

## **CITY COUNCIL AGENDA ITEM**

Memo Date: March 20, 2018  
Agenda Date: March 27, 2018  
Prepared By: Anthony A Garganese, City Attorney and Karen D. Hamilton,  
Community Services Director  
Through: John A. Titkanich, Jr. AICP, ICMA-CM, City Manager  
Requested Action:  
Informational Item – Update on Heart of Cocoa Substitute Consent Decree

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### **BACKGROUND:**

First, this Agenda Item is not intended to be an all-inclusive account of history of the Heart of Cocoa and the matters leading up to the adoption of consent decree related to the Heart of Cocoa neighborhood. It is also not intended to be an all-inclusive account of all actions taken by the City related to comply with the applicable 1990 consent decree, as substituted by the substitute consent decree in 2009. Rather per the direction of the City Council, this Agenda Item is intended to provide a summary of the history of the Heart of Cocoa neighborhood and the consent decree matter for purposes of educating the current members of the City Council, City staff, and interested members of the public who did not experience, first hand, the events leading up to the adoption of the consent decree and the substitute consent decree, including the early implementation thereof. Hopefully, the importance of the Heart of Cocoa to the city of Cocoa is captured herein and the relevance of the Substitute Consent Decree will be better understood.

### **History and Significance of the Heart of Cocoa Neighborhood**

In addition to the Voting Rights Consent Decree, which was reviewed by the City Council two meetings ago, the City is also subject to another federal consent decree that only applies to a specific geographical area within the City known today as the “Heart of Cocoa” neighborhood (“HCN”) (also commonly referred to in the past as the “Consent Decree Area or Core Area”.) Although the two consent decrees serve two totally different purposes, both consent decrees share a common thread involving the challenges faced by the black community in Cocoa. The Heart of Cocoa consent decree was adopted in the federal district court case, Beatrice Houston, et. al. v. City of Cocoa, Civil Action 6:89-CV-00082-PCF.

The HCN is located immediately west of the historic Cocoa Village and although the boundaries are irregular, the boundaries are generally between several major roadways: east of Florida Avenue, South of SR 520; west of US 1; and north of Rosa L. Jones Blvd (formerly Poinsett Drive). A map of the HCN is attached to this Agenda Item. The HCN has been subject to a federal consent decree since 1990. The original voluminous consent decree (approx. 150 pages including exhibits) was replaced by a substantially streamlined Substitute Consent Decree on January 28, 2009 (6 ½ pages). As noted above, the Substitute Consent Decree only applies to the HCN. A copy of the Substitute Consent Decree is attached to this Agenda Item.

To truly understand the relevance and historical and legal significance of the map and the Substitute Consent Decree, a person must know a little bit about the history of Cocoa, particularly the black community in the HCN. Cocoa has a tremendous history going back to the initial settlement days in the late 1880s and incorporation as a city in 1895. During this time period, the Cocoa Village area was born and began to establish itself. During this time period, a sizeable black community also began to settle into a small area, and establish homes, on the west side of Florida Avenue and the railroad tracks that once ran in the vicinity of the existing location of Florida Avenue (commonly referred to as the old Flagler Railroad line). Moreover, over the years several black-owned businesses were known to be located and operating within the HCN including Evelyn's Beauty Shop, Rosa Marie's Coffee Shop, D.R. B.C. Scurry's Office, and J.C. Ager's Grocery. Further, two historic churches were established in the HCN: Mt. Moriah A.M.E. Church and Greater St. Paul's Baptist Church. These businesses and churches served the local residents residing in the HCN.

In essence, by the 1980s, the HCN had established itself as an historic African-American neighborhood. According to reported statistics, there were 536 people living in 276 homes by 1980 and virtually all the residents were African-American. See Koons, Fair Housing and Community Empowerment: Where the Roof Meets Redemption, 4 Geo. J. on Fighting Poverty 75 (Fall, 1996). Severe poverty marked the HCN: 76% of the residents earned less than \$5,000 per year; rents were nearly half (\$130 per month) of what was expected for minimally expected rent for a standard unit; two out of 5 households did not own an automobile; only 22% of the residents owned their own home and 78% rented; and half of the residents were purported to be elderly. Id.

But, by the same time period, heavier wholesale commercial uses were also established in the HCN and dotted the landscape between homes. These heavier commercial uses were neither owned by nor serving the residents and included auto body shops, storage yards and a central facility for a major utility company. Id. Some of these businesses still exist in the HCN today.

As time passed, the HCN suffered significant decay and dilapidated structures had to be demolished. As a result, a significant number of vacant lots were created and exist today. From past experience, the City has noticed that many of the vacant lots have title challenges existing in the chain of title because properties were not properly conveyed over the years.

### **The Redevelopment Agency and Community Redevelopment Plan.**

In the early 1980s, the city of Cocoa was one of the first municipalities to create a redevelopment agency in the State of Florida. A large redevelopment area was established and currently exists today. The area includes the HCN. Significantly, the first Redevelopment Plan was adopted during this time period, and the details contained in this Plan were, in retrospect, the root cause of the consent decree being imposed on the HCN.

Particularly, the Plan identified numerous subareas within the redevelopment area and a specific project was planned for each subarea with the goal of encouraging economic

redevelopment within each subarea for purposes of ameliorating slum and blight within the redevelopment area. The projects were ambitious and included a 99 slip marina, a restaurant complex, riverfront condominiums, Willard Street Office Complex, Historic Preservation District, Cocoa Village theme extension, Downtown Parking expansion, Florida Avenue widening, among other projects. The HCN, which was referred to as the "Core" redevelopment area at the time, was identified as Project 12. Generally, Project 12 called for the development of townhouses, shopping centers, professional offices and park space within the HCN. But, perhaps incredibly by today's standards, Project 12 explicitly called for the removal of all of the existing homes in the HCN and the displacement of the residents through a very detailed relocation benefits program that was incorporated into the Plan in order to make way for the redevelopment of the Core area. Project 12 was expected to displace approximately 300 households including the home owned by one of the plaintiffs in the case, Beatrice Houston.

As with the creation of most redevelopment agencies, Cocoa's downtown redevelopment agency was slow to get moving. To kick start the Agency's redevelopment efforts several years after creation in 1988, the City proceeded with the adoption of a comprehensive amendment to its comprehensive plan and rezoning ordinances. See Cocoa Ordinance 7-88. Relevant to the HCN, the zoning map and code would be amended to Core Commercial and RU-2-25, which would allow more refined commercial uses and high density residential to presumably support higher end shops, professional offices, condominiums and townhouses called for under Project 12 within the Redevelopment Plan. Most of the existing residential and higher intense commercial uses would become nonconforming. To say the least, this ordinance became highly contentious and opposition to the Ordinance and Project 12 grew not only among the residents who feared losing their homes, but among the commercial businesses in the HCN who feared they could be prevented from expanding or rebuilding their businesses because they were being made nonconforming uses under the new zoning ordinance.

The sentiment at the time of City officials and opponents is generally reflected in a special newspaper article published in the Orlando Sentinel on February 21, 1988 which was entitled "Cocoa: Neighborhood Must Go Old Timers Reluctant to Lose Way of Life." A copy of the Article is attached to this Agenda Item. First, from the City's perspective, some officials felt that crime was tearing the neighborhood apart citing, for example, the old Silver Dollar Bar which was located on Hughlett Street and vagrants. It was reported that City Councilwoman Betty Woehle said, "We're looking to Cocoa's future. Without question, that area is more suited to what we have in mind." City Councilman Noah "Sonny" Butt, Jr. was quoted as saying, "The city should buy and tear down the neighborhood a block at a time until developers are willing to come in." Community Improvement Director Rochelle Lawandales described her vision of the neighborhood as follows: "I see a One Harbor Place, the 1900 Building. I see the Hilton at Rialto Place. ... If we have one holdout property owner and something like a Hilton wants to come in ... you're darn tootin' we'd do everything to get that property." The Redevelopment Coordinator, Merrill Ladika, echoed that statement, reasoning, "If we're going to have a development come in, you can't have Mrs. Smith in her little shack on the corner. ... She's going to have to go somewhere else too." In Ms. Ladika's assessment, "It's not like they're leaving the good old days. The good old days are long gone

for those people.” The former staff member credited with authoring the Redevelopment Plan, Doug Robertson, offered this summary: “The core area, in pragmatic, cold dollars and cents, should be very valuable.”

Opposition to the zoning change and the Plan came from two different factions at odds with one another in the HCN and with different perspectives: the intense commercial business owners and the residents. The business owner’s perspective can be summarized by Chuck Billias of Billias Brothers Body Shop, who was quoted as saying, “I’m concerned about this, very upset. I’ve been in business here for 15 years. I spent a lot of money ... to expand my business. ... If my business burns down, I couldn’t rebuild it. ... this thing might just end up in court.” However, from the standpoint of the residents, a general theme was. “I own this house,” said resident Omega Austin. “My daddy built this house and that makes it special. ... We had so many Christmases in this house, big feasts with all the grandchildren. There’s so many memories, I’m talking about fifty years.” In her mind, the neighborhood still had significant value. She replied, “Everybody still looks out for each other. If you miss somebody a couple of days, you go check on them. You walk across the street and say, “Are you all right, Miss Rosa? Is there anything I can do for you?” Regarding his impression of the relocation benefits, resident Glanville Bethel proclaimed, “It would make no sense to take \$40,000 or \$50,000 if it’s not enough to go buy another house. Because then you have to rent, and when you’re out of money you’re out on the streets.” Landlord Willie Davis’ view point was the zoning change and Plan were designed to “root the people out of the area in a small and slick way. That’s what it’s all about. They want this entire area, from U.S. 1 to the beach, lily white.”

### **The Lawsuits and Legal Challenges to City’s Redevelopment Plan – In General.**

The City Council faced mounting criticism and opposition to the zoning changes and Plan especially by black residents in the HCN. The residents retained local legal counsel, Central Florida Legal Services, who in turn obtained assistance from the NAACP Legal Defense & Educational Fund, and a New York City law firm specializing in land use law. In sum, residents argued that the zoning changes and Plan had a disproportionate adverse impact on black residents and mounted a multi-prong legal attack against the City and CRA challenging the zoning change and Plan. In very general terms, they filed: (1) objections to HUD; (2) a petition challenging the City’s Comprehensive Plan Amendments; and (3) a twelve count complaint in Federal Court. For the limited purpose of this Agenda Item, it would suffice to say that many of the challenges, except for the Comprehensive Plan challenge related to whether the amendments were in compliance with the State’s Growth Management Act, were based on several allegations and legal theories, and proffered evidence by the plaintiffs, that the City’s past practices constituted race-based discrimination under Federal law including the adoption of the zoning changes by the City and Plan by the CRA and City.

As string of legal events later occurred. The challenge to the Comprehensive Plan amendments were affirmed by the Administration Commission (Governor and Cabinet) and the amendments were found to be not in compliance with the Growth Management Act. HUD advised the City that its CDBG funds were in jeopardy. In addition, the City’s motion to dismiss the federal lawsuit was denied by the Federal District Court. Ultimately, the plaintiffs,

City and HUD engaged in settlement negotiations and a settlement was reached after the November 1989 City Council election when a more pro-neighborhood City Council apparently took office. The original Consent Decree soon followed.

### **The Original Consent Decree**

The original Consent Decree included a variety of provisions intended to preserve and enhance the HCN including three extensive implementing ordinances: (1) rezoning the HCN to low density residential; (2) a housing rehabilitation program; and (3) amendments to the comprehensive plan including a low density future land use map amendment for the HCN. The City and CRA also agreed to appropriate \$675,000 over five years for single family housing rehabilitation in the HCN. Additionally, the Consent Decree provided provisions related to: a permanent injunction against involuntary displacement of African-Americans from the HCN; special notice to residents of private-and City-initiated rezonings; affirmative action in non-displacing rental rehabilitation; a new construction in-fill homeownership program for low-income families to be administered by a community development corporation; a historic preservation plan (including the designation of the Richard E. Stone Historic District); assistance with a neighborhood community center; certain compensatory damages for the named plaintiffs in the case; and reservation of attorneys' fees and jurisdiction by the Federal District Court for enforcement if necessary. As for the owners of the intense commercial business owners, a compromise was reached and protections were adopted to permit the existing businesses to continue to operate within the HCN until abandoned or converted to other allowable commercial uses until the converted uses were abandoned. Some existing commercial property owners unsuccessfully attempted to prevent the adoption of the Consent Decree.

The City has taken various actions to implement and comply with the original Consent Decree over the years. Examples of the actions that it has taken include, but are not limited to:

#### **Zoning**

Required the City to change the zoning in the Cocoa CRA area and revise the applicable code and maps to preserve the "low-density residential character," maintain and expand conversion right of existing commercial businesses and induce affordable housing.

#### **City Action**

The City rezoned the consent decree area to RU-2-10 and revised the relevant zoning codes and maps and directed. The City has not initiated any rezoning of the HCN. The RU-2-10 designation has remained on the HCN since its adoption.

#### **Neighborhood Improvement Plan**

The intent was created to improve the quality of homes and residential character of the area by detailing and implementing programs to: rehab single-family housing, improve rental housing, and promote affordable house construction.

#### **City Action**

A Heart of Cocoa Neighborhood Revitalization Plan was developed. The City used over \$400,000 in various funding sources (CDBG, HOME, SHIP, and CRA) to rehabilitate, replace, and construct new homes. The City and CRA also invested over \$1 million dollars to stabilize the consent decree area including the monies required to be appropriated by the Consent Decree. A combination of CRA, SHIP, and CDBG funds were used for emergency home repair, housing rehabilitation, relocation expenses, replacement and new construction. Several infrastructure projects were completed including the installation of water /reclaimed water mains, conduits for street lights, crosswalk improvements, street repaving, and streetscapes. The City continues to look for opportunities to address affordable housing needs in the HCN.

#### Historic Preservation Plan

This plan contains specific activities required to preserve and memorialize historically significant structures.

#### City Action

The City designated the Richard E. Stone Historic District as directed by the Consent Decree. In addition, the City identified and mapped historic resources located in the decree area.

#### Consistency Clause

Required specific revisions to the City's Comprehensive Plan to: define and maintain low-density residential land use, identify and preserve historic resources, and include housing and neighborhood improvement goals.

#### City Action

The City adopted Ordinance 15-90 to revise the comprehensive plan consistent with the requirements of the Consent Decree. As noted below, many of these comprehensive plan policies protecting the HCN and other residential areas substantively exist in the current City Comprehensive Plan.

#### Future Assurances

The major substance of the further assurance clause was that the City agreed not to take any action or to initiate any rezoning of the HCN that has the purpose or effect of involuntarily displacing current or future members of the plaintiff's class. Further, the City agreed to provide the plaintiffs with certain notice related to other zoning requests. Additionally, the City agreed to enforce the zoning code applicable to the existing CW commercial uses within the HCN.

#### City Action

As noted above, the City has not initiated any rezonings in the HCN. Further, City staff is not aware of any zoning applications being initiated by any of the property owners in the HCN. The City has, in the past, discouraged certain property owners from filing rezoning applications to attempt to initiate new commercial uses within the HCN because of the terms and conditions of the Consent Decree. Over the years, the City has also taken code enforcement actions against property owners that attempt to commercially use their property in violation of the RU 2-10 zoning provisions, and to preserve the HCN. Further, in 2001 the

City retained consultants, Moore Enterprises Worldwide, LLC and Blackmon Roberts Group, Inc. to conduct a study of the HCN. The Consultants held numerous public meetings, conducted surveys of residents and community stakeholders, and prepared and presented to the City Council a Neighborhood Revitalization Plan, dated September 28, 2001, for the HCN.

### **The Substitute Consent Decree**

As the years passed, Congress enacted restrictions to the Legal Services Corporation Act that resulted in Central Florida Legal Services withdrawing as counsel for the plaintiffs. Soon thereafter, Southern Legal Counsel, from Gainesville Florida, appeared on the scene, and engaged in vigorously monitoring the City's enforcement of the original Consent Decree. As referenced above, the original Consent Decree was very voluminous and contained numerous provisions which were incorporated into the City's zoning code and comprehensive plan. It also served as a permanent injunction against the City relative to enforcement of its terms and conditions. City staff and City Council realized through experience that many of its provisions became obsolete or were very cumbersome and subjective to enforce. Communications by the City and Southern Legal Counsel were fairly regular in the mid to late 2000s. Towards the apparent end of their legal representation, Southern Legal Counsel served, but did not file, a proposed motion to find the City in contempt related to the enforcement of the Consent Decree. They also sought reimbursement of attorney's fees and costs for monitoring the Consent Decree on behalf of the plaintiffs' class. This action taken by Southern Legal Counsel resulted in the City and Southern Legal Counsel engaging in serious negotiations to amend the Consent Decree and to condense it down to its fundamental spirit and essence: to wit; maintaining the low density residential character of the HCN. The parties ultimately agreed on the City's payment of attorney's fees and costs, the motion for contempt was withdrawn, and the Substitute Consent Decree was prepared by the Parties and approved by the Federal District Court on January 28, 2009. The Substitute Consent Decree entirely replaced the original Consent Decree and the original Consent Decree, with its voluminous implementing ordinances and terms, is no longer in effect. A copy of the Substitute Consent Decree is attached to this Agenda Item.

The Substitute Consent Decree is only 6 ½ pages long and contains five short articles as follows:

1. **Zoning.** The City will maintain the low density residential character of the HCN; encourage 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. Further, the City will encourage production and development of affordable houses by the private sector in the HCN.
2. **CRA's Redevelopment Plan.** The City and CRA will generally support a variety of housing initiatives in the HCN. For example, through the CRA's Redevelopment Plan, the

CRA and City shall continue to support applications for Section 8 housing certificates, vouchers, and other rental housing programs. The City will support programs for improving rental housing, infill housing, new construction of affordable housing to low and low to moderate income persons in the HCN. The City will make affirmative efforts to promote the use of rental assistance in conjunction with rental rehabilitation units to members of the plaintiffs' class who are low income renters and to take other appropriate measures. The City and CRA shall continue to support the development of new single family residences in the HCN for low and low to moderate income families and to support. The City and the CRA may also enhance the residential character of, an neighborhood amenities within, the HCN by supporting appropriate neighborhood commercial uses within the HCN and along the outermost perimeter of the HCN and adjacent to Florida Avenue, US Highway 1, or Rosa L. Jones Drive.

3. **Consistency Clause.** The City will maintain provisions within its Comprehensive Plan that denote and protect the HCN's low density residential land use; recognize and preserve historic resources with the HCN, and reflect the goals of housing and neighborhood improvement for the HCN. However, unlike the original Consent Decree which contained voluminous and cumbersome enabling provisions, the Substitute Consent Decree provides the City with the flexibility to enact, and amend provisions as necessary to serve the aforesaid guiding principles.

4. **Future Assurances.** The City and CRA agree not to initiate a rezoning in the HCN or take any action in the HCN which has the purpose or effect of involuntarily displacing current or future members of the Plaintiff class. Special notice requirements must be met for any rezonings, or modifications to zoning and comprehensive plan regulations or the CRA plan that are applicable to the HCN. Further, the City must give due weight to preserving the low density residential and historical character of the HCN in acting on rezoning request. The City will continue to enforce the provisions of the RU-2-10 zoning code and all ordinances applicable to CW uses which were existing as of March 8, 1988. The City shall also take such other action as the City deems necessary to remove or correct conditions that pose public safety hazards to HCN residents or that substantially undermine the quality of the residential environment.

5. **Miscellaneous.** The Court retains jurisdiction to enforce the Substitute Consent Decree. The Plaintiff's counsel shall not be entitled to monitoring fees and expenses after February 10, 2005, which was the cut-off date for the previous reimbursement made by the City and CRA. However, should the Plaintiffs successfully seek enforcement of the Substitute Consent Decree, or defend a motion to modify and/or terminate the Substitute Consent Decree, the Plaintiff's counsel is not barred from seeking prevailing arty attorney's fees and costs against the City and CRA.

Since it was approved, the City has taken various additional actions to implement and comply with the Substitute Consent Decree over the years. Examples of the actions that it has taken include, but are not limited to:



1. The Heart of Cocoa is a Sub-district of the Cocoa Redevelopment Agency's Waterfront Overlay District. 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.
2. On July 15, 2016 at a Ministerial Alliance Meeting city leadership presented on three topics, one of which was regarding the Substitute Consent Decree. At the conclusion of the presentation, members of the public were able to participate in a question and answer session. Community Services staff works closely with property owners and developers to ensure proposed development applications are consistent with current zoning and future land use in the HCN. Projects that seek to expand existing or create high intensity commercial uses are denied and staff encourages revision of unsuccessful plans to consider allowable uses. Code enforcement staff conducts routine sweeps of the consent decree area. The Planning and Zoning division created a parking schematic for a used car lot on US1, to address a code violation. The economic development team identifies appropriate alternate sites for voluntary relocation of non-confirming uses.
3. CRA's Redevelopment Plan requires the City and the CRA to support applications, programs, and diverse types of developments resulting in the rehab, infill, and construction of housing that is affordable to low and low to moderate income groups. The support of appropriate neighborhood uses is sought adjacent to and along the perimeter of the HCN as required by the Substitute Consent Decree.
4. Through the City's Housing program two structures were demolished at 232 Orange Street; one new house was constructed; and two replacement homes were built.
5. The CRA invested \$1.25 million for the US 1 Widening and Beautification Project. This important infrastructure project was completed in 2016 and included decorative street lights, texturized median treatments and landscaping to intersection medians at Forrest Avenue, Dixon Boulevard, and State Road 528 interchange. While outside the HCN, the road widening and beautification efforts have resulted in development interest east and west of, and along the Project corridors.
6. The City and CRA were partners on the Florida Avenue Complete Streets project. This \$3.4 million infrastructure project was completed in 2017 and resulted in new sidewalks, shared bike/car lanes and light to improve mobility for all users. This project has spurred redevelopment interest on both sides of Florida Avenue including two new neighborhood commercial establishments Time Out Sports Bar Plus and Cryderman's Barbeque opened in 2017.
7. The CRA is in the proceeding with developing a site at 6 Forrest Avenue into a gateway entry feature and pocket park to create an enhanced entryway into Downtown Cocoa near the HCN. The resulting Department of Environmental Protection Voluntary Cleanup Tax Credits can be used to incentivize complementary development projects.

8. A Community Meeting Room within the HCN was once an aspiration under the original Consent Decree, but grant funding referenced in the Consent Decree was not obtained to construct it. Notwithstanding, the City has taken the initiative to plan for the construction of a new community meeting room at 217 Factory Street. This new facility will serve community residents and groups. The meeting room site was acquired by the City on January 30, 2015. The City contracted with RZK Architects to design the building in 2015. The City original went to bid on the construction portion in 2016, but unfortunately was required to rebid the project when the proposals received were much higher than the budgeted amount. The project went to rebid on August 17, 2017. City Council later authorized the City Manager to execute contract documents with C&D Construction at its October 24, 2017 meeting. The site is being prepped for construction and the building should be completed in the late summer of 2018 absent unexpected delays.

9. The City expended approximately \$850,000 to acquire the former Oaks Mobile Home Park at the corner of Florida Avenue and Rosa L. Jones Blvd, and pursuant to a study has identified multi-family residential development, with a small neighborhood commercial use, as the highest best use for the property. The City has also issued a Request for Proposals in January 2018 to redevelop the former Oaks Mobile Home Park. 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. Although this future project is just outside the HCN boundaries on the south side of Rosa L. Jones Boulevard, this residential project, if it comes to fruition, is expected to serve as a catalyst for additional residential development in and around the HCN.

10. The consistency clause in the Substitute Consent Decree requires the City's Comprehensive Plan to contain goals, objectives, and policies that protect the HCN's neighborhood characteristics. The following goals, objectives and policies of the Future Land Use and Housing Elements of the City's Comprehensive Plan are applicable, in relevant part, to assist in maintaining and supporting the low-density and historic character of the consent decree area:

## I 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

Policy 1.1.2.3: Low Density Residential (LDR). Low-density residential areas are neighborhoods of single family detached housing, limited multiple family attached housing and limited clustered single family attached housing. Institutional, open space and

recreational uses are also allowed in this category. The following criteria shall be used for determining appropriate locations for low density residential areas.

A. Low-density residential areas shall be buffered from the nuisance effects of higher intensity uses and major traffic corridors.

B. Low density residential developments should be located in areas where more intensive development would be unwarranted due to environmental constraints, incompatible with surrounding land uses, or where criteria set forth in Paragraph c, below, cannot be met.

C. The City may permit increased densities up to 12 units per acre as part of planned residential development or planned redevelopment activities based on the following criteria:

1. Redevelopment through rehabilitation and improvement of substandard or deteriorating housing.
2. For planned redevelopment activities, preservation and improvement of neighborhoods containing affordable single family and multiple family housing, especially where neighborhoods contain vacant lots or abandoned commercial uses.
3. Use of a variety of building and site designs, housing types and efficient construction techniques that lower construction cost.
4. Provide for more efficient use of land and protection of the existing neighborhoods, natural systems, and historic resources.

Policy 1.1.2.8: Neighborhood Commercial. Neighborhood commercial areas are intended to be low-impact in nature and serve the needs of the immediate residential area. The following criteria shall be used for determining appropriate locations for neighborhood commercial land use designations on the future land use map.

A. Neighborhood commercial areas may be allowed closer to the residential neighborhoods.

B. The City anticipates that by 2020, the overall mix of uses in the Neighborhood Commercial Land Use category throughout the City will be a minimum of 85% commercial/office, public/institutional and recreational and a maximum of 15% residential.

Objective 1.1.4: Redevelopment. The City shall encourage redevelopment of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) through redevelopment programs and through maintaining land development regulations that contain standards and procedures to encourage redevelopment where desirable.

Policy 1.1.4.5: The City shall protect and buffer residential areas in the Cocoa (Downtown) Redevelopment Area from uses of high density or intensity.

Objective 1.1.5: Neighborhood Protection. The City shall ensure that additional growth and development will be respectful of established neighborhoods that define much of the City's character.

Policy 1.1.5.2: The City shall consider developing neighborhood plans, as needed, to either strengthen preservation of established neighborhoods or encourage redevelopment of transitional neighborhoods.

Policy 1.1.5.3: The City's land development regulations shall maintain appropriate standards and nuisance regulations to limit the impact of more intense development on established residential zones.

Objective 1.1.6: Historic and Archeological Resources. All development activities undertaken in the City will be consistent with and supportive of the plan's goals, objectives, and policies for protecting historic and archeological resources.

Policy 1.1.6.1: The City shall undertake the necessary steps to identify its historical and archeological resources and create a local register of historic places. The local register will list all the properties within the City that have been designated as an individual historic resource or historic districts.

Policy 1.1.6.2: The City shall consider creating design regulations to protect the locally designated historic sites and districts.

Policy 1.1.6.3: By 2012, the City shall consider a historic preservation ordinance to protect significant historic, cultural and archaeological resources.

Policy 1.1.6.4: Nominations may, with the owner's consent, be made to the National Historic Registers based upon the periodic review of properties.

Policy 1.1.6.5: The City shall facilitate the education of the public regarding the significance and historic values associated with the City's architectural, historical, geological, and archaeological resources, and the costs associated with the loss of such resources.

Policy 1.1.6.6: The City shall give consideration to the establishment of an historic zoning district.

Objective 1.3.2: Maintain Infrastructure. The City shall maintain adequate infrastructure for encouraging economic activities in the industrial and commercial sectors.

Policy 1.3.2.1: To the extent financially feasible, the City shall continue providing adequate supporting infrastructure (i.e. paved streets, sanitary sewer, drainage, potable water, etc.) in strategic locations throughout the City to appropriately entice economic development.

Policy 1.1.6.7: The City shall establish a program for public, private, or public and private purchase, within funding capabilities, of development rights to preserve properties identified as historically significant at local or national levels.

Policy 1.1.6.8: The City shall adopt land development regulations that include a requirement for development plans in any areas of the City to identify potential historic resources, to mitigate adverse impacts of development on potentially significant historic resources and to minimize any adverse impacts of development on sites or structures identified as historically significant, except when demolition is required because neither rehabilitation nor relocation is practical.

Policy 1.1.6.9: The City shall look for funding, including grants, to update and expand the 1991 "Historic Buildings of Cocoa" survey.

Policy 1.1.6.10: The location and density of new residential development shall be compatible with historic and natural resources.

### III 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 3.1.2: Elimination of Substandard Housing. The City shall seek ways to eliminate substandard housing conditions and seek ways to improve the structural and aesthetic value of existing homes.

Policy 3.1.2.1: The City shall periodically review and update established housing policies to guide in the conservation, rehabilitation, and demolition program techniques and strategies.

Policy 3.1.2.2: The City of Cocoa will endeavor to eliminate slum and blight throughout the City.

Policy 3.1.2.3: The City shall identify existing housing units that need structural and aesthetic improvements and those that are beyond repair and rehabilitation should be demolished.

Policy 3.1.2.4: The City shall continue to enforce the Florida Building Code and the City of Cocoa's Property Maintenance Standards and Rental Regulations to ensure the construction and maintenance of sound and safe housing and, to encourage the correction of housing code violations, and to set the standards for quality housing within the City. Low income owner-occupants will continue to be referred to available housing assistance programs.

Policy 3.1.2.5: The City shall continue its proactive code enforcement program to monitor the conditions of the City's housing stock, reduce the amount of substandard housing, discourage boarded-up buildings, increase the number of affordable units, and preserve available housing stock using city, county, state or federal funds as available and within the scope of funding capabilities.

Objective 3.1.7: Housing Programs. The City shall develop housing programs to improve the structural and aesthetic value of existing homes and the creation of new homes to meet the current and anticipated future residents of the City.

Policy 3.1.7.1: The City shall strengthen public education measures through affirmative outreach efforts to low income households to ensure that the persons or neighborhoods eligible for assistance are aware of its availability as well as the procedures for obtaining such assistance. Public workshops shall be held in areas where the needs are demonstrated.

Policy 3.1.7.2: The City will continue to seek and apply for funding programs to assist in housing rehabilitation, demolition, and preservation for qualified applicants. Housing ownership opportunities for low income households will continue to be provided through federal and state housing programs.

Policy 3.1.7.3: The City shall survey all homeowners receiving housing rehabilitation assistance after receiving assistance to evaluate the quality of the work and to determine homeowner satisfaction with the program.

Policy 3.1.7.4: The City of Cocoa shall promote personal investment in the community and homeownership by encouraging residents, especially those participating in housing assistance programs, to become involved in community service organizations, projects, and City Boards.

GOAL 3.2: In order to encourage the preservation of the existing housing stock and minimize the relocation of residents and the demolition of housing, the city shall ensure the availability and maintenance of supporting infrastructure and avoid the concentration of affordable housing units only in specific areas of the city.

Objective 3.2.1: Housing Stock and Neighborhoods. The City shall encourage the stabilization of neighborhoods by extending the useful life of the existing housing stock through the enforcement of City codes that preserve neighborhood quality and maintain community facilities.

Policy 3.2.1.2: The City shall encourage the stabilization of neighborhoods by maintaining the quality of existing neighborhoods, by upgrading the supporting infrastructure and facilities, including paved public road access; storm water management facilities and flood protection; wastewater disposal facilities; potable water facilities; solid waste collection service; electric utility service; and by protecting natural and historic resources.

Objective 3.2.2: Historically Significant Housing. Housing designated as historically significant by virtue of architecture, social significance, or ethnic heritage will continue to be identified and continue to be preserved and protected, and if possible, maintained for residential uses.

Policy 3.2.2.1: Applications will be submitted by the City to the Florida Division of Historical Resources for the housing units which have been and maybe designated as individual

structures or as part of a locally significant historic district to be included on the Florida Master Site File.

Policy 3.2.2.2: The City shall pursue available grants and alternative funding, where appropriate, to expand the local knowledge and awareness of existing historic and archaeological sites and structures.

Policy 3.2.2.3: The City shall assist owners of designated historically significant housing to apply for and utilize state and federal assistance programs.

Goal 3.7: The City shall promote opportunities for the creation of housing and infill development within the city.

Objective 3.7.3: Land Development Regulations. To the greatest extent possible, the City's land development regulations shall not contribute to increased housing costs.

Policy 3.7.3.1: The City shall conduct periodic reviews of existing land development regulations and consider before adoption, policies, procedures, ordinances, regulations, or plan provisions that may have an impact on the cost of housing.

11. The City has not initiated any rezonings in the HCN and continues to enforce the RU 2-10 zoning provisions. If a rezoning application is submitted in the future, the City will properly notify property owners and residents within 500 feet of a property that is considered for rezoning by a third party, and appropriately notice changes to the zoning regulations/comprehensive plan/redevelopment plan applicable to the area covered by the Substitute Consent Decree

## **Conclusion.**

The HCN has tremendous historical significance to the City of Cocoa especially to the African-American community. As explained above, since the original Consent Decree was approved by the Federal District Court, the City has made a substantial financial investment in the HCN and has adopted policies and programs in furtherance of the Consent Decree. In addition, the City hired a local consultant to conduct a study of the HCN and to recommend suggestions to improve the HCN through public and private investment. The City has also taken enforcement action against property owners and tenants when such actions are warranted to preserve the residential and historical character of the HCN. However, for whatever reason, private investment in the HCN has not been significant within the HCN. But, new private and public investment projects have recently materialized on property adjacent to and near the HCN. City staff hopes that this investment will be catalyst for future private investment within the HCN. The City intends to continue to abide by the provisions of the Substitute Consent Decree and desires to continue to maintain the residential and historical character of the HCN.

## **STRATEGIC PLAN CONNECTION:**

This agenda item is consistent with the Community Development component of the Strategic Plan.

**BUDGETARY IMPACT:**

N/A

**PREVIOUS ACTION:**

The City Council requested a brief update on the Heart of Cocoa Substitute Consent Decree at its February 13, 2018 Council meeting.

**RECOMMENDED MOTION:**

Information Item – Update on the Heart of Cocoa Substitute Consent Decree