

ORDINANCE NO. 07-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA TO ADD TRUCK PARKING FACILITIES TO THE LIST OF PERMITTED USES IN THE M-2 ZONING DISTRICT; PROVIDING A DEFINITION OF TRUCK PARKING FACILITIES; 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 XI, Section 19 of the Code of Ordinances of the City of Cocoa, Florida, sets forth the permitted uses in the M-2, Manufacturing and Industrial District; and

WHEREAS, the City Council desires to amend Appendix A, Article XI, Section 19 of the Zoning Ordinance to add truck parking facilities as a permitted use and define such use to permit office space and limited fueling and truck wash and maintenance facilities; 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 Cocoa.

Section 2. Zoning Text Amendment. The City of Cocoa Code of Ordinances Appendix A, Article V and 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 V and Article XI. It is intended that the text in Appendix A, Article V and Article XI 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 V. – DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

* * *

TRUCK PARKING FACILITIES. A truck parking facility is a facility to be used for long term (i.e., over five hours) and overnight parking and storage of, in particular, straight trucks, truck tractors, truck trailers, semitrailers, truck tractor-semitrailer and trailer combinations, and truck drivers' personal vehicles. Such facilities may include office spaces, private maintenance and washing facilities, and refueling bays limited to two (2) total pumps that are for private use only and not open to the general public. On-site, light and minor maintenance and cleaning of trucks and trailers shall be permitted, including oil and engine fluid changes, but the following shall be strictly prohibited: major restoration, part salvage, major part replacement, engine repair, transmission repair, body repair, and other heavy and major repairs.

* * *

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

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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 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.

(12) Truck parking facilities, subject to the following conditions:

- a. A minimum of a ten-foot landscape buffer shall be provided along all road rights-of-way and shall consist of trees and high profile shrubs, together with suitable ground cover to include native grasses and mulching. Landscaping shall be designed, placed, and maintained in such a manner so as not to impair vehicle visibility at corner intersections or ingress and egress drives. The landscaping requirements shall conform to Article XIII, Section 22, Landscaping Requirements of the Zoning Ordinance of the City.
- b. Maintenance and truck washing bays shall not be permitted to face the right-of-way.
- c. On-site, light and minor maintenance and cleaning of trucks and trailers shall be permitted, including oil and engine fluid changes, but the following shall be strictly prohibited: major restoration, part salvage, major part replacement, engine repair, transmission repair, body repair, and other heavy and major repairs.
- d. Refueling bays shall be limited to two (2) total pumps that are for private use only and shall not be open to the general public.

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 _____, 2024.

MICHAEL C. BLAKE, Mayor

ATTEST:

MONICA ARSENAULT, City Clerk

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