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**Title:** Adopt on Second and Final Reading of Ordinance 07-2023, 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 as an allowable Zoning District in the Medium Density Residential Future Land use category and to provide the Institutional Zoning District as an allowable Zoning District in multiple Future Land Use categories. (Community Services Director)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance 07-2023.pdf, 2. Exhibit A - RU-1-7 zoned parcels.pdf, 3. Exhibit B - MDR FLU in conflict.pdf, 4. Exhibit C - Figure FLU-1.pdf, 5. Exhibit D - Legal Ad.pdf

Date	Ver.	Action By	Action	Result
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**CITY COUNCIL AGENDA ITEM**

**Memo Date:** September 5, 2023  
**Agenda Date:** September 12, 2023  
**Prepared By:** Charlene Neuterman, Community Services Director  
**Through:** Stockton Whitten, City Manager  
**Requested Action:**

Adopt on **Second and Final Reading** of Ordinance 07-2023, 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 as an allowable Zoning District in the Medium Density Residential Future Land use category and to provide the Institutional Zoning District as an allowable Zoning District in multiple Future Land Use categories.

**BACKGROUND:**

In order to encourage redevelopment, the City proposes a Comprehensive Plan Text Amendment (Ordinance 07-2023), amending the Comprehensive Plan Future Land Use figure FLU-1 (Policy 1.1.1.2) by adding RU-1-7 Zoning as a Medium-Density Residential (MDR) Future Land Use, thus making the single-family residential an allowable option under the Medium-Density Residential FLU. The proposed plan amendment is anticipated to assist in attaining the following cited goals and objectives and appears to be consistent with the following cited policies of the Comprehensive Plan.

**GOAL 1.1:** Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

Policy 1.1.1.1: Land Use Categories. The adopted FLUM contains and identifies appropriate locations for the following land use categories. The maximum densities/intensities shown in Figure FLU-1 are not guaranteed for all sites within each category. The zoning map and land development regulations may impose tighter densities and intensities of development based on land use allocation criteria policies.

Policy 1.1.2.4 Medium Density Residential (MDR). Medium-density residential areas shall be regarded as areas of moderate-density detached and attached housing. The following criteria shall be used for determining appropriate locations for medium-density residential areas.

Staff determined that there was a need to revise the standards for Future Land Use categories in order to better position the city and the development community for further single-family housing development and construction. In multiple areas of the City, particularly in the Diamond Square Redevelopment Area, the Medium Density Future Land Use is not consistent with the existing RU-1-7 zoning because RU-1-7 is not currently an allowable zoning district in MDR in accordance with Figure FLU-1. This amendment will resolve the inconsistency for many properties in the City. Moreover, the addition of RU-1-7 as an allowable zoning district in the Medium Density Residential FLU is consistent with existing zoning regulations. Specifically, the Medium Density Residential FLU already permits RU-2-15 as an allowable zoning district. However, single-family residential development is permitted under the RU-2-15 zoning district, as regulated by RU-1-7. Accordingly, the addition of RU-1-7 as an allowable zoning district in MDR FLU will be consistent with already existing zoning regulations and development.

Also, the City of Cocoa has initiated an amendment under the same Ordinance, intended to clarify that the Institutional Zoning District, as cited in Ordinance 13-2012, 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.

On August 14, 2012, the City Council of the City of Cocoa adopted Ordinance 13-2012 to create the Institutional Zoning District which intended to provide locations for public and semipublic facilities of a religious, educational, health, or cultural nature. This district is further intended to provide a set of setbacks and other standards that are responsive to the unique scale and other considerations common to these types of uses. This district is further intended to reduce land use conflicts and ensure that institutions are appropriately integrated into the community. Institutional uses are already allowed in almost all Future Land Use categories of the City. The amendment is consistent with the following cited policies of the City of Cocoa Comprehensive Plan because public and semipublic facilities of a religious, educational, health, or cultural nature are compatible with commercial and high-density residential areas and uses.

GOAL 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

Policy 1.1.1.1: Land Use Categories. The adopted FLUM contains and identifies appropriate locations for the following land use categories. The maximum densities/intensities shown in Figure FLU-1 are not guaranteed for all sites within each category. The zoning map and land development regulations may impose tighter densities and intensities of development based on land use allocation criteria policies.

Policy 1.1.2.5: High Density Residential (HDR). High-density residential areas shall be deemed to be

areas of attached multi-unit dwellings and detached housing where a mixture of unit types and a variety of buildings may be permitted. The following criteria shall be used for determining appropriate locations for high density residential areas.

Policy 1.1.2.8: Neighborhood Commercial (NCOMM). Neighborhood commercial areas are intended to be low-impact in nature and serve the needs of the immediate residential area. The following criteria shall be used for determining appropriate locations for neighborhood commercial land use designations on the future land use map.

Policy 1.1.2.9: Commercial (COMM). Commercial areas are intended to be areas that serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses. The following criteria shall be used for determining appropriate locations for commercial land use designations on the future land use map.

## I. Comprehensive Plan Amendment Analysis

Consistency with Code of the City of Cocoa

Planning & Zoning staff has addressed the criteria contained in Chapter 15, Article II, Sections 15-10 and 15-11 below:

(1) Whether the proposed amendment will have a favorable or unfavorable effect on the city's budget or the economy of the city or the region;

**Staff Finding:** The proposed amendment resolves Zoning inconsistencies with the Future and Land Use (FLUM) and the City of Cocoa Comprehensive Plan standards for Future Land Use categories, establishing a more appropriate and logical land use pattern in certain areas within the City of Cocoa. It also increases property value, the potential for additional tax revenue, and other benefits to the local economy.

The second proposed text amendment, allowing Institutional uses in almost all Future Land use categories, expands the zone designation as an effective local planning strategy for stimulating investments in areas previously not permitted, giving the community an option for new museums, libraries, schools publicly-owned recreational facilities or places of worship.

(2) Whether the proposed amendment will diminish the level of service of public facilities;

**Staff Finding:** The proposed amendments will not negatively impact or diminish the service level of public facilities. Allowing single-family residential in the MDR FLU designation will increase the land area available in the City for residential housing developments. The impact of any proposed residential development on public facilities will be analyzed on a case-by-case basis for any proposed new residential development.

The increase in the Future Land Use categories that allow Institutional Zoning Districts broadens the potential for new public facility locations throughout the City.

Potable Water: The City of Cocoa Utilities Department serves the subject area for water service. Any site modifications that will increase the existing demand will be reviewed as part of the engineering review process, and the applicant proposing the increase will be responsible for any modifications, as needed, to the potable water system.

**Sanitary Sewer:** The subject area is served by the City of Cocoa Utilities Department for sewer service. The current sewer capacity in the City can provide service to the area. Any site modifications that will increase the existing demand will be reviewed as part of the engineering review process, and the applicant proposing the increase will be responsible for any modifications, as needed, to the sewer system.

**Solid Waste:** The solid waste service to this parcel is provided through the City's Solid Waste Agreement. Solid Waste service shall be provided to the site in accordance with the applicable LOS standards and pursuant to the applicable requirements of the Waste Management Agreement and City Code.

**Stormwater Management:** The application is subject to the City of Cocoa's stormwater utility program. Submittal for new developments will be required to adhere to the City's stormwater level of service standards upon submittal of any site plan application if site plan modifications or building permits are applied for in the future.

**Transportation:** If a property is modified from its current use, a traffic impact analysis or Trip memorandum may be required to determine potential traffic impacts

**Parks:** The LOS level is 1.25 acres of developed recreational area per 1000 population. The number of park acreage within the City already far exceeds the minimum requirement of the comprehensive plan. Multi-family projects typically provide on-site open space for their residents as well.

**Schools:** A Concurrency Determination must be performed by the School District prior to a site plan being issued for the property in accordance with Policy 11.1.2.2 of the Comprehensive Plan, Public School Facilities Element.

(3) Whether there will be a favorable or unfavorable impact on the environment or the natural or historical resources of the city or the region as a result of the proposed amendment;

**Staff Finding:** The text amendments will not impact natural or historical resources.

(4) Whether the proposed amendment is consistent with and its effect upon the goals, objectives, and policies of the state comprehensive plan set forth in Chapter 187, Florida Statutes, and the East Central Florida Comprehensive Regional Policy Plan, adopted by Rule 29F-19.001, Florida Administrative Code;

**Staff Finding:** The proposed text amendment meets the following goal of the State Comprehensive Plan, Chapter 187.201(15) LAND USE - "In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner."

(5) Whether the city is able to provide adequate service from public facilities to the affected property, if the amendment is granted, and whether the amendment will promote the cost/effective use of or unduly burden public facilities below the level of service set in the comprehensive plan;  
**Staff Finding:** The proposed text amendment would not alter the City's ability to provide service capacity to lands under the Medium-Density Residential FLU designation.

The initiative to add Institutional uses in almost all Future Land use categories benefits the local

Council Districts by creating a far-reaching area for new public facilities that can support the City of Cocoa's thriving community.

(6) Whether the amendment is compatible with surrounding neighborhoods and land use;

**Staff Finding:** The surrounding properties all carry a FLU of Commercial or Medium Density Residential.). Staff believes this land use is appropriate and meets the intention of the comprehensive plan related to the MDR land use. The proposed FLU text amendment will provide an opportunity for an additional form of housing closer to commercial uses and job centers.

(7) If the amendment being requested is consistent with all the elements of the comprehensive plan.

**Staff Finding:** The proposed FLUM amendment is consistent with the following Comprehensive Plan policies:

Land Use Element

GOAL 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

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B. It is the intent of the City to provide these areas with safe and convenient pedestrian access to nearby recreation and shopping facilities.

(8) Whether the amendment will have a favorable or adverse effect on the ability of people to find

adequate housing reasonably accessible to their places of employment;

**Staff Finding:** The proposed FLUM amendment will provide a favorable effect on the ability of people to find adequate housing by increasing available units and choice of housing type.

(9) Whether the proposed amendment will promote or adversely affect the public health, safety, welfare, economic order, or aesthetics of the region or the city.

**Staff Finding:** The proposed application will reinforce the positive elements of the City by paving the way for future economic vitality without any negative impacts on public health, safety, and welfare.

At the June 7<sup>th</sup> P&Z meeting, members recommended approving Ordinance 07-2023, and on July 11, 2023, Council approved the First Reading.

After formal submittal to the Florida Department of Economic Opportunity and no subsequent comments from local jurisdictions, staff recommends consideration of the Second and Final Reading of Ordinance 07-2023.

**STRATEGIC PLAN CONNECTION:**

N/A

**BUDGETARY IMPACT:**

N/A

**PREVIOUS ACTION:**

June 7, 2023, Planning & Zoning: Recommended approval of Ordinance 07-2023.  
On July 11, 2023, the City Council approved First Reading.  
Transmitted to the Florida Department of Economic Opportunity.

**RECOMMENDED MOTION:**

Adopt on **Second and Final Reading** of Ordinance 07-2023, 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 as an allowable Zoning District in the Medium Density Residential Future Land use category and to provide the Institutional Zoning District as an allowable Zoning District in multiple Future Land Use categories.