

**ORDINANCE NO. 14-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT TO THE TRANSPORTATION ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT REMOVING MINIMUM LEVEL OF SERVICE STANDARDS FOR STATE ROAD 524; PROVIDING DATA AND ANALYSIS AND THE LEGAL BASIS SET FORTH IN THE RECITALS TO SUPPORT THE PROPOSED COMPREHENSIVE AMENDMENT; PROVIDING 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**, HB 7207 was adopted in June 2011, modifying Section 163.3180, Florida Statutes, governing concurrency to render transportation concurrency optional; and

**WHEREAS**, concurrency is the growth management concept intended to ensure that the necessary public facilities are available concurrent with the impacts of development. To carry out transportation concurrency, local governments must define what constitutes an adequate level of service (LOS) and measure whether the infrastructure and service needs of a new development exceed existing capacity and/or new capacity created by any scheduled improvements in the Capital Improvements Element (CIE) of the local government comprehensive plan; and

**WHEREAS**, the City intends to repeal the level of service (LOS) standards for State Road 524 established in the City's Comprehensive Plan for the reasons described herein; and

**WHEREAS**, because State Road 524 is a state road, the City of Cocoa has no authority to control the schedule and construction of capital improvements to increase the capacity of the Road; and

**WHEREAS**, based on its priority as determined by the Space Coast Transportation Planning Organization (Space Coast TPO), any project to increase the capacity of State Road 524 from Industry Road to the I-95 Interchange is not currently unfunded and unscheduled, and cannot be included in the

City's Capital Improvements Element with either a five or ten-year anticipated schedule of funding and completion; and

**WHEREAS**, the City is committed to utilizing transportation impact fees to the maximum extent possible to fund the design of a State Road 524 widening project and thereby increase the likelihood that the project will be moved up in priority for construction and completion; and

**WHEREAS**, currently, the Space Coast TPO elevated the State Road 524 widening project to Number 4 overall, making the project the Number 2 state road project on the Regionally Significant Listing; and

**WHEREAS**, once the State Road 524 widening project is fully designed, it will likely move near the top of the Space Coast TPO Project Priorities List, which is transmitted to FDOT for review and likely inclusion of the project within the following five-year work plan; and

**WHEREAS**, it is anticipated that it will take two or three years for any projects approved within the next year following adoption of this ordinance to be constructed and traffic to impact the State Road 524 roadway; and

**WHEREAS**, the City already has declined to adopt a transportation level of service on portions of state roads, namely State Road 520 from the Indian River to U.S. 1; 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 Council of the City of Cocoa hereby finds that this Ordinance is 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 true and correct and are fully incorporated herein by this reference as data and analysis to support the adoption of this Ordinance.

**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.** The City of Cocoa Comprehensive Plan, Transportation Element and Capital Improvements 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. It is intended that the text in the Comprehensive Plan denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

**TRANSPORTATION ELEMENT**

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**GOAL 2.1: The City shall provide a safe, efficient, and comprehensive multimodal transportation system available to all residents of and visitors to the City of Cocoa. When possible, these facilities should be developed so as to enhance the City’s greenways.**

Objective 2.1.1: Functionality. The City shall maximize existing roadway functionality through alternate modes of transportation.

Policy 2.1.1.1: The City shall maintain for the purpose of issuing building permits and development orders the following list of major roadway facilities:

City of Cocoa Jurisdiction		Minimum LOS
Forrest Avenue		E
Cox Road (within city limits)		E
Fiske Boulevard (from SR 520 to Dixon Boulevard)		E
Indian River Drive (C.R. 515)		E
Peachtree Street (from Clearlake Road to U.S. 1/S.R. 5)		E
Florida Avenue (within city limits)		E
Other or Multi-Jurisdictional	Jurisdiction	Minimum LOS
Pineda Street (from Lake Drive to SR 501)	City/County	E
Michigan Boulevard	County	E
Dixon Boulevard	County	E
Range Road	County	E
Rosetine Street	County	E
Adamson Road (SR 524 to Pine)	County	D
Friday Road (SR 524 to SR 520)	County	E
Grissom Parkway (Industry to Canaveral Groves)	County	E
Industry Road (SR 524 to Grissom Pwky)	County	E
SR 528 (Beachline Expressway)	State	D

SR 520 (from Clearlake Road to U.S. 1/S.R. 5)	State	D
SR 520 (from SR 524 to Burnett Rd)	State	D
SR 519 (Fiske Boulevard south of SR 520)	State	D
U.S. 1/S.R. 5 (from SR 528 to south of SR 520)	State	D
<b>SR 524 (from SR 520 to SR 528)</b>	<b>State</b>	<b>D</b>
SR 501 (Clearlake Road)	State	D
Interstate Highway 95 (I-95) (SR 519/Fiske Blvd to SR 520)	State	E
Interstate Highway 95 (I-95) (SR 520 to SR 524)	State	E
Interstate Highway 95 (I-95) (SR 524 to SR 528)	State	E

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### CAPITAL IMPROVEMENTS ELEMENT

**GOAL 14.1: Through the use of sound fiscal policies, the City of Cocoa shall provide adequate public facilities to all residents within its jurisdiction in a timely and efficient manner that promotes orderly compact urban growth and discourages urban sprawl.**

**Objective 14.1.1: Level of Service Standards.** The City shall adopt levels of service (LOS) standards for public facilities and capital improvement projects within its jurisdictional responsibility.

Policy 14.1.1.1: The following LOS standards are hereby adopted and shall be used as the basis for determining the availability of public facilities for new development and redevelopment in the City.

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<b>ROADWAYS</b>		
<b>City of Cocoa Jurisdiction</b>		<b>Minimum LOS</b>
Forrest Avenue		E
Cox Road (within city limits)		E
Fiske Boulevard (from SR 520 to Dixon Boulevard)		E
Indian River Drive (C.R. 515)		E
Peachtree Street (from Clearlake Road to U.S. 1/S.R. 5)		E
Florida Avenue (within city limits)		E
<b>Other or Multi-Jurisdictional</b>	<b>Jurisdiction</b>	<b>Minimum LOS</b>

Pineda Street (from Lake Drive to SR 501)	City/County	E
Michigan Boulevard	County	E
Dixon Boulevard	County	E
Range Road	County	E
Rosetine Street	County	E
Adamson Road (SR 524 to Pine)	County	D
Friday Road (SR 524 to SR 520)	County	E
Grissom Parkway (Industry to Canaveral Groves)	County	E
Industry Road (SR 524 to Grissom Pwky)	County	E
SR 528 (Beachline Expressway)	State	D
SR 520 (from Clearlake Road to U.S. 1/ S.R. 5)	State	D
SR 520 (from SR 524 to Burnett Rd)	State	D
SR 519 (Fiske Boulevard south of SR 520)	State	D
U.S. 1/S.R. 5 (from SR 528 to south of SR 520)	State	D
<del>SR 524 (from SR 520 to SR 528)</del>	<del>State</del>	<del>D</del>
SR 501 (Clearlake Road)	State	D
Interstate Highway 95 (I-95) (SR 519/Fiske Blvd to SR 520)	State	E
Interstate Highway 95 (I-95) (SR 520 to SR 524)	State	E
Interstate Highway 95 (I-95) (SR 524 to SR 528)	State	E

**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 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: 07/02/2023

LPA/P&Z: 07/12/2023

First Reading: 07/25/2023

Legal Ad: 09/01/2023

Second Reading: 09/12/2023

Effective Date: \_\_\_\_\_