

**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):

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**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.

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**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 12 day of September, 2023.

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**MICHAEL C. BLAKE**  
Mayor

**ATTEST:**

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**MONICA ARSENAULT**  
Interim City Clerk

Legal Ad Published: 08/01/2023  
First Reading: 08/22/2023  
Legal Ad Published: 08/31/2023  
Effective Date: 09/12/2023