

ORDINANCE NO. 07-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING FIGURE FLU-1 SET FORTH IN THE FUTURE LAND USE ELEMENT TO PROVIDE THE RU-1-7 ZONING DISTRICT IS AN ALLOWABLE ZONING DISTRICT IN THE MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY AND TO PROVIDE THE INSTITUTIONAL ZONING DISTRICT IS AN ALLOWABLE ZONING DISTRICT IN MULTIPLE FUTURE LAND USE CATEGORIES; 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, the purpose of this Ordinance is to amend Figure FLU-1 set forth in the Future Land Use Element of the Comprehensive Plan, which establishes the uses and zoning districts allowed in each future land use category; and

WHEREAS, the City Council finds that it is desirable to enact this amendment, and hereby provides the data and analysis and legal basis set forth herein to support the Comprehensive Plan amendment approved hereunder; and

WHEREAS, the first text amendment herein is intended to add the RU-1-7, Single Family Residential Zoning District, to the list of “Applicable Zoning Districts” in the Medium Density Residential Future Land Use category; and

WHEREAS, adding the RU-1-7 zoning district to the list of allowable zoning districts in the Medium Density Residential Future Land Use category will resolve an existing inconsistency for many single-family residential neighborhoods, particularly in the Diamond Square area of the City; and

WHEREAS, the addition of the RU-1-7 zoning district to the Medium Density Residential Future Land Use category is consistent with medium density residential zoning districts, such as the RU-2-15 zoning district, which already allow for single-family residential development as regulated by the RU-1-7 zoning district; and

WHEREAS, the second text amendment is intended to clarify that the Institutional zoning district, created via Ordinance in 2012, is an allowable zoning district in the High Density Residential, Neighborhood Commercial, and Commercial Future Land Use categories, rather than in only the Open Space Recreational and Institutional Future Land Use Categories; and

WHEREAS, institutional uses are allowable in almost all Future Land Use categories in the City, but the Institutional zoning district has rarely been utilized and implemented since its adoption in 2012 because of the time and resources that must necessarily be expended to apply for further comprehensive plan amendments to change the future land use map to Institutional or Open Space/Recreational for a particular property; and

WHEREAS, institutional uses, such as government administrative offices, public safety buildings, public and private schools and learning centers, religious institutions, hospitals and nursing homes, cultural institutions, such as museums, libraries, community centers, and art galleries, public playgrounds, and utility facilities, are all uses that are appropriate and common in commercial and high-density residential settings; 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, and in furtherance of compliance with the Consent Decree.

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 to the Future Land Use Element. The City of Cocoa Comprehensive Plan, Future Land Use Element, is hereby amended as follows (underlined type indicates additions and ~~struck out~~ type indicates deletions, while asterisks (* * *) indicate a deletion from this Ordinance of text existing in the Cocoa Comprehensive Plan, Future Land Use Element. It is intended that the text in the Future Land Use Element denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance):

FUTURE LAND USE ELEMENT

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FIGURE FLU-1
STANDARD FOR FUTURE LAND USE CATEGORIES

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Residential and Conservation Future Land Use Categories:

	Very Low Density Residential	Low Density Residential	Medium Density Residential	High Density Residential	Conservation	Rural Urban Transition
Maximum Density	4 du/acre	7 du/acre ¹	15 du/acre	25 du/acre		1 du/2.5 acres
Allowable Uses	Residential, Institutional, and Open Space/Recreational	Residential, Institutional, and Open Space/Recreational	Residential, Institutional, and Open Space/Recreational	Residential, Institutional, Office and Open Space/Recreational	Conservation and Open Space/Recreational	Residential, Conservation, Open Space/Recreational, and Agriculture
Applicable Zoning Districts	RE, RA, RR-1, RR-2, RU-1-10, RU 1-7, RU 1-7A, RM-3, and PUD	RU-1-10, RU-1-7, RU-1-7A, RU-2-10, RU-2-15, RM-3, RM-4, and PUD	<u>RU-1-7</u> , RU 2-15, RM-4, and PUD	RU-2-15, RU 2-25, <u>Inst.</u> , and PUD	Not Applicable	RA, RR-1, and RR-2
Maximum Impervious Surface Ratio	.40 .65 w/PUD	.65	.70	.80	.10	.30

Commercial, Industrial, Open Space/Recreational, Institutional and Mixed-Use Future Land Use Categories

	Commercial	Neighborhood Commercial	Regional Activity Center	Industrial	Open Space Recreational	Institutional	Mixed Use
Maximum Intensity/Density	1.0 FAR, 25 du/acre ⁷	0.75 FAR, 25 du/acre ⁷	0.50 FAR, 25 du/acre, and 45 hotel rooms /acre	1.50 FAR	0.25 FAR	1.0 FAR 25 du/acre	25 du/acre ^{2,3&9} 1.0 FAR ³
Allowable Uses	Commercial, Office, Institutional, Residential ⁸ , and Open Space/Recreational	Commercial, Residential, Office, Institutional, and Open Space/Recreational	Commercial, Industrial, Hotel, office, Residential, Institutional, and Open Space/Recreational	Industrial and Commercial ⁶	Not Applicable	Institutional	Commercial, Industrial, Hotel, Office, Residential, Institutional, and Open Space/Recreational
Minimum Transportation Access	4 lane collector 2 lane arterial	2 lane collector	1 lane arterial that intersects SR 528 or I-95	2 lane collector 2 lane arterial	Not applicable	Not applicable	Not applicable
Applicable Zoning Districts	C-G, C-W, C-P, C-C, P-S, <u>Inst.</u> , and PUD	C-N, C-R, R-P, P-S, <u>Inst</u> and PUD	UMD	M-1 and M-2	All Districts	All Districts	CBD, CBD-CVO, C-C, C-N, C-R, P-S, PUD, R-P, UMD
Maximum Impervious Surface Ratio	0.90	0.80	0.95	0.75	0.25	0.65	0.95 1.0 in CBD

NOTES FOR FIGURE FLU-1:

1. Maximum density may be increased up to 12 du/acre as part of a planned residential development or planned redevelopment activities (*Policy 1.2.3.C*).
2. An additional 5 units per acre may be achieved if residential units are developed as part of a vertical mixed use project.
3. Maximum FAR in the Cocoa RDA is 2.0 and a bonus may permit up to an additional 2.5 FAR in the Central Business District outside the Cocoa Village Overlay sub-district. An additional 25 units per acre may be achieved in certain areas within the Cocoa RDA.
4. Four (4) acre maximum land area for new Neighborhood Commercial and one (1) acre maximum site land area.
5. Minimum land area of 50 acres and minimum cumulative gross floor area of 500,000 sq. ft. for all structures.
6. Commercial uses that are complementary to and support industrial development and operations.
7. Maximum residential density shall be 25 du/acre, except where reduced by the underlying zoning district regulations.
8. Residential uses shall be permitted only where allowed in the underlying zoning district.
9. Notwithstanding the base level maximum density stated in the above chart and Notes 2 & 3, the maximum density may be increased by the City Council for certain approved redevelopment projects on properties designated Cocoa Village Subdistrict with a Commercial/Mixed Use Large (CL) building type on the Cocoa Waterfront Overlay District Regulating Plan pursuant to Policy 1.1.2.6.

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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.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, Interim City Clerk

LPA/P&Z: 06/07/2023

First Reading: 07/11/2023

Second Reading: 09/12/2023

Effective Date: _____