

## **ORDINANCE NO. 25-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CODE OF THE CITY OF COCOA TO ALLOW SINGLE STORY COMMERCIAL BUILDINGS ON A CERTAIN PROPERTY WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT, WATERFRONT SUBDISTRICT, AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR THE SAME; AMENDING THE MAXIMUM LOT DEPTH FOR LOTS ELIGIBLE FOR SINGLE STORY COMMERCIAL BUILDINGS; 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 adopt a text amendment to the Cocoa Waterfront Overlay Regulating Plan and Appendix A, Article XI, Section 22 - Cocoa Water Overlay District, Waterfront Subdistrict, to allow for single story commercial buildings to be developed on a certain property in such Subdistrict; and

**WHEREAS**, in 2016 via Ordinance 10-2016, the City Council amended the Cocoa Waterfront Overlay Regulating Plan to allow single story commercial building types on all parcels in the Cocoa Village subdistrict lying between eastbound SR 520 and westbound SR 520, consistent with the existing development pattern, with only the instant parcel omitted because of its location in the Waterfront subdistrict; and

**WHEREAS**, the City Council desires to extend the opportunity to build single story commercial building types on the remaining parcel lying between eastbound SR 520 and westbound SR 520; and

**WHEREAS**, the City Council further desires to increase the maximum lot depth from 300 to 400 feet to ensure that the particular parcel is eligible for single story commercial building types; 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 Council.

**Section 2.**     **Code Amendment.** The City of Cocoa Code of Ordinances, Appendix A, Article XI, Section 22, 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, 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 adoption of this ordinance):

**APPENDIX A - ZONING**

\* \* \*

**ARTICLE XI – SCHEDULE OF DISTRICT REGULATIONS**

\* \* \*

**Sec. 22. – Cocoa Waterfront Overlay District.**

\* \* \*

*(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.

The following categories are included in the table provided for each building type. Each standard is labeled by a letter (A, example) which directly relates to the table provided on each building type. The categories are described as follows:

\* \* \*

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*Design Districts and Building Types Table*

Design District	Home - stead (HO)	Estate (ES)	House (HS)	Cottage (CO)	Town - house (TH)	Apartment Building (AB)	Court - yard Apartment (CA)	Commercial/Mixed Use Small (CS)	Commercial/Mixed Use-Medium (CM)	Commercial/Mixed Use-Large (CL)	Single Story Commercial (SC)	Large Form at Commercial (LF)	Insti- tuti onal (IT)	Ci vi c (CI)
Waterfront (WF)						P	P	P	P	P	<u>RP</u>		P	RP

\* \* \*

RP, permitted only where indicated on Regulating plan.

P, Permitted in the Design District.

Blank Cell, is not permitted.

\* \* \*

**SC SINGLE STORY COMMERCIAL BUILDING**

A building lot located and designed to accommodate single use office and retail.

	URBAN	SUBURBAN
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LOT REQUIREMENTS	MIN	MAX	MIN	MAX
A - Lot Width (ft)	50	300	50	300
B - Lot Depth (ft)	100	<del>300</del> <u>400</u>	100	<del>300</del> <u>400</u>
C - Lot Size (sf)	7,500	90,000	7,500	90,000
D - Lot Coverage (%)	—	60	—	60

\* \* \*

**Section 3.**     **Replacement of Regulating Plan.** 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 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 Commission of the City of Cocoa, Florida, in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**JAKE WILLIAMS, Jr., Mayor**

**ATTEST:**

\_\_\_\_\_  
**CARIE SHEALY, MMC**  
**City Clerk**

First Reading: \_\_\_\_\_  
Legal Ad Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_