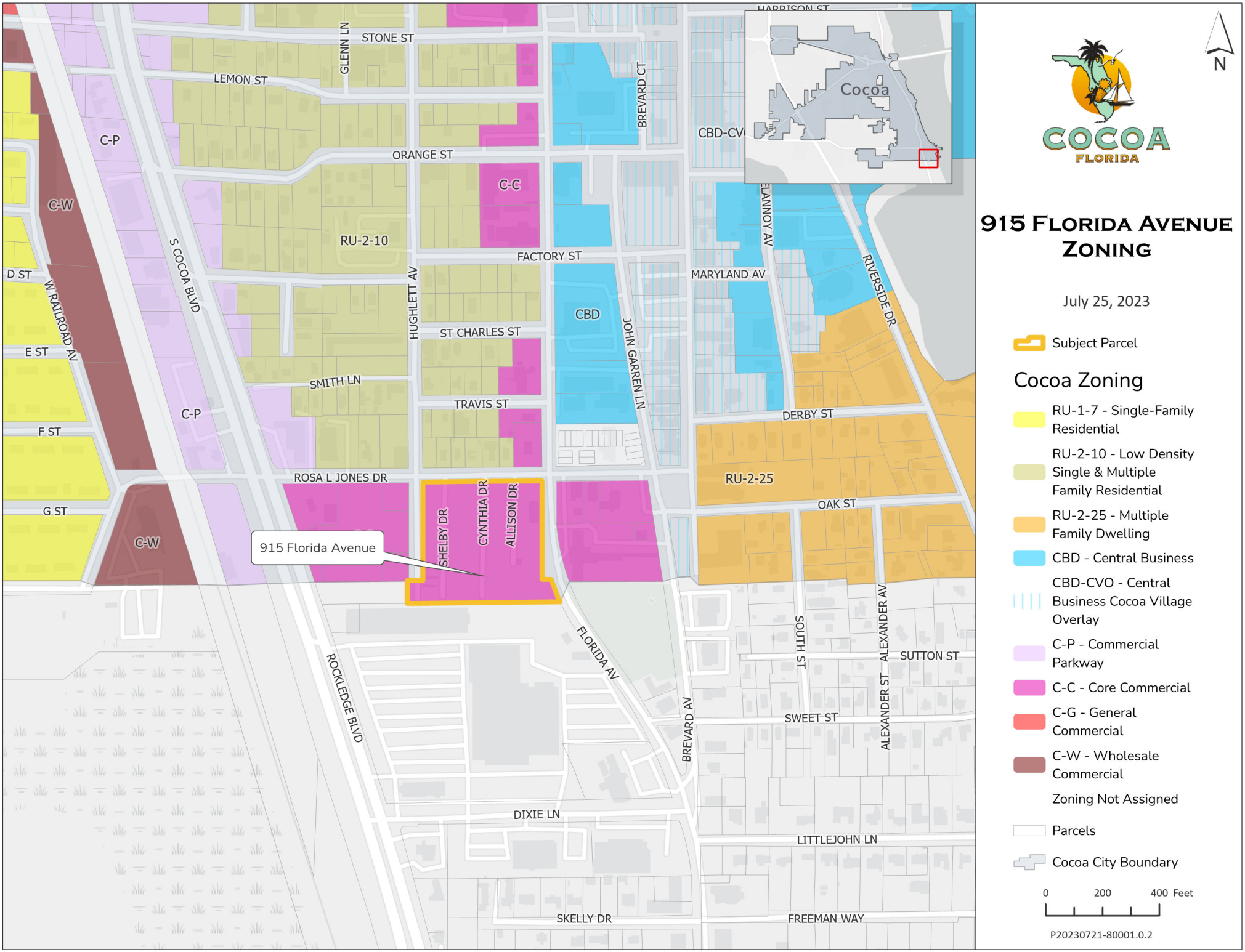
July 25, 2023

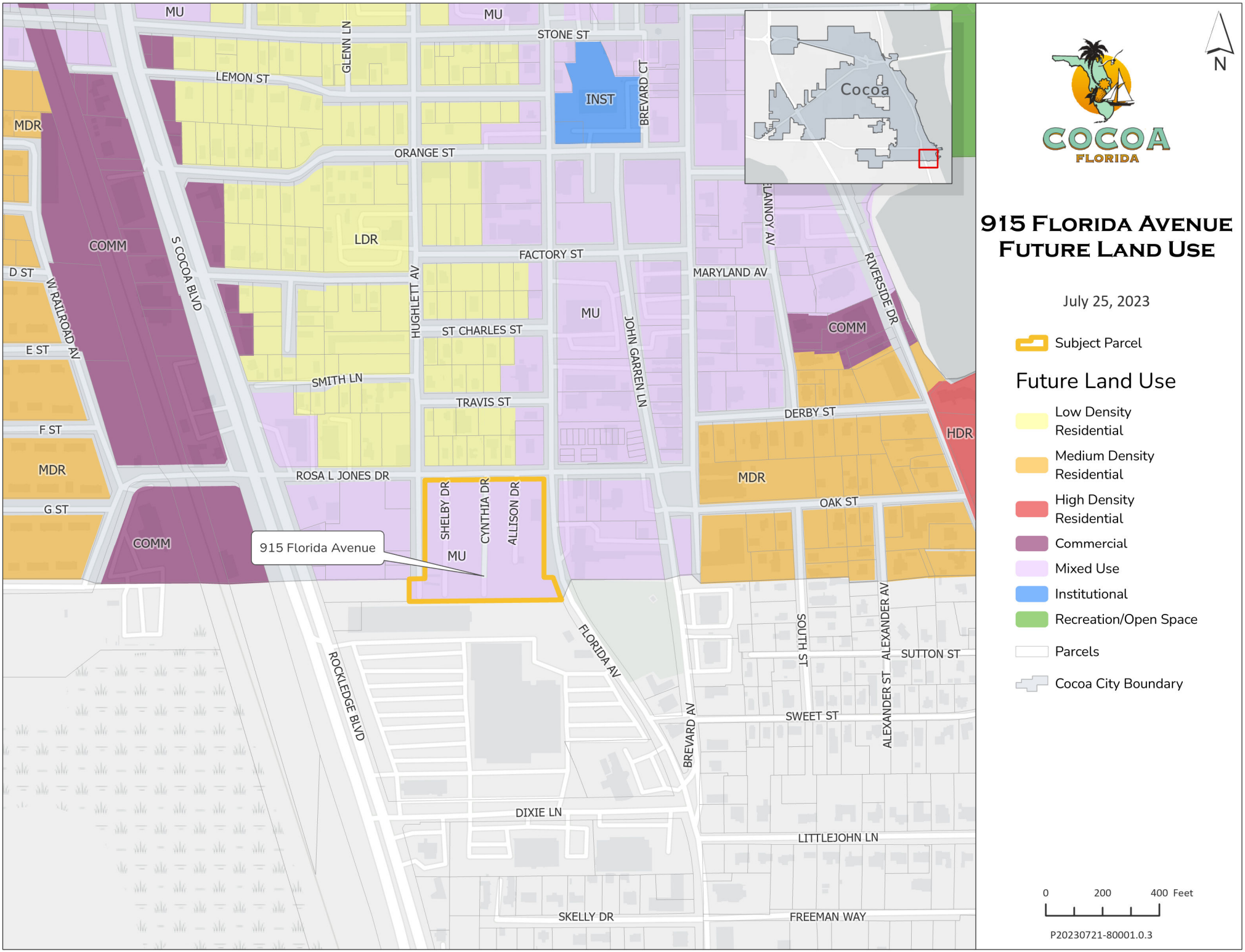
- Subject Parcel
- Parcels
- Cocoa City Boundary

N

0 200 400 Feet

P20230721-80001.0.1


915 Florida Avenue
Zoning
July 25, 2023
Subject Parcel
Cocoa Zoning
RU-1-7 - Single-Family Residential
RU-2-10 - Low Density Single & Multiple Family Residential
RU-2-25 - Multiple Family Dwelling
CBD - Central Business
CBD-CVO - Central Business Cocoa Village Overlay
C-P - Commercial Parkway
C-C - Core Commercial
C-G - General Commercial
C-W - Wholesale Commercial
Zoning Not Assigned
Parcels
Cocoa City Boundary
0 200 400 Feet
P20230721-80001.0.2
N
Cocoa
915 Florida Avenue
STONE ST
LEMON ST
GLENN LN
BREVARD CT
ORANGE ST
C-P
C-C
C-W
RU-2-10
FACTORY ST
CBD
MARYLAND AV
RIVERSIDE DR
D ST
W RAILROAD AV
S COCOA BLVD
HUGHLETT AV
JOHN GARREN LN
ST CHARLES ST
E ST
SMITH LN
TRAVIS ST
DERBY ST
F ST
ROSA L JONES DR
SHELBY DR
CYNTHIA DR
ALLISON DR
RU-2-25
OAK ST
G ST
FLORIDA AV
SOUTH ST
ALEXANDER AV
SUTTON ST
ROCKLEDGE BLVD
SWEET ST
DIXIE LN
LITTLEJOHN LN
SKELLY DR
FREEMAN WAY



915 Florida Avenue Future Land Use

July 25, 2023

- Subject Parcel

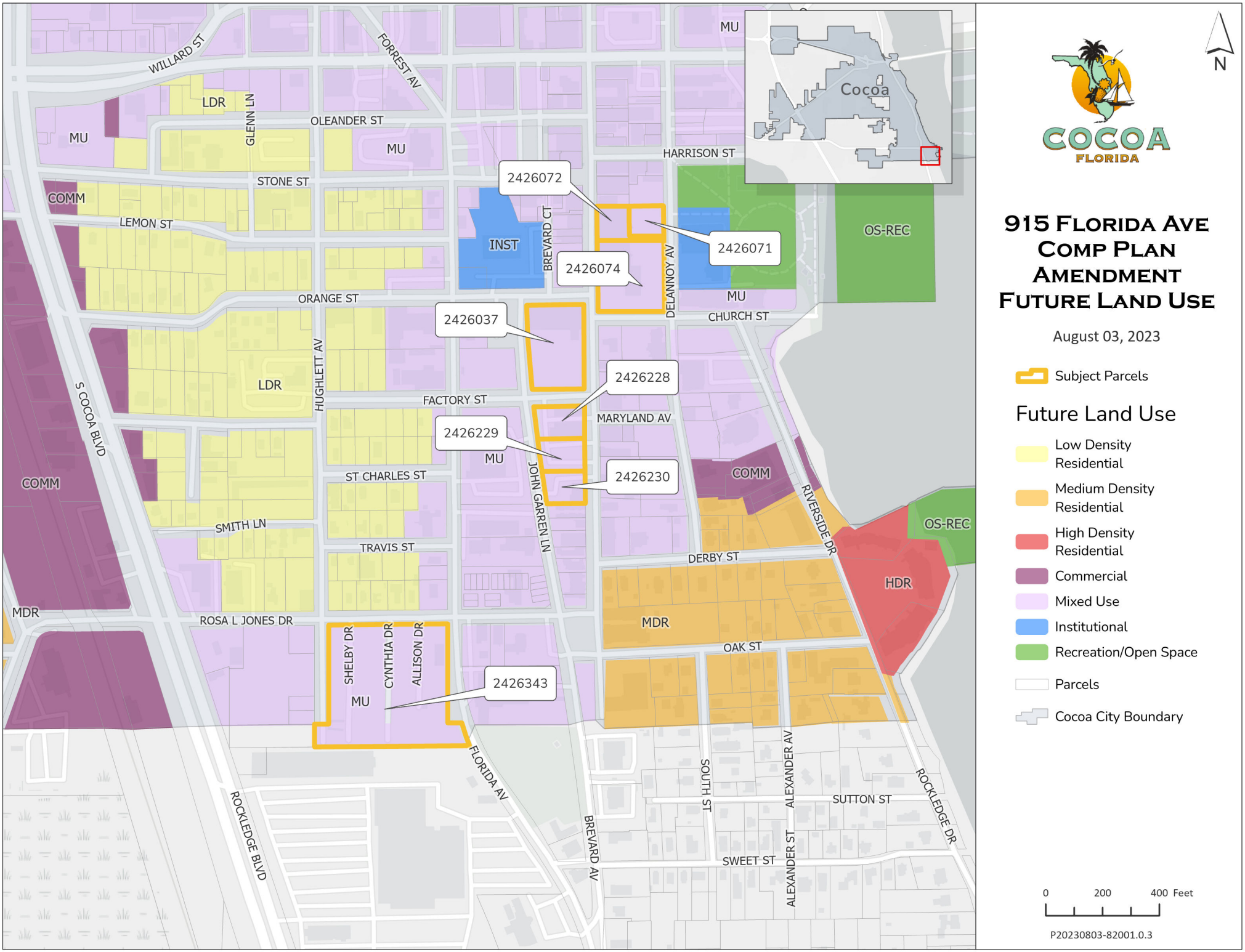
Future Land Use

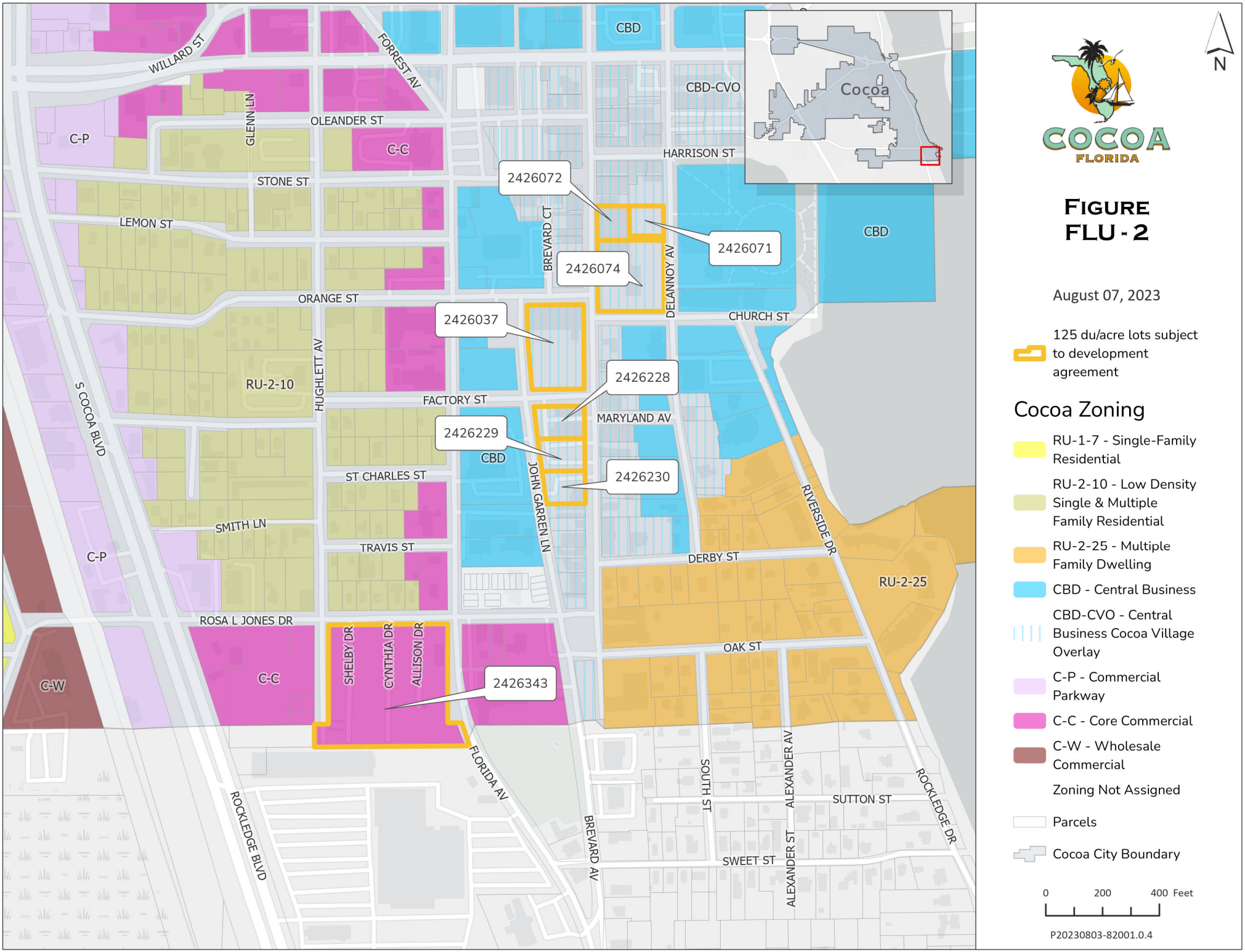
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Mixed Use
- Institutional
- Recreation/Open Space
- Parcels
- Cocoa City Boundary

N

0 200 400 Feet

P20230721-80001.0.3


WILLARD ST
FORREST AV
LDR
GLENN LN
OLEANDER ST
MU
MU
MU
HARRISON ST
Cocoa
STONE ST
COMM
LEMON ST
2426072
INST
BREVARD CT
2426074
2426071
DELANNOY AV
OS-REC
ORANGE ST
MU
CHURCH ST
2426037
HUGHLETT AV
LDR
2426228
FACTORY ST
MARYLAND AV
S COCOA BLVD
2426229
MU
COMM
ST CHARLES ST
2426230
JOHN GARREN LN
COMM
RIVERSIDE DR
OS-REC
SMITH LN
TRAVIS ST
DERBY ST
HDR
MDR
MDR
ROSA L JONES DR
OAK ST
SHELBY DR
CYNTHIA DR
ALLISON DR
2426343
MU
FLORIDA AV
SOUTH ST
ALEXANDER AV
SUTTON ST
ROCKLEDGE DR
ROCKLEDGE BLVD
BREVARD AV
SWEET ST
ALEXANDER ST
N
COCOA
FLORIDA
915 Florida Ave Comp Plan Amendment Future Land Use
August 03, 2023
Subject Parcels
Future Land Use
Low Density Residential
Medium Density Residential
High Density Residential
Commercial
Mixed Use
Institutional
Recreation/Open Space
Parcels
Cocoa City Boundary
0
200
400 Feet
P20230803-82001.0.3



COCOA
FLORIDA

FIGURE FLU - 2

August 07, 2023

125 du/acre lots subject to development agreement

Cocoa Zoning

- RU-1-7 - Single-Family Residential
- RU-2-10 - Low Density Single & Multiple Family Residential
- RU-2-25 - Multiple Family Dwelling
- CBD - Central Business
- CBD-CVO - Central Business Cocoa Village Overlay
- C-P - Commercial Parkway
- C-C - Core Commercial
- C-W - Wholesale Commercial
- Zoning Not Assigned
- Parcels
- Cocoa City Boundary

0 200 400 Feet

P20230803-82001.0.4

EXHIBIT "A"

Proposed Update to Regulating Plan

City of Cocoa - Waterfront Overlay District

Cocoa, FL

8/8/2023

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

○ Allowed only where indicated on Regulating Plan

● Allowed throughout Design District

* New development within the Comm/MXD use district may be developed as either commercial or mixed use.

1. Townhomes allowed up to four per building.
2. Consistent with the Substitute Consent Decree as ordered on January 28, 2009.
3. Development of Commercial/Mixed Use-Large building types in this design district shall require a development agreement approved subject to the discretion of the City Council after consideration of the following factors: economic and social benefits to the City and Community Redevelopment Agency, aesthetic quality and character, architectural design, physical and visual scale, compatibility with the special and distinctive character of Cocoa Village and respective subdistrict, and other similar relevant factors.

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

Additional building type allowed for this parcel only

Required minimum and maximum street setback (in feet)

Break in street setback dimension

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

Internal Lot Line

promote the development and redevelopment of property in the Central Business District in a manner compatible with comprehensive and redevelopment plan objectives.

It is intended that high density multiple-family residential development in this area is to be promoted and encouraged, either in separate buildings or in combination with office and supporting, retail and service areas, and that such supporting uses shall be scaled and designed to serve the needs of the district. All uses and design should recognize the proximity to the areas of great natural beauty, which are historically significant to the city. High density, so long as it provides public and scenic access to these natural and historic areas, is permitted. Water views, easy access to contiguous water walks, and several key water vistas should be made available to the public. The purpose of this district is to allow for the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. Streets, pedestrian paths and bike paths should contribute to a system of fully-connected and interesting routes to all destinations.

The **Heart of Cocoa** Sub-District has been subject to a Federal Consent Decree since 1990. The original voluminous consent decree was replaced by a substantially streamlined Substitute Federal Consent Decree on January 28, 2009. The Substitute Consent Decree requires the City maintain the low-density residential character of the Heart of Cocoa; and encourages voluntary replacement of existing wholesale commercial uses with low density residential uses or low intensive neighborhood commercial uses such as mixed-use developments, while preserving existing uses as provided by law. Moreover, the Substitute Consent Decree encourages production and development of affordable houses by the private sector in the Heart of Cocoa. Consistent with the Substitute Consent Decree, the zoning is RU2-10, which allows for low-density single and multi-family residential. Allowable building types include single-family, mixed use, and neighborhood supported commercial.

In the **South of the Village** Sub-District the City acquired the former Oaks Mobile Home Park, a primarily vacant mobile home park with dilapidated and uninhabitable units, at the corner of Florida Avenue and Rosa L. Jones Blvd. The site is comprised of one main parcel and a smaller companion parcel, totaling just under 5 acres of vacant land immediately suitable for development. This residential project is expected to serve as a catalyst for additional residential development in and around the Heart of Cocoa, although the site lies just outside the boundaries of the Heart of Cocoa, on the south side of Rosa L. Jones Boulevard.

The **South End** Sub-District, located to the east and bordering the **South of the Village** Sub-District, mainly consists of single family residential, multi-family apartments/condominiums and high rise developments.

The King Street and Willard Street Corridor Sub-District consists of mainly commercial development and provides for opportunities of mixed-use and multi-family high rise developments.

The **Waterfront** Sub-District is characterized by multi-story, multi-family residential units.

Many of the lots in the Sub-Districts by themselves are inadequately sized and constrained by utility infrastructure (mainly electric), to be redeveloped as mixed-use and multi-family apartments or high rise condominiums. Thus, the need for the assemblage of land to facilitate a suitable redevelopment project yielding the highest and best use for the respective land. Additionally, and critically important, the City through its various EPA Brownfields Grants have determined several properties environmentally constrained as they are contaminated or suffer from the perception of contamination. Bisecting the heart of the Cocoa CRA is the former Flagler Rail Line, and railroad tracks are use of which contamination is commonly associated. Some properties have been confirmed to have no recognized environmental

several fundamentally new ideas for Cocoa's Waterfront: diversified boating access, with increased day slips, dinghy docks and large vessel tie up via more resilient floating docks and concrete piers; a managed mooring field with support facilities, including a harbor master building, pump out and boater services; a relocated civic center to take advantage of the waterfront and diversify the use of Lee Wenner Park, to serve the CRA, the City and the Region; re-imagined promenade to include overlooks and strolling and seating experience, but not to replace the old structures over water; and opening the waterfront view to property on Delannoy Avenue by relocating the existing civic center.

While Cocoa Village, the core of downtown, continues to exude a strong sense of place and regional identity, its downtown context is fraying due to the impact of high-speed roads and its disconnection from the waterfront. The nearby neighborhoods do not have a solid connection to downtown or the waterfront because the vibrancy of Cocoa Village is limited to Brevard and Delannoy Avenues with emergence of the Florida Avenue area. This characterizes the general circumstances currently challenging the extended success of Cocoa Village, but the following describes the specific physical features observed to be major factors for the improvement of the downtown district.

Urban Form

- The basic pattern of blocks and buildings in the CRA is of a pedestrian scale, most of the district is walkable and yet convenient and accessible to motorists.
- Buildings are generally 2-4 stories in heights in core of Cocoa Village and several are of historic significance or are otherwise charming architecturally.
- The waterfront is an important community asset. Connectivity to the Village is hindered due to the lack of public streets and the presence of large private development.
- There is a good mix of commercial and office uses in the Village, but a lack of quality residential development within.

Transportation

- SR 520 is a major conduit to Merritt Island and Cocoa Beach consisting of a six-lane roadway designed with one-way pairs (King Street eastbound and Willard Street westbound) navigating through the RDA district. The current design creates a hostile barrier for pedestrians seeking to connect between Cocoa Village and the North Forrest Avenue community.
- Brevard and Delannoy Avenues operate as one-way pairs through most of the Village; channeling traffic on one-way streets is less safe for pedestrians and less attractive to shop owners who seek optimal vehicular accessibility.
- Florida Avenue is the former Dixie Highway, the historically north-south path through Cocoa. There is a burgeoning urban commercial corridor along Florida Avenue, with a new streetscape from the southern City limits to SR 520. This streetscape created additional parking, pedestrian accessibility on both sides of the road and a quaint landscaping, inviting to residents and visitors.
- Federal East Coast Railroad (FEC) is located along the western boundary of the redevelopment area. Located at the intersection of US1 and Rosa L Jones Blvd is the site of the future FEC Rail Station. This site has been identified as a potentially viable location for a future passenger rail stop.

High, Medium, and Low Priority Projects

HIGH PRIORITY PROJECTS

A. Waterfront Projects
Dinghy Docks
T-Dock and Extension
Day Slips
New Fishing Pier, East Lee Wenner Park
Shoreline Stabilization
**The City is reconstructing the facilities through grants, etc. as they existed prior to Hurricane Irma. The CRA will fund enhancements.*

B. Historic Cocoa Village
New Civic Center
Lee Wenner Park Renovations **
***Agreement attached as an Appendix*
Promenade Reconstruction
Promenade Overlooks
Support Building for Amphitheatre
Identify Gateway Locations and Develop Wayfinding Package
6 Forrest Avenue Entrance Features
Gateways and Signage

C. Uptown District
Street and Sidewalk Improvement Program
Landscape Standards
Signage Regulations
Land Use Provisions

D. Streets
Municipal Parking/Shared Parking Facilities/ Additional On Street Parking
Street Tree Program
Streetscape Reconstruction

E. Catalyst Mixed Use Redevelopment Sites
Redevelopment of 603 Brevard Avenue
Redevelopment of 915 Florida Avenue

F. The Heart of Cocoa
Creation of Workforce Housing
Façade Grant Program
Paint Program

COCOA CRA CAPITAL IMPROVEMENTS PLAN
PRIORITY + BUDGETING FIGURES

Item No.	Recommendation	Priority	Timing	Magnitude Cost	Description + Implementation Details	Possible Funding Sources
F	**The Heart of Cocoa**					
	Workforce Housing and Community Development					
1	Comprehensive Investment Strategy			N/A	Consider a comprehensive investment strategy for residential enhancement and community development	
	Public Parks and Infrastructure					
2	Catalyst Park Site	Low	5-7 Years	**$950,000**	Acquire land for a public park and small residential development at the corner of Hughlett Avenue and Factory Street	
	Total Heart of Cocoa CRA Projects			**$950,000**		
G	**Waterfront Neighborhood Infill Development**					
1	Single Family Infill			N/A	Support continued redevelopment of single-family homes and renovation of historic residences and Incentivize townhome infill development with appropriate site design standards	
2	Multi-Family Infill			N/A		
	Total Waterfront Neighborhood Infill Projects			**$0.00**		
H	**South of Cocoa Village**					
1	Residential Infill Node			$75,000	Residential Infill Node Consider a residential redevelopment opportunity on the vacant/underutilized land south of Rosa L. Jones Blvd. between Florida Avenue and US-1 (mobile home site); acquire property or partner with private developer to purchase or develop the land	
2	Major Mixed Use Node (Rockledge/Cocoa City Line)			$100,000	Consider a consolidated planning/development effort with the City of Rockledge relative to the immediately abutting property known as the Sears Town Site (existing power center on US-1); prepare an RFP for development proposals	
	Total South of Cocoa Village Projects			**$175,000.00**		
I	**State Road 520 Corridor**					
1	King Street and Willard Street Improvements Option A	Medium	3-5 Years	$975,000	Add palm trees to King and Willard Street and improve existing sidewalks;	**FDOT Project -** CRA initiated a preliminary study of the SR520 corridor, of which SCTPO/FDOT subsequently conducted a more detailed corridor study. Staff will continue to work with FDOT/SCTPO on accelerating funding, certain improvements may require CRA financial participation.
2	King Street and Willard Street Improvements Option B	Low	5-7 Years	$8,550,000	Reduce travel lane widths, widen sidewalks, and install shade trees	
3	Improve Intersections at King/Brevard & Willard/Brevard Streets	Medium	3-5 Years	$1,600,000	Improve intersections at King/Brevard and Willard/Brevard to reduce pedestrian crossing distance and increase intersection visibility (highly visible pavement treatment and clear sightlines) -	
4	Promote Vehicular Cross Access from King or Willard Streets	Medium	3-5 Years	N/A	Promote vehicular cross access between businesses that front King or Willard Street	
	Total State Road 520 Corridor Projects (Option A)* **			**$ 2,575,000**		
	Total State Road 520 Corridor Projects (Option B)			**$ 10,150,000**		

Excerpt Pages from the 2022 Cocoa CRA Plan Update

School Board of Brevard County
2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark J. Rendell, Ed.D., Superintendent

August 11, 2023

Mr. Stockton Whitten
City Manager
City of Cocoa
65 Stone Street
Cocoa, FL 32922

RE: Proposed FLU Amendment
430, 505, and 630 Brevard Ave., Cocoa, FL 32922
915 Florida Ave., Cocoa, FL 32922

Dear Mr. Stockton,

We completed a cursory preliminary review for the referenced development. The subject property is comprised of Tax Parcel ID numbers: 24-36-33-39-B-8, 24-36-33-39-B-7, and 24-36-33-39-B-11 containing a total of approximately 4.53 acres along Brevard Avenue; and Tax Parcel ID number: 24-36-33-80-23 containing approximately 4.32 acres along Florida Avenue in the City of Cocoa, Florida. The proposed development includes development of multiple parcels, consisting of a total of 835 multi-family homes within the same school zones. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use based on the information provided by the City shown below:

1. Brevard Avenue:

Address	Property Type	FAR/Commercial Use#	Residential Units	Acres	DU/acre
430 Brevard	Mixed Use	10,000 sq. ft. Co-working and 3,000 sq. ft. retail	243	1.95	125
505 Brevard	Mixed Use	16,754 sq. ft. Bank	166	1.33	125
630 Brevard*	Hotel	107 Hotel rooms, 4,885 sq. ft. Retail, 6,798 sq. ft. Restaurant and Bar	*156*	1.25	125
Total			565	4.53	

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646

An Equal Opportunity Employer

2. 915 Florida Avenue:

Address	Property Type	FAR/Comm Use	Residential Units	Acres	DU/Acre
915 Florida	Mixed Use	50% Residential/50% Commercial	270	4.32	125

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in the *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28 which* is attached for reference.

Multi-Family Homes	835		
Students Generated	**Student Generation Rates**	**Calculated Students Generated**	**Rounded Number of Students Generated**
Elementary	0.11	91.85	92
Middle	0.02	16.7	17
High	0.05	41.75	42
Total	0.18		**151**

FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to 2027-28

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	910	910	910	910	910
McNair	616	616	616	616	616
Rockledge	1,836	1,836	1,836	1,836	1,836

Projected Student Membership

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	669	614	600	572	545
McNair	369	346	354	337	347
Rockledge	1,559	1,640	1,699	1,693	1,620

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	-	-	-	-	-
McNair	-	-	-	-	-
Rockledge	-	-	-	-	-

Cumulative Students Generated by Proposed Development

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	-	-	92	92	92
McNair	-	-	17	17	17
Rockledge	-	-	42	42	42

Total Projected Student Membership (includes Cumulative Impact of Proposed Development)

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	669	614	692	664	637
McNair	369	346	371	354	364
Rockledge	1,559	1,640	1,741	1,735	1,662

Projected Available Capacity = FISH Capacity - Total Projected Student Membership

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	241	296	218	246	273
McNair	247	270	245	262	252
Rockledge	277	196	95	101	174

At this time, Tropical Elementary School, McNair Middle School and Rockledge High School are projected to have enough capacity for the total of projected and potential students from the proposed FLU amendment.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28*

Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service

Data and Analysis for School Years 2022-23 to 2027-28

Summary	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
Highest Utilization Elementary Schools:	93%	99%	100%	99%	99%	100%
Highest Utilization Middle Schools:	88%	88%	94%	92%	91%	100%
Highest Utilization Jr / Sr High Schools:	83%	83%	81%	78%	77%	76%
Highest Utilization High Schools:	107%	99%	97%	98%	100%	100%

				School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
School	Type	Grades	Utilization Factor	FISH Capacity	10/14/22 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	598	80%	751	598	80%	751	635	85%	751	704	94%	751	720	96%	773	766	99%
Andersen	Elementary	K-6	100%	884	568	64%	884	568	64%	884	549	62%	884	537	61%	884	530	60%	884	501	57%
Apollo	Elementary	K-6	100%	902	731	81%	902	731	81%	902	749	83%	902	753	83%	902	736	82%	902	718	80%
Atlantis	Elementary	PK-6	100%	739	620	84%	739	620	84%	739	608	82%	739	596	81%	739	585	79%	739	572	77%
Audubon	Elementary	PK-6	100%	761	450	59%	761	450	59%	761	435	57%	761	422	55%	761	419	55%	761	426	56%
Cambridge	Elementary	PK-6	100%	787	495	63%	787	495	63%	787	511	65%	787	505	64%	787	510	65%	787	524	67%
Cape View	Elementary	PK-6	100%	570	305	54%	570	288	51%	570	309	54%	570	314	55%	570	315	55%	570	329	58%
Carroll	Elementary	K-6	100%	751	626	83%	751	633	84%	751	643	86%	751	623	83%	751	619	82%	751	628	84%
Challenger 7	Elementary	PK-6	100%	573	503	88%	573	503	88%	573	474	83%	573	462	81%	573	433	76%	573	413	72%
Columbia	Elementary	PK-6	100%	751	506	67%	751	512	68%	751	531	71%	751	522	70%	751	538	72%	751	538	72%
Coquina	Elementary	K-6	100%	711	560	79%	711	560	79%	711	565	79%	711	602	85%	711	590	83%	711	585	82%
Creel	Elementary	PK-6	100%	1,114	626	56%	1,114	660	59%	1,114	668	60%	1,114	668	60%	1,114	667	60%	1,114	658	59%
Croton	Elementary	PK-6	100%	795	488	61%	795	488	61%	795	514	65%	795	528	66%	795	542	68%	795	542	68%
Discovery	Elementary	PK-6	100%	980	643	66%	980	664	68%	980	675	69%	980	671	68%	980	720	73%	980	761	78%
Endeavour	Elementary	PK-6	100%	968	719	74%	968	750	77%	968	717	74%	968	707	73%	968	674	70%	968	671	69%
Enterprise	Elementary	K-6	100%	729	597	82%	729	597	82%	729	578	79%	729	552	76%	729	538	74%	729	529	73%
Fairglen	Elementary	PK-6	100%	789	617	78%	789	617	78%	789	617	78%	789	632	80%	789	635	80%	789	625	79%
Gemini	Elementary	K-6	100%	711	468	66%	711	477	67%	711	465	65%	711	468	66%	711	455	64%	711	457	64%
Golfview	Elementary	PK-6	100%	777	441	57%	777	441	57%	777	460	59%	777	481	62%	777	489	63%	777	503	65%
Harbor City	Elementary	PK-6	100%	629	403	64%	629	405	64%	629	457	73%	629	474	75%	629	494	79%	629	509	81%
Holland	Elementary	PK-6	100%	605	432	71%	605	450	74%	605	451	75%	605	444	73%	605	442	73%	605	431	71%
Imperial Estates	Elementary	K-6	100%	729	659	90%	729	684	94%	729	712	98%	729	724	99%	751	742	99%	795	779	98%
Indialantic	Elementary	K-6	100%	798	686	86%	798	686	86%	798	685	86%	798	671	84%	798	676	85%	798	651	82%
Jupiter	Elementary	PK-6	100%	930	729	78%	930	735	79%	930	801	86%	930	882	95%	974	940	97%	1,040	1,030	99%
Lockmar	Elementary	PK-6	100%	892	585	66%	892	585	66%	892	569	64%	892	552	62%	892	558	63%	892	559	63%
Longleaf	Elementary	PK-6	100%	790	631	80%	790	637	81%	790	613	78%	790	590	75%	790	563	71%	790	528	67%
Manatee	Elementary	K-6	100%	998	898	90%	998	910	91%	998	889	89%	998	845	85%	998	888	89%	998	881	88%
McAuliffe	Elementary	PK-6	100%	838	621	74%	838	621	74%	838	580	69%	838	568	68%	838	553	66%	838	528	63%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	825	74%	1,114	825	74%	1,114	779	70%	1,114	773	69%	1,114	805	72%	1,114	843	76%
Meadowlane Primary	Elementary	K-6	100%	824	651	79%	824	666	81%	824	660	80%	824	630	76%	824	618	75%	824	613	74%
Mila	Elementary	PK-6	100%	707	435	62%	707	435	62%	707	439	62%	707	396	56%	707	383	54%	707	362	51%
Mims	Elementary	PK-6	100%	725	464	64%	725	464	64%	725	481	66%	725	512	71%	725	525	72%	725	513	71%
Oak Park	Elementary	PK-6	100%	968	505	52%	968	505	52%	968	471	49%	968	478	49%	968	475	49%	968	447	46%
Ocean Breeze	Elementary	PK-6	100%	654	554	85%	654	550	84%	654	542	83%	654	533	81%	654	534	82%	654	531	81%
Palm Bay Elem	Elementary	PK-6	100%	983	586	60%	983	613	62%	983	610	62%	983	627	64%	983	630	64%	983	636	65%
Pinewood	Elementary	PK-6	100%	569	521	92%	591	521	88%	591	541	92%	613	572	93%	613	598	98%	613	600	98%
Port Malabar	Elementary	PK-6	100%	852	640	75%	852	640	75%	852	683	80%	852	746	88%	852	760	89%	852	795	93%
Quest	Elementary	PK-6	100%	932	693	74%	932	693	74%	932	684	73%	932	681	73%	932	685	73%	932	697	75%
Riviera	Elementary	PK-6	100%	777	699	90%	777	714	92%	777	718	92%	799	780	98%	843	827	98%	887	866	98%
Roosevelt	Elementary	K-6	100%	599	288	48%	599	298	50%	599	269	45%	599	256	43%	599	239	40%	599	220	37%
Sabal	Elementary	PK-6	100%	785	500	64%	785	500	64%	785	503	64%	785	516	66%	785	534	68%	785	535	68%
Saturn	Elementary	PK-6	100%	998	649	65%	998	649	65%	998	677	68%	998	821	82%	998	794	80%	998	786	79%
Sea Park	Elementary	PK-6	100%	461	337	73%	461	337	73%	461	327	71%	461	321	70%	461	326	71%	461	329	71%
Sherwood	Elementary	PK-6	100%	609	459	75%	609	459	75%	609	458	75%	609	459	75%	609	450	74%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	759	83%	913	767	84%	913	836	92%	935	908	97%	1,023	1,004	98%	1,067	1,067	100%
Suntree	Elementary	K-6	100%	755	600	79%	755	602	80%	755	561	74%	755	541	72%	755	516	68%	755	480	64%
Surfside	Elementary	K-6	100%	541	442	82%	541	442	82%	541	425	79%	541	418	77%	541	417	77%	541	407	75%
Tropical	Elementary	K-6	100%	910	669	74%	910	669	74%	910	614	67%	910	600	66%	910	572	63%	910	545	60%
Turner	Elementary	PK-6	100%	874	555	64%	874	564	65%	874	589	67%	874	647	74%	874	675	77%	874	691	79%
University Park	Elementary	PK-6	100%	811	487	60%	811	487	60%	811	545	67%	811	592	73%	811	642	79%	811	658	81%
Viera Elem	Elementary	K-6	100%	1,030	695	67%	1,030	717	70%	1,030	759	74%	1,030	857	83%	1,030	926	90%	1,074	1,061	99%
Westside	Elementary	K-6	100%	857	799	93%	857	846	99%	923	922	100%	989	974	98%	1,033	988	96%	1,099	1,100	100%
Williams	Elementary	PK-6	100%	715	451	63%	715	450	63%	715	443	62%	715	414	58%	715	411	57%	715	415	58%
Elementary Totals				**42,215**	**30,468**		**42,237**	**30,778**		**42,303**	**30,996**		**42,435**	**31,549**		**42,677**	**31,905**		**43,007**	**32,280**	

School	Type	Grades	Utilization Factor	School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
				FISH Capacity	10/14/22 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,129	75%	1,514	1,129	75%	1,514	1,158	76%	1,514	1,228	81%	1,514	1,289	85%	1,514	1,377	91%
DeLaura	Middle	7-8	90%	960	842	88%	960	844	88%	960	902	94%	960	820	85%	960	789	82%	960	826	86%
Hoover	Middle	7-8	90%	680	505	74%	680	505	74%	680	534	79%	680	574	84%	680	577	85%	680	588	86%
Jackson	Middle	7-8	90%	660	550	83%	660	550	83%	660	545	83%	660	538	82%	660	555	84%	660	588	89%
Jefferson	Middle	7-8	90%	873	608	70%	873	608	70%	873	600	69%	873	609	70%	873	563	64%	873	548	63%
Johnson	Middle	7-8	90%	1,064	610	57%	1,064	610	57%	1,064	650	61%	1,064	698	66%	1,064	753	71%	1,064	825	78%
Kennedy	Middle	7-8	90%	869	671	77%	869	671	77%	869	687	79%	869	670	77%	869	669	77%	869	677	78%
Madison	Middle	7-8	90%	781	446	57%	781	453	58%	781	484	62%	781	452	58%	781	476	61%	781	593	76%
McNair	Middle	7-8	90%	616	365	59%	616	369	60%	616	346	56%	616	354	57%	616	337	55%	616	347	56%
Southwest	Middle	7-8	90%	1,230	920	75%	1,230	920	75%	1,230	1,024	83%	1,230	1,127	92%	1,289	1,174	91%	1,289	1,285	100%
Stone	Middle	7-8	90%	1,076	668	62%	1,076	708	66%	1,076	799	74%	1,076	823	76%	1,076	890	83%	1,076	977	91%
Middle Totals				**10,323**	**7,314**		**10,323**	**7,367**		**10,323**	**7,729**		**10,323**	**7,893**		**10,382**	**8,072**		**10,382**	**8,631**	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,097	1,545	74%	2,097	1,536	73%	2,097	1,555	74%	2,097	1,525	73%	2,097	1,518	72%	2,097	1,470	70%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	983	68%	1,445	1,000	69%	1,445	1,000	69%	1,445	941	65%	1,445	928	64%	1,445	867	60%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,534	83%	1,852	1,534	83%	1,852	1,505	81%	1,852	1,450	78%	1,852	1,428	77%	1,852	1,402	76%
Jr / Sr High Totals				**5,394**	**4,062**		**5,394**	**4,070**		**5,394**	**4,060**		**5,394**	**3,916**		**5,394**	**3,874**		**5,394**	**3,739**	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,109	76%	1,451	1,109	76%	1,451	1,123	77%	1,451	1,129	78%	1,451	1,164	80%	1,451	1,158	80%
Bayside	High	9-12	95%	2,263	1,851	82%	2,263	1,885	83%	2,263	2,023	89%	2,263	2,099	93%	2,263	2,175	96%	2,382	2,371	100%
Eau Gallie	High	PK, 9-12	95%	2,221	1,582	71%	2,221	1,582	71%	2,221	1,597	72%	2,221	1,625	73%	2,221	1,631	73%	2,221	1,693	76%
Heritage	High	9-12	95%	2,314	2,033	88%	2,314	2,055	89%	2,314	2,065	89%	2,314	2,057	89%	2,314	2,099	91%	2,314	2,171	94%
Melbourne	High	9-12	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,248	95%	2,370	2,284	96%	2,370	2,345	99%
Merritt Island	High	PK, 9-12	95%	1,962	1,546	79%	1,962	1,546	79%	1,962	1,512	77%	1,962	1,457	74%	1,962	1,437	73%	1,962	1,454	74%
Palm Bay	High	PK, 9-12	95%	2,657	1,483	56%	2,657	1,495	56%	2,657	1,581	60%	2,657	1,683	63%	2,657	1,704	64%	2,657	1,700	64%
Rockledge	High	9-12	95%	1,836	1,559	85%	1,836	1,559	85%	1,836	1,640	89%	1,836	1,699	93%	1,836	1,693	92%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,518	99%	1,551	1,536	99%	1,551	1,433	92%	1,551	1,413	91%	1,551	1,359	88%	1,551	1,299	84%
Titusville	High	9-12	95%	1,813	1,313	72%	1,813	1,333	74%	1,813	1,335	74%	1,813	1,351	75%	1,813	1,316	73%	1,813	1,322	73%
Viera	High	PK, 9-12	95%	2,141	2,289	**107%**	2,474	2,319	94%	2,474	2,391	97%	2,474	2,417	98%	2,569	2,579	**100%**	2,664	2,660	100%
High Totals				**22,555**	**18,528**		**22,912**	**18,664**		**22,912**	**18,945**		**22,912**	**19,178**		**23,007**	**19,441**		**23,221**	**19,793**	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	403	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	506	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
South Lake	Elementary	K-6	100%	481	434	90%	657	453	69%	657	471	72%	657	489	74%	657	507	77%	657	529	81%
West Melbourne	Elementary	K-6	100%	618	549	89%	618	552	89%	794	570	72%	794	588	74%	794	606	76%	794	624	79%
Edgewood	Jr / Sr High	7-12	90%	1,077	938	87%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	930	74%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%
Schools of Choice				**4,484**	**3,760**		**4,660**	**3,827**		**4,836**	**3,863**		**4,836**	**3,899**		**4,836**	**3,935**		**4,836**	**3,975**	
Brevard Totals				**84,971**	**64,132**		**85,526**	**64,706**		**85,768**	**65,593**		**85,900**	**66,435**		**86,296**	**67,227**		**86,840**	**68,418**	

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2022-23 are reported from the FISH database as of October 14, 2022.
2. Student Membership is reported from the Fall Final Membership Count (10/14/2022).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
   - Development Projections from Brevard County Local Government Jurisdictions
   - Brevard County School Concurrency Student Generation Multipliers (SGM)
   - Fall Membership student addresses and corresponding concurrency service areas
   - Student Mobility Rates / Cohort Survival Rates
   - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
   - PK (Pre-Kindengarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
   - Current From/To attendance patterns are assumed to remain constant.
   - Nongeocoded student addresses are assumed to continue in their attendance schools.
   - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
   If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
   - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
   For school year 2023-24, no additional capacity is needed.
   For school year 2024-25, a total of 3 intermediate classrooms are projected for Westside Elementary School
   For school year 2025-26, a total of 6 intermediate classrooms are projected for Pinewood (1), Riveria (1), Sunrise (1) and Westside (3) Elementary Schools.
   For school year 2026-27, a total of 14 intermediate classrooms are projected for Imperial Estates (1), Jupiter (2), Riviera (2), Sunrise (4), Westside (2) Elementary Schools, and Southwest Middle School (3). 4 High School relocatable classrooms are proposed for Viera High School.
   For school year 2027-28, a total of 15 intermediate classrooms are projected for Roy Allen (1), Imperial Estates (2), Jupiter (3), Riveria (2), Viera El (2), Sunrise (2), and Westside (3) Elementary Schools. 9 High School relocatable classrooms are proposed for Bayside (5) and Viera (4) High.
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.
8. A classroom addition is planned for construction at South Lake Elementary School for 2023-24. The factored capacity is adjusted for the proposed 176 student stations.
9. A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.
10. Capacity adjusted for Board approved addition of one relocatable each at Pinewood Elementary and Satellite High Schools for school year 2024-25 forward.



Please contact us with changes or cancellations as soon as possible, otherwise no further action needed.

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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:
COMPREHENSIVE PLAN
TEXT AMENDMENTS and
ZONING MAP AMENDMENTS

PZ 23-02100007 Vacant Lot N Range Road Zoning Map Amendment | Ordinance 15-2023

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 6.61 ACRES, MORE OR LESS, AND GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH RANGE ROAD AND KATHI KIM STREET, AND WEST OF CLEARLAKE ROAD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY MEDIUM-DENSITY MULTIPLE--FAMILY RESIDENTIAL (RU-2-10) TO CITY OF COCOA MULTIPLE-FAMILY DWELLING (RU-2-15); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. Tax Parcel ID 24-36-30-00-256.

PZ 23-00500004 915 Florida Ave Comp Plan Text Amendment | Ordinance No. 17-2023

B. 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 AUTHORIZING THE CITY COUNCIL TO APPROVE BY DEVELOPMENT AGREEMENT RESIDENTIAL DENSITIES OF UP TO 125 DWELLING UNITS PER ACRE RELATED TO VERTICAL MIXED-USE PROJECTS; EXPANDING THE VERY LIMITED GEOGRAPHICAL AREA TO WHICH THE POLICY APPLIES TO INCLUDE A PARCEL OF CITY-OWNED LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ROSA L. JONES DRIVE AND FLORIDA AVENUE AND WHICH IS MORE PARTICULARLY DESCRIBED HEREIN BY PARCEL INFORMATION AND MAP THAT CONSISTS OF APPROXIMATELY 4.32 ACRES, MORE OR LESS, AND IS DESIGNATED MIXED-USE FUTURE LAND USE ON THE FUTURE LAND USE MAP AND WHICH IS DESIGNATED SOUTH END (SE) SUBDISTRICT WITH A COMMERCIAL/MIXED-USE LARGE (CL) BUILDING TYPE ON THE COCOA WATERFRONT OVERLAY DISTRICT REGULATING PLAN; REQUIRING A DEVELOPMENT AGREEMENT BY THE CITY COUNCIL TO APPROVE SUCH PROJECTS ON SUCH REAL PROPERTY UNDER CERTAIN TERMS AND CONDITIONS DEEMED NECESSARY AND ACCEPTABLE TO THE CITY COUNCIL; FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLU-

TIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE, AND LEGAL STATUS OF THE PLAN AMENDMENT.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY PUBLIC HEARING WILL BE HELD ON August 16, 2023

CITY COUNCIL 1st PUBLIC HEARING WILL BE HELD ON August 22, 2023

ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT 65 STONE STREET, COCOA, 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 of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the 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, 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) 433-8451.

Interested persons may submit their written comments or questions prior to the meeting through Email at 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.

Legislation Details (With Text)

File #:	23-487	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	8/9/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	8/16/2023			**Final action:**	
Title:	Consideration of a Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District and to amend the list of permitted and special exception uses in the South End Subdistrict of the Cocoa Waterfront Overlay District.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Ordinance No. 18-2023 _ LDC Text Amendment _ 915 Florida Ave Exhibit A - Edited Regulating Plan Map August 2023.pdf Exhibit B - Excerpts of 2022 CRA Plan 1.pdf Exhibit C - School Board Letter.pdf Exhibit E - Affidavit Display Legal Ad P&Z Aug 16.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: August 7, 2023
Agenda Date: August 16, 2023
Prepared By: Stephen Noto - Planning Consultant
Through: Stockton Whitten - City Manager
Requested Action:
Consideration of a Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District and to amend the list of permitted and special exception uses in the South End Subdistrict of the Cocoa Waterfront Overlay District.

BACKGROUND:

Request:

The applicant, City of Cocoa, is requesting an amendment to Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District. The parcel proposed to be added has the following Brevard County Parcel ID number 24-36-33-80-23 (915 Florida Ave.). In addition, the proposed ordinance would add permitted and special exception uses in the South End Subdistrict with Core Commercial underlying zoning.

Background:

The proposed LDC amendment has been administratively initiated by the City of Cocoa. The Planning and Zoning Board is required to make recommendations to the City Council regarding the proposed LDC amendments based on the criteria set forth below.

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 created the MU, Mixed Use, Future Land Use (FLU) Designation. The FLU Element of the City's Comprehensive Plan states that the Mixed-Use land use category (MU FLU) is intended to provide a mixture of residential, commercial, office, recreational and institutional uses along the major transportation corridors. The majority of parcels within the City that are designated as MU are generally located adjacent to certain portions of 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 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 vertical mixed-use project, per FLU Element Policy 1.1.2.6, which brings the max du/acre total to 30 du/acre.
To create additional opportunities, the City adopted policies that allow for vertically mixed-use projects to occur on four (4) parcels, that total +/- 4.5 acres within the Cocoa Village Subdistrict to develop at densities of up to 125 du/acre with a Developer's Agreement.

In addition, four parcels totaling +/- 1.4 acres have been designated with a commercial/mixed use large (CL) building type on the Cocoa Waterfront Overlay District Regulating Plan, which allowed vertically mixed-use buildings constructed to a maximum of eight (8) stories in height.

The current request looks to build upon those adopted policies. The City of Cocoa owns +/- 4.32 acres of property (subject property) at the southwest corner of Rosa Jones Dr., and Florida Ave. The subject property is currently noted within the Regulating Plan of the City of Cocoa Waterfront Overlay District as part of the South End (SE) Sub-District. The subject property also has the MU, Mixed Use, FLU designation, and the C-C, Core Commercial, zoning district. The City wishes to maximize the redevelopment potential of the subject property by designating the subject property as "CL" on the City of Cocoa Waterfront Overlay District Regulating Plan. This would allow the subject property to be developed with a vertically mixed-use building at a maximum of eight (8) stories in height, subject to and conditioned upon City Council approval of a development agreement following consideration of multiple factors. Additional updates are being provided in Appendix A, Article XI, Section 22, of the City Code to allow for certain additional permitted and special exception uses within the Waterfront Overlay District, South End Subdistrict, with Core Commercial underlying zoning.

The following analysis provides for technical detail related to the request and the potential impact to City services.

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 objectives of the

comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

a. Need and justification for the change

Staff Finding: Currently, the tallest building that could be constructed on the 915 Florida Avenue property is a five-story, commercial/mixed-use medium building type in accordance with the Cocoa Waterfront Overlay District Regulating Plan.

The proposed amendment is not contrary to the established land use pattern based on the goals and objectives of the Waterfront Master Plan, Cocoa CRA Redevelopment Plan, and existing Comprehensive Plan MU FLU policies which encourage density through vertical mixed-use buildings. The proposed change allows the physical structure necessary to accommodate increased densities up to 125 du/acre should the companion Comprehensive Plan amendment be adopted, through height at a maximum of 8-stories.

As explained in the companion staff report for the Comprehensive Plan amendment related to 915 Florida Avenue, the 915 Florida Avenue subject property was the former Oaks Mobile Home site, which the City acquired for purposes of redevelopment in 2016. The Cocoa Redevelopment Agency (Cocoa CRA) continues to seek major redevelopment opportunities to revitalize the Cocoa Community Redevelopment Area. The proposed amendment will continue to promote a more intense redevelopment consistent with the Redevelopment Plan. Specifically, the Redevelopment Plan identifies 915 Florida Avenue as one of two “High Priority” “Catalyst Mixed Use Development Sites” in the Cocoa Community Redevelopment Area.

Construction of taller mixed-use projects within the City’s urban core provides for coherent and economical use of the City’s resources and infrastructure. These potential developments will 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.

The City Council will consider factors such as economic and social benefits to City and CRA, aesthetic quality and character, architectural design, physical and visual scale, compatibility with the Cocoa Village and South End when a particular development project is proposed and prior to approving a development agreement request to achieve the maximum of eight stories, in its sole discretion.

Furthermore, the uses to be added to the South End (all properties with C-C underlying zoning) to promote vertical mixed-use projects are as follows:

Professional offices, studios, clinics, labs, general offices
Bar or lounge (SE)
Cultural centers, museums, galleries, community centers (commercial)
Gym and Fitness Facilities of less than 7500 square feet
Package store, beer and wine (SE)
Pharmacy, Optical Services

Recreation structures, theaters, driving ranges, bowling alleys (not drive in theaters) (SE)
Retail stores (except automotive)

In accordance with Appendix A, Zoning, Article XI, Section 18, uses in the Core-Commercial District are based on the redevelopment plan and are intended to be low to medium intensity commercial, office and professional uses, in areas located adjacent to and between major transportation corridors.

The uses selected for addition to the South End Subdistrict with underlying C-C zoning promote neighborhood commercial uses of low to medium intensity and add office and professional uses in keeping with the intent of the C-C zoning district.

b. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

Staff Finding:
Since the zoning district will not change, there will be no conflict with the comprehensive plan. This request is being done in conjunction with the FLU Element which allows the subject property to be developed at a maximum of 125 du/acre. This amendment is consistent with the following 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.

BUDGETARY IMPACT:

Budgeted N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Staff recommends that the Planning & Zoning Board recommend APPROVAL to City Council regarding the proposed Land Development Code Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District and to amend the list of permitted and special exception uses in the South End Subdistrict of the Cocoa Waterfront Overlay District.

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ORDINANCE NO. 18-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW LARGE SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE LIST OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI, SECTION 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA FOR THE WATERFRONT OVERLAY DISTRICT, SOUTH END SUBDISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the City Council desires to amend the Cocoa Waterfront Overlay Regulating Plan and Appendix A, Article XI, Section 22 – Cocoa Waterfront Overlay District, South End Subdistrict, to allow for Commercial/Mixed-Use Large (CL) Building types to be developed on certain properties where indicated on the Regulating Plan in the South End Subdistrict; and

WHEREAS, Commercial/Mixed-Use Large Building types in the Cocoa Waterfront Overlay District are permitted to be a maximum of eight (8) stories in height; and

WHEREAS, in order for a particular property to be designated with a Commercial/Mixed-Use Large Building type on the Regulating Plan, the City Council must approve a Development Agreement after consideration of certain factors, including the economic and social benefits to the City and Community Redevelopment Agency, aesthetic quality and character of the proposed building, architectural design, physical and visual scale, and compatibility with the special and distinctive character of the South End; and

WHEREAS, in order to promote the development of desirable, unique, and beneficial mixed-use commercial-residential developments in the South End, the City Council desires to amend Appendix A, Article XI, Section 22, of the City Code to allow for certain additional permitted and special exception uses within the Waterfront Overlay District, South End Subdistrict, with Core Commercial underlying zoning; 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. **Regulating Plan Amendment.** Appendix A, Zoning, is hereby amended to delete the Regulating Plan set forth in Article XI, Section 22(G), City Code, and replace it with the Regulating Plan attached hereto as **Exhibit "A"** and fully incorporated herein by this reference.

Section 3. **Code Amendment.** The Zoning Ordinance of the City of Cocoa, Appendix A, Article XI, Section 22, is hereby amended as follows (underline type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Appendix A, Article XI, Section 22. It is intended that the text in Appendix A, Article XI, Section 22, denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

* * *

APPENDIX A – ZONING

* * *

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 22. – Cocoa Waterfront Overlay District.

* * *

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

* * *

"Key: SE-Special Exception	Heart of	Uptown Neighborhood (UN)	South of the	**South End (SE)**	Water front (WF)	Cocoa Village	North of the	King Willard (KW)

, Blank Cell-Not Permitted, P- Permitted, RP- as identified on the regulating plan"	Cocoa				Village (SV)								Village (NV)					
	RU-2-10	RU-2-25	CBD	C-C	RU-2-25	CBD	CBD	**C-C**	CBD	RU-2-10	CBD	C-C	C-G	C-C	C-P	CBD	C-P	C-C
								*** * ***										
Office																		
Professional offices, studios, clinics, labs, general offices			P			P	P	**P**	P		P		P			P		
								* * *										
Commercial																		
								* * *										
Bar or Lounge			SE			SE	SE	**SE**	SE		SE		SE		SE	SE	SE	
								* * *										
Cultural Centers, Museums, Galleries, Community Centers								**P**										

(Commercial)																		
* * *																		
Gym and fitness facilities of less than 7500 square feet.			P			P	P	**P**	P		P		P		P	P	P	
* * *																		
Package Store, beer and wine			SE			SE	SE	**SE**	SE		SE		P		P	SE	P	
* * *																		
Pharmacy, Optical Services								**P**										
* * *																		
Recreation structures, theatres, driving ranges, bowling alleys (not drive in theatres)								**SE**										
* * *																		

Retail stores (except automotive)			P			P	P	**P**	P		P		P			P		
* * *																		

* * *

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

* * *

Design Districts and Building Types Table

Design District	Home-stead (HO)	Estate (ES)	House (HS)	Cottage (CO)	Town-house (TH)	Apart-ment Building (AB)	Court-yard Apart-ment (CA)	Comm-ercial/ Mixed Use Small (CS)	Comm-ercial/ Mixed Use Medium (CM)	Comm-ercial/ Mixed Use Large (CL)	Single Story Comm-ercial (SC)	Large Format Comm-ercial (LF)	Inst-ituti onal (IT)	Civic (CI)
* * *														
South End				P	P	P	P	P	P	RP(3)	RP		P	

RP, permitted only where indicated on Regulating plan.
P, Permitted in the Design District.
Blank Cell, is not permitted.
* Commercial/Mixed Use is a mix of uses, ie. Office/retail, office/residential.
(1) Townhomes are permitted up to 4 units per building.
(2) Consistent with the Substitute Consent Decree as ordered on January 28, 2009.

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

* * *

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

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

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

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of _____, 2023.

_____
MICHAEL C. BLAKE, Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

EXHIBIT A

REGULATING PLAN

EXHIBIT "A"

Proposed Update to Regulating Plan

City of Cocoa - Waterfront Overlay District

Cocoa, FL

8/8/2023

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

○ Allowed only where indicated on Regulating Plan

● Allowed throughout Design District

* New development within the Comm/MXD use district may be developed as either commercial or mixed use.

1. Townhomes allowed up to four per building.
2. Consistent with the Substitute Consent Decree as ordered on January 28, 2009.
3. Development of Commercial/Mixed Use-Large building types in this design district shall require a development agreement approved subject to the discretion of the City Council after consideration of the following factors: economic and social benefits to the City and Community Redevelopment Agency, aesthetic quality and character, architectural design, physical and visual scale, compatibility with the special and distinctive character of Cocoa Village and respective subdistrict, and other similar relevant factors.

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

Additional building type allowed for this parcel only

Required minimum and maximum street setback (in feet)

Break in street setback dimension

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

Internal Lot Line

promote the development and redevelopment of property in the Central Business District in a manner compatible with comprehensive and redevelopment plan objectives.

It is intended that high density multiple-family residential development in this area is to be promoted and encouraged, either in separate buildings or in combination with office and supporting, retail and service areas, and that such supporting uses shall be scaled and designed to serve the needs of the district. All uses and design should recognize the proximity to the areas of great natural beauty, which are historically significant to the city. High density, so long as it provides public and scenic access to these natural and historic areas, is permitted. Water views, easy access to contiguous water walks, and several key water vistas should be made available to the public. The purpose of this district is to allow for the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. Streets, pedestrian paths and bike paths should contribute to a system of fully-connected and interesting routes to all destinations.

The **Heart of Cocoa** Sub-District has been subject to a Federal Consent Decree since 1990. The original voluminous consent decree was replaced by a substantially streamlined Substitute Federal Consent Decree on January 28, 2009. The Substitute Consent Decree requires the City maintain the low-density residential character of the Heart of Cocoa; and encourages voluntary replacement of existing wholesale commercial uses with low density residential uses or low intensive neighborhood commercial uses such as mixed-use developments, while preserving existing uses as provided by law. Moreover, the Substitute Consent Decree encourages production and development of affordable houses by the private sector in the Heart of Cocoa. Consistent with the Substitute Consent Decree, the zoning is RU2-10, which allows for low-density single and multi-family residential. Allowable building types include single-family, mixed use, and neighborhood supported commercial.

In the **South of the Village** Sub-District the City acquired the former Oaks Mobile Home Park, a primarily vacant mobile home park with dilapidated and uninhabitable units, at the corner of Florida Avenue and Rosa L. Jones Blvd. The site is comprised of one main parcel and a smaller companion parcel, totaling just under 5 acres of vacant land immediately suitable for development. This residential project is expected to serve as a catalyst for additional residential development in and around the Heart of Cocoa, although the site lies just outside the boundaries of the Heart of Cocoa, on the south side of Rosa L. Jones Boulevard.

The **South End** Sub-District, located to the east and bordering the **South of the Village** Sub-District, mainly consists of single family residential, multi-family apartments/condominiums and high rise developments.

The King Street and Willard Street Corridor Sub-District consists of mainly commercial development and provides for opportunities of mixed-use and multi-family high rise developments.

The **Waterfront** Sub-District is characterized by multi-story, multi-family residential units.

Many of the lots in the Sub-Districts by themselves are inadequately sized and constrained by utility infrastructure (mainly electric), to be redeveloped as mixed-use and multi-family apartments or high rise condominiums. Thus, the need for the assemblage of land to facilitate a suitable redevelopment project yielding the highest and best use for the respective land. Additionally, and critically important, the City through its various EPA Brownfields Grants have determined several properties environmentally constrained as they are contaminated or suffer from the perception of contamination. Bisecting the heart of the Cocoa CRA is the former Flagler Rail Line, and railroad tracks are use of which contamination is commonly associated. Some properties have been confirmed to have no recognized environmental

several fundamentally new ideas for Cocoa's Waterfront: diversified boating access, with increased day slips, dinghy docks and large vessel tie up via more resilient floating docks and concrete piers; a managed mooring field with support facilities, including a harbor master building, pump out and boater services; a relocated civic center to take advantage of the waterfront and diversify the use of Lee Wenner Park, to serve the CRA, the City and the Region; re-imagined promenade to include overlooks and strolling and seating experience, but not to replace the old structures over water; and opening the waterfront view to property on Delannoy Avenue by relocating the existing civic center.

While Cocoa Village, the core of downtown, continues to exude a strong sense of place and regional identity, its downtown context is fraying due to the impact of high-speed roads and its disconnection from the waterfront. The nearby neighborhoods do not have a solid connection to downtown or the waterfront because the vibrancy of Cocoa Village is limited to Brevard and Delannoy Avenues with emergence of the Florida Avenue area. This characterizes the general circumstances currently challenging the extended success of Cocoa Village, but the following describes the specific physical features observed to be major factors for the improvement of the downtown district.

Urban Form

- The basic pattern of blocks and buildings in the CRA is of a pedestrian scale, most of the district is walkable and yet convenient and accessible to motorists.
- Buildings are generally 2-4 stories in heights in core of Cocoa Village and several are of historic significance or are otherwise charming architecturally.
- The waterfront is an important community asset. Connectivity to the Village is hindered due to the lack of public streets and the presence of large private development.
- There is a good mix of commercial and office uses in the Village, but a lack of quality residential development within.

Transportation

- SR 520 is a major conduit to Merritt Island and Cocoa Beach consisting of a six-lane roadway designed with one-way pairs (King Street eastbound and Willard Street westbound) navigating through the RDA district. The current design creates a hostile barrier for pedestrians seeking to connect between Cocoa Village and the North Forrest Avenue community.
- Brevard and Delannoy Avenues operate as one-way pairs through most of the Village; channeling traffic on one-way streets is less safe for pedestrians and less attractive to shop owners who seek optimal vehicular accessibility.
- Florida Avenue is the former Dixie Highway, the historically north-south path through Cocoa. There is a burgeoning urban commercial corridor along Florida Avenue, with a new streetscape from the southern City limits to SR 520. This streetscape created additional parking, pedestrian accessibility on both sides of the road and a quaint landscaping, inviting to residents and visitors.
- Federal East Coast Railroad (FEC) is located along the western boundary of the redevelopment area. Located at the intersection of US1 and Rosa L Jones Blvd is the site of the future FEC Rail Station. This site has been identified as a potentially viable location for a future passenger rail stop.

High, Medium, and Low Priority Projects

HIGH PRIORITY PROJECTS

A. Waterfront Projects
Dinghy Docks
T-Dock and Extension
Day Slips
New Fishing Pier, East Lee Wenner Park
Shoreline Stabilization
**The City is reconstructing the facilities through grants, etc. as they existed prior to Hurricane Irma. The CRA will fund enhancements.*

B. Historic Cocoa Village
New Civic Center
Lee Wenner Park Renovations **
***Agreement attached as an Appendix*
Promenade Reconstruction
Promenade Overlooks
Support Building for Amphitheatre
Identify Gateway Locations and Develop Wayfinding Package
6 Forrest Avenue Entrance Features
Gateways and Signage

C. Uptown District
Street and Sidewalk Improvement Program
Landscape Standards
Signage Regulations
Land Use Provisions

D. Streets
Municipal Parking/Shared Parking Facilities/ Additional On Street Parking
Street Tree Program
Streetscape Reconstruction

E. Catalyst Mixed Use Redevelopment Sites
Redevelopment of 603 Brevard Avenue
Redevelopment of 915 Florida Avenue

F. The Heart of Cocoa
Creation of Workforce Housing
Façade Grant Program
Paint Program

COCOA CRA CAPITAL IMPROVEMENTS PLAN
PRIORITY + BUDGETING FIGURES

Item No.	Recommendation	Priority	Timing	Magnitude Cost	Description + Implementation Details	Possible Funding Sources
F	**The Heart of Cocoa**					
	Workforce Housing and Community Development					
1	Comprehensive Investment Strategy			N/A	Consider a comprehensive investment strategy for residential enhancement and community development	
	Public Parks and Infrastructure					
2	Catalyst Park Site	Low	5-7 Years	**$950,000**	Acquire land for a public park and small residential development at the corner of Hughlett Avenue and Factory Street	
	Total Heart of Cocoa CRA Projects			**$950,000**		
G	**Waterfront Neighborhood Infill Development**					
1	Single Family Infill			N/A	Support continued redevelopment of single-family homes and renovation of historic residences and Incentivize townhome infill development with appropriate site design standards	
2	Multi-Family Infill			N/A		
	Total Waterfront Neighborhood Infill Projects			**$0.00**		
H	**South of Cocoa Village**					
1	Residential Infill Node			$75,000	Residential Infill Node Consider a residential redevelopment opportunity on the vacant/underutilized land south of Rosa L. Jones Blvd. between Florida Avenue and US-1 (mobile home site); acquire property or partner with private developer to purchase or develop the land	
2	Major Mixed Use Node (Rockledge/Cocoa City Line)			$100,000	Consider a consolidated planning/development effort with the City of Rockledge relative to the immediately abutting property known as the Sears Town Site (existing power center on US-1); prepare an RFP for development proposals	
	Total South of Cocoa Village Projects			**$175,000.00**		
I	**State Road 520 Corridor**					
1	King Street and Willard Street Improvements Option A	Medium	3-5 Years	$975,000	Add palm trees to King and Willard Street and improve existing sidewalks;	**FDOT Project -** CRA initiated a preliminary study of the SR520 corridor, of which SCTPO/FDOT subsequently conducted a more detailed corridor study. Staff will continue to work with FDOT/SCTPO on accelerating funding, certain improvements may require CRA financial participation.
2	King Street and Willard Street Improvements Option B	Low	5-7 Years	$8,550,000	Reduce travel lane widths, widen sidewalks, and install shade trees	
3	Improve Intersections at King/Brevard & Willard/Brevard Streets	Medium	3-5 Years	$1,600,000	Improve intersections at King/Brevard and Willard/Brevard to reduce pedestrian crossing distance and increase intersection visibility (highly visible pavement treatment and clear sightlines) -	
4	Promote Vehicular Cross Access from King or Willard Streets	Medium	3-5 Years	N/A	Promote vehicular cross access between businesses that front King or Willard Street	
	Total State Road 520 Corridor Projects (Option A)* **			**$ 2,575,000**		
	Total State Road 520 Corridor Projects (Option B)			**$ 10,150,000**		

Excerpt Pages from the 2022 Cocoa CRA Plan Update

School Board of Brevard County
2700 Judge Fran Jamieson Way • Viera, FL 32940-6699
Dr. Mark J. Rendell, Ed.D., Superintendent

August 10, 2023

Mr. Stockton Whitten
City Manager
City of Cocoa
65 Stone Street
Cocoa, FL 32922

RE: Proposed FLU Amendment
430 and 505 Brevard Ave. Cocoa, FL 32922

Dear Mr. Stockton,

We completed a cursory preliminary review for the referenced development. The subject property is comprised of Tax Parcel ID numbers: 24-36-33-39-B-8, 24-36-33-39-B-7, and 24-36-33-39-B-11 containing a total of approximately 4.53 acres along Brevard Avenue in the City of Cocoa, Florida. The proposed development includes 409 multi-family homes. The School Impact Analysis of this proposed development has been undertaken and the following information is provided for your use.

The calculations used to analyze the prospective student impact are consistent with the methodology outlined in Section 13.2 and Amended Appendix "A"-School District Student Generation Multiplier (approved April 11, 2022) of the *Interlocal Agreement for Public School Facility Planning & School Concurrency (ILA-2014)*. The following capacity analysis is performed using capacities/projected students as shown in the *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28 which* is attached for reference.

	Total	Total	Total
Multi-Family Homes	409		
Students Generated	**Student Generation Rates**	**Calculated Students Generated**	**Rounded Number of Students Generated**
Elementary	0.11	44.99	45
Middle	0.02	8.18	8
High	0.05	20.45	20
Total	0.18		**73**

Planning & Project Management
Facilities Services
Phone: (321) 633-1000 x11418 • FAX: (321) 633-4646

An Equal Opportunity Employer

FISH Capacity (including relocatable classrooms) from the Financially Feasible Plan (FFP) Data and Analysis for School Years 2023-24 to 2027-28

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	910	910	910	910	910
McNair	616	616	616	616	616
Rockledge	1,836	1,836	1,836	1,836	1,836

Projected Student Membership

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	669	614	600	572	545
McNair	369	346	354	337	347
Rockledge	1,559	1,640	1,699	1,693	1,620

Students Generated by Newly Issued SCADL Reservations Since FFP

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	-	-	-	-	-
McNair	-	-	-	-	-
Rockledge	-	-	-	-	-

Cumulative Students Generated by Proposed Development

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	-	-	45	45	45
McNair	-	-	8	8	8
Rockledge	-	-	20	20	20

Total Projected Student Membership (includes Cumulative Impact of Proposed Development)

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	669	614	645	617	590
McNair	369	346	362	345	355
Rockledge	1,559	1,640	1,719	1,713	1,640

Projected Available Capacity = FISH Capacity - Total Projected Student Membership

School	2023-24	2024-25	2025-26	2026-27	2027-28
Tropical	241	296	265	293	320
McNair	247	270	254	271	261
Rockledge	277	196	117	123	196

At this time, Tropical Elementary School, McNair Middle School and Rockledge High School are projected to have enough capacity for the total of projected and potential students from the proposed FLU amendment.

This is a **non-binding** review; a *Concurrency Determination* must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of Nondeficiency by the Local Government.

We appreciate the opportunity to review this proposed project. Please let us know if you require additional information.

Sincerely,

Karen M. Black, AICP
Manager – Facilities Planning & Intergovernmental Coordination
Planning & Project Management, Facilities Services

Enclosure: *Brevard County Public Schools Financially Feasible Plan for School Years 2022-23 to 2027-28*

Brevard County Public Schools

Financially Feasible Plan To Maintain Utilization Rates Lower than the 100% Level of Service

Data and Analysis for School Years 2022-23 to 2027-28

Summary	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
Highest Utilization Elementary Schools:	93%	99%	100%	99%	99%	100%
Highest Utilization Middle Schools:	88%	88%	94%	92%	91%	100%
Highest Utilization Jr / Sr High Schools:	83%	83%	81%	78%	77%	76%
Highest Utilization High Schools:	107%	99%	97%	98%	100%	100%

				School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
School	Type	Grades	Utilization Factor	FISH Capacity	10/14/22 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Elementary School Concurrency Service Areas																					
Allen	Elementary	PK-6	100%	751	598	80%	751	598	80%	751	635	85%	751	704	94%	751	720	96%	773	766	99%
Andersen	Elementary	K-6	100%	884	568	64%	884	568	64%	884	549	62%	884	537	61%	884	530	60%	884	501	57%
Apollo	Elementary	K-6	100%	902	731	81%	902	731	81%	902	749	83%	902	753	83%	902	736	82%	902	718	80%
Atlantis	Elementary	PK-6	100%	739	620	84%	739	620	84%	739	608	82%	739	596	81%	739	585	79%	739	572	77%
Audubon	Elementary	PK-6	100%	761	450	59%	761	450	59%	761	435	57%	761	422	55%	761	419	55%	761	426	56%
Cambridge	Elementary	PK-6	100%	787	495	63%	787	495	63%	787	511	65%	787	505	64%	787	510	65%	787	524	67%
Cape View	Elementary	PK-6	100%	570	305	54%	570	288	51%	570	309	54%	570	314	55%	570	315	55%	570	329	58%
Carroll	Elementary	K-6	100%	751	626	83%	751	633	84%	751	643	86%	751	623	83%	751	619	82%	751	628	84%
Challenger 7	Elementary	PK-6	100%	573	503	88%	573	503	88%	573	474	83%	573	462	81%	573	433	76%	573	413	72%
Columbia	Elementary	PK-6	100%	751	506	67%	751	512	68%	751	531	71%	751	522	70%	751	538	72%	751	538	72%
Coquina	Elementary	K-6	100%	711	560	79%	711	560	79%	711	565	79%	711	602	85%	711	590	83%	711	585	82%
Creel	Elementary	PK-6	100%	1,114	626	56%	1,114	660	59%	1,114	668	60%	1,114	668	60%	1,114	667	60%	1,114	658	59%
Croton	Elementary	PK-6	100%	795	488	61%	795	488	61%	795	514	65%	795	528	66%	795	542	68%	795	542	68%
Discovery	Elementary	PK-6	100%	980	643	66%	980	664	68%	980	675	69%	980	671	68%	980	720	73%	980	761	78%
Endeavour	Elementary	PK-6	100%	968	719	74%	968	750	77%	968	717	74%	968	707	73%	968	674	70%	968	671	69%
Enterprise	Elementary	K-6	100%	729	597	82%	729	597	82%	729	578	79%	729	552	76%	729	538	74%	729	529	73%
Fairglen	Elementary	PK-6	100%	789	617	78%	789	617	78%	789	617	78%	789	632	80%	789	635	80%	789	625	79%
Gemini	Elementary	K-6	100%	711	468	66%	711	477	67%	711	465	65%	711	468	66%	711	455	64%	711	457	64%
Golfview	Elementary	PK-6	100%	777	441	57%	777	441	57%	777	460	59%	777	481	62%	777	489	63%	777	503	65%
Harbor City	Elementary	PK-6	100%	629	403	64%	629	405	64%	629	457	73%	629	474	75%	629	494	79%	629	509	81%
Holland	Elementary	PK-6	100%	605	432	71%	605	450	74%	605	451	75%	605	444	73%	605	442	73%	605	431	71%
Imperial Estates	Elementary	K-6	100%	729	659	90%	729	684	94%	729	712	98%	729	724	99%	751	742	99%	795	779	98%
Indialantic	Elementary	K-6	100%	798	686	86%	798	686	86%	798	685	86%	798	671	84%	798	676	85%	798	651	82%
Jupiter	Elementary	PK-6	100%	930	729	78%	930	735	79%	930	801	86%	930	882	95%	974	940	97%	1,040	1,030	99%
Lockmar	Elementary	PK-6	100%	892	585	66%	892	585	66%	892	569	64%	892	552	62%	892	558	63%	892	559	63%
Longleaf	Elementary	PK-6	100%	790	631	80%	790	637	81%	790	613	78%	790	590	75%	790	563	71%	790	528	67%
Manatee	Elementary	K-6	100%	998	898	90%	998	910	91%	998	889	89%	998	845	85%	998	888	89%	998	881	88%
McAuliffe	Elementary	PK-6	100%	838	621	74%	838	621	74%	838	580	69%	838	568	68%	838	553	66%	838	528	63%
Meadowlane Intermediate	Elementary	3-6	100%	1,114	825	74%	1,114	825	74%	1,114	779	70%	1,114	773	69%	1,114	805	72%	1,114	843	76%
Meadowlane Primary	Elementary	K-6	100%	824	651	79%	824	666	81%	824	660	80%	824	630	76%	824	618	75%	824	613	74%
Mila	Elementary	PK-6	100%	707	435	62%	707	435	62%	707	439	62%	707	396	56%	707	383	54%	707	362	51%
Mims	Elementary	PK-6	100%	725	464	64%	725	464	64%	725	481	66%	725	512	71%	725	525	72%	725	513	71%
Oak Park	Elementary	PK-6	100%	968	505	52%	968	505	52%	968	471	49%	968	478	49%	968	475	49%	968	447	46%
Ocean Breeze	Elementary	PK-6	100%	654	554	85%	654	550	84%	654	542	83%	654	533	81%	654	534	82%	654	531	81%
Palm Bay Elem	Elementary	PK-6	100%	983	586	60%	983	613	62%	983	610	62%	983	627	64%	983	630	64%	983	636	65%
Pinewood	Elementary	PK-6	100%	569	521	92%	591	521	88%	591	541	92%	613	572	93%	613	598	98%	613	600	98%
Port Malabar	Elementary	PK-6	100%	852	640	75%	852	640	75%	852	683	80%	852	746	88%	852	760	89%	852	795	93%
Quest	Elementary	PK-6	100%	932	693	74%	932	693	74%	932	684	73%	932	681	73%	932	685	73%	932	697	75%
Riviera	Elementary	PK-6	100%	777	699	90%	777	714	92%	777	718	92%	799	780	98%	843	827	98%	887	866	98%
Roosevelt	Elementary	K-6	100%	599	288	48%	599	298	50%	599	269	45%	599	256	43%	599	239	40%	599	220	37%
Sabal	Elementary	PK-6	100%	785	500	64%	785	500	64%	785	503	64%	785	516	66%	785	534	68%	785	535	68%
Saturn	Elementary	PK-6	100%	998	649	65%	998	649	65%	998	677	68%	998	821	82%	998	794	80%	998	786	79%
Sea Park	Elementary	PK-6	100%	461	337	73%	461	337	73%	461	327	71%	461	321	70%	461	326	71%	461	329	71%
Sherwood	Elementary	PK-6	100%	609	459	75%	609	459	75%	609	458	75%	609	459	75%	609	450	74%	609	441	72%
Sunrise	Elementary	PK-6	100%	913	759	83%	913	767	84%	913	836	92%	935	908	97%	1,023	1,004	98%	1,067	1,067	100%
Suntree	Elementary	K-6	100%	755	600	79%	755	602	80%	755	561	74%	755	541	72%	755	516	68%	755	480	64%
Surfside	Elementary	K-6	100%	541	442	82%	541	442	82%	541	425	79%	541	418	77%	541	417	77%	541	407	75%
Tropical	Elementary	K-6	100%	910	669	74%	910	669	74%	910	614	67%	910	600	66%	910	572	63%	910	545	60%
Turner	Elementary	PK-6	100%	874	555	64%	874	564	65%	874	589	67%	874	647	74%	874	675	77%	874	691	79%
University Park	Elementary	PK-6	100%	811	487	60%	811	487	60%	811	545	67%	811	592	73%	811	642	79%	811	658	81%
Viera Elem	Elementary	K-6	100%	1,030	695	67%	1,030	717	70%	1,030	759	74%	1,030	857	83%	1,030	926	90%	1,074	1,061	99%
Westside	Elementary	K-6	100%	857	799	93%	857	846	99%	923	922	100%	989	974	98%	1,033	988	96%	1,099	1,100	100%
Williams	Elementary	PK-6	100%	715	451	63%	715	450	63%	715	443	62%	715	414	58%	715	411	57%	715	415	58%
Elementary Totals				**42,215**	**30,468**		**42,237**	**30,778**		**42,303**	**30,996**		**42,435**	**31,549**		**42,677**	**31,905**		**43,007**	**32,280**	

School	Type	Grades	Utilization Factor	School Year 2022-23			School Year 2023-24			School Year 2024-25			School Year 2025-26			School Year 2026-27			School Year 2027-28		
				FISH Capacity	10/14/22 Member-ship	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization	Future FISH Capacity	Student Projection	Total Capacity Utilization
Middle School Concurrency Service Areas																					
Central	Middle	7-8	90%	1,514	1,129	75%	1,514	1,129	75%	1,514	1,158	76%	1,514	1,228	81%	1,514	1,289	85%	1,514	1,377	91%
DeLaura	Middle	7-8	90%	960	842	88%	960	844	88%	960	902	94%	960	820	85%	960	789	82%	960	826	86%
Hoover	Middle	7-8	90%	680	505	74%	680	505	74%	680	534	79%	680	574	84%	680	577	85%	680	588	86%
Jackson	Middle	7-8	90%	660	550	83%	660	550	83%	660	545	83%	660	538	82%	660	555	84%	660	588	89%
Jefferson	Middle	7-8	90%	873	608	70%	873	608	70%	873	600	69%	873	609	70%	873	563	64%	873	548	63%
Johnson	Middle	7-8	90%	1,064	610	57%	1,064	610	57%	1,064	650	61%	1,064	698	66%	1,064	753	71%	1,064	825	78%
Kennedy	Middle	7-8	90%	869	671	77%	869	671	77%	869	687	79%	869	670	77%	869	669	77%	869	677	78%
Madison	Middle	7-8	90%	781	446	57%	781	453	58%	781	484	62%	781	452	58%	781	476	61%	781	593	76%
McNair	Middle	7-8	90%	616	365	59%	616	369	60%	616	346	56%	616	354	57%	616	337	55%	616	347	56%
Southwest	Middle	7-8	90%	1,230	920	75%	1,230	920	75%	1,230	1,024	83%	1,230	1,127	92%	1,289	1,174	91%	1,289	1,285	100%
Stone	Middle	7-8	90%	1,076	668	62%	1,076	708	66%	1,076	799	74%	1,076	823	76%	1,076	890	83%	1,076	977	91%
Middle Totals				**10,323**	**7,314**		**10,323**	**7,367**		**10,323**	**7,729**		**10,323**	**7,893**		**10,382**	**8,072**		**10,382**	**8,631**	
Junior / Senior High School Concurrency Service Areas																					
Cocoa	Jr / Sr High	PK, 7-12	90%	2,097	1,545	74%	2,097	1,536	73%	2,097	1,555	74%	2,097	1,525	73%	2,097	1,518	72%	2,097	1,470	70%
Cocoa Beach	Jr / Sr High	7-12	90%	1,445	983	68%	1,445	1,000	69%	1,445	1,000	69%	1,445	941	65%	1,445	928	64%	1,445	867	60%
Space Coast	Jr / Sr High	7-12	90%	1,852	1,534	83%	1,852	1,534	83%	1,852	1,505	81%	1,852	1,450	78%	1,852	1,428	77%	1,852	1,402	76%
Jr / Sr High Totals				**5,394**	**4,062**		**5,394**	**4,070**		**5,394**	**4,060**		**5,394**	**3,916**		**5,394**	**3,874**		**5,394**	**3,739**	
Senior High School Concurrency Service Areas																					
Astronaut	High	9-12	95%	1,451	1,109	76%	1,451	1,109	76%	1,451	1,123	77%	1,451	1,129	78%	1,451	1,164	80%	1,451	1,158	80%
Bayside	High	9-12	95%	2,263	1,851	82%	2,263	1,885	83%	2,263	2,023	89%	2,263	2,099	93%	2,263	2,175	96%	2,382	2,371	100%
Eau Gallie	High	PK, 9-12	95%	2,221	1,582	71%	2,221	1,582	71%	2,221	1,597	72%	2,221	1,625	73%	2,221	1,631	73%	2,221	1,693	76%
Heritage	High	9-12	95%	2,314	2,033	88%	2,314	2,055	89%	2,314	2,065	89%	2,314	2,057	89%	2,314	2,099	91%	2,314	2,171	94%
Melbourne	High	9-12	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,245	95%	2,370	2,248	95%	2,370	2,284	96%	2,370	2,345	99%
Merritt Island	High	PK, 9-12	95%	1,962	1,546	79%	1,962	1,546	79%	1,962	1,512	77%	1,962	1,457	74%	1,962	1,437	73%	1,962	1,454	74%
Palm Bay	High	PK, 9-12	95%	2,657	1,483	56%	2,657	1,495	56%	2,657	1,581	60%	2,657	1,683	63%	2,657	1,704	64%	2,657	1,700	64%
Rockledge	High	9-12	95%	1,836	1,559	85%	1,836	1,559	85%	1,836	1,640	89%	1,836	1,699	93%	1,836	1,693	92%	1,836	1,620	88%
Satellite	High	PK, 9-12	95%	1,527	1,518	99%	1,551	1,536	99%	1,551	1,433	92%	1,551	1,413	91%	1,551	1,359	88%	1,551	1,299	84%
Titusville	High	9-12	95%	1,813	1,313	72%	1,813	1,333	74%	1,813	1,335	74%	1,813	1,351	75%	1,813	1,316	73%	1,813	1,322	73%
Viera	High	PK, 9-12	95%	2,141	2,289	**107%**	2,474	2,319	94%	2,474	2,391	97%	2,474	2,417	98%	2,569	2,579	**100%**	2,664	2,660	100%
High Totals				**22,555**	**18,528**		**22,912**	**18,664**		**22,912**	**18,945**		**22,912**	**19,178**		**23,007**	**19,441**		**23,221**	**19,793**	
Schools of Choice (Not Concurrency Service Areas)																					
Freedom 7	Elementary	K-6	100%	475	403	85%	475	414	87%	475	414	87%	475	414	87%	475	414	87%	475	414	87%
Stevenson	Elementary	K-6	100%	569	506	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%	569	508	89%
South Lake	Elementary	K-6	100%	481	434	90%	657	453	69%	657	471	72%	657	489	74%	657	507	77%	657	529	81%
West Melbourne	Elementary	K-6	100%	618	549	89%	618	552	89%	794	570	72%	794	588	74%	794	606	76%	794	624	79%
Edgewood	Jr / Sr High	7-12	90%	1,077	938	87%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%	1,077	950	88%
West Shore	Jr / Sr High	7-12	90%	1,264	930	74%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%	1,264	950	75%
Schools of Choice				**4,484**	**3,760**		**4,660**	**3,827**		**4,836**	**3,863**		**4,836**	**3,899**		**4,836**	**3,935**		**4,836**	**3,975**	
Brevard Totals				**84,971**	**64,132**		**85,526**	**64,706**		**85,768**	**65,593**		**85,900**	**66,435**		**86,296**	**67,227**		**86,840**	**68,418**	

Notes

1. FISH Capacity is the sum of the factored permanent capacity and the factored relocatable capacity. Permanent and relocatable capacities for 2022-23 are reported from the FISH database as of October 14, 2022.
2. Student Membership is reported from the Fall Final Membership Count (10/14/2022).
3. Davis Demographics SchoolSite Enrollment Forecasting Extension for ArcGIS estimates future student populations by analyzing the following data:
   - Development Projections from Brevard County Local Government Jurisdictions
   - Brevard County School Concurrency Student Generation Multipliers (SGM)
   - Fall Membership student addresses and corresponding concurrency service areas
   - Student Mobility Rates / Cohort Survival Rates
   - Brevard County Birth rates by zip code
4. Davis Demographics estimates are then adjusted using the following factors:
   - PK (Pre-Kindengarten) and AH (daycare for students with infants) enrollment number are assumed to be constant
   - Current From/To attendance patterns are assumed to remain constant.
   - Nongeocoded student addresses are assumed to continue in their attendance schools.
   - Charter School Growth.
5. In order to maintain utilization rates lower than the 100% Level of Service, Permanent Capacity and Relocatable Classrooms are assumed to add future student stations as necessary.
6. If student projections are accurate, the school board could add additional classroom capacity, implement attendance boundary changes, or add relocatable classrooms. A south area elementary school is planned for the future growth, but the exact timing hasn't been established.
   If only relocatable classrooms are used for the next 5 years, the following changes would be needed to accommodate projected growth. These schools are being analyzed for the best options to accommodate additional students.
   - Primary relocatable classrooms (Grades K-3) = 18 student stations, Intermediate (Grades 4-8) relocatable classrooms = 22 student stations, and High School (Grades 9-12) relocatable classrooms = 25 student stations
   For school year 2023-24, no additional capacity is needed.
   For school year 2024-25, a total of 3 intermediate classrooms are projected for Westside Elementary School
   For school year 2025-26, a total of 6 intermediate classrooms are projected for Pinewood (1), Riveria (1), Sunrise (1) and Westside (3) Elementary Schools.
   For school year 2026-27, a total of 14 intermediate classrooms are projected for Imperial Estates (1), Jupiter (2), Riviera (2), Sunrise (4), Westside (2) Elementary Schools, and Southwest Middle School (3). 4 High School relocatable classrooms are proposed for Viera High School.
   For school year 2027-28, a total of 15 intermediate classrooms are projected for Roy Allen (1), Imperial Estates (2), Jupiter (3), Riveria (2), Viera El (2), Sunrise (2), and Westside (3) Elementary Schools. 9 High School relocatable classrooms are proposed for Bayside (5) and Viera (4) High.
7. A classroom addition is planned for construction at Viera High School for 2023-24. The factored capacity is adjusted for the proposed 350 student stations.
8. A classroom addition is planned for construction at South Lake Elementary School for 2023-24. The factored capacity is adjusted for the proposed 176 student stations.
9. A classroom addition is planned for construction at West Melbourne School of Science for 2024-25. The factored capacity is adjusted for the proposed 176 student stations.
10. Capacity adjusted for Board approved addition of one relocatable each at Pinewood Elementary and Satellite High Schools for school year 2024-25 forward.

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FLORIDA TODAY
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CITY OF COCOA TE
65 STONE ST
COCOA, FL 32922
ATTN LUCILENE RIBEIRO

STATE OF FLORIDA COUNTY OF BREVARD

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a 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 NOTICE

as published in **FLORIDA TODAY** in the issue(s) of

8/1/2023

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 1ST DAY OF AUGUST, 2023 by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

5.15.27

My commission expires

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NANCY HEYRMAN
Notary Public
State of Wisconsin

CITY OF COCOA
NOTICE OF PUBLIC HEARING

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

ZONING TEXT AMENDMENTS

PZ 23-02000005 Pint & Pistol, LLC Zoning Text Amendment I Ordinance No. 16-2023

A. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA;** AMENDING APPENDIX A, ARTICLE XI, SECTION 19, OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO AMEND THE LIST OF PERMITTED USES RELATED TO RESTAURANTS IN THE M-2 DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PZ 23-00500004 CWOD Zoning Text Amendment I Ordinance No. 18-2023

B. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA;** AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW LARGE-SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE LIST OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI, SECTION 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA FOR THE WATERFRONT OVERLAY DISTRICT, SOUTH END SUBDISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

**PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING WILL BE HELD ON
August 16, 2023**

**CITY COUNCIL 1st PUBLIC HEARING WILL BE HELD ON
August 22, 2023**

**ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, 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 of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the 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, 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) 433-8451.
Interested persons may submit their written comments or questions prior to the meeting through Email at 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:
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Chemicals

Continued from Page 1A

chemicals" because they don't readily break down into harmless compounds.

Where does PFAS come from?

In addition to being in foams used to fight fires at rocket launch centers, airports and military bases, PFAS was formerly used in Teflon coatings and other products made to resist heat, oil and stains. It's use has been voluntarily phased out in nonstick cookware and many other consumer products.

Why is PFAS bad?

Recent human and animal studies suggest that PFAS exposure reduces antibody responses to vaccines, as well as infectious disease resistance in general. Emerging science is finding links between the compounds and several types of cancers and other illnesses, if ingested or breathed in over many years. They are fraught with so many unknows, however, that even the U.S. Environmental Protection Agency is struggling to figure out how to deal with them.

Where at KSC has PFAS been found?

There are a few dozen known sites totaling more than 530 acres of presumed PFAS plumes at KSC, according to a FLORIDA TODAY analysis of Geographic Information System data obtained from NASA under the Freedom of Information Act.

The compounds also have shown up in blood and tissues of alligators, manatees, dolphins and other wildlife at and near KSC for years. A paper from 2017 published in the journal *Environmental Toxicology and Chemistry* documented that the blood of alligators caught between 2012 and 2015 at the space center had the highest levels of toxic fluorinated chemicals ever measured in the species.

Here's how NASA answered FLORIDA TODAY'S questions about the South Repeater building:

If an owner gives right-of-entry, and NASA finds a problem, will NASA cover the cost of cleaning it up?

NASA's priority is to protect human health and the environment. NASA is committed to the cleanup of PFAS affected groundwater originating from Kennedy, with Florida Department of Environmental Protection oversight.

NASA wants to determine whether affected groundwater has moved beyond our property. We also want to understand if individuals are on the City of Cocoa public water service and, if they have private wells, how they are using them.

We have tentatively identified locations that will help us determine if PFAS affected groundwater has moved beyond KSC's property boundary.



Firefighter Amy Midgett, with the North Carolina Fish & Game Commission, retreats from a wall of flames along US-92 just west of Daytona Beach, on June 28, 1998. Similar fires ravaged the Kennedy Space Center in Brevard County. KSC firefighters used firefighting foams now known to cause health and environmental threats to save structures at the space center, including the South Repeater Building. COPYRIGHT 1997 FLORIDA TODAY; AP

What do recent sampling results show?

The area on Kennedy with confirmed PFAS affected groundwater is approximately 69 acres and extends from the South Repeater Building to the west towards State Road 3. NASA has sampled for up to 29 PFAS that were analyzed using EPA approved analytical methods.

Three specific PFAS (PFOS, PFOA, and PFHxS) have been detected in concentrations above EPA's regional screening levels which are used to determine the need for additional investigation. NASA is initiating pilot studies for both restricting further movement as well as treating the PFAS affected groundwater.

Where can I find out more?

Contact Anne M. Chrest, KSC remediation program manager, via email at anne.m.chrest@nasa.gov, or visit https://public.ksc.nasa.gov/environmental/pfas/

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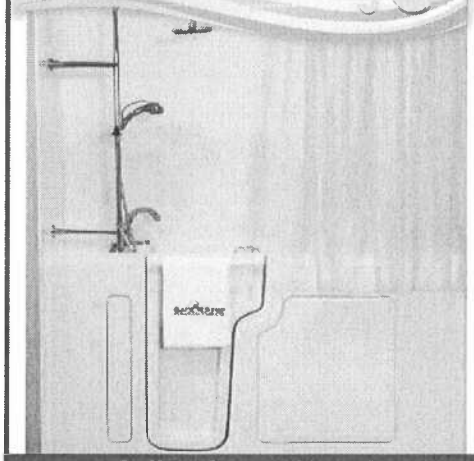
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Legislation Details (With Text)

File #:	23-493	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	8/10/2023			**In control:**	Planning and Zoning / Local Planning Agency
On agenda:	8/16/2023			**Final action:**	
Title:	Consideration of a Zoning Text Amendment regarding height and placement of Visual screens, including fences and walls for certain residential uses.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Exhibit A - Ordinance No. 19-2023 - Zoning Text Amend Visual Screens v2.pdf Exhibit B - Affidavit Legal Ad Visual Screens P&Z Aug 16.pdf				

Date	Ver.	Action By	Action	Result

PLANNING & ZONING BOARD/LOCAL PLANNING AGENCY AGENDA ITEM

Memo Date: August 10, 2023
Agenda Date: August 16, 2023
Prepared By: Stacey Hopper, City Planner
Through: Stockton Whitten - City Manager
Requested Action:
Consideration of a Zoning Text Amendment regarding height and placement of Visual screens, including fences and walls for certain residential uses.

BACKGROUND:

The subject of this Zoning Text Amendment is a result of multiple residences being cited by Code Enforcement for existing and newly installed fences that do not meet the height and setback requirements as required in Appendix A, Zoning, Article XIII, Supplementary District Regulations, Section 5. After a brief examination of properties around the city, a zoning text amendment was proposed to create a new standard for Visual Screens that will allow homeowners increased flexibility with front and corner lot fencing.

Project Name: Zoning Ordinance Text Amendment - Visual Screens
Project No.: PZ-23-02000006
Meeting Date: August 16, 2023
Applicant: City of Cocoa
Property Owner: N/A
Project Location: Various Residential Zoning Districts

Future Land Use Designation: Various

Zoning District:	Various
Existing Land Use:	N/A
Council District:	City-wide
Legal Ad Date:	August 10, 2023

I. Zoning Ordinance Amendment Analysis

In accordance with Section 1(G)(2), Article XXII, Appendix A (Zoning), of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

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.

Need and justification for change

Code Enforcement has cited many local residents in the past six (6) months whose properties are situated on corner lots and do not comply with the current maximum height and setback regulation for fences. Through this proposed code update, the requirements can be more clearly understood while bringing multiple properties in to compliance. Additional changes are proposed to modify or eliminate requirements that are not necessary. Visual Screen requirements can be found in Appendix A, Article XIII, Section 5 of the City of Cocoa Code of Ordinances. The specific requirements are below:

Sec 5. - Visual Screens (fences, walls, hedges)

a) Applicability. This section shall apply to the erection, construction, installation, maintenance or replacement of any fence or wall.

b) Definitions. For the purpose of this section, the following word or phases shall have the meaning provided below, unless the context clearly indicates otherwise:

Fence shall mean a vertical or horizontal barrier of nonliving material erected to enclose or screen from view areas of land.
Wall shall mean a vertical or horizontal opaque barrier of stone, brick, concrete block.

c) Permit required. No fence or wall shall be erected, constructed installed or replaced unless specifically excepted herein, without first obtaining a building permit. Any application for a fence or wall permit shall include a certified boundary survey or other accurate and drawn to scale plan, which at a minimum includes the following:
1) Location of all property lines;
2) Exact location and dimension of the proposed fence or wall;

3) The location, dimension, and set-backs for all structures and easements located upon the property; and

4) The type of construction to be used for the fence or wall.

Following Staff analysis, the proposed amendments to the Zoning Ordinance, attached as Exhibit A, Ordinance 19-2023, are recommended for corner lot side yards:

- Remove the specific requirement in fence and wall bulk regulations described as “in front of a principal structure”.
- Clarify the height maximum requirement for fences located behind the front building as 6’. Eliminate the 4’ max requirement for fences located on the side corner setback to avoid confusion.
- Provide for a fence to be located with a minimum of 5’ from the nearest edge of a sidewalk within the side corner setback, or at the property line within the side corner setback if no sidewalk exists.
- Provide direction that the site visibility triangle must be maintained.

If approved, the proposed amendment will impact residential zoning districts for single-family, duplex dwellings, and 3 to 9-dwelling unit developments.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The proposed changes will not negatively impact existing neighborhoods and will help to clarify requirements regarding Visual Screens. Having clear requirements will help with the enforcement of regulations for the Permitting and Code Enforcement Divisions. Furthermore, there will be no negative impacts on the City’s level of service standards regarding these changes.

- Objective 3.2.4: Neighborhood Preservation. The City of Cocoa shall promote neighborhood preservation through the continued application and enforcement of zoning district regulations, land development regulations, and nuisance abatement regulations.

STRATEGIC PLAN CONNECTION:

None

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

Ordinance 03-2009 for Visual Screens was approved on January 14, 2009

RECOMMENDED MOTION:

Staff recommends that the Planning and Zoning Board recommend approval of Ordinance 19-2023 as presented.

ORDINANCE NO. 19-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA RELATING TO HEIGHT OF VISUAL SCREENS, INCLUDING FENCES AND WALLS, FOR CERTAIN RESIDENTIAL USES; 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, Appendix A, *Zoning*, Article XIII, *Supplementary District Regulations*, Section 5, *Visual Screens (Fences, Walls, Hedges)*, of the Code of Ordinances of the City of Cocoa, Florida, sets forth standards for the erection, construction, installation, maintenance or replacement of any fence or wall; and

WHEREAS, the City Council desires to amend Appendix A, Article XIII, Section 5, to provide that fences or walls on side corner lot yards may be 6 feet in height, maximum, and do not have to be located behind the side corner yard setback line, provided that the fence or wall is located behind the front building line, is at least 5 feet from the nearest sidewalk, and the visibility triangle is maintained; 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 Council.

Section 2. **Zoning Text Amendment.** The City of Cocoa Code of Ordinances Appendix A, Article XIII, Section 5, 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 XIII. It is intended that the text in Appendix A, Article XIII 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. 5. Visual screens (fences, walls, hedges).

(a) *Applicability.* This section shall apply to the erection, construction, installation, maintenance or replacement of any fence or wall.

(b) *Definitions.* For the purpose of this section, the following words or phrases shall have the meaning provided below, unless the context clearly indicates otherwise:

Fence shall mean a vertical or horizontal barrier of nonliving materials erected to enclose or screen from view areas of land.

Wall shall mean a vertical or horizontal opaque barrier of stone, brick, or concrete block.

(c) *Permit required.* No fence or wall shall be erected, constructed, installed or replaced, unless specifically excepted herein, without first obtaining a building permit. Any application for a fence or wall permit shall include a certified boundary survey or other accurate and drawn to scale plan, which at a minimum includes the following:

(1) Location of all property lines;

(2) Exact location and dimension of the proposed fence or wall;

(3) The location, dimension, and set-backs for all structures and easements located upon the property; and

(4) The type of construction to be used for the fence or wall.

(d) *General Requirements.* The general standards to be applied to fences and walls are provided in the table below.

Fence and Wall Bulk Regulations							
Category	Specific Requirement	Residential zoning districts				Commercial zoning districts	Industrial zoning districts
		Single-family and duplex dwellings	3 to 9 dwelling unit development	10 or more dwelling unit development	Perimeter of subdivisions with 6 or more lots		
Height (shall be measured from the highest finished grade of the properties within 5' of the common boundary line to the highest point of the fence or wall.)	Front yard (and in front of a principal structure)	4' max.	4' max	6' max.	8' max.	8' max.	8' max.
	Side corner lot yard ~~(and in front of a principal structure)~~	**~~4' max.;~~ ~~may be~~ 6' max. behind the ~~side corner lot setback or~~ front building line and may be located within the side corner setback, including on the side property line, so long as the fence is at least 5' from the nearest edge of a sidewalk if**	**~~4' max.;~~ ~~may be~~ 6' max. behind the ~~side corner lot setback or~~ front building line and may be located within the side corner setback, including on the side property line, so long as the fence is at least 5' from the nearest edge of a sidewalk if**	6' max.	8' max.	8' max.	8' max.

		a sidewalk exists and the site visibility triangle is maintained~~, whichever is less~~.	**a sidewalk exists and the site visibility triangle is maintained~~, whichever is less~~.**				
	Side interior (and behind the front of a principal structure)	6' max.	6' max.	6' max.	8' max.	10' max.	10' max.
	Rear yard	6' max.	6' max.	6' max.	8' max.	10'max.	10' max.
*** * ***							

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 _____, 2023.

_____

MICHAEL C. BLAKE, Mayor

ATTEST:

_____

CARIE SHEALY, MMC

City Clerk

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

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COCOA, FL, 32922

STATE OF WISCONSIN COUNTY OF BROWN:
Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is a 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

Legal Notices

as published in **FLORIDA TODAY** in the issue(s) dated or by publication on the newspaper's website, if authorized, on :

08/10/2023

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 11th of August 2023, by legal clerk who is personally known to me

Affiant

Notary State of Wisconsin County of Brown

8.25.26

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State of Wisconsin

Ad#5793574 08/10/2023

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:
ZONING TEXT AMENDMENT

PZ 23-02000006 Zoning Text Amendment | Ordinance 19-2023

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA RELATING TO HEIGHT OF VISUAL SCREENS, INCLUDING FENCES AND WALLS, FOR CERTAIN RESIDENTIAL USES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

PLANNING & ZONING BOARD/ LOCAL PLANNING AGENCY
PUBLIC HEARING WILL BE HELD ON
August 16, 2023

CITY COUNCIL 1st PUBLIC HEARING WILL BE HELD ON
August 22, 2023

ALL HEARINGS WILL TAKE PLACE AT 6:00 P.M. OR SOON THEREAFTER IN THE COCOA CITY HALL COUNCIL CHAMBERS LOCATED AT
65 STONE STREET, COCOA, 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 of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org. Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the 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, 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) 433-8451.
Interested persons may submit their written comments or questions prior to the meeting through Email at 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.