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

Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

AGENDA
Regular Meeting
July 17, 2018
6:00 p.m.

I. OPENING MATTERS:
1. CALL TO ORDER
2. ROLL CALL

II. APPROVAL OF AGENDA AND MINUTES:
1. AGENDA: Meeting of July17, 2018
2. MINUTES: Meeting of March 14, 2018

III. OLD BUSINESS:
A. Tree Board Discussion — Table to a later date
B. Parking on gravel — Table to a later date

IV. NEW BUSINESS:

A. PZ-18-02000001 – Zoning Text Amendment (Non-conforming lots of record)

Ordinance No. 05-2018

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article X, Section 3 of the Code of the City of Cocoa to modify the requirements to allow the construction of single-family dwellings and customary accessory buildings on a nonconforming lot of record; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

B. PZ-18-02000002 – Zoning Text Amendment (Cocoa Waterfront Overlay District)

Ordinance No. 06-2018

An ordinance of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Article XI, Section 22 of the Code of the City of Cocoa to allow large scale commercial/mixed-use buildings on certain properties within the Cocoa Waterfront Overlay District, Cocoa Village Sub-district, as more particularly depicted on Exhibit "A" attached hereto; amending the Cocoa Waterfront Overlay Regulating Plan to allow for the same; providing for the repeal of prior inconsistent ordinances and resolutions, incorporation into the code, severability, and an effective date.

V. OTHER BUSINESS:

A. Tree Board Update:

- Two trees have been removed in City Right-of-Way (13 Oleander St. and 215 Brevard Ave.) due to tree health issues. The tree at 13 Oleander St. was replaced with a Live Oak tree while the one at 215 Brevard Ave. was replaced with a Crepe Myrtle tree.
- One tree has been removed in City Right-of-Way (Glenn Lane, between east and west bound SR520) due to repair issues related to damaged underground facilities belonging to AT&T. The tree will not be replaced because it was partially blocking the alleyway.

B. Recent Development Update

VI. NEXT MEETING DATE:

Possible dates: August 7th, 13th, 22nd, or 23rd

VII. ADJOURNMENT

(Over)

NOTICE TO PUBLIC:

This meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing.

All persons and parties are hereby advised that if they should decide to appeal any decision made by this Board with respect to any matter considered at this hearing, they will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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

CITY OF COCOA
PLANNING & ZONING BOARD MEETING
MEETING MINUTES
March 14, 2018

A meeting of the Planning & Zoning Board of the City of Cocoa was held on Wednesday, March 14, 2018 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

OPENING MATTERS:

Chairman Mike Dobrin called the meeting to order at 6:06 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Michael Dobrin	Chairman
Al Washington	Vice Chairman
Aleck Greenwood	Board Member
Jack Moore	Board Member
Jake Williams	Board Member
Lawrence Koss	Board Member
Sherry Ervin	Board Member
Marilyn Green	Alternate Member

MEMBERS ABSENT:

Russell Sengel	Board Member
Todd Anderson	Board Member

OTHERS PRESENT:

Cindy Thurman	Planning & Zoning Manager
Karen Hamilton	Community Services Director
Kristin Eick	Board Attorney
Jeri Blanco	Board Liaison
Monica Arsenault	Board Secretary

APPROVAL OF AGENDA & MINUTES:

1. Approval of Agenda: March 14, 2018.

   Motion by Al Washington, seconded by Lawrence Koss, to approve the agenda of March 14, 2018. The vote on the motion carried unanimously.

2. Approval of Meeting Minutes: February 14, 2018.

   Motion by Al Washington, seconded by Lawrence Koss, to approve the minutes of February 14, 2018 as written. The vote on the motion carried unanimously.

OLD BUSINESS:

A. Tree Ordinance – Board Discussion
   Other Ordinances at issue: fences, driveways.

Mr. Greenwood expressed that there were issues that needed to be addressed in regards to Oak trees being removed in the City. Mr. Greenwood made a reference to a sign posted in the Building Department. He stated that his issue with the chain link fence ordinance has been satisfied. Mr. Greenwood noted that he questioned why any of the building department inspectors do not attend the Code Board meetings, especially when the meetings discuss issues with chain link fences.

Mr. Greenwood stated that he felt the tree ordinance has always stayed intact but it was never enforced. He provided pictures to the Board members to show some of the oak trees that have been removed. He stated that none of the trees that were removed were rotted. He shared some examples of trees that had been removed and why. He shared a history of the tree ordinance and how it came about. He stated that he gave Cindy Thurman the contact information of an arborist through the Department of Agriculture and that she is willing to work for free. He noted that he would like, with the assistance of the Assistant City Attorney, to finalize verbage in regards to the tree ordinance and letting the public and Council know what the Board's intentions are.

Board member Koss observed that there were two trees removed during the widening of US 1. He talked about a Pilot program that Orange County is participating in. He offered to bring back more information in depth to the next meeting.

Board member Williams mentioned that there were some water oaks removed in Canaveral Groves. He noted that it was amazing how much water the trees can hold.

Board member Ervin mentioned several oak trees planted along SR 528. She noted that the road is scheduled to be four lanes by 2024/2025 and those oak trees will probably need to be moved.

Discussion was held between the Board members concerning the spreading of the roots of oak trees and the damage they can cause.

Board member Greenwood shared planning strategies that his arborist shared with him to help maintain the roots while they're young to keep them from spreading where they're not wanted.

Vice Chairman Washington mentioned an issue regarding a tree on his own property.

Ms. Thurman stated that she conducted research on the issue. She clarified that the Board is not creating a new ordinance, but rather reinforce a preexisting ordinance. She noted that this is more or less an issue with a lack of resources that the City has. There are three people that work for the City that help to manage all of the City's trees. She mentioned that it would cost the City hundreds of thousands of dollars to go out and identify each tree, its height, health, and type. She stressed that the Board needs to consider the long term plan for trees that need to be replanted or removed. She stated that she and the City's arborist agree that the right tree needs to be planted in the right location, and that when a tree is removed it should not necessarily be replaced with the same tree when it may not be the right location for it.

Board member Greenwood stated that his intentions are not for the City to spend a lot of money, but more to bring attention to oak trees that are being removed that should not be removed.

Ms. Eick stated that per the ordinance no tree on City owned property should be severely pruned or removed until it is brought before the Board with some exceptions. If a tree poses a threat to public safety than the tree can be removed by Public Works before being brought before the Board. She suggested that maybe the ordinance should include conditions need to be followed by City staff in regards to the removal of the trees.

Ms. Hamilton suggested adding information on the City's website as well.

Ms. Eick noted that the ordinance states that the Tree Board is responsible for maintaining an inventory and providing a report to Council annually. She stated that this has not been done in some time and the Board may want to consider reviewing that particular section of the ordinance and adding language that may make this inventory condition more feasible.

Board member Greenwood reiterated that he did not mean to make this a bigger issue than it already is. He is not supportive of spending additional City money on inventories and surveys. His intentions are to save the City money by encouraging staff to not make a poor decision to cut a tree down before securing a second opinion and bringing it before the Board.

Board member Koss asked if the Planning and Zoning board has a say in new developments in regards to planting new trees.

Ms. Thurman briefly reviewed some of the rules that the City upholds in regards to tree planting and replacing requirements.

Chairman Dobrin inquired who would report a pruning issue to Public Works. In response, Ms. Thurman stated that the issue can be reported to any member of City staff and they can relay the message to Public Works.

Ms. Thurman stated that in the future any tree reports will be added to the agenda. She noted that she would find out what Public Work's pruning schedule is and share it with the Board.

Ms. Hamilton suggested that Board let the process work the way it was intended and if it is not effective, than the Board can look at making amendments to the ordinance.

Board member Greenwood requested a copy of the ordinance and also a summary of what Ms. Eick suggested using as a guideline.

It was clarified that the Board would like a copy of the ordinance as written and a separate summary of suggestions that Ms. Eick mentioned at a previous meeting to consider.

A Motion was made by Jake Williams, seconded by Aleck Greenwood to have a copy of the ordinance as written provided at the next meeting along with a separate summary of suggestions that Ms. Eick mentioned at a previous meeting to consider.

Ms. Hamilton asked for clarification in regards to the next meeting. She asked if the Board would still like to meet even if there are no advertised items. In response, the Board agreed they would still like to meet, even if it is only for discussion.

Ms. Hamilton also asked how the Board would prefer receiving their agenda packets in the future.

Board member Greenwood mentioned the utilization of lime rock in driveways. He noted that he would like to take the ordinance into consideration and add specific language for clarification purposes. He stated that the language is not clear in regards to differentiating between commercial and residential.

Ms. Eick stated that a legal opinion has been provided. She mentioned there are a few things to consider. One of the issues is to clarify the language of the ordinance and whether it refers to commercial or residential properties.

Board member Williams noted that it was determined many years ago that people could park in their front yard as long as that person creates a driveway and does not park in the grass. He noted that an individual could even lay mulch down.

Ms. Hamilton suggested that at the next meeting a discussion be held in regards to what requires a permit and what doesn't.

Board member Koss inquired whether the City is opposed to gravel driveways. He also asked if a property owner is allowed to determine where they would like to enter their property and if they are allowed to drive over a standard sidewalk to access their property.

It was clarified that a copy of the off-street parking ordinance needs to be provided to the Board.

Ms. Hamilton asked in the future, if the Board would like staff to include a copy of the applicable code in regards to the particular issue at hand.

Discussion followed between the Board members.

Ms. Hamilton pointed out non-conforming issues.

NEW BUSINESS:

None

OTHER BUSINESS:

None

NEXT MEETING:

The Board members established that the next meeting would be held on April 11, 2018.

ADJOURNMENT:

Motion to adjourn by Lawrence Koss, seconded by Jake Williams.
There being no further business the meeting adjourned at 7:54 P.M.

Approved on this _____ day of _____, 2018.

_____
Michael Dobrin, Chairman

Monica Arsenault, Board Secretary

City of Cocoa
Planning & Zoning Board

STAFF REPORT

Date:	June 27, 2018
Project Name:	Zoning Text Amendment – Nonconforming Lots of Record
Project No:	PZ-18-02000001
Meeting Date:	July 17, 2018
Project Planner:	Dodie Selig, AICP – Planning & Zoning Manager
Applicant/Owner:	City of Cocoa
Requested Action:	**CONSIDERATION OF AN ORDINANCE** of the City Council of the City of Cocoa, Brevard County, Florida; amending Appendix A, Zoning, Article X, Section 3 of the City Code, to modify the requirements to allow the construction of single-family dwellings and customary accessory buildings on a nonconforming lot of record.

I. Zoning Ordinance Amendment Analysis

In accordance with Appendix A. Zoning, Article XXI, Section 1(G)(2) 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 objectives 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

The City has identified an area of the City Code, specifically Appendix A. Zoning, Article X, Section 3 related to non-conforming lots of record which is somewhat ambiguous in its language.

The intent of this section is to ensure that property owners maintain reasonable use of their lots if they become nonconforming lots due to a change in the Zoning Ordinance of the City. The City currently allows, in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings to be erected on the nonconforming lot of record, provided that yard dimensions and requirements other than area and width are satisfied.

While the intent of this section is clear the language underlined above does not include any reference to the depth of a non-conforming lot of record. This lack of clarity in the language has caused confusion that staff would like to resolve with the adoption of the attached ordinance provided by the City Attorney.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policy supports the proposed zoning text amendment:

- Future Land Use Element Policy 1.1.10.10: The City shall review the non-conforming section of the land development code to ensure its effectiveness.

II. Recommendation

Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of Ordinance No. 05-2018 amending Appendix A. Zoning, Article X, Section 3 of the City Code, to modify the requirements to allow the construction of single-family dwellings and customary accessory buildings on a nonconforming lot of record.

ORDINANCE NO. 05-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE X, SECTION 3 OF THE CODE OF THE CITY OF COCOA TO MODIFY THE REQUIREMENTS TO ALLOW THE CONSTRUCTION OF SINGLE-FAMILY DWELLINGS AND CUSTOMARY ACCESSORY BUILDINGS ON A NONCONFORMING LOT OF RECORD; 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, to ensure that property owners maintain reasonable use of their lots if they become nonconforming lots due to a change in the Zoning Ordinance of the City of Cocoa, the City currently allows, in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings to be erected on the nonconforming lot of record, provided that yard dimensions and requirements other than area and width are satisfied; and

WHEREAS, the City Council desires to extend the ability to construct a single-family dwelling and customary accessory buildings to owners of nonconforming lots of record that are nonconforming by reason of the lack of sufficient depth; and

WHEREAS, the requirements that all other yard dimensions and zoning requirements be satisfied, other than area, width, and/or depth, shall remain intact; 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 X, Section 3, is hereby amended as follows (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of

text existing in Appendix A, Article X, Section 3. It is intended that the text in Appendix A, Article X, Section 3 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 X. – NONCONFORMITIES

* * *

Sec. 3. - Nonconforming lots of record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot which is of record at the effective date of adoption or amendment of this ordinance. ~~Such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership.~~ This provision shall apply ~~even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the districts, provided that yard dimensions and other requirements are not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.~~ only where yard dimensions and requirements other than area, width, and/or depth conform in all other respects with the land development regulations for the applicable zoning district. Such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership.~~Variances of yard dimensions other than area or width, or both, shall be obtained only through action of the board of adjustment.~~

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. No portion of said parcel shall hereafter be created and used as a separate parcel or sold or otherwise subdivided which does not meet lot width and area requirements established by this ordinance, unless the portion which in excess of the lot width requirements is sold in order to create a lot meeting the requirements of the ordinance, or as an addition to the zoning parcel, nor shall any division of the parcel be made which leaves remaining lot with width or area below the requirements of this ordinance. Notwithstanding this aggregation of land requirement, a single-family dwelling and customary accessory buildings may be erected on any such single lot of record in a residential zoning district providing the land density requirements of the comprehensive plan are satisfied and the proposed single-family dwelling and any customary accessory building are compatible to the surrounding neighborhood with respect to property values and building size. For purposes of this paragraph, compatible shall mean substantially similar to or exceeds the property values and building size of other single-family dwellings and customary accessory buildings in the surrounding neighborhood.

On any property zoned Core-Commercial (CC), Commercial Parkway (CP or CBD Central Business District) which at the time of the effective date of Ordinance 7-88 lawfully exists pursuant to the provisions of this section, article, and Appendix A, then notwithstanding the minimum lot area limitations imposed on such property by said Ordinance 7-88, such property may as a matter of right be used for any permitted use allowed in the zoning district which such property is designated pursuant to Ordinance 7-88 so long as, and only if, such property can meet the "minimum yard" and parking requirements established for said zoning district, and other lots may apply for variances from the provisions of said districts.

* * *

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

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

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

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

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

_____
HENRY U. PARRISH, Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

City of Cocoa
Planning & Zoning Board

STAFF REPORT

Date:	June 27, 2018
Project Name:	Zoning Text Amendment – CWOD Regulating Plan
Project No:	PZ-18-02000002
Meeting Date:	July 17, 2018
Project Planner:	Dodie Selig, AICP – Planning & Zoning Manager
Applicant/Owner:	City of Cocoa
Requested Action:	**CONSIDERATION OF AN ORDINANCE** of the City Council of the City of Cocoa, Brevard County, Florida, amending Appendix A, Article XI, Section 22 of the City Code to allow large scale commercial/mixed-use buildings on certain properties within the Cocoa Waterfront Overlay District, Cocoa Village Sub-district.

Background:

A response to a recent Request for Proposals (RFP # P-18-12-COC) for "Purchase of Real Estate and Development of Real Property for 603 Brevard Avenue (also known as the former location of the City Hall), Cocoa, Florida" highlighted the need for a zoning code change.

The RFP was issued on Monday, January 22, 2018 and sought the development of a mixed-use structure containing a garage with approximately one hundred (100) public-parking spaces.

A proposal submitted by Jack D. Brown and Lodging Decisions, Inc., contemplated the construction of a 7-8 story mixed-use structure; ground level retail; a 112 room suites hotel with rooftop pool, meeting facilities, board room, casual dining/lounge; and a garage. The project site consists of two parcels, comprising 0.87 acres, located on the west side of Brevard Ave. and immediately south of Factory St.

Although the 603 Brevard Avenue proposal was the catalyst for this proposed amendment to the zoning code and the Regulating Plan, such amendments are not contingent upon the actual development of the hotel, retail, and parking garage proposed by Jack D. Brown and Lodging Decisions, Inc.

I. Zoning Ordinance Amendment Analysis

In accordance with Appendix A. Zoning, Article XXI, Section 1(G)(2) 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 objectives 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

In May of 2013, the City Council adopted the Cocoa Waterfront Overlay District (CWOD). The purpose of the COWD is to establish design standards to perpetuate the positive design elements and the residential and commercial patterns found within the Cocoa Redevelopment Area. The CWOD assists in the implementation of the Cocoa Waterfront Master Plan, dated November 2008, which requires regulations by sub district that address design, scale and appearance of development within the Cocoa Redevelopment Area. Staff acknowledges that the 2008 Cocoa Waterfront Master Plan is planned to be updated. However, the proposed amendment is consistent with both the 2008 Cocoa Waterfront Master Plan and the planned 2018 Update to the Waterfront Master Plan. The properties affected by this proposed amendment are located outside of the Waterfront Update 2018 Study Area.

The Regulating Plan for the Cocoa Waterfront Overlay District and the Cocoa Village Sub-district currently only permits a maximum of 5 stories under the Commercial Mixed-Use - Medium building type, which is the largest presently allowed under the sub-district. The regulating plan does not address height in terms of a maximum number of feet; however the plan allows the first floor of a non-residential building to have a maximum of 20 feet and each floor thereafter a maximum of 12 feet. Therefore, a Commercial Mixed-Use - Medium building with non-residential use in this sub-district could currently be a maximum of 68 feet.*

* Note: The properties affected by the proposed amendment are in the Central Business District, which is the underlying zoning designation. Appendix A. Zoning, Article XI, Section 13(F), Central Business District, provides that the maximum building height for the Cocoa Village Overlay is 65 feet. However, Appendix A, Article XI, Section 22(C) provides as follows with respect to the priority of the CWOD with other codes and ordinances:

(C) Applicability.

1. The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except the Local Health and Safety Codes.

2. Issues not covered by this Section shall be subject to those sections of this land development code, except where they would be in conflict with 22.B Purpose of the Overlay.

3. Where in conflict, numerical metrics shall take precedence over graphic metrics.

Because the provisions of the Cocoa Waterfront Overlay in Section 22 take precedence over other codes and specifically state that issues "not" covered by the Cocoa Waterfront Overlay section will be subject to the other sections of the land development code, the building height as established in the Cocoa Waterfront Overlay shall take precedence over the height established in the CBD. No conflict currently exists between these two building height provisions.

The potential maximum height allowed under the proposed amendment, i.e., designating certain properties in the Cocoa Village Sub-district to allow "Commercial/Mixed-Use - Large" buildings, will be 104 feet on certain properties. "Commercial/Mixed-Use - Large" buildings may be up to eight stories. As stated above, the first floor of a non-residential building may have a maximum of 20 feet and each floor thereafter a maximum of 12 feet, equating to a total maximum of 104 feet.

It should be noted that, currently, the only sub-district of the Cocoa Waterfront Overlay allowing "Commercial/Mixed-Use - Large" buildings is the Waterfront sub-district. All properties with a Waterfront sub-district designation may already be built to 104 feet in height. This amendment would allow buildings to be built on a larger scale farther inland but only on the block in the Cocoa Village sub-district that is bordered by Factory Street on north, Brevard Avenue on the east, Rosa L. Jones Dr. on the south, and John Garren Lane on the west. The application is only proposing to affect six specific parcels on that particular block in the Cocoa Village sub-district. The amendment would not allow larger scale development throughout the Cocoa Village sub-district.

The parcels chosen for a "Commercial/Mixed-Use - Large" designation were chosen in order to create a "step-down" effect with gradually reducing building heights. Specifically, two parcels with a "Commercial/Mixed-Use - Medium" designation will remain on the southern portion of the block. Additionally, the southernmost parcel on the block permits Townhouses and Cottages. This pattern is repeated on the east and west sides of the block. To the east, three parcels with frontage on Delannoy also allow Townhomes, but are separated from the proposed Commercial/Mixed-Use - Large parcels by Commercial/Mixed-Use - Medium parcels. To the west, seven parcels allowing Townhomes on Florida Avenue and Rosa L. Jones Drive are also separated from the proposed Commercial/Mixed-Use - Large parcels by Commercial/Mixed-Use - Medium parcels. This purposeful buffer of Commercial/Mixed-Use - Medium parcels is preserved between the Townhome parcels and the new Commercial/Mixed-Use - Large parcels to maintain compatibility with the surrounding area.

As stated above, the maximum height of 104 feet is not extended throughout the Cocoa Village, which will protect the downtown core of the Village and its quaint and historic character. This maximum height and "Commercial/Mixed-Use - Large" designation will be permitted only on the these six parcels near the existing communications tower, which being the highest structure in Cocoa Village has a very pronounced profile and high degree of visibility downtown.

The CRA Board approved submittal of the application for this amendment at its June 12, 2018 meeting. In doing so, the CRA Board analyzed the current Community Redevelopment Plan, prepared by Design Studios West and adopted in 1997. The Board concluded that, although the proposed amendment would not be limited to the 603 Brevard Avenue property that is the catalyst for the change, the increased height allowed under a Commercial/Mixed-Use – Large parcel allows for the incorporation of needed public features into the designs of buildings that may occupy the affected parcels in the future. For example, increasing the maximum building height will allow developers to include a large parking garage with public parking spaces within their proposals that may not have otherwise been financially viable. The Community Redevelopment Plan expressly states that a City Parking Garage, centrally located in the Historic Cocoa Village, is a high priority project for redevelopment. Furthermore, the Community Redevelopment Plan identifies the properties between Florida Avenue and Brevard Avenue as "ideal" for the future location of multi-story buildings because of their location on the top of the old dune formation along the river. This local high point was utilized for the old railroad spur and the old Dixie highway alignment due its high and dry condition. The increased height permitted by this amendment would allow for development as envisioned in the Community Redevelopment Plan.

It should be noted that the ability to improve traffic flow by connecting the downtown street grid may be affected by this amendment. More specifically, the Potential Future Road Connections map of the Regulating Plan depicts connections at Factory and Saint Charles Streets. Mid-block crossings and other pedestrian amenities should be considered to ensure safe interaction between pedestrian and vehicular traffic.

Staff is proposing the CWOD Regulating Plan be amended to allow the building type of "Commercial / Mixed-Use Large" in the CV sub-district as identified on Exhibit "A."

Relationship and consistency with Comprehensive Plan Policies and Objectives

The following Comprehensive Plan policies support the proposed zoning text amendment:

- Future Land Use Element Policy 1.1.4.1: The City shall continue to promote vitality and redevelopment of the three community redevelopment areas established pursuant to Chapter 163, Florida Statutes: Cocoa (Downtown) Redevelopment Area, Diamond Square Redevelopment Area, and US 1 Corridor Redevelopment Area.

- Future Land Use Element Policy 1.2.1.8: Building height and intensification should follow a transect approach, with maximum intensities and heights (>80') allowed in the central business district, medium intensities and heights (40' to 80') allowed within the mixed-use

district, and the lowest intensities and heights (<40') allowed when transitioning into established low-density neighborhoods.

The site is designated Mixed-Use by the Comprehensive Plan's Future Land Policy 1.1.2.6. The Mixed-Use category is intended to provide a mixture of residential, commercial, office, recreational and institutional uses. The Policy provides that the "mixed-use" of the area with a Mixed- Use FLU designation may be developed as single uses on separate parcels or as a mixture of uses within a single development. The proposed amendment is to specifically allow "Commercial/Mixed- Use - Large" buildings, as described in the Regulating Plan, to be developed on specific parcels within the Cocoa Village Sub-district. The "Commercial/Mixed-Use - Large" designation is described in the Regulating Plan as follows: "A building lot located and designed to accommodate a multi-story building with commercial, office and/or multiple dwellings in any story that is designed for larger lot sizes." Accordingly, the buildings could be mixed-use or a single-use in accordance with the applicable Comprehensive Plan Policy.

II. Recommendation

Staff recommends that the Planning and Zoning Board recommend **approval** to City Council of Ordinance No. 06-2018 amending Appendix A. Zoning, Article XI, Section 22 of the City Code to allow large scale commercial/mixed-use buildings on certain properties within the Cocoa Waterfront Overlay District, Cocoa Village Sub-district.

ORDINANCE NO. 06-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CODE OF THE CITY OF COCOA TO ALLOW LARGE SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT, COCOA VILLAGE SUBDISTRICT, AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR THE SAME; PROVIDING FOR THEREPEAL 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 Cocoa Community Redevelopment Agency (CRA) has applied for a text amendment to the Cocoa Waterfront Overlay Regulating Plan and Appendix A, Article XI, Section 22 - Cocoa Water Overlay District, Cocoa Village Subdistrict, to allow for large scale commercial buildings to be developed on certain properties in such Subdistrict; and

WHEREAS, the CRA desires to increase the maximum height of buildings allowable on these certain properties in the Subdistrict, having received a response to a Request for Proposals for the "Purchase of Real Estate and Development of Real Property for 603 Brevard Avenue (also known as the former location of the City Hall), Cocoa, Florida"; and

WHEREAS, the CRA and the City Council have determined that this amendment will be consistent with and facilitate the Long Range Plan and Community Goals, Objectives and Policies of the CRA's Community Redevelopment Plan and the Comprehensive Plan; 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 22, 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 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 adoption of this ordinance):

APPENDIX A - ZONING

* * *

ARTICLE XI – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 22. – Cocoa Waterfront Overlay District.

* * *

(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.

The following categories are included in the table provided for each building type. Each standard is labeled by a letter (A, example) which directly relates to the table provided on each building type. The categories are described as follows:

* * *

Design Districts and Building Types Table

Design District	Home-stead (HO)	Estate (ES)	House (HS)	Cottage (CO)	Town-house (TH)	Apartment Building (AB)	Court-yard Apartment (CA)	Commercial/Mixed Use Small (CS)	Commercial/Mixed Use-Medium (CM)	Commercial/Mixed Use-Large (CL)	Single Story Commercial (SC)	Large Format Commercial (LF)	Insti-tutional (IT)	Civic (CI)

Cocoa Village (CV)				RP	RP	P	P	P	P	RP	RP		P	RP

* * *

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.

* * *

Section 3. Replacement of Regulating Plan. Appendix A, Zoning, is hereby amended to 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 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 Commission of the City of Cocoa, Florida, in a regular meeting assembled on the _____ day of_____, 2018.

_____
HENRY U. PARRISH, Mayor

ATTEST:

_____
CARIE SHEALY, MMC
City Clerk

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

EXHIBIT A
To Ordinance___-2018

Regulating Plan

City of Cocoa - Waterfront Overlay District

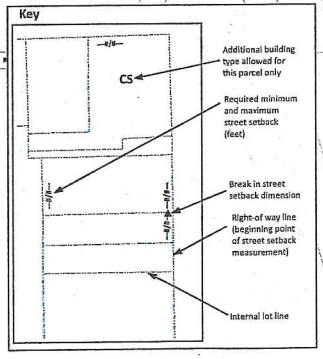
Cocoa, FL
2013-05-20
60211027

SUB DISTRICT	Homestead HO	Estate ES	House HS	Cottage CO	Townhouse TH	Apartment Building AB	Courtyard Apartment CA	Comm/Mxd Use - Small* CS	Comm/Mxd Use - Med* CM	Comm/Mxd Use - Large* CL	Single-Story Commercial SC	Large Format Commercial LF	Institutional IT	Civic CI
Cocoa Village (CV)				□	□	■	■	■	■	□	□		■	□
Heart of Cocoa (HC)	■	■	■	■	■ (2)			■ (3)					■	
King/Willard Corridor (KW)					□	□	□	■	■		■		■	
Uptown Neighborhood (UN)	■	■	■	■	■								■	□
South of the Village (SV)	■	■	■	■	■	□	□	□					■	
South End (SE)				■	■	■	■	■	■		□		■	
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

Area of Amendment and corresponding building type

Key



Sub District

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