

ORDINANCE NO. 12-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING APPENDIX A, ARTICLE XI, SECTION 3, OF THE CODE OF THE CITY OF COCOA TO CREATE NEW MINIMUM YARD REQUIREMENTS APPLICABLE TO PROPERTIES LOCATED IN BOTH THE RU-1-7 ZONING DISTRICT AND THE DIAMOND SQUARE COMMUNITY REDEVELOPMENT AREA; 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), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, The City of Cocoa Code of Ordinances Appendix A, *Zoning*, Article XI, *Schedule of District Regulations*, Section 3, *District and Intent – RU-1-7, Single Family Residential District*, sets forth standards applicable to properties located within the area of the City designated for single family residential development; and

WHEREAS, Section 3(F) sets forth the minimum yard requirements, also known as setbacks, in the RU-1-7 District; and

WHEREAS, except where a variance or waiver has been approved by the City, most structures located on property in the RU-1-7 District are required to comply with the lot setback or minimum yard requirements set forth in Section 3(F), including lots which are nonconforming or substandard; and

WHEREAS, Chapter 8, *Community Development*, Article III, *Diamond Square Community Redevelopment Agency*, creates the Diamond Square Community Redevelopment Agency, and Section 8-54 sets forth the jurisdictional boundaries of the Diamond Square Community Redevelopment Agency; and

WHEREAS, many properties located within the boundaries of the Diamond Square Community Redevelopment Agency are zoned RU-1-7 and are nonconforming, substandard lots either because they do not conform to the minimum lot width of 75 feet, the minimum lot depth of 100 feet or the minimum lot area of 7,500 square feet; and

WHEREAS, due to the nonconforming, substandard, shape and size of many properties located in the Diamond Square Community Redevelopment Agency, it can be difficult for property owners of such lots to abide by the setback requirements of the RU-1-7 zoning district; and

WHEREAS, in order to facilitate development of nonconforming, substandard lots within the Diamond Square Community Redevelopment Agency, the City Council desires to create new,

less restrictive, setback requirements for those properties which are both zoned for the RU-1-7 District and located within the jurisdictional boundaries of the Diamond Square Community Redevelopment Agency; 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 the City 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 this reference as legislative findings of the City Council of the City of Cocoa.

Section 2. Text Amendment. The City of Cocoa Code of Ordinances, Appendix A, 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. It is intended that the text in Appendix A denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

* * *

APPENDIX A – ZONING

* * *

ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

* * *

Sec. 3. – District and intent – RU-1-7, Single-Family Residential District.

* * *

(F) MINIMUM YARD REQUIREMENTS.

(1) The following minimum yard requirements shall be applicable to properties located in the RU-1-7 use district, except those properties located within the jurisdictional boundaries of the Diamond Square Community Redevelopment Agency.

Front setback – Twenty-five (25) feet.

Side interior lot setback – Eight (8) feet.

Side corner lot setback – Fifteen (15) feet.

Rear setback – Fifteen (15) feet.

- (2) The following minimum yard requirements shall be applicable to properties located in the RU-1-7 use district which are also located within the jurisdictional boundaries of the Diamond Square Community Redevelopment Agency.

Front setback – Twenty (20) feet.

Side interior lot setback – Five (5) feet.

Side corner lot setback – Ten (10) feet.

Rear setback – Ten (10) feet.

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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.

[Signature page to follow]

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, CMC
City Clerk

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