

ORDINANCE NO. 18-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW LARGE SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT AS MORE PARTICULARLY DEPICTED ON EXHIBIT “A” ATTACHED HERETO; CHANGING THE LIST OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI, SECTION 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA FOR THE WATERFRONT OVERLAY DISTRICT, SOUTH END SUBDISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City Council desires to amend the Cocoa Waterfront Overlay Regulating Plan and Appendix A, Article XI, Section 22 – Cocoa Waterfront Overlay District, South End Subdistrict, to allow for Commercial/Mixed-Use Large (CL) Building types to be developed on certain properties where indicated on the Regulating Plan in the South End Subdistrict; and

WHEREAS, Commercial/Mixed-Use Large Building types in the Cocoa Waterfront Overlay District are permitted to be a maximum of eight (8) stories in height; and

WHEREAS, in order for a particular property to be designated with a Commercial/Mixed-Use Large Building type on the Regulating Plan, the City Council must approve a Development Agreement after consideration of certain factors, including the economic and social benefits to the City and Community Redevelopment Agency, aesthetic quality and character of the proposed building, architectural design, physical and visual scale, and compatibility with the special and distinctive character of the South End; and

WHEREAS, in order to promote the development of desirable, unique, and beneficial mixed-use commercial-residential developments in the South End, the City Council desires to amend Appendix A, Article XI, Section 22, of the City Code to allow for certain additional permitted and special exception uses within the Waterfront Overlay District, South End Subdistrict, with Core Commercial underlying zoning; 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 the City of Cocoa.

Section 2. Regulating Plan Amendment. Appendix A, Zoning, is hereby amended to delete the Regulating Plan set forth in Article XI, Section 22(G), City Code, and replace it with the Regulating Plan attached hereto as **Exhibit “A”** and fully incorporated herein by this reference.

Section 3. Code Amendment. The Zoning Ordinance of the City of Cocoa, Appendix A, Article XI, Section 22, is hereby amended as follows (underline type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (* * *) indicate a deletion from the Ordinance of text existing in Appendix A, Article XI, Section 22. It is intended that the text in Appendix A, Article XI, Section 22, 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. 22. – Cocoa Waterfront Overlay District.

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(F) Uses. The following table identifies, by zoning district and overlay sub district what uses are permitted (P), not permitted (blank) and/or requires a special exception (SE).

* * *

"Key: SE-Special Exception	Heart of	Uptown Neighborhood (UN)	South of the	South End (SE)	Water front (WF)	Cocoa Village	North of the	King Willard (KW)
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, Blank Cell-Not Permitted, P- Permitted, RP- as identified on the regulating plan"	Cocoa				Village (SV)							Village (NV)						
	RU-2-10	RU-2-25	CB-D	C-C	RU-2-25	CB-D	CB-D	C-C	CBD	RU-2-10	CB-D	C-C	C-G	C-C	C-P	CB-D	C-P	C-C

Office																		
Professional offices, studios, clinics, labs, general offices			P			P	P	<u>P</u>	P		P		P			P		

Commercial																		

Bar or Lounge			SE			SE	SE	<u>SE</u>	SE		SE		SE		SE	SE	SE	SE

Cultural Centers, Museums, Galleries, Community Centers								<u>P</u>										

(Commercial)																		
* * *																		
Gym and fitness facilities of less than 7500 square feet.			P			P	P	<u>P</u>	P		P		P	P	P	P		
* * *																		
Package Store, beer and wine			SE			SE	SE	<u>SE</u>	SE		SE		P	P	SE	P		
* * *																		
Pharmacy, Optical Services								<u>P</u>										
* * *																		
Recreation structures, theatres, driving ranges, bowling alleys (not drive in theatres)								<u>SE</u>										
* * *																		

Retail stores (except automotive)				P				P	P	<u>P</u>	P		P				P	

(I) Building Types. Building types are permitted by Sub-district when any new and/or redevelopment occurs on any parcel within the Cocoa Waterfront Zoning Overlay. The building typologies are consistent with the size, scale and character desired within each sub-district.

Design Districts and Building Types Table

Design District	Homestead (HO)	Estates (ES)	House (HS)	Cottage (CO)	Townhouse (TH)	Apartment Building (AB)	Courtyard Apartment (CA)	Commercial/Mixed Use Small (CS)	Commercial/Mixed Use Medium (CM)	Commercial/Mixed Use Large (CL)	Single Storey Commercial (SC)	Large Format Commercial (LF)	Institutional (IT)	Civic (CI)

South End				P	P	P	P	P	P	<u>RP(3)</u>	RP		P	

RP, permitted only where indicated on Regulating plan.

P, Permitted in the Design District.

Blank Cell, is not permitted.

* Commercial/Mixed Use is a mix of uses, ie. Office/retail, office/residential.

(1) Townhomes are permitted up to 4 units per building.

(2) Consistent with the Substitute Consent Decree as ordered on January 28, 2009.

(3) Development of Commercial/Mixed Use-Large building types in this design district shall require a development agreement approved subject to the discretion of ~~by~~ the City Council after consideration of the following factors: economic and social benefits to the City and Community Redevelopment Agency, aesthetic quality and character, architectural design, physical and visual scale, compatibility with the special and distinctive character of the Cocoa Village and respective subdistrict, and other similar relevant factors.

* * *

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. **Incorporation Into Code.** This Ordinance shall be incorporated into the City Code 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 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. **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 12 day of September, 2023.

MICHAEL C. BLAKE, Mayor

ATTEST:

MONICA ARSENAULT
Interim City Clerk

Legal Ad Published:	<u>08/01/2023</u>
First Reading:	<u>08/22/2023</u>
Legal Ad Published:	<u>09/01/2023</u>
Second Reading:	<u>09/12/2023</u>
Effective Date:	<u>09/12/2023</u>

EXHIBIT A
REGULATING PLAN