# ORDINANCE NO. 24-2023

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 3, *ADVERTISING AND SIGNS*, SECTION 3-23, *GENERAL REGULATIONS*, OF THE CODE OF THE CITY OF COCOA REGARDING FLAGS; 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**, Chapter 3, *Advertising and Signs*, Section 3-23, *General Regulations*, sets forth the maximum height and size requirements for flags and flagpoles permitted within the City; and

**WHEREAS**, "flags" are defined in Section 3-5 of the Code as "a piece of fabric with a color or pattern representing a country, political subdivision, organization or business entity, including flags of states and municipalities"; and

**WHEREAS**, the City desires to modify the sign code contained in Chapter 3 to allow for taller flagpoles and larger flags along the Interstate 95 corridor within the City's jurisdictional limits; 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 reference as legislative findings of the City Council of Council.

**Section 2.** **Text Amendment.** The City of Cocoa Code of Ordinances, Chapter 3, Section 3-23, 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 Chapter 3. It is intended that the text in Chapter 3 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to the adoption of this Ordinance):

## Chapter 3 – ADVERTISING AND SIGNS

* * *

**Sec. 3-23. – General Regulations.**

(a) No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, or relocated, except as provided in this chapter.

(b) Signs extending or hanging over any public or private sidewalk or pedestrian way shall not be less than eight (8) feet above the surface of such way. Signs extending or hanging over any public or private vehicular way shall not be less than fifteen (15) feet above the surface of such way.

(c) Copy may be changed on any outside sign provided, however, that the device upon which the copy is located, must meet all the requirements of this chapter.

(d) All permitted illuminated signs in any zoning district shall be designed in such a manner as to avoid undue glare or reflection of light on residential property in the surrounding area.

(e) Flags shall be permitted subject to the following:

(1) A maximum of four (4) flagpoles shall be permitted per parcel of land on a public street. No more than two (2) flags may be displayed on a flagpole.

(2) Flag size shall be in relation to the height of the flagpole, but in no case shall the maximum height of any flag or flags exceed 25 percent of the total height of the flagpole., except as otherwise provided in this subsection.

(3) No flagpole shall exceed 32 feet in height., except as otherwise provided in this subsection.

(4) Flagpoles shall maintain a 15-foot setback from all property lines and a 25-foot setback from any intersection.

(5) A maximum of one (1) flagpole per parcel which exceeds the pole height and flag size requirements otherwise outlined in this subsection may be erected within 1,500 feet of a road exit, on-ramp, intersection or interchange of Interstate 95 on a commercially zoned property, provided that the following conditions are met:

a. Flagpoles erected within 1,500 feet of a road exit, on-ramp, intersection or interchange of Interstate 95 may not exceed 130 feet in height, above ground;

b. Only one flag may be flown upon such flagpole, and such flag shall have a maximum height of 40 feet and a maximum width of 80 feet; and

c. No flagpole or flag exceeding the pole height and flag size requirements otherwise outlined in subsections (e)(2) and (e)(3) may be erected within 1,000 feet of another flagpole or flag exceeding the pole height and flag size requirements otherwise outlined in subsections (e)(2) and (e)(3).

\* \* \*

**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 _____, 2023.

_____
**MICHAEL C. BLAKE, Mayor**


**ATTEST:**


_____
**CARIE SHEALY, MMC**
**City Clerk**

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