

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 Master 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):

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I - FUTURE LAND USE ELEMENT

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

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

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

* * *

Policy 1.1.2.6: Mixed-Use (MU).

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

- A. Areas within a quarter mile walking distances of public transit stations, transitional areas between high and low intensity uses, and areas adjacent to major corridors within the City are appropriate for Mixed-Use category.
- B. The land development regulations implementing this category shall encourage a compact and walkable environment to reduce vehicle miles of travel and encourage use of public transit.
- C. Development within mixed-use shall be encouraged to follow Transit Oriented Design (TOD) principles.
- D. Unified architectural and streetscape themes are encouraged for all developments within the Mixed-Use category.
- E. Mixed use buildings within a single development will be highly encouraged in this category.

- F. For 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]

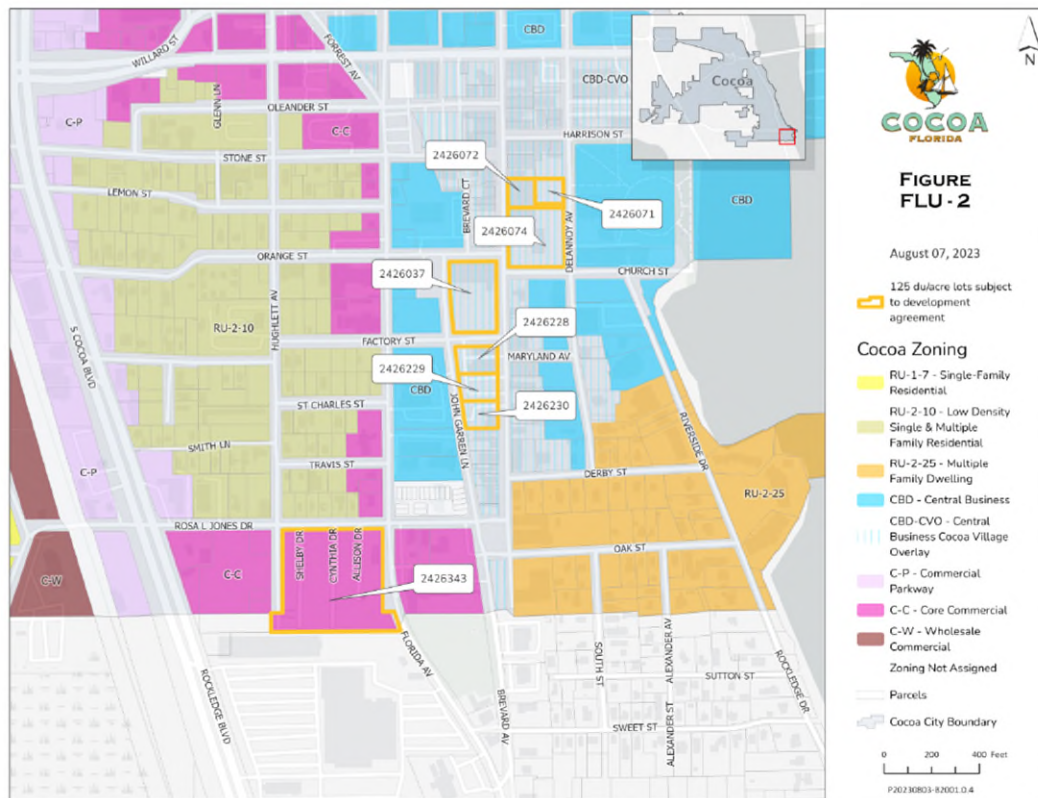


FIGURE FLU-2

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.

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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: _____

