



Legislation Text

File #: 20-84, Version: 1

CITY COUNCIL AGENDA ITEM

Memo Date: January 31, 2020
Agenda Date: February 26, 2020
Prepared By: Dodie Selig, Planning & Zoning Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Pass on Second Reading Ordinance 13-2019: Adopting amendments to the City of Cocoa Comprehensive Plan based on the City's Evaluation and Appraisal Report (EAR) of the Comprehensive Plan pursuant to Section 163.3191, Florida Statutes and authorizing transmittal to the Florida Department of Economic Opportunity.

BACKGROUND:

I. Project Information

Pursuant to Section 163.3191, Florida Statutes, *"At least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan and notify the state land planning agency as to its determination."*

The EAR provides a framework for analysis of the City's existing Comprehensive Plan and can be used to evaluate the success of the plan in addressing major community land use planning issues through its implementation. The EAR is also the process by which the City updates its comprehensive plan to reflect changes in local conditions and state policy on planning and growth management.

The City reviewed its Comprehensive Plan in 2017 and determined that there were general, administrative, map and text revisions necessary to reflect changes in state planning legislation. An EAR Notification letter describing these changes was sent to the State Department of Economic Opportunity (DEO), Division of Community Planning and Development on September 28, 2017.

In 2018, the City applied for and was awarded several grants from the State of Florida. One was a grant from the Florida Department of Environmental Protection to conduct a vulnerability assessment related to sea level rise, flooding and storm surge. The other grant was a Community Planning Technical Assistance grant from the Florida Department of Economic Opportunity to address Peril of Flood requirements and a Resiliency Action Plan for the City. The East Central Florida Planning Council worked with City staff as well as the City of Cocoa Sustainability Committee to fulfill the grant requirements. Their work resulted in the Resilient Cocoa document (attached) which includes the City of Cocoa Resilience Action Plan 2019-2024 and which was used to provide the data and analysis for this Comprehensive Plan update.

On September 25, 2019 the City Council heard the first reading of this ordinance and authorized submittal of the transmittal package to DEO. On October 3, 2019, the submittal was found to be complete by DEO. On December 2, 2019, DEO completed its review of the proposed comprehensive plan amendment and issued a letter stating they had no objections or comments to the proposed amendment. The letter also served as the Objections, Recommendations and Comments Report to the City from DEO as required under the State Coordinated Review Process.

The next step for the City is to adopt, adopt with changes, or not adopt the proposed amendment. Because there were no comments from DEO or the other reviewing agencies, no changes have been made to the proposed amendment that was provided to Council on September 25, 2019.

Should Council approve the adoption of the proposed amendment, staff will transmit the adoption package to DEO. The state then has 45 days after receipt of the adopted plan amendment to issue a Notice of Intent (NOI) to find the plan either in compliance or not in compliance. If DEO finds the plan in compliance it will become effective once the NOI is posted to the DEO website.

II. Comprehensive Plan Amendment Analysis

The City has worked with its consultant, S&ME, Inc., to prepare updates to the goals, objectives and policies of the City's Comprehensive Plan which was last updated in 2010. Changes in State Statutes from 2011 to the present affecting the comprehensive plan were identified. This included those statutes identified in the City's EAR Notification Letter. Special attention was given to the "Peril of Flood" requirements resulting from Senate Bill 1094. Several maps were updated or created depicting floodplains and coastal areas subject to flood hazard. The Plan updates also include deleting or modifying existing goals, objectives and policies; formulating new goals, objectives and policies and updating the Map Series based on the above data and information.

Included as part of this staff report is a strike through and underline version of the Comprehensive Plan (Exhibit A) indicating all the changes made to the Plan and including a series of maps for several elements. A continuation of Exhibit A provides the Capital Improvement Program for FY 2018 through FY 2022. Administrative changes common to all elements include removal of dates of completion, references to Florida Rule 9J-5 and 9J-11 which are no longer in effect, and replacement of all references to the Department of Community Affairs with the Department of Economic Opportunity. Following is a summary of the substantive changes made to each element of the Comprehensive Plan:

FUTURE LAND USE ELEMENT

- Added a policy that land development regulations must be made consistent with updates to the Comprehensive Plan within 1 year of plan amendment submittal as required by Florida Statute.
- An updated Future Land Use map replaces the current map. This map reflects only those map amendments which were approved from 2010 through 2019.

TRANSPORTATION ELEMENT

- The “Dense Urban Land Area (DULA)” designation is no longer effective therefore this reference has been removed. The City has been exempt from state-mandated transportation concurrency since 2009.
- Strengthened language referencing the Florida Scenic Highways and National Scenic Byways programs.

HOUSING ELEMENT

- Updated reference to Florida Statute number and median gross annual income.
- Added streamlined permitting process to the list of development incentives for affordable and workforce housing.

SANITARY SEWER ELEMENT

(No substantive changes)

SOLID WASTE ELEMENT

- Changed the Level of Service for residential collection from 2 times per week to 1-2 times per week as needed.

STORMWATER MANAGEMENT ELEMENT

- Added language to a sustainable stormwater management strategy related to creation of a site design to require design that “implements/retains pervious surfaces (areas maintained in their natural conditions or materials that permit the infiltration or percolation of water into the ground) where appropriate”.
- Added a policy that the Stormwater Master Plan “shall incorporate an increase in green engineering/infrastructure solutions to reduce run off into the lagoon either directly or indirectly and provide additional opportunities for water capture and filtration. These solutions shall include but not be limited to bio-swales, water detention/retention ponds, seasonal stormwater parks, trees and other native vegetation, rain gardens and other water flow diversion and capture solutions”.
- Added a policy that the City “shall consider the acquisition of properties in the 100-year flood plain that can be used for public open space and function as part of a hybrid stormwater master plan that utilizes green engineering techniques such as stormwater parks, bio-swales, rain gardens and others that will result the capture of water and provide natural filtration prior to entering the lagoon and will result in the removal of coastal real property from flood zone

designations established by the Federal Emergency Management Agency (FEMA). These projects shall be designed in a manner that will allow for continued functionality when considering future effects from sea level rise”.

POTABLE WATER ELEMENT

- Removed reference to “cost feasible” from two policies related to the schedule of capital improvements and capital improvements plan.

NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT

(No substantive changes)

COASTAL MANAGEMENT ELEMENT

- A Coastal Planning Area (CPA) was established which includes the Coastal High Hazard Area (CHHA), areas of the City vulnerable to a Category 3 storm surge or to sea level rise by 2070, or other areas identified as being subject to coastal erosion, flooding or sea level rise, or in the immediate vicinity of such areas.
- The CPA will also serve as the Adaptation Action Area in accordance with Florida Statute with the purpose of increasing funding opportunities (such as grants) and identifying creative solutions for increasing the resiliency of the Adaption Action Area against natural hazards, flooding and sea level rise.
- Policies have been added in furtherance of the protection of marine resources. These include such things as coordination with other local governments and agencies such as the Marine Resources Council of East Florida and facilitating the installation of native shoreline vegetation and oyster mats.
- The Estuarine Environmental Quality objective was amended to include reference to the consideration of future impacts of sea level rise and flooding.
- Coordination with Brevard County was expanded to include projects connected to the Save Our Indian River Lagoon program.
- A policy was added to work with property owners to encourage and implement buffers of native vegetation between the shoreline and turf.
- Additional criteria were added to those applied to marinas and mooring fields such as the minimization of shoreline hardening structures, a designation by the Clean Marina Program and a plan for adaptation or mitigation strategies for sea level rise through 2070 and flood impacts to vulnerable infrastructure.
- Public expenditures in the CPA will prioritize projects which restore or enhance natural

resources, are part of the City's Redevelopment Plan and/or serve to reduce risk of sea level rise, flooding and storm surge. Local funds used to subsidize new development through new or improved infrastructure will be limited and such infrastructure shall not be used to justify new development in the CPA where the infrastructure removes previous capacity/safety impediments to additional development.

- Public access to the Lagoon will take into account mitigation of risk from natural hazards. The purchase of frontage properties along the shoreline will also be considered in light of their functionality to serve as areas to mitigate impacts from storm surge, seal level rise and flooding. Infrastructure in public access areas will be strictly limited to that necessary for safe public access.
- The Coastal High Hazard Area (CHHA) has been defined as the area below the elevation of a Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.
- A new objective and related policies were created which require development to be planned and managed through strategies and design principles that are consistent with sound planning practices that protect life and property from the effects of flooding, storm surge and related impacts of sea level rise and that protect the long-term financial viability of the City.
- A new object and related policies were created which highlight planning and process consistency in the adaptation and mitigation of the built environment addressing natural hazards, flooding, and impacts from seal level rise, as well as related coordination with partner agencies.
- New policies were added to the Post-Disaster Redevelopment Plan objective. Guidelines for post-disaster redevelopment and hazard mitigation will continue to be developed and included in the City's land development regulations. Procedures for post-disaster action shall include a system for distinguishing between immediate repair and clean-up actions needed to protect the public health and safety, versus long-term repair and redevelopment activities. A temporary-building moratorium may be declared in the Coastal Planning Area when 50% or more of the structures have been damaged by 50% or greater to assess the impacts and feasibility of redevelopment.
- A new object and policies were created to address disaster preparedness for entities critical to redevelopment.
- The objective related to infrastructure in the CPA was amended to require that level of service standards for facilities within the CPA consider the long-term implications of increased hazards due to sea level rise and flooding. A cost-benefit analysis may include considerations such as the number of times infrastructure has been damaged, upgraded, or rebuilt; number of people served by the infrastructure; whether alternatives for the services provided by the infrastructure are present; criticality of the infrastructure for protection of safety; potential increased hazards to first responders; etc.
- Additionally, a policy was added related to construction or reconstructing of utilities or

infrastructure, providing that the City assess vulnerabilities and resilience to sea level rise, flooding and storm surge, and identify cost-effective strategies to minimize exposure and reduce impacts.

- A policy was developed to prioritize the use of Green Street techniques (reference Policy 9.2.2.2 (1)) within the Stormwater Master Plan, on public rights-of-way, to the extent financially and physically possible, to alleviate flood impacts to streets and buildings and maintain its level of service standards.
- A new series of maps were added to this element, most depicting the new Coastal Planning Area designation.

RECREATION AND OPEN SPACE ELEMENT

- The City will consider developing and adopting its own Parks and Recreation Master Plan, as well as a Pedestrian Routes and Bike Trails Master Plan.

PUBLIC SCHOOLS FACILITIES ELEMENT

- The Level of Service (LOS) for the School District is now set at 100%. Therefore, the text and the table addressing the former phased LOS plan have been removed.
- A policy was added that would allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, providing that certain factors are shown to exist.

CONSERVATION ELEMENT

- The definition for water dependent uses was amended to “an activity which can only be conducted on, in, over, or adjacent to water areas because the activity requires direct access to the water body or sovereign submerged lands for transportation, recreation, energy production or transmission, or source of water, and where the use of the water or sovereign submerged lands is an integral part of the activity”.
- submerged lands is an integral part of the activity”.
- An updated Wetlands map replaces the current map.

INTERGOVERNMENTAL COORDINATION ELEMENT

(No substantive changes)

CAPITAL IMPROVEMENT ELEMENT

- A policy was amended to require requests for capital projects be evaluated on their impact

to the City budget based on consistency with the City's Budget Prioritization list.

- The criteria for priority ranking of capital improvement projects was amended to match the City's Budget Prioritization list with four priority categories.
- A policy was added that public expenditures which fund infrastructure improvements within the Coastal Planning Area shall abide by the limitations expressed in the Coastal Management Element (Objective 9.1.5. and Policies 9.1.5.1-2).
- Additional City departments were added to those reviewing the Capital Improvements Element on an annual basis.
- An updated CIP for FY2018-2022 replaces the outdated version.

STRATEGIC PLAN CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

The Planning & Zoning Board recommended approval of this item at a Special Meeting on September 24, 2019.

City Council approved the first reading of Ordinance 13-2019 at its meeting on September 25, 2019.

RECOMMENDED MOTION:

Pass on Second Reading Ordinance 13-2019: Adopting amendments to the City of Cocoa Comprehensive Plan based on the City's Evaluation and Appraisal Report (EAR) of the Comprehensive Plan pursuant to Section 163.3191, Florida Statutes and authorizing transmittal to the Florida Department of Economic Opportunity.