

ORDINANCE NO. 13-2024

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 MAJOR RECREATIONAL EQUIPMENT SALES AND RENTAL AND LIMITED TYPES OF COMMERCIAL VEHICLE AND HEAVY EQUIPMENT SALES AND RENTAL TO THE LIST OF PERMITTED USES IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AND ESTABLISHING CONDITIONS FOR SUCH USE; 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 12 of the Code of Ordinances of the City of Cocoa, Florida, sets forth the permitted uses in the General Commercial District (CG); and

WHEREAS, the City Council desires to amend Appendix A, Article XI, Section 12 of the Zoning Ordinance to add major recreational equipment and certain very limited types of commercial vehicle and heavy equipment sales and rental as a permitted use and further establish conditions for such use; 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 XI, Section 12, 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 XI. It is intended that the text in Appendix A, 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

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ARTICLE XI. – SCHEDULE OF DISTRICT REGULATIONS

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Sec. 12. District and intent—C-G, General Commercial District.

The provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

- (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) All principal uses and structures allowed in section 10, P-S Professional Services District, and section 11, C-N, Neighborhood Commercial District, except residential uses and child care centers, day nurseries or kindergartens.
 - (2) Any other retail sales outlet of products sold directly to the consumer.
 - (3) Wholesaling from sample stocks.
 - (4) Dry cleaning establishments using noninflammable solvents and cleaning fluids as determined by the fire chief.
 - (5) Business service establishments.
 - (6) Commercial recreation structures such as theaters, driving ranges, bowling alleys, and similar uses except drive-in theaters (enclosed structures shall be air conditioned).
 - (7) Automobile laundry or quick wash.
 - (8) Liquor stores (retail) and cocktail lounges.

- (9) Storage garage, public and private automobile parking.
- (10) Repair service establishments such as household appliances, radio and television and similar uses.
- (11) New and used automotive vehicles and agricultural equipment and mobile home sales and/or rentals with accessory uses subject to design standards provided in appendix A, article XIII, section 28 of the City Code.
- (12) New and used major recreational equipment sales and/or rentals with accessory uses and certain new and used commercial vehicles and heavy equipment sales and/or rentals with accessory uses, which shall be limited to the sale and rental of enclosed and unenclosed utility trailers, subject to design standards provided in appendix A, article XIII, section 28 of the City Code and the following additional conditions, which shall take precedence in the event of a conflict with section 28:
 - a. Parking of major recreational equipment and unenclosed utility trailers forward of the front building line of the principal structure shall be limited to one (1) vehicle for each 30 lineal feet of street frontage. Unenclosed utility trailers parked forward of the front building line of the principal structure shall not exceed sixteen (16) feet in length. Such parking spaces shall be shown and identified on the scaled drawing depicting display and/or sales areas that shall be filed with the Community Services Director or the Planning and Zoning Division in accordance with appendix A, article XIII, section 28. If major recreational equipment and unenclosed utility trailers are parked forward of the front building line of the principal structure, ornamental fencing set-back a minimum of five (5) feet from the public right-of-way boundary line and a landscaping strip shall be provided as described in appendix A, article XIII, section 28.
 - b. Parking of enclosed utility trailers shall be prohibited forward of the front building line of the principal structure.
 - c. Outdoor storage areas located behind the front building line shall be screened from view on all sides visible from rights-of-way and adjoining property by either a solid wall or opaque fence at least six (6) feet in height or an on-site building. Fencing located in a side or rear yard behind the front building line may include as an alternative to the requirements of Appendix A, Article XIII, Section 5, black vinyl coated chain link fabric, provided the yard does not abut a residentially zoned district, or is a double frontage yard, as defined by the code. Where a side or rear yard abuts a residentially zoned district, the business or use shall conform with the requirements of Appendix A, Article XIII, Section 5(F).
 - d. Major recreational equipment and utility trailers shall not be elevated or located on nonmoving single automotive vehicle display structures.
 - e. Outdoor storage of major recreational equipment exceeding thirteen and one-half (13½) feet in height shall not be permitted.

f. Major recreational equipment permitted under this section shall not be used as living quarters.

- ~~(12)~~ (13) Professional business schools, vocational and trade schools, not involving operations of an industrial nature.
- ~~(13)~~ (14) Printing, bookbinding, lithography and publishing establishments, blueprinting, photostating.
- ~~(14)~~ (15) Package store, beer and wine.
- ~~(15)~~ (16) Hotels and motels with no more than fifty (50) units per gross residential acre and with a minimum living area per dwelling unit of no less than three hundred (300) square feet.
- ~~(16)~~ (17) Retail automotive gasoline/fuel sales as an accessory use to convenience stores, subject to the following provisions:
 - a. Access: Convenience stores selling gasoline/fuel shall be located on arterial roadways or on corner lots at intersections of collector roads or roads of higher functional classification (as identified in the City of Cocoa Comprehensive Plan). No driveway or point of access shall be permitted within one hundred (100) feet of an intersection of collector roads or roads of higher functional classification.
 - b. Minimum street frontage: One hundred fifty (150) feet on each abutting street.
 - c. Location of facilities: Gasoline/fuel pumps and other service island equipment shall be set back at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. In addition, pumps and other service island equipment shall not interfere with the safe and orderly movement of traffic in parking and other vehicular use areas.
 - d. Tank storage: Underground storage is required for all receptacles for combustible materials in excess of two hundred (200) gallons.
- ~~(17)~~ (18) Gym and fitness facilities.

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: _____