



Meeting Agenda
Thursday, August 15, 2024

7:00 PM

REGULAR

Cocoa Beach Country Club
5000 Tom Warriner Blvd.
Cocoa Beach, 32931

WELCOME

Meeting re-broadcasts on: Spectrum - Channel 499 and www.cityofcocoabeach.com.
Meeting Video Archives: www.cityofcocoabeach.com

Packets: Packets are on the City's website (www.cityofcocoabeach.com) and at Commission meetings

Rules of Order: Robert's Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

Speaking Courtesy Rules:

- The Commission accepts relevant comments.
- A time limit of three minutes is imposed on each speaker. If speaking for a group, the Commission may grant an additional three minutes
- Please direct comments and questions through the Mayor
- Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk's office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

Approval Of Order Of Business:

Note: Members of the public, Commission and Staff may remove items from the Consent Agendas, if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting

Appealing a Decision:

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TDD); or (800) 955-8770 (Voice) or 711.

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

1. Pledge of Allegiance
2. Invocation by Pastor Keith Capizzi, Club Zion
3. Roll Call

B. APPROVAL OF THE AGENDA

(Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting.)

C. SPECIAL PRESENTATIONS

1. Update of the Community Paramedic Program
Staff Representative: James Schindler, EMS Chief, Sherry Mahaffey

D. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

E. STAFF REPORTS AND ANNOUNCEMENTS**F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS**

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

H. CONSENT AGENDA

1. Approve July 16, 2024, and August 1, 2024, Commission Meeting Minutes
Staff Representative: City Clerk's Office
2. Approve the ranking of audit firms, as recommended by the Auditor Selection Committee, with Mauldin & Jenkins, ranked as number 1, and authorize staff to negotiate a contract.
Staff Representative: Patrisha Draycott, Chief Finance Officer
3. Approve contracting Doug Wilson Construction Services to begin renovations on the Cocoa Beach Skate Park.
Budgeted Item.
Staff Representative: Scott Maxim, Project Manager
4. Cancel the September 5th, 2024 7:00 pm Regular Commission Meeting.
The next Commission meetings are as follows: September 4th, 2024 at 6:00 pm (Budget and Regular) and September 19, 2024, at 7:00 pm (Budget and Regular).
Staff Representative: Wayne Carragino, City Manager

I. ITEMS REMOVED FROM THE CONSENT AGENDA

J. UNFINISHED BUSINESS

1. Adopt on second reading of Ordinance 1690;
AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA; TO APPROVE A PLANNED DEVELOPMENT PROJECT WITH AN ACCOMPANYING MASTER CONCEPTUAL DEVELOPMENT PLAN, MASTER CONCEPTUAL SITE PLAN, AND DEVELOPMENT AGREEMENT WITH ACCOMPANYING ATTACHMENTS; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF COCOA BEACH BY CHANGING THE ZONING DESIGNATION FROM OCEANSIDE (OC) TO PLANNED DEVELOPMENT (PD) FOR TWO PARCELS OF LAND TOTALING 4.667 ACRES, MORE OR LESS, LOCATED EAST OF OCEAN BEACH BLVD ON THE NORTH, SOUTH SIDE OF MEADE AVENUE AND NORTH OF PULSIPHER AVENUE ON PARCELS IDENTIFIED WITH PARCELS NO.24-37-26-CG-113-6 and 24-37-26-CG-112-12 WITHIN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR AUTHORIZATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Representative: Loren Wiltse - Principal Planner, Randy Stevenson - Development Services Director

K. NEW BUSINESS

1. ~~Approve First Reading of Ordinance 1689:~~ **Tabled to September 19th, 2024.**

~~AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SPECIFIC SECTIONS OF APPENDIX B OF THE COCOA BEACH CODE OF ORDINANCES, LAND DEVELOPMENT CODE; PROVIDING FOR MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM (NIFP); AMENDING ARTICLE IV "DEFINITIONS;" WITHIN CHAPTER I, "PURPOSE AND GENERAL PROVISIONS"; AMENDING SECTION 3-37 "FORTY-FIVE FOOT BUILDING HEIGHT LIMIT" AND SECTION 3-38 "REQUIRED FINISHED FLOOR ELEVATION" WITHIN CHAPTER III "DESIGN STANDARDS" ARTICLE III. "DEVELOPMENT AND CONSTRUCTION"; AMENDING SECTION 4-40 "APPLICATION FOR A VARIANCE FROM THE CITY COMMISSION FOR A HEIGHT TO EXCEED FORTY-FIVE (45) FEET" WITHIN CHAPTER IV "LAND DEVELOPMENT PROCEDURES", ARTICLE IV. "VARIANCE, WAIVER AND SPECIAL EXCEPTION"; AMENDING Article III "FLOOD DAMAGE PREVENTION" WITHIN CHAPTER VII "STORMWATER MANAGEMENT AND FLOOD CONTROL"; ALL WITHIN THE LDC; INCORPORATING RECITALS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; AND EFFECTIVE DATE.~~

~~Staff Representative: Loren Wiltse – Principal Planner, Randy Stevenson – Development Services Director~~

2. Request: City Commission review and approve first reading of Ordinance 1688 (Amending the City of Cocoa Beach Comprehensive Plan) and authorize transmittal of the proposed amendments to the State Land Planning Agency for the State Coordinated Review Process prior to second reading.

Ordinance No. 1688 AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, AGREEMENT; AMEND THE COMPREHENSIVE PLAN TITLE TO BE "CITY OF COCOA BEACH COMPREHENSIVE PLAN 2045"; AMENDING DEFINITIONS TO BE CONSISTENT WITH THE LDC; AMENDING SECTION I "FUTURE LAND USE ELEMENT" INTRODUCTION DATA TO REFLECT CURRENT POPULATION ANALYSIS AND FORECASTING FUTURE GROWTH, AND AMENDING POLICY I.1.1 AND I.1.2, AND AMENDING FLUE MAPS TO CHANGE DATES TO 2045; AMEND SECTION II, "COASTAL MANAGEMENT ELEMENT" INTRODUCTION DATA AND ANALYSIS AND POLICY I.1.1 ADDING NORTH THOUSAND ISLANDS MANAGEMENT PLAN DATA; AMENDING SECTION III "CONSERVATION ELEMENT" UPDATING THE INTRODUCTION DATA AND ANALYSIS TO INCLUDE LISTED PLANT AND ANIMAL SPECIES; AMENDING SECTION IV, "RECREATION AND OPEN SPACE ELEMENT" INTRODUCTION DATA AND ANALYSIS TEXT AND POLICY I.1.3 TO REFLECT A 2045 PLANNING

HORIZON; AMENDING SECTION V, "HOUSING ELEMENT" INTRODUCTION TEXT TO REFLECT CURRENT POPULATION AND GROWTH TRENDS THROUGH 2045; AMENDING SECTION VII "INFRASTRUCTURE ELEMENT" INTRODUCTION DATA AND ANALYSIS TEXT AND POLICY'S I.1.1, I.1.3, I.1.6, AND POLICY'S I.2.2 – I.2.4 TO REFLECT THE CITY'S CURRENT POTABLE WATER SERVICE PROVIDER, AND PROVIDE CONSISTENCY WITH THE CITY'S POTABLE WATER CONTRACTUAL AGREEMENT; AMEND SECTION VIII "MOBILITY ELEMENT" POLICY'S I.1.3, I.1.20 AND I.13.1 TO REFLECT CURRENT TRANSPORTATION PRIORITIES, AND UPDATE MOBILITY MAPS TO REFLECT 2024 CONDITIONS AND ANTICIPATED 2045 CONDITIONS; AMENDING SECTION IX "CAPITAL IMPROVEMENT ELEMENT" TO REFLECT RECENT CIP TABLES; AND PROVIDING FOR FINDINGS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Staff Representative: Loren Wiltse - Principal Planner, Randy Stevenson - Development Services Director

3. Approve the first reading of Ordinance 1692;
AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SECTION 1-8, "GENERAL PENALTY; CONTINUING VIOLATIONS; ADJUDGING FINES AND IMPRISONMENTS", OF CHAPTER 1, "GENERAL PROVISIONS", AND SECTION 5-49.1 "PENALTY FOR VIOLATION OF ARTICLE" OF ARTICLE iiiB "OCEANFRONT BUILDING RESTRICTION LINE AND SEAWALL LINE" OF CHAPTER 5 "BEACHES, FILLS, BOATS, AND WATERWAYS" AND SECTION 26-7 "ILLEGALLY PARKED MOTOR VEHICLES IN A TOW-AWAY ZONE; REMOVING; STORAGE; RESTORATION" OF ARTICLE I, "IN GENERAL" OF CHAPTER 26, "TRAFFIC" OF THE COCOA BEACH CODE OF ORDINANCES, UPDATING PENALTY PROVISIONS FOR VIOLATIONS OF THE CITY CODE AND ELIMINATING ALL OUTDATED REFERENCES TO MUNICIPAL JUDGES FROM THE CITY CODE AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Staff Representative: Randy Stevenson, Director of Development Services

- L. GENERAL PUBLIC COMMENT
(Only if not accommodated in the 30-minute Public Comment period earlier)
- M. ADJOURNMENT

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION
COCOA BEACH COUNTRY CLUB
5000 TOM WARRINER BLVD.
COCOA BEACH, 32931
MINUTES
August 1, 2024

A. MEETING CALLED TO ORDER

1. Pledge of Allegiance
2. Invocation by Pastor Keith, Club Zion
3. Roll Call

B. APPROVAL OF THE AGENDA

(Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting.)

C. SPECIAL PRESENTATIONS

1. Proclamation - Florida Water Professionals Month

Mayor Capizi read a special presentation about water safety for the Florida water professionals month.

Brad Kalsow thanked several members of Brevard County. The Commission members and Mr. Kalsow took a group photo.

D. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

Janice Scott congratulated Ms. Carolyn Marks for her Olympic Gold.

Ms. Scott said she received an e-mail that stated that SpaceX is moving to California.

Ms. Scott asked everyone to read the Maritime Hammock Preserve Plan. She stated that in 2002 the commission voted to buy that property. Ms. Scott talked about the north and south of Thousand Islands and how the area is covered with invasive plants. Asked to find funding and do something with the property, and that there are recreational opportunities.

Mayor Keith stated that he loved the park and stated that he's for figuring out a way to do that.

Mr. Anderson Coastal Produce says its important that the pavers are permeable.

He also presented a map for a north-south bicycle trail. And stated that it would be a nice amenity for the city.

E. STAFF REPORTS AND ANNOUNCEMENTS

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Williams asked Ms. Draycott about the viability ARPA funds for Ms. Scott's public comment. Ms. Scott said it was viable. Mr. Williams asked how many uncommitted ARPA funds were available before 12/31/24 and would like to create an Agenda item for a potential project. Commissioner Williams stated that any volunteers need to work on the ground level and that a contractor is needed for above ground level projects.

Mr. Carragino stated that we have continuing service agreements and that if a project is under \$300k they could use them.

Mr Williams stated that unless there is something absolutely pressing, he proposed a \$100k project.

Mayor Capizzi asked if there were any more pressing issues to use for the ARPA funds other than this proposed project.

Ms. Draycott stated that anything not used in ARPA funds would go towards the completion of the City Hall and that anything used otherwise would be pulled from that instead.

Vice Mayor Hutcherson asked if pulling from city hall funds for this would cause an increase in the City Hall loan.

Mr. Williams said \$100k would go a long way and volunteers could help finish the ground level items.

Stated that a lot of invasives need to come out.

Mayor Capizzi stated he would like to see a volunteer crew first before using a contractor.

Mr Williams stated that there is a lot of poison Ivy in that park and, if left unattended, could cause some problems, and he thinks it's worth the money.

Ms. Woulas stated she would like to add it to the next Agenda.

Vice Mayor Hutcherson seconded Ms. Woulas' statement.

Mayor Capizzi said they'll pull from reserves regardless.

Mr. Williams asked Mr. Carragino if he could talk to contractors. Mr. Carragino stated that he would get multiple quotes.

The commission discussed the timing and cost of the potential project.

The commission agreed to put it on an upcoming agenda.

Ms. Scott wanted to clarify that she supports volunteers for the Maritime Hammocks and stated that a special chemical is needed to get rid of the wedelia invasive species.

She also stated that residents shouldn't have to deal with poison ivy.
Vice Mayor Hutcherson commented on the project's price.

Vice Mayor Hutcherson commented on the parking garage and that it is about \$200,000 return on a \$7.8 million investment, so the return on it hasn't been great and factoring in the \$600,000 in improvements, and is beginning to be a negative return with a 2% return, but doesn't include \$570k which makes it negative.

Mayor Capizzi. Stated that \$5 million on a new fire station is not a necessity and wants to avoid putting it in the budget.

Mayor Capizzi. Discussed main street operations and how they make money from various sources. And that the city shouldn't keep subsidizing them anymore. He also stated that we are still giving them a monthly \$3,000 in aid.

Commissioner Williams stated that Main Street was sold to the city. Not in favor of increasing it to \$30,000, but leave it at \$15,000 and put them on notice that next year it will go to \$0.

Commissioner Jackson mentioned an email he got from a high schooler interested in doing a presentation about a new flag and asked about getting them on the agenda. They discussed that the flag should represent Cocoa Beach.

H. CONSENT AGENDA

1. Approve the July 18th, 2024 Commission Minutes.
Staff Representative: City Clerk

There was no discussion.
Motion passed 5-0

2. Request to Approve Amendments to The Community Development Block Grant Policies
Staff Representative: Devan Pritts, Director of Grants and Special Projects

There was no discussion.
Motion passed 5-0

3. Approve Commercial Visual Improvement Program Grant Application for Coastal Market Cocoa Beach, LLC that was previously approved at the CRA Board meeting on 8/1/24

Staff Representative: Devan Pritts, Director of Grants and Special Projects

There was no discussion.
Motion passed 5-0

4. Adopt Resolution 2024-19, A Resolution of the City Commission of the City of Cocoa Beach, Florida, approving and adopting the August 2021 Stormwater Master Plan Update and providing an effective date.
Staff Representative: Morgan Zuhlke, Stormwater Utility Manager

There was no discussion.

Motion passed 5-0

I. ITEMS REMOVED FROM THE CONSENT AGENDA

J. UNFINISHED BUSINESS

K. NEW BUSINESS

1. Approve the Treatment Plant Injection Well Repairs and Modifications in the amount of \$61,000 to be performed by All Webb's Enterprises, Inc. pulled from the current fund balance of \$206,197.96 utilizing a piggyback contract from the Town of Jupiter. This is not a budgeted item. Contingency funds will be used to cover expenses.

Staff Representative: Brad Kalsow, Public Works & Water Reclamation Director.

Williams move to approve Mr. Bryan was asked to clean up the wording on the agenda about the fund balance and edit it.

Motion passed 5-0

L. GENERAL PUBLIC COMMENT

(Only if not accommodated in the 30-minute Public Comment period earlier)

Mr Anderson weighed in on the parking garage and asked about the parking spaces that were behind the old city hall. Suggested getting more parking spaces behind the fire station and that there might be more alternative and inexpensive parking space potential.

Mayor Capizzi asked Mr. Carragino if parking under the new City Hall will be made available for the public. Mr. Carragino stated that it would be.

M. ADJOURNMENT

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION
COCOA BEACH COUNTRY CLUB
MINUTES
July 16, 2024

A. MEETING CALLED TO ORDER

1. Roll Call

Mayor Capizzi called the meeting to order at 6:00 PM.

Commission Members Present:

Mayor Keith Capizzi
Commissioner Joshua Jackson
Commissioner Skip Williams
Commissioner Karalyn Woulas
Vice-Mayor Jeremy Hutcherson

Administrative Members Present:

City Attorney Becky Vose
City Manager Wayne Carragino
City Clerk Karin Grooms
Information Technology Director Kevin Perez
Water Reclamation Director Brad Kalsow
Recreation Director Laird McLean
Development Services Director Randy Stevenson
Interim Police Chief Wes Mullins
Chief Financial Officer/Assistant City Manager Patrisha Draycott
Fire Chief, Ryan Duckworth
Human Resources, Cindy Depina
Stormwater Manager, Morgan Zuhlke
Grants and Special Projects, Devan Pritts
Information Tech, Nate Guruwatte
IT Support/Digital Communications, Lauren Domenech
EMS Chief, James Schindler
Fire Administrator, Shelby Teat
Police Lt. Joseph Versaggi
Golf Manager, Joe Tucker
Major Kris Kuehn
Fire Marshall., Sal Liberto
Public Works Manager, Darryl Bratlie
Fleet Director, Jonathan Mickler
Assistant Recreation Director, Andrea Segarra

B. PUBLIC COMMENTS

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

Mr. Klaus-Peter Finke noted the agenda stated setting the millage rate. Mr. Finke urged the commission to set the highest millage rate allowed and work from there. He mentioned the previous budget workshop and how the commission seemed to have a decision on the millage. He requested that the commission speak with the staff and the departments regarding the city's needs and go from there with the millage.

Mr. Rick Anderson inquired about the meeting status due to the advertisement for the meeting as a Special Meeting and the slide presentation on the screen noted workshop.

Ms. Patrisha Draycott explained that she would provide a workshop and then the Commission would set the tentative max millage.

Ms. Margaret Schneider inquired about sidewalks and asked if she should wait until the end of the meeting so it could be addressed.

Ms. Sandra Sullivan spoke about lifeguards, noted Mr. Randy Fine was at a meeting, and gave a synopsis of the TDC funding from a recent meeting. Ms. Sullivan recommended that the city go to the state representatives to work on the TDC funds and change the public safety and funding language.

Ms. Janice Scott mentioned being part of a Board for the County. Requested the commission to have the lobbyist work on spending money for the lifeguards and explained how that would work with the state.

C. STAFF REPORTS AND ANNOUNCEMENTS

No reports from staff.

D. NEW BUSINESS

1. Request to:
 - a) Set a Tentative Millage Rate for Fiscal Year 2025 and
 - b) Confirm the Budget meeting dates and times for September 4, 2024, at 6:00 pm, and September 19, 2024, at 7:00 pm, to set the Tentative Millage and Final Millage Rates for Fiscal Year 2025.Representative: Wayne Carragino, City Manager; Patrisha Draycott, Chief Financial Officer/ Assistant City Manager

Ms. Patrisha Draycott, Chief Financial Officer, presented the budget for Fiscal Year 2025. She highlighted that she had incorporated changes from the previous workshop and updated the commission's budget accordingly. Ms. Draycott then discussed the

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION

reserve requirements by fund and separated the debt service, acknowledging prior confusion regarding capital improvement projects funded by grants or other means. Specifically, she mentioned the fire department design and marina design from the budget while including the estimated costs for the parking garage, which will be a Public-Private Partnership (PPP). She presented the debt payments and the time frame for which the payments could occur over time. Expanded on the expectations of funding of the builds before and after completion.

Commissioner Williams inquired if the projects were removed from the budget. Ms. Draycott mentioned it is not taken out but more about how the city will fund the projects.

Commissioner Williams noted the projects. He stated he would remove the parking garage, keep the firehouse design, planning, and construction, and would like to discuss with the mayor regarding the marina. He spoke about the survey and the funds that were spent. Requested the City Manager to get feedback from the Brevard County Manatee Management Plan and see if it would affect the manatees. He noted if the county was not on board while using the first \$75,000, then they would not have to spend the additional \$75,000. Request to defer the \$45,000 as it is prudent to spend the funds elsewhere. Did note if the results came back from the agencies in favor, then Commissioner Williams would proceed with the project.

Commissioner Woulas requested Ms. Draycott to explain what would have occurred with the projects if cash had not been used for the City Hall Project. Ms. Draycott explained the process of debt financing along with the reserve fund. She explained the City Hall financing and the debt service. She spoke about how to fund projects and have reserves. Noted debt service will not impact FY 25. Commissioner Woulas noted that funds were pulled from reserves and the commission must now figure out what to do.

Commissioner Hutcherson noted that the 1st two projects listed in the presentation are in the budget. It was confirmed. The offsetting revenue from debt, if taken out, would be a net-zero change because the revenue is going away.

Ms. Draycott noted the overall budget number and the miscellaneous with the balance change is the debt proceeds.

Mayor Capizzi noted he was OK with people not understanding the tax revenue. He noted pulling the \$445,000 but requested to continue with the feasibility study to see what it would say.

Vice-Mayor Hutcherson noted to defer the \$445,000.

Commissioner Williams mentioned taking it out for now, discussed receiving the results of the first \$75,000, and then having a discussion regarding the second \$75,000. If the results are in favor, then the commission can move forward with a discussion of design to build.

Mayor Capizzi mentioned only voting for the marina if it was feasible to make money.

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION

Commissioner Williams noted the city's previous studies. He mentioned the funds spent to put all the plans on the shelf. It was not thought about future funding. He explained why he would like to see the feasibility study, then move forward and see if it's feasible. He understands the investment return with the costs and all the items needed for the marina.

Mayor Capizzi noted the difference between investment opportunities and just building to build.

Commissioner Williams noted not supporting the \$445,000 for a design unless the feasibility says otherwise.

A comment was made regarding removing the parking garage. Commissioner Woulas requested that it not be removed. Mayor Capizzi noted that parking garages are profitable and make sense, but noted a garage at this time is not profitable. Noted in 5 years there could be a need for the garage.

Commissioner Williams made a motion by consensus, to move the parking garage to the following year.

Commissioner Woulas noted she did agree with the decision.

Commissioner Jackson notes the revenue as well as construction costs. He did note the garage being at capacity regularly. Concerned about the high cost of construction at this time, and pushing it off for another year is a good thing.

Mr. Leonard Beckett commented on the city's spending and discussed various projects within the city.

Mayor Capizzi inquired from Ms. Draycott about comments made during the public comment. He inquired about the amount of debt at the beginning of his term and the current debt status at this time. Mayor Capizzi noted that the commission is dedicated to reducing debt.

Ms. Draycott noted that as a government agency, it is not designed to make a profit. Mentioned it is a balancing process. The parking fees are to offset public safety and not have tax dollars being used for tourist visitors. Mentioned the debt financing as it smooths the cost of the debt and does not burden the taxpayer.

Mayor Capizzi inquired 9 years before the commission regarding raising the debt consecutively. Ms. Draycott explained the city's total debt to include using the State Revolving Fund Loan (SRF).

Commissioner Williams noted the fire station loan at 1.5% and the parking garage at 2%.

Mayor Capizzi noted not being for debt, however, noted the money in the funds, and having the debt is making money.

Commissioner Woulas mentioned keeping the money in the bank and borrowing where they can. Noted being part of the group of the debt growth, noted it was needed.

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION

Vice-Mayor Hutcherson noted that the debt is a tool. Mentioned focusing on the millage using available funds and not opening the budget.

Mr. John Lose commented that the primary problem was in the draft budget which requires to draw down \$10 million from the reserves. Noted this is not wanted. Mentioned the three projects listed earlier in the meeting and discussed the costs. The impression is it will be done next year as it's not physically possible. The funds mentioned are all in cost. It should show that the items are spread over five years.

Commissioner Williams, we have projected out our budget for the 10 years plus, with those out-year projects on the horizon, in the budget. Mentioned the bottom line with the up-down in the reserves, it kind of just forgets them and then throws them back in without messing with the reserve balance.

Mr. Lose inquired about the five-year and the large number showing a lower number in future numbers with the capital projects.

Mr. Tim Tumulty noted the motion on the table in the moving parking garage.

Ms. Draycott noted the capital project is the muck capping project and it is budgeted and has offsetting revenues. The project is fully granted. It is not covered by tax dollars. Ms. Draycott spoke on the budget adoption and if the commission wishes to proceed forward with a different direction, then a budget amendment can be done.

Commissioner Williams noted the direction to take out the \$445,000 and the \$7,800,000 for the parking garage.

MOTION BY WILLIAMS/HUTCHERSON

THE MOTION TO DEFER MARINA \$445,000 AND THE PARKING GARAGE
\$7,800,000 FROM THE BUDGET.

VOICE VOTE 4/1 - NAY COMMISSIONER WOULAS

Mr. Orson Tarver noted that by taking the parking staff out, they can track the utilization. The following year, they reconsidered then. Discussed the marina and the feasibility study. Suggested marina companies.

Commissioner Woulas inquired to move forward and research the parking garage. City Manager, Wayne Carragino, noted it can be done in-house.

Commissioner Williams inquired about the slide of the recommendations meeting the current proposed millage rate. Ms. Draycott noted everything based on the current millage.

Commissioner Williams noted the deferment and inquired if that changed any of the numbers on the slide. He spoke on each item on the slide from the top down.

Commissioner Williams spoke about the tennis courts and the projects that had been completed in the past. Ms. Draycott spoke on the slides and the quotes were less than what was being presented. An inquiry was made on staff COLA's and expectations. Request the departments to make cuts within the department's operating budget. Ms. Draycott noted items not currently in the budget but will come forward such as labor negotiations. Commissioner Williams noted issues that could arise with the labor negotiations and the challenges.

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION

Commissioner Jackson noted the big picture being the millage. Noted this is the ideal budget for staff. Ms. Draycott noted that staff worked to cut this down as much as they were able to.

Commissioner Williams explained to the commission that the reduction process is not realistic at 10%.

Commissioner Jackson stated that the budget provided to show the commission from a millage perspective.

Ms. Draycott noted that the cuts will be capital projects.

Commissioner Williams inquired about the cuts needed from the budget. Ms. Draycott explained the cuts needed.

Mayor Capizzi noted that personnel is the highest cost.

Ms. Draycott noted the increase of water by Cocoa at 5%, FPL increase of 7%, and garbage will increase as well. The final 2024 expenditures/ revenues are not known yet.

Ms. Draycott also spoke on employee benefits and insurance costs are unknown.

Commissioner Woulas inquired if the presentation was based on the current millage rate. Ms. Draycott confirmed.

Commissioner Williams mentioned the current millage rate is a tax increase unless the city goes to roll back. Based on the projected ad valorem, at that millage rate, what is the percentage increase from last year? Vice-Mayor Hutcherson pointed out that the slide was 8%. Ms. Draycott could not confirm if it was 8%. Commissioner Williams inquired about the increased overall for ad valorem. Ms. Draycott stated it was the revenue, not the trim. Ms. Draycott confirmed that the advertisement for the final budget will include tax increases by a percentage and by an amount.

Commissioner Woulas inquired if millage was increased. Ms. Draycott noted every quarter increases the mileage by about \$800,000.

Commissioner Woulas asked Ms. Draycott asked how her recommendations would change if the mileage increased. Ms. Draycott noted she would not change anything. Speaking with Mr. Scott Maxim, spoke with USTA, and they are still providing a grant for the tennis courts. It was noted that the project could be deferred, as well as the lighting on the courts.

Ms. Draycott noted the tentative maximum millage. She noted the commission can stipulate the millage and can determine what funds go to the reserve.

Commissioner Woulas asked what millage would be needed to make the reserves minimum requirements. Ms. Draycott explained the unchanged reserves if certain projects are removed from the budget.

Vice-Mayor Hutcherson explained how the funding currently works.

Commissioner Woulas inquired about making the cuts if they have increased reserves.

Ms. Draycott noted that the budget is about balanced, and they can increase millage to increase the reserve.

Ms. Draycott went over the other funds that are within the city.

Commissioner Woulas questions the following year's projections. Ms. Draycott noted this year and the budget. She mentioned the new ordinance increase of 1% and the reserves will be higher next year. Negotiations will affect the budgets and it will add additional cuts. Commissioner Woulas inquired if Ms. Draycott had any

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION

recommendations regarding upping the millage to cover the cost of police and fire. Ms. Draycott did not have a recommendation for the commission as its a decision of the commission.

Vice-Mayor Hutcherson noted the 19 million capital budget. Mentioned the 12 million and its a large number to pull from.

Mr. Tim Tumulty inquired about the operated budget being 13,000,000 and a number on her slide with \$32,000. He noted it should be \$300,000 and it would be another reduction. He mentioned setting a millage rate going forward. He handled the commission a market value of the commissioner's home. He noted the increases from 2012 to 2024 in property taxes. That is based on a millage of 1.1 which is less than a 1% increase in taxes per year. Discussed the golf course and how it is losing money. He discussed the funds and how it's an amenity for the residents.

Mr. John Lose on the revenue stream of the Ad-Valerom. We are talking about taxes to property owners. He spoke on the behind-the-scenes and looked at user fees. It makes sure the amenities are maximized.

Mr. Lou Beckett noted the maximum budget. He conveyed his dissatisfaction with the continuing failure of this city's fiducial responsibility. He gave the city clerk a write-up of his comments. (added to the signed minutes)

Mr. Klaus Finke noted the budget. He mentioned the millage rate, and he understood the knowledge of the unknown budget. Request for the higher millage to save it.

Commissioner Williams requested the City Manager to review the boat ramp on Holiday Lane. He noted it is in the budget of 2026 for \$75,000. He asked for research for a grant or FIND funds and it would be brought forward to the 2025 budget.

Mr Rick Anderson inquired about the sprinkler system on the golf course. He noted the budget showing zero spent. Also requested the commission to set the millage rate higher, he noted the rainy day fund to use for future capital investments. If it's established should show in the budget as a zero balance.

Ms. Draycott explained the situation and how the funds will be moved forward this year to do the golf course.

Vice-Mayor Hutcherson commented that the project was supposed to start however there were issues and it fell in the city's favor.

Ms. Janice Scott noted the golf course and gave a history of the golf course. She spoke about the course. She inquired about reclaim water and who uses that. She compared the usage of the golf course to the reclaim water fees.

Mr. Scott Cunningham noted he has attended all the annual budget meetings. He noted that for the previous three years, some items have only gone up 1%. Mentioned that it was rolled back and it is the same every year. Noted items brought forward that will be cut once again due to the budget being cut. Mr. Cunningham mentioned having to pay for everything eventually to run the city. He requested the city give staff what is needed.

CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION

He mentioned the reserves and one storm.

Commissioner Williams noted the need to confirm the tentative max millage and the meeting dates.

Commissioner Woulas inquired about the quarter of the mill is approximately \$800,000. She proposed raising the millage a point to increase the fund balance. Discussion occurred on the millage increase to dedicate to the reserves. Propose a .5 increase for the reserves.

Commissioner Williams clarified the meeting is the meeting for setting the tentative maximum millage.

Commissioner Woulas motions to set the maximum millage at 6.6644 (half a mill) - motion dies for lack of a second.

MOTION BY HUTCHERSON/WILLIAMS
MOTION TO APPROVE 6.1644 MAX MILLAGE.
VOTE CARRIED UNANIMOUSLY 5-0

Commissioner Jackson noted the comments and mentioned a ceiling. Noted the unions, and needed to make sure there was room. He noted employees and residents who are on fixed incomes. He discussed the taxes and families moving to the area. Opened to the millage ceiling increase. Would need to be careful as it has an impact on the city and the residents.

Commissioner Williams mentioned to Commissioner Jackson his experience with the maximum rate being adopted. Discussed the deltas and the process in previous years. Mentioned everyone at home would need to tighten the belt and come up with numbers to meet it.

MOTION WILLIAMS/HUTCHERSON
MOTION SEPTEMBER 4TH AT 6:00 PM AND SEPTEMBER 19TH AT 7:00 PM.
VOTE CARRIES UNANIMOUSLY 5-0

E. ADJOURNMENT

The meeting was adjourned at 8:00 pm.

Karin Grooms, MPA, CMC
City Clerk

Keith Capizzi,
Mayor-Commissioner

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Finance /
Mayor Keith Capizzi
Auditor Selection Committee Chair

MEETING DATE

August 15, 2024

REQUESTED MOTION/ACTION

Approve the ranking of audit firms, as recommended by the Auditor Selection Committee, with Mauldin & Jenkins, ranked as number 1, and authorize staff to negotiate a contract.

Staff Representative: Patrisha Draycott, Chief Finance Officer

Staff Representative:

Recommendation:

IS THIS ITEM BUDGETED (IF APPLICABLE)?

The annual audit is a budgeted expense.

BACKGROUND:

On June 20th the Commission approved to move forward with an Auditor Selection Committee and to go out for bid (BID CB 24-008) for auditor services. On August 8th, 2024 the Auditor Selection Committee evaluated and ranked the top three bid proposals and are recommending the top ranked firm, Mauldin & Jenkins.

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

City Manager /
Scott Maxim, Project Manager

MEETING DATE

August 15, 2024

REQUESTED MOTION/ACTION

Approve contracting Doug Wilson Construction Services to begin renovations on the Cocoa Beach Skate Park.

Budgeted Item.

Staff Representative: Scott Maxim, Project Manager

Staff Representative:

Recommendation:

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

1.) Demo and replace 40' of steel coping with a concrete edge. How we move forward with replacing the rest of the steel coping will be partly dependent on citizen feedback from this 40' section.

2.) Remove, replace, and apply sealer to 93 pool coping caps

3.) Demo & replace sinking 6x8 flat section of skate area

**City of Cocoa Beach City Commission
Agenda Item Summary**

**DEPARTMENT MAKING
REQUEST/NAME:**

City Clerk /

MEETING DATE

August 15, 2024

REQUESTED MOTION/ACTION

Cancel the September 5th, 2024 7:00 pm Regular Commission Meeting.
The next Commission meetings are as follows: September 4th, 2024 at 6:00 pm
(Budget and Regular) and September 19, 2024, at 7:00 pm (Budget and Regular).
Staff Representative: Wayne Carragino, City Manager

Staff Representative:

Recommendation:

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

City Clerk /
Randy Stevenson, Director of Development
Services

MEETING DATE

August 15, 2024

REQUESTED MOTION/ACTION

Adopt on second reading of Ordinance 1690;
AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA;
TO APPROVE A PLANNED DEVELOPMENT PROJECT WITH AN ACCOMPANYING
MASTER CONCEPTUAL DEVELOPMENT PLAN, MASTER CONCEPTUAL SITE
PLAN, AND DEVELOPMENT AGREEMENT WITH ACCOMPANYING
ATTACHMENTS; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF
COCOA BEACH BY CHANGING THE ZONING DESIGNATION FROM OCEANSIDE
(OC) TO PLANNED DEVELOPMENT (PD) FOR TWO PARCELS OF LAND
TOTALING 4.667 ACRES, MORE OR LESS, LOCATED EAST OF OCEAN BEACH
BLVD ON THE NORTH, SOUTH SIDE OF MEADE AVENUE AND NORTH OF
PULSIPHER AVENUE ON PARCELS IDENTIFIED WITH PARCELS NO.24-37-26-CG-
113-6 and 24-37-26-CG-112-12 WITHIN THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA; PROVIDING FOR AUTHORIZATION; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.

Staff Representative: Loren Wiltse - Principal Planner, Randy Stevenson -
Development Services Director

Staff Representative:

Recommendation:

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

Ordinance 1690 is a request to approve a Planned Development for the property located at 401 Meade Avenue, with an associated Master Conceptual Development Plan, Master Conceptual Site Plan, Development Agreement (DA), and a request to approve the amendment of the zoning designation of Parcels NO. 24-37-26-CG-113-6, NO. 24-37-26-CG-112-12 including vacated Meade Avenue, totaling about 4.667 acres, from Oceanside (OC) to Planned Development (PD).

The proposed planned development project is a total demolition and redevelopment of property known as the Cocoa Beach Pier, (Trader Rick's Marketplace, Surf Rental's, parking lot, and buildings adjacent to the Pier Entry), which is proposed to be the future site of the "Westgate Resorts at the Cocoa Beach Pier". The Westgate Resort is proposed as a multi-million-dollar resort hotel, complete with resort-style pool, parking garage, beach frontage, new public beach access, replacement public parking spaces,

landscaping, upgraded utilities, improved stormwater, restored dunes, and other amenities. The parking garage and “back of house” for the resort are estimated to be 197,250 SF and the hotel will be 182,000 SF with 116 rooms. Density is based on a site area of 4.16 acres (Less vacated Meade Ave) at 28 units per acre. The project will become a key part of implementing the adopted standards for development of the North Cocoa Beach Redevelopment Area and provide a vital element in Cocoa Beach’s economic development and redevelopment plans.

We are now in the final stages of the master plan, zoning and development agreement approval. The proposed Planned Development of the “Westgate Resorts at the Cocoa Beach Pier” has addressed prior approvals and its master conceptual development plan and master conceptual site plan have been incorporated into the development agreement provided as Exhibit D to Ordinance 1690. Upon adoption, Ordinance 1690 and its accompanying DA, Master Conceptual Development Plan and Master Conceptual Site Plan will be recorded, and the Zoning Map will be updated.

Prior Approvals.

On July 7, 2022, the City Commission approved a variance to the city’s land development code (LDC) sections 2-42 and 2-43 to allow a resort hotel with a parking garage to be constructed to a maximum height of 70 feet.

On March 17, 2022, the City Commission approved the vacation of a portion of Meade Avenue to facilitate future development (Ordinance 1668). The vacation is subject to the approval of the site development plan (Master Conceptual Development Plan, Master Conceptual Site Plan) and the execution of the DA. In addition, Ordinance 1668 requires the recording of an agreement between Westgate Cocoa Beach Pier, LLC., City of Cocoa Beach, and Brevard County. The agreement addresses beach access, vehicle parking, public restroom access, as well as construction access, sand placement and other operations associated with the Brevard County Shore Protection Program, including Army Corps of Engineers beach renourishment easements, each of which are represented as components of the proposed PD.

On June 3, 2024, the City Planning Board held a public hearing and following their discussion and consideration of public comments, voted unanimously to forward a recommendation of approval to the City Commission.

Planning Board Motion:

For the proposed planned development (PD) at 401 Meade Avenue, I move to forward planned development case # PZ-22-22, with its associated conceptual master development plan, conceptual site plan, draft developmental agreement, and three-party agreement, and zoning change from Oceanside (OC) to Planned Development (PD), along with consideration of the impacts of a traffic study in the area and in consultation with the City and FDOT, to the Commission with a recommendation of approval.

On July 18, 2024, the City Commission held the first reading of Ordinance 1690.

ORDINANCE NO. 1690

AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA; TO APPROVE A PLANNED DEVELOPMENT PROJECT WITH AN ACCOMPANYING MASTER CONCEPTUAL DEVELOPMENT PLAN, MASTER CONCEPTUAL SITE PLAN, AND DEVELOPMENT AGREEMENT WITH ACCOMPANYING ATTACHMENTS; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF COCOA BEACH BY CHANGING THE ZONING DESIGNATION FROM OCEANSIDE (OC) TO PLANNED DEVELOPMENT (PD) FOR TWO PARCELS OF LAND TOTALING 4.667 ACRES, MORE OR LESS, LOCATED EAST OF OCEAN BEACH BLVD. ON THE NORTH, SOUTH SIDE OF MEADE AVENUE AND NORTH OF PULSIPHER AVENUE ON PARCELS IDENTIFIED WITH PARCELS NO.24-37-26-CG-113-6 AND 24-37-26-CG-112-12 WITHIN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR AUTHORIZATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cocoa Beach, has adopted a Comprehensive Plan in accordance with the State of Florida Community Planning Act; and

WHEREAS, for the purposes of implementing the Comprehensive Plan, and pursuant to the City Land Development Code Section 2-03, the city has adopted an Official Zoning Map; and

WHEREAS, in accordance with the Comprehensive Plan, the City Land Development Code Section 2-26, provides procedures and guidelines for the creation and approval of a Planned Development with accompanying Development Agreement: and

WHEREAS, a written request for the creation of a Planned Development, including approval of a Development Agreement and an amendment to the Official Zoning Map designation from OC Oceanside to PD Planned Development, for property identified with Parcel ID's NO. 24-37-26-CG-113-6 and 24-37-26-CG-112-12 (401 Meade Avenue), per the requirements of the City Land Development Code Section 2-26, was received by the city and assigned case number PZ-22-22; and

WHEREAS, the City Comprehensive Plan Future Land Use Map 2025, through adoption of Ordinance 1629 on October 1, 2020, identifies the subject parcels as having a future land use designation of Redevelopment, which is consistent with and supports the proposed zoning map designation of PD Planned Development; and

WHEREAS, the Cocoa Beach Planning Board, as the Local Planning Agency, held a duly noticed public hearing on June 3, 2024, regarding the approval of the Planned Development, with the accompanying Development Agreement, and adoption of amendments to the city's Official Zoning Map, whereby the Board recommended approval and adoption; and

WHEREAS, The City of Cocoa Beach City Commission, provided an opportunity for individuals to participate in the rezoning ordinance public hearing process and held a duly noticed public hearing, as set forth in Florida Statutes, on July 18, 2024, to consider the adoption of this Planned Development, with its accompanying Development Agreement, Master Conceptual Development Plan, and Master Conceptual Site Plan as an amendment to the city's Official Zoning Map.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Cocoa Beach, Florida as follows:

SECTION 1. This Ordinance is adopted in conformity with the Community Planning Act of Florida Statutes Chapter 163.

SECTION 2. The Planned Development, with the accompanying Development Agreement provided as Exhibit D, detailed and codified in Land Development Code Section 2-26, is hereby approved, and the Official Zoning Map, established and codified in Land Development Code Section 2-03, is hereby amended by changing the zoning designation from RM-1 Multifamily Residential to OC Oceanside, for two parcels with Parcel ID Nos. NO.24-37-26-CG-113-6 and 24-37-26-CG-112-12, located on the west side of Ocean Beach Boulevard, on the north and east end of Meade Avenue and between Meade Avenue and Pulsipher Avenue and the Atlantic Ocean, and further described and illustrated in Exhibit A.

SECTION 3. The city manager is authorized and directed to revise the Official Zoning Map accordingly.

SECTION 4. CONFLICTS. Any and all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 5. SEVERABILITY. If any provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared severable.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

Upon Motion by Commissioner _____, seconded by Commissioner _____, this Ordinance was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the ____ day of _____, 2024.

Ayes: _____
Nays: _____
Absent or, Abstaining _____

Keith Capizzi
Mayor-Commissioner

ATTEST:

Karen Groom
City Clerk

First Reading: _____
Date Posted: _____
Date Published: _____

Exhibit A

Legal Description and Illustration of Subject Parcels (Exhibit A of Attached DA)

Parcel ID No. 24-37-26-CG-112-12

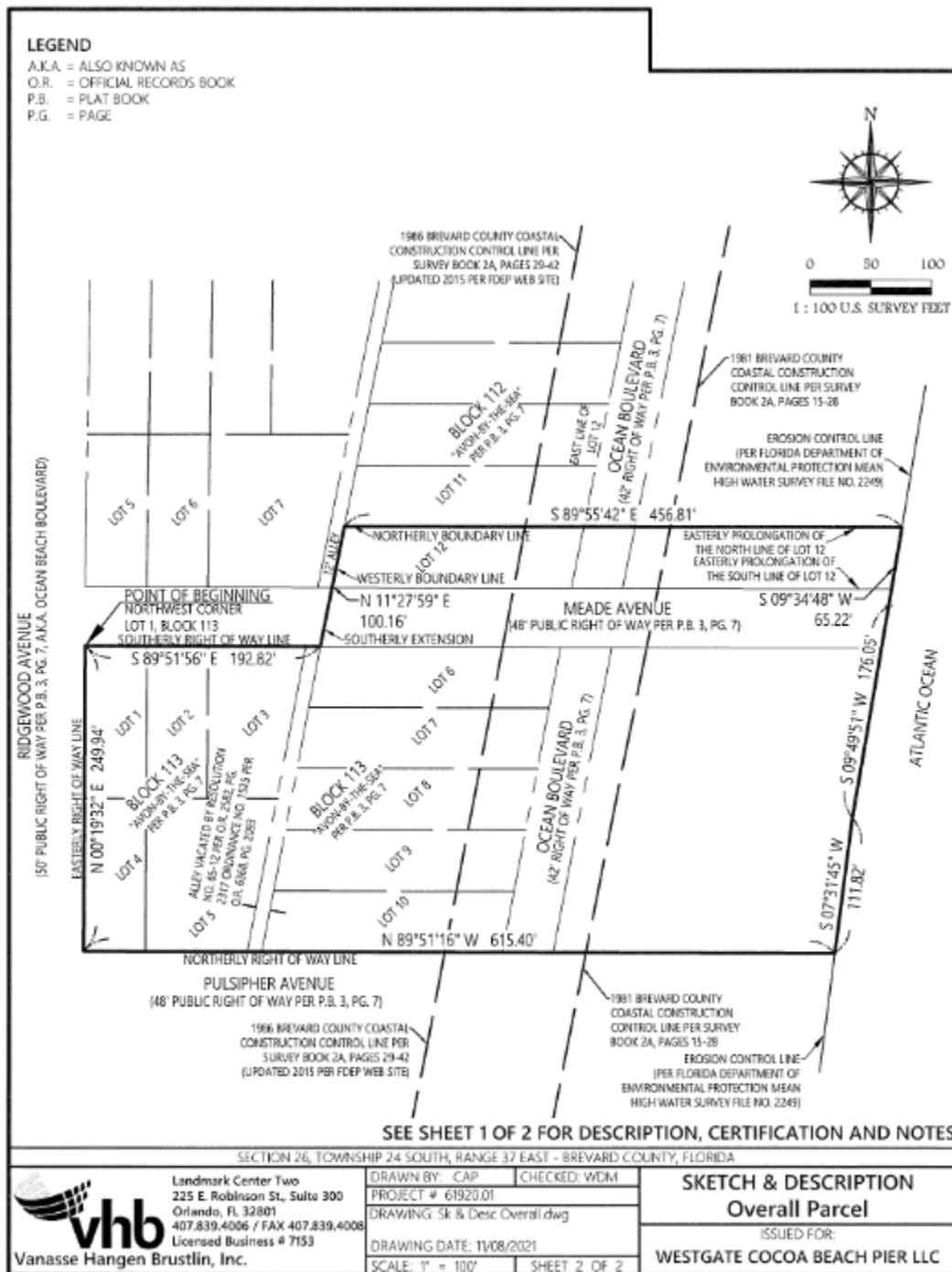
AVON BY THE SEA LOT 12 & LAND LYING E TO OCEAN AS DES IN ORB 165 PG 193 BLK 112 PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

Parcel ID No. 24-37-26-CG-113-6

AVON BY THE SEA ALL BLK 113 & OTHER LANDS LYING E AS DESC IN DB 351 PG 249, ORB 103 PG 588, ORB 444 PG 574, ORB 468 PG 185, ORB 1597 PG 84 TOGETHER WITH ALL CLOSED ST & VAC ALLEY LYING WITHIN..., OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

DESCRIPTION A parcel of land located in Section 26, Township 24 South, Range 37 East, Brevard County, Florida. Said parcel being more particularly described as follows: BEGIN at the northwest corner of Lot 1, Block 113, AVON-BY-THE-SEA, Plat Book 3, Page 7 of the Public Records of Brevard County, Florida; thence South 89° 51' 56" East along the southerly right of way of Mead Avenue per said plat, 192.82 feet to a point on the southerly extension of the westerly boundary line of Lot 12, Block 112 per said plat; thence leaving said southerly right of way line, run North 11° 27' 59" East along said southerly extension of the westerly boundary line of Lot 12 a distance of 100.16 feet to a point on the northerly boundary line of said Lot 12, Block 112 per said plat; thence leaving the southerly extension of the westerly boundary line of said Lot 12, run South 89° 55' 42" East along the northerly boundary line of said Lot 12 a distance of 456.81 feet to a point on the Erosion Control Line, per Florida Department of Environmental Protection Mean High Water Survey File No. 2249; thence leaving the northerly boundary line of said Lot 12, run the following courses along said Erosion Control Line, South 09° 34' 48" West, 65.22 feet; thence South 09° 49' 51" West, 176.05 feet; thence South 07° 31' 45" West, 111.82 feet to a point on the northerly right of way line of Pulsipher Avenue per said plat; thence leaving said Erosion Control Line, run North 89° 51' 16" West along said northerly right of way line 615.40 feet to a point on the easterly right of way line of Ridgewood Avenue per said plat; thence leaving the northerly right of way line of said Pulsipher Avenue, run North 00° 19' 32" East along said easterly right of way line 249.94 feet to the POINT OF BEGINNING. Said parcel contains 4.667 acres, more or less.											
NOTES 1. THIS SKETCH OF DESCRIPTION IS NOT A SURVEY. 2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER LISTED BELOW. 3. THE LAND DESCRIPTION HEREON WAS WRITTEN BY THIS SURVEYOR AT THE DIRECTION OF THE CLIENT. 4. BEARING SHOWN HERE ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF MEADE AVENUE AND BEING SOUTH 89° 51' 56" EAST. (ASSUMED) 5. THE EXISTING RIGHT OF WAY AREA OF OCEAN BLVD APPEARS TO BE VACATED. HOWEVER, THE UNDERSIGNED SURVEYOR WAS NOT PROVIDED ANY VACATION DOCUMENTATION, AND DOES NOT CERTIFY TO THE LEGAL STATUS OF OCEAN BOULEVARD.											
CERTIFICATION I HEREBY STATE THAT THIS SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR FLORIDA SURVEYORS AND MAPPERS, AS SET FORTH IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.  McCrary, David WM. DAVID MCCRARY, JR., P.S.M. PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE NO. 4853 Digitally signed by David McCrary, Jr. DN: cn=David McCrary, Jr., o=David McCrary, Jr., ou=David McCrary, Jr., email=dmccrary@westgatecoconutbeach.com, c=US Date: 2021.11.18 10:10:00 -0500 DATE _____											
SECTION 26, TOWNSHIP 24 SOUTH, RANGE 37 EAST - BREVARD COUNTY, FLORIDA											
 Landmark Center Two 225 E. Robinson St., Suite 300 Orlando, FL 32801 407.839.4006 / FAX 407.839.4000 Licensed Business # 7153 Vanasse Hangen Brustlin, Inc.	<table border="1"><tr><td>DRAWN BY: CAP</td><td>CHECKED: WDM</td></tr><tr><td>PROJECT # 61920.01</td><td></td></tr><tr><td>DRAWING: Sk & Desc Overall.dwg</td><td></td></tr><tr><td>DRAWING DATE: 11/18/2021</td><td></td></tr><tr><td colspan="2">SHEET 1 OF 2</td></tr></table>	DRAWN BY: CAP	CHECKED: WDM	PROJECT # 61920.01		DRAWING: Sk & Desc Overall.dwg		DRAWING DATE: 11/18/2021		SHEET 1 OF 2	
DRAWN BY: CAP	CHECKED: WDM										
PROJECT # 61920.01											
DRAWING: Sk & Desc Overall.dwg											
DRAWING DATE: 11/18/2021											
SHEET 1 OF 2											
<table border="1"><tr><td>SKETCH & DESCRIPTION Overall Parcel ISSUED FOR: WESTGATE COCOA BEACH PIER LLC</td></tr></table>		SKETCH & DESCRIPTION Overall Parcel ISSUED FOR: WESTGATE COCOA BEACH PIER LLC									
SKETCH & DESCRIPTION Overall Parcel ISSUED FOR: WESTGATE COCOA BEACH PIER LLC											

EXHIBIT A



MASTER CONCEPTUAL DEVELOPMENT PLAN

- | | | | |
|--|---|--|-----------------------------------|
| 1 LOBBY | 4 POOL | 10 MULTI-LEVEL PARKING STRUCTURE (555 P.S.) | 20 COCOA BEACH PIER ENTRY SIGN |
| 2 GARAGE WITH 50 PUBLIC PARKING SPACES - Agreement Section 4 | 5 LAP POOL | 11 6-STORY GUESTROOM BUILDING | 21 BEACH ACCESS |
| 3 PUBLIC BEACH RENOURISHMENT ACCESS (NORTH-SOUTH BEACH ACCESS) *Easement Boundaries per Brevard County Shore Protection Beach Renourishment Easement EXH C/Agreement Section 6 | 6 15' PUBLIC BEACH AND PIER WALKWAY EASEMENT EXH B/ Agreement Section 3 | 12 BEACH RESTROOMS | 22 BEACH ACCESS PLAZA |
| | 7 POOL DECK FOR GUEST ACCESS | 13 DROP OFF | 23 EMERGENCY VEHICLE ACCESS |
| | 8 BIKE PARKING | 14 PULSIPHER PUBLIC BEACH ACCESS Agreement Section 8 | 24 SUPPORT AREAS AND LOADING DOCK |
| | 9 BEACH BAR | 15 20' PUBLIC BEACH ACCESS EASEMENT EXH D/ Agreement Section 7 | 25 COCOA BEACH PIER SIGNS |
| | | 16 PUBLIC METERED BEACH PARKING (7 P.S.) | |
| | | 17 PUBLIC METERED BEACH PARKING (18+1 P.S.) | |
| | | 18 WATER FEATURE | |
| | | 19 COCOA BEACH PIER | |



STUDIO 407

ROCHELLE W. LAWANDALES, FAICP
PLANNING FOR COMMUNITY

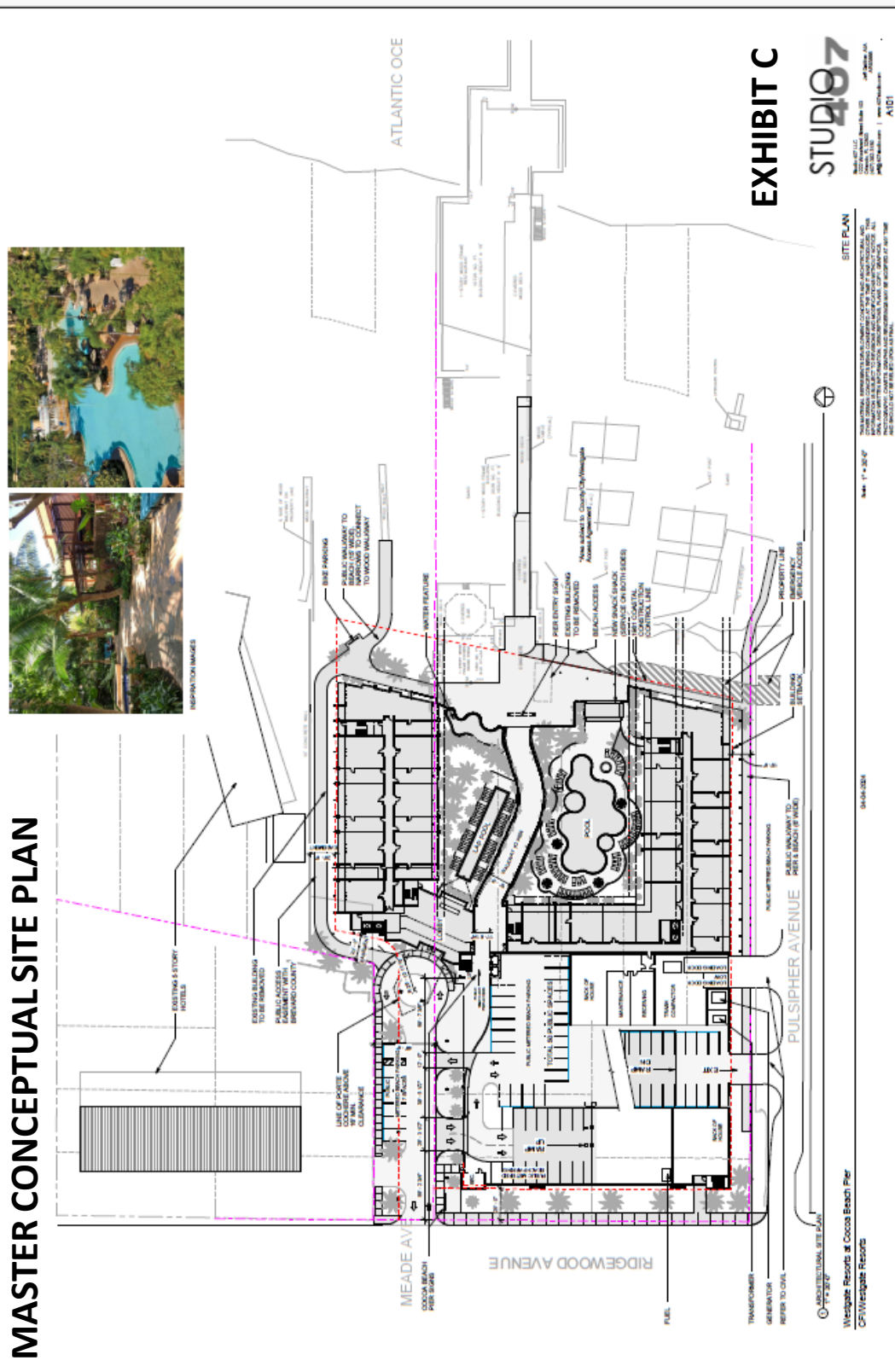
vhb

GRAY ROBINSON
ATTORNEYS | ADVISORS | CONSULTANTS



WESTGATE RESORTS AT COCOA BEACH PIER -

EXHIBIT B



DEVELOPMENT AGREEMENT BETWEEN

CITY OF COCOA BEACH

AND

WESTGATE COCOA BEACH, LLC

THIS DEVELOPMENT AGREEMENT (hereinafter “DA”) is entered into as of _____, 2022 by and between WESTGATE COCOA BEACH, LLC, a Florida limited liability company (hereinafter “Developer”), whose address is 401 Meade Avenue, Cocoa Beach, Florida 32931, and THE CITY OF COCOA BEACH, a Florida municipal corporation (hereinafter "City"), whose address is 1600 Minutemen Causeway, Cocoa Beach, Florida 32932.

RECITALS

WHEREAS, the Developer has presented to the City a plan to build a transient resort and accessory uses with a parking garage (hereinafter the “Project”) on property located at 401 Meade Avenue, Cocoa Beach, FL; and

WHEREAS, at the request of the Developer, the City has determined that the Project met the standards for a change in zoning from Oceanside Zoning District to Planned Development (PD) zoning district, as authorized under the City's Land Development Code, pursuant to Appendix B, Chapter II, Article IV, Section 2-26, Planned Development. ; and

WHEREAS, the PD zoning district requires that a Development Agreement (“DA”) be adopted by the City Commission which will bind the City and Developer to agree upon conceptual elements in support of the Project as set forth herein and on the Master Conceptual Development Plan and Master Conceptual Site Development Plan as attached hereto; and

WHEREAS, the City and Developer acknowledge that this DA is binding on the City and Developer and their respective successors and assigns; and

WHEREAS, the intent and purpose of the PD District is to accomplish within the City’s Redevelopment Districts, a more desirable environment and efficient land use pattern than would be possible through the application of conventional zoning and the form-based code requirements, while assuring that the project adheres to the applicable provisions of the City’s Charter, Comprehensive Plan and Land Development Code, and applicable federal and state regulations; and

WHEREAS, the PD District offers a Developer maximum flexibility to deviate from traditional rigid zoning standards and requirements, so that this Project has been designed with setbacks, building locations, site coverage, parking, landscape, signage, fencing heights and locations, buffers, sidewalks, access aisles, and other standards based upon Project feasibility, hotel brand and site constraints, and site development capabilities. These elements were proposed by the Developer on the Master Conceptual Plan (Exhibit “B”) and Master Conceptual Site Plan (Exhibit “C”) and Development Standards (Exhibit “D”) and submitted for approval by the City Commission which subsequently approved same.

WHEREAS, the City acknowledges that with projects of this size and scale, the Project may change as it goes through the permitting and construction plan approval process. To enable smooth and timely project management, the City, through its City Commission, hereby grants the City Manager the authority to approve minor changes to the development plans or signage design plan and other reductions in size, number or scale type Project changes, and make other decisions as more fully set forth in this DA; and,

WHEREAS, this Development Agreement is a non-statutory agreement and is not adopted in accordance with Florida Statutes, Section 163.3221, the Florida Local Government Development Agreement Act.

WHEREAS, all parties hereto have, without duress, voluntarily entered into this Agreement.

AGREEMENT

NOW, THEREFORE, the parties desire to be legally bound hereby agrees as follows:

1. **RECITALS.** The above recitals are true and correct and are incorporated into this Agreement by reference.

2. **CONSIDERATION.** The Parties hereby agree that the consideration and obligations recited and provided for under this Agreement constitute substantial benefits to both Parties and thus adequate consideration for this Agreement.

3. **DEFINITIONS.**

“**Agreement**” or “**DA**” shall mean this agreement between the City and the Developer.

“**City**” means the City of Cocoa Beach, a Florida municipal corporation.

“**City Manager**” means the City Manager or his/her designee.

“Code” means the City Charter, Code of Ordinances, and the Land Development Code in effect as of the Effective Date.

“County” means Brevard County, a political subdivision of the State of Florida.

“Developer” means Westgate Cocoa Beach, LP.

“Effective Date” means the date of recordation of the City Commission adopted, executed, and original signed version of this Agreement.

“Existing Land Development Code” means applicable provisions of the City Charter and City Land Development Code, including Chapter II, Article IV, Section 2-26 — Planned Development — and Chapter IV, Articles II — Subdivision Application Procedure — and III — Building Permit and Certificate of Occupancy - in effect as of the Effective Date which together regulate development and comprise the land development regulations governing the development of the Project.

“Laws” means the City Charter and all ordinances, resolutions, regulations, comprehensive plans, development regulations, and rules adopted by the City, County, State of Florida or federal government affecting the development of land.

“Minor Change” means any change in the Project floor area, lot coverage or similar numeric standard from such standards approved in either the Master Conceptual Site Development Plan and/or the Master Conceptual Development Plan that does not represent an increase of more than five percent (5%) above any such approved standard. Changes to the Project’s density or height shall not be considered a Minor change.

“Owner” has the same meaning as Developer.

“Parties” means the Developer and City, both of whom are signatories to this Agreement.

“Property” means the parcel more specifically described in Exhibit “A” to this Agreement and which is commonly referred to as the Cocoa Beach Pier.

4. **PURPOSE.** The purpose of this Agreement is to establish, as of the Effective Date, the development standards which govern the development of the Property. This Agreement satisfies the requirements of Section 2-26 of the Land Development Code.

5. **PROPERTIES SUBJECT TO THIS AGREEMENT.** The Property more specifically described as set forth in Exhibit “A”, titled “Sketch and Legal”, (hereinafter “Property”), is owned by the Developer and shall be held, transferred, sold, conveyed, occupied, and developed in the future subject to this Agreement. Prior to the recording of this Agreement,

the Developer shall supply to the City an opinion of title, from counsel admitted to the practice of the law in Florida, confirming the Developer's ownership of the Property and showing all liens, mortgages, and other encumbrances not satisfied or released of record and in a form acceptable to the City Attorney. All liens, mortgages, and other encumbrances not satisfied or released of record, must be subordinated to the terms of this Agreement or the Lienholder join in this Agreement. It shall be the responsibility of the Owner/Developer to promptly obtain such subordination or joinder, in form and substance that is acceptable to the City Attorney, prior to the City's execution of this Agreement.

6. **COVENANT RUNNING WITH THE LAND.** This Agreement shall constitute a covenant running with the land that shall be binding upon, and inure to the benefit of, the Parties, their successors, assigns, heirs, legal representatives, and personal representatives.

7. **SUSTAINABILITY STANDARDS.** The top hotel brands in the industry recognize the importance of incorporating sustainable site and building design, and more efficient operational measures into a project. Developer intends to facilitate actions where feasible that will endeavor to emulate these best practices, such as to conserve natural resources, protect indigenous wildlife, enhance indoor environmental quality, and reduce and recycle waste. In addition, the Developer and/or operator, as applicable, shall incorporate sustainability elements, where feasible and economically practicable, from the guidelines promulgated by a variety of national and international organizations recognized for their expertise in the area of building sustainability.

8. **MASTER DEVELOPMENT PLANS.** The project is located in the Planned Development District which offers a Developer and designer maximum flexibility to deviate from traditional zoning standards and requirements. Developer has submitted the following plans for formal approval by the City, and the City Commission has approved said Plans:

a. The ***“Master Conceptual Development Plan”*** shows the general layout for the buildings, amenities, on and off-site uses, beach access, retention of the public easement, infrastructure, landscape, drainage, parking, and mobility of the project. That Plan demonstrates the Project's compliance with the PD district and how the project has been designed with setbacks, building locations, site coverage, parking, landscape, amenities, signage, and other elements based upon project feasibility, hotel brand standards, site constraints, and site development capabilities. A copy of the Master Conceptual Development Plan is enclosed and made part hereof as Exhibit “B.”

b. The “*Master Conceptual Site Plan*” represents the conceptual civil engineering approach to the Project. A copy of the Master Conceptual Site Plan is enclosed and made part hereof as Exhibit “C.”

c. The “**WESTGATE RESORTS AT THE COCOA BEACH PIER DEVELOPMENT STANDARDS**” consists of minimum or maximum standards, as applicable, intended to provide staff with objective standards to assess the consistency of future Project submittals with the Master Conceptual Development Plan and the Master Conceptual Site Plan and facilitate staff review & consideration of the same. Said standards address the design of the specified Project elements including, but not limited to: lighting and signage, landscape, architecture, site design and buffering, amenities, infrastructure and other on-site Project components. The Development Standards shall be used by City staff in reviews of Project. Project plans which meet the Development Standards, the Master Conceptual Development Plan and Master Conceptual Site Plan, and otherwise in accordance with applicable City, County, state and federal requirements shall be approved by the City Manager. A copy of the Development Standards is attached and made a part hereof as Exhibit “D”.

The Project shall, in all respects, comply with the Florida Building Code in effect as of the date of application for the relevant permit for construction. It is agreed that all other approvals regarding Project issues, including, but not limited to, its architecture, engineering, permitting, aesthetics, signage, construction, and inspections will be handled administratively by the City Manager. City and Developer agree that any Minor changes to the Project that exceed what is represented on Exhibit “B” and/or Exhibit “C” shall be submitted to the City Manager for his/her review and consideration. Any changes other than Minor changes shall be submitted to the City Manager for review prior to such changes being submitted to the City Commission for its consideration. Developer shall have the right to appeal any specific decision of the City Manager to the City Commission, and the City Commission's decisions in all instances shall be considered final agency action. In the event the Developer should challenge any decisions of the City, Developer shall waive any such challenge upon the grounds of generality and lack of standards set forth in this Agreement and/or in the City's Land Development Code relating to the PD zoning.

The Developer has provided the City with a Traffic Impact Study which was prepared by VHB and accepted by the City in support of the two Master Plans. The Developer shall construct the improvements set forth in said Traffic Study at the Developer's sole cost and expense. If there

are Project changes which result in an increase to the size and scope of the Project, the Developer shall submit a new Traffic Study and any new necessary traffic improvements to be reviewed by the City, and if approved by the City, such necessary improvements shall be constructed at the sole cost and expense of the Developer.

d. Attached hereto and incorporated herein by reference are the CHARACTER GUIDE (Exhibit “E”) and PARKING PLAN (Exhibit “F”) which are additional development and conceptual plans.

MISCELLANEOUS ITEMS/GOVERNANCE

9. PUBLIC EASEMENTS.

a. ***Utility Easements.*** The Developer will provide the City such easements and other legal documentation, in a form mutually acceptable to the City Attorney and the Developer as the City may deem reasonably necessary or appropriate for the installation and maintenance of utilities and other services, including but not limited to, sewer, potable water, and reclaimed water services, electric, cable, fire protection and communications. These easements shall be contained within the final construction plans and shall be in a form that shall be recorded in the Public Records of Brevard County, Florida.

b. ***Public Access Easement.*** Developer will provide to the City and Brevard County such easements that are necessary and reasonable for the purpose of guaranteeing public beach access, beach parking and as needed for beach re-nourishment project and sand easement operations associated with the Brevard County Shore Protection Program. These easements shall be contained within the final construction plans and shall be in a form that shall be recorded in the Public Records of Brevard County, Florida. The master plan documents and the “Westgate Agreement,” (an Agreement between Westgate Cocoa Beach Pier, LLC, The City of Cocoa Beach, and the Board of County Commissioners of Brevard County, Florida), a copy of which is attached hereto as Exhibit “G” shall be completed and recorded prior to the issuance of a Certificate of Occupancy to the Developer.

10. **ADDITIONAL RETAIL AND ALCOHOL SALES.** Subject to appropriate state licensing, City Beach Business Tax Receipts, and environmental permitting, by the adoption of this DA, the City Commission approves the issuance of a City Beach Vendor Permit(s) authorizing Developer to rent recreational equipment and sell food and beverage, including alcoholic beverages, seaward of the 1981 Coastal Construction Control Line via tiki/bar areas located on the

dune crossover structures and/or through host services on beach lands owned by the Developer and the City, pursuant to the aforementioned Beach Vendor Permit, the details of which shall be mutually agreed upon by the Developer and City and the issuance of which shall not be unreasonably withheld, conditioned or delayed.

11. **CONCURRENCY.** The Developer acknowledges and agrees that, prior to the issuance of any building permit(s) for the Subject Property, the Developer must have received and be in possession of a valid unexpired Certificate of Capacity. The Certificate of Capacity verifies the reservation of infrastructure capacity sufficient to permit development pursuant to the approved site plan for the Subject Property. The Certificate of Capacity shall be valid for a term as defined and stated in the Certificate. Neither this DA nor the site/master plan approval shall create or result in a vested right or rights to develop the Subject Property without a current and valid Certificate of Capacity.

12. **NON-CONFORMITIES.** The City acknowledges that the Property, as of the Effective Date, is improved as a resort hotel complex. The parties hereby find and agree that both the Property's current use and existing buildings forming part of the hotel complex conform with the provisions of the City's land development regulations. Notwithstanding the provisions of the Existing Land Development Code, the Developer may make substantial improvements to the buildings located on the Property as it is presently configured in excess of the threshold(s) set forth in s. 4-26 of the City's Existing Land Development Code. Notwithstanding this finding, the City shall not be precluded from requiring Developer to bring the Property into compliance with the Florida Building Code, Fire Code, stormwater regulations, and such other applicable regulations necessary to ensure that the Property does not pose a hazard to the health or safety of the public.

13. **VESTING.** Adoption of the Master Development Plan and Master Conceptual Site Plan and recording of the DA will vest the Developer and its successors and assigns with the rights set forth herein during the term of this DA, so long as this DA is in force. No action of the City, including, but not limited to, changes in the City's Charter, Comprehensive Plan, or Land Development Code or other City regulation will have the specific or unintended effect of changing the rights and uses vested and applicable to the Subject Property. Provided, however, if either current state or federal law is applicable to this DA and precludes the parties' compliance with any of the terms of this Agreement or is enacted after the effective date of this Agreement and is

applicable to and precludes the parties' compliance with any of the terms of this DA, this DA shall be modified or revoked as is necessary to comply with the relevant state or federal law.

14. **COMPLIANCE WITH THE LAW.** Subject to the vesting provisions herein, the failure of this DA to address a particular permit, condition, term, or restriction shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.

15. **NOTICES.**

a. All notices, demands, and requests which may or are required to be given hereunder shall, except as otherwise expressly provided, be in writing and delivered by personal service or sent by United States Registered or Certified Mail, return receipt requested, postage prepaid, or by overnight express delivery, such as Federal Express, to the Parties at the addresses listed below. Any notice to be given pursuant to this Agreement shall be deemed given when received. Any actions required to be taken hereunder which fall on Saturday, Sunday or United States legal holidays shall be deemed to be performed timely when taken on the succeeding day thereafter which shall not be a Saturday, Sunday, or legal holiday.

To the City: City Manager
 City of Cocoa Beach
 1600 Minutemen Causeway
 Cocoa Beach, FL 32931

With a copy to: City Attorney
 Attn: Gretchen R. H. Vose, Esq.
 Vose Law Firm LLP
 234 West Morse Blvd.
 Winter Park, FL 32789

To Developer: Bryon Smith
 Westgate Resorts
 5601 Windhover Drive
 Orlando, FL 32819

With a copy to: Shawn L. Demers, Esq.
 GrayRobinson, P.A.
 1795 West NASA Blvd.
 Melbourne, FL 32901

b. Any party to this Agreement may change its notification address(es) by providing written notification to the remaining Parties to the terms and conditions of this section.

16. **CAPTIONS.** The captions used herein are for convenience only and shall not be relied upon in construing this DA.

17. **BINDING EFFECT.** This DA shall run with the land, shall be binding upon and inure to the benefit of the Developer and its assigns and successors in interest, and the City and its assigns and successors in interest. The Developer agrees to pay the cost of recording this document in the Public Records of Brevard County, Florida. This Agreement does not, and is not intended to, prevent or impede the City from exercising its legislative authority as the same may affect the Subject Property, except as to rights vested in the Developer as to the Subject Property as provided herein.

18. **SEVERABILITY.** If any part of this DA is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this DA, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this DA is declared severable.

19. **APPLICABLE LAW/COURTS.** This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Any litigation of any kind relating in any way to this DA shall be in the Circuit Court in and for Brevard County, and the parties hereto explicitly waive any right to litigate in Federal Court. This waiver shall apply to any successors or assigns of the Parties. In addition to other legal rights, the Parties shall each have the right to specific performance of this Agreement in court. Each party shall bear its own attorney's fees. Each party waives any defenses, whether asserted by motion or pleading, that the aforementioned courts are an improper or inconvenient venue. Moreover, the Parties consent to the personal jurisdiction of the aforementioned courts and irrevocably waive any objection to said jurisdiction. The Parties irrevocably waive any rights to a jury trial.

20. **ENTIRE AGREEMENT/AMENDMENT.** This DA constitutes the entire agreement between the parties, and supersedes all previous discussions, understandings and agreements, with respect to the subject matter hereof. Amendments to and waivers of the provisions of this DA shall be made by the parties only in writing by formal amendment.

21. **CONSTRUCTION.** The Developer will be allowed to conduct construction in accordance with approved permits in accordance with the provisions of the Cocoa Beach City

Code as of the Effective Date unless specifically exempted from such provisions upon good cause shown.

22. **COOPERATION; EXPEDITED PERMITTING; TIME OF THE ESSENCE.**

a. The Parties agree to cooperate with each other to the full extent practicable pursuant to the terms and conditions of this Agreement. The Parties agree that time is of the essence in all aspects of their respective and mutual responsibilities pursuant to this Agreement. The City shall use its best efforts to expedite the permitting and approval to assist the Developer in achieving its development and construction milestones.

b. Notwithstanding the foregoing, the City shall not be obligated to issue development permits to the extent that the Developer does not comply with the applicable requirements of the Existing Land Development Code, this Agreement, the applicable building codes, or any other applicable local, state or federal laws, regulations, statutes, or ordinances.

23. **FEES FOR CITY COSTS.** Developer shall be responsible for all of the City's consultant fees, reproduction costs or delivery fees, and other similar expenses relating to the Project, including, but not limited to expenses incurred for review of the Project, preparation or revisions to documents, both before and after the execution of this DA, in amounts as reasonably determined by the City, shall be paid to the City by the Developer.

24. **RIGHTS OF CITY IN EVENT OF DEFAULT BY DEVELOPER.** In addition to any rights the City may have under Florida law, the City shall also have the right to suspend processing application reviews, issue stop work orders, stop the issuance of a certificate of occupancy, or otherwise suspend Project processing activity if Developer is found by the City to be in default or violation of any of the terms of this DA, or has violated any term of any permit issued by the City or any other governmental entity relating to the Project or the Subject Property.

25. **THIRD PARTY DEFENSE.** The City and the Developer shall each, at their own cost and expense, vigorously defend any claims, suits, or demands brought against them by third parties, challenging the Agreement or the Project, or objecting to any aspect thereof, including without limitation: (a) a consistency challenge pursuant to s. 163.3215, Fla. Statutes (2020); (b) a petition for writ of certiorari; (c) an action for declaratory judgment; or (d) any claims for loss, damage, liability, or expense (including reasonable attorneys' fees). The City and Developer shall promptly give the other written notice of any such action, including those that are pending or threatened and all responses, filings, and pleading with respect thereto. To the extent possible, the

Developer shall reimburse the City such reasonable out-of-pocket costs incurred by the City in any such litigation.

26. **NO THIRD-PARTY BENEFICIARY.** No persons or entities other than the Parties, their heirs, successors, and assigns, shall have any rights whatsoever under this Agreement.

27. **COUNTERPARTS.** This Agreement may be executed in two (2) or more counterparts, each of which shall constitute an original but all of which, when taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have caused this DA to be signed by their duly authorized officers and their seals to be hereto affixed as of the day and year first above written.

(SIGNATURE AND EXHIBIT PAGES TO FOLLOW)

ATTEST:

CITY:

CITY OF COCOA BEACH, FLORIDA

Date: _____

By: _____

Print Name: _____

As Its: _____

Print Name: _____
City Clerk

FOR THE USE AND RELIANCE
OF CITY OF COCOA BEACH ONLY.
APPROVED AS TO FORM.

Print Name: _____
City Attorney

[SIGNATURE PAGE TO FOLLOW]

Witnesses:

DEVELOPER:
WESTGATE COCOA BEACH, LLC

Date: _____

By: _____

Print Name: _____

Print Name: _____

Print Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or
☐ online notarization, this _____ day of _____, 2024, by _____,
as Manager of **WESTGATE COCOA BEACH, LLC**. He ☐ is personally known to me or
☐ has produced _____ as identification.

(NOTARY SEAL)

Notary Public Signature

(Name typed, printed or stamped)

DESCRIPTION

A parcel of land located in Section 26, Township 24 South, Range 37 East, Brevard County, Florida. Said parcel being more particularly described as follows:

BEGIN at the northwest corner of Lot 1, Block 113, AVON-BY-THE-SEA, Plat Book 3, Page 7 of the Public Records of Brevard County, Florida; thence South 89° 51' 56" East along the southerly right of way of Mead Avenue per said plat, 192.82 feet to a point on the southerly extension of the westerly boundary line of Lot 12, Block 112 per said plat; thence leaving said southerly right of way line, run North 11° 27' 59" East along said southerly extension of the westerly boundary line of Lot 12 a distance of 100.16 feet to a point on the northerly boundary line of said Lot 12, Block 112 per said plat; thence leaving the southerly extension of the westerly boundary line of said Lot 12, run South 89° 55' 42" East along the northerly boundary line of said Lot 12 a distance of 456.81 feet to a point on the Erosion Control Line, per Florida Department of Environmental Protection Mean High Water Survey File No. 2249; thence leaving the northerly boundary line of said Lot 12, run the following courses along said Erosion Control Line, South 09° 34' 48" West, 65.22 feet; thence South 09° 49' 51" West, 176.05 feet; thence South 07° 31' 45" West, 111.82 feet to a point on the northerly right of way line of Pulsipher Avenue per said plat; thence leaving said Erosion Control Line, run North 89° 51' 16" West along said northerly right of way line 615.40 feet to a point on the easterly right of way line of Ridgewood Avenue per said plat; thence leaving the northerly right of way line of said Pulsipher Avenue, run North 00° 19' 32" East along said easterly right of way line 249.94 feet to the POINT OF BEGINNING.

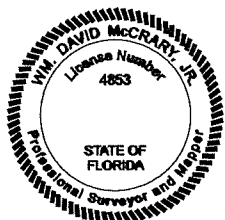
Said parcel contains 4.667 acres, more or less.

NOTES

1. THIS SKETCH OF DESCRIPTION IS NOT A SURVEY.
2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER LISTED BELOW.
3. THE LAND DESCRIPTION HEREON WAS WRITTEN BY THIS SURVEYOR AT THE DIRECTION OF THE CLIENT.
4. BEARING SHOWN HERE ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF MEADE AVENUE AND BEING SOUTH 89° 51' 56" EAST. (ASSUMED)
5. THE EXISTING RIGHT OF WAY AREA OF OCEAN BLVD APPEARS TO BE VACATED. HOWEVER, THE UNDERSIGNED SURVEYOR WAS NOT PROVIDED ANY VACATION DOCUMENTATION, AND DOES NOT CERTIFY TO THE LEGAL STATUS OF OCEAN BOULEVARD.

CERTIFICATION

I HEREBY STATE THAT THIS SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR FLORIDA SURVEYORS AND MAPPERS, AS SET FORTH IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.



McCrary, David

Digitally signed by McCrary, David
DN: CN=McCrary, David
Reason: I have reviewed this document
Contact Info: DMcCrary@VHB.com
Date: 2021.11.16 17:17:50-0500

WM. DAVID McCRARY, JR., P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENSE NO. 4853

DATE

SECTION 26, TOWNSHIP 24 SOUTH, RANGE 37 EAST - BREVARD COUNTY, FLORIDA



Vanasse Hangen Brustlin, Inc.

Landmark Center Two
225 E. Robinson St., Suite 300
Orlando, FL 32801
407.839.4006 / FAX 407.839.4008
Licensed Business # 7153

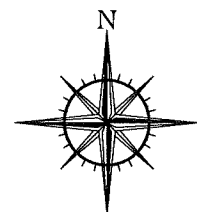
DRAWN BY: CAP	CHECKED: WDM
PROJECT # 61920.01	
DRAWING: Sk & Desc Overall.dwg	
DRAWING DATE: 11/08/2021	
	SHEET 1 OF 2

SKETCH & DESCRIPTION Overall Parcel

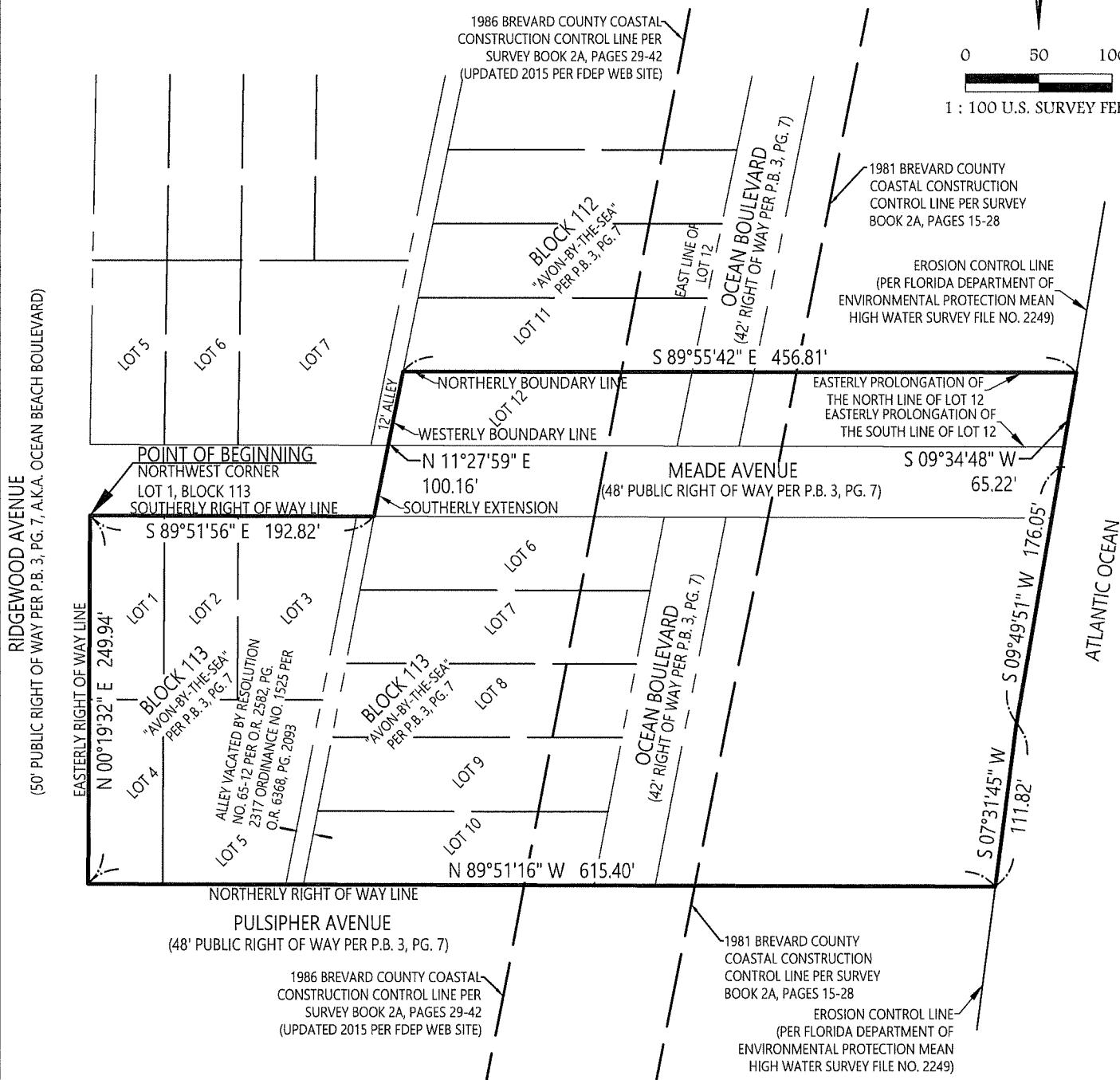
ISSUED FOR:
WESTGATE COCOA BEACH PIER LLC

LEGEND

A.K.A. = ALSO KNOWN AS
O.R. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
P.G. = PAGE



0 50 100
1 : 100 U.S. SURVEY FEET



SEE SHEET 1 OF 2 FOR DESCRIPTION, CERTIFICATION AND NOTES

SECTION 26, TOWNSHIP 24 SOUTH, RANGE 37 EAST - BREVARD COUNTY, FLORIDA



Landmark Center Two
225 E. Robinson St., Suite 300
Orlando, FL 32801
407.839.4006 / FAX 407.839.4008
Licensed Business # 7153

Vanasse Hangen Brustlin, Inc.

DRAWN BY: CAP	CHECKED: WDM
PROJECT # 61920.01	
DRAWING: Sk & Desc Overall.dwg	
DRAWING DATE: 11/08/2021	
SCALE: 1" = 100'	SHEET 2 OF 2

SKETCH & DESCRIPTION Overall Parcel

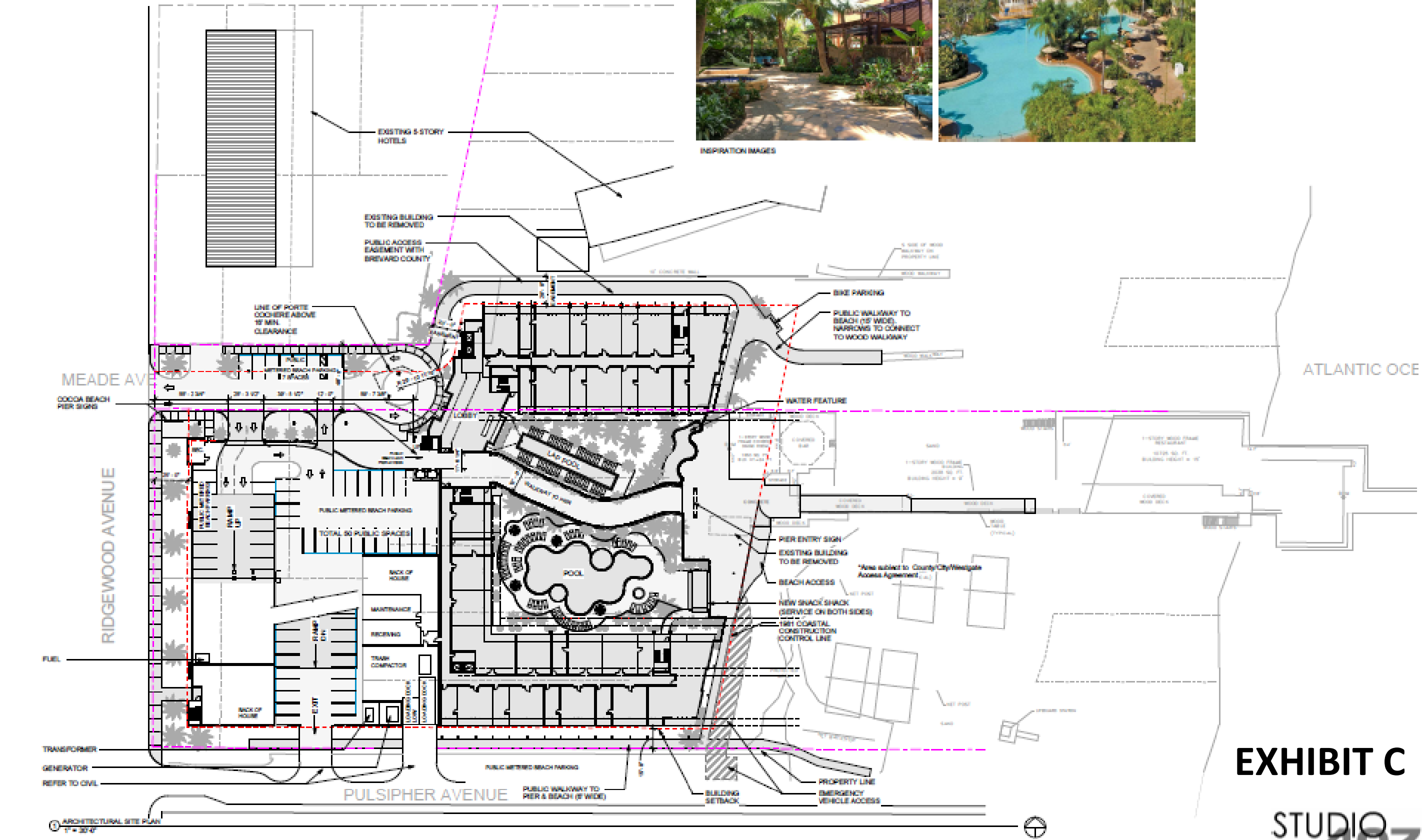
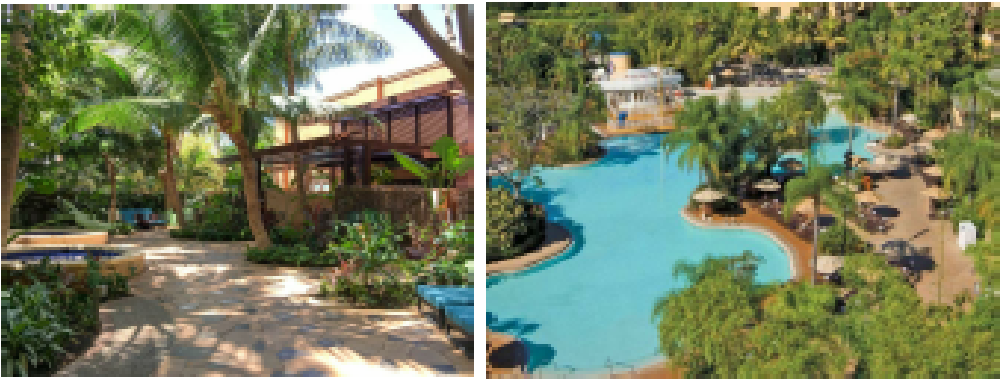
ISSUED FOR:
WESTGATE COCOA BEACH PIER LLC

MASTER CONCEPTUAL DEVELOPMENT PLAN

- ① LOBBY
- ② GARAGE WITH 50 PUBLIC PARKING SPACES - Agreement Section 4
- ③ PUBLIC BEACH RENOURISHMENT ACCESS (NORTH-SOUTH BEACH ACCESS) *Easement Boundaries per Brevard County Shore Protection Beach Renourishment Easement EXH C/Agreement Section 6
- ④ POOL
- ⑤ LAP POOL
- ⑥ 15' PUBLIC BEACH AND PIER WALKWAY EASEMENT EXH B/ Agreement Section 3
- ⑦ POOL DECK FOR GUEST ACCESS
- ⑧ BIKE PARKING
- ⑨ BEACH BAR
- ⑩ MULTI-LEVEL PARKING STRUCTURE (555 P.S.)
- ⑪ 6-STORY GUESTROOM BUILDING
- ⑫ BEACH RESTROOMS
- ⑬ DROP OFF
- ⑭ PULSIPHER PUBLIC BEACH ACCESS Agreement Section 8
- ⑮ 20' PUBLIC BEACH ACCESS EASEMENT EXH D/ Agreement Section 7
- ⑯ PUBLIC METERED BEACH PARKING (7 P.S.)
- ⑰ PUBLIC METERED BEACH PARKING (18+1 P.S.)
- ⑱ WATER FEATURE
- ⑲ COCOA BEACH PIER
- ⑳ COCOA BEACH PIER ENTRY SIGN
- ㉑ BEACH ACCESS
- ㉒ BEACH ACCESS PLAZA
- ㉓ EMERGENCY VEHICLE ACCESS
- ㉔ SUPPORT AREAS AND LOADING DOCK
- ㉕ COCOA BEACH PIER SIGNS



MASTER CONCEPTUAL SITE PLAN



**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

PROJECT: WESTGATE RESORT AT THE PIER COCOA

BEACH

PROPERTY LOCATION: 401 Meade Avenue (See Map 1)

OWNER: Westgate Resorts, 5601 Windhover Drive,

Orlando, Fl. 32819

FUTURE LAND USE DESIGNATION: REDEVELOPMENT

(North Cocoa Beach)



ZONING DESIGNATION: OCEANSIDE

ZONING REQUEST: PLANNED DEVELOPMENT DISTRICT, WITH APPROVED MASTER DEVELOPMENT PLAN AND DEVELOPMENT AGREEMENT

PROJECT DESCRIPTION

REQUEST

The applicant, Westgate Cocoa Beach Pier LLC, hereinafter referred to as 'Westgate', is requesting a change of zoning to allow a Planned Development (PD) on lands that include the Cocoa Beach Pier plus 2 surrounding properties on the north and south side of Meade Avenue totaling 4.55 acres more or less found in Map 1:

1. Account:2435959Parcel ID:24-37-26-CG-113-6
2. Account:2435957Parcel ID:24-37-26-CG-112-12

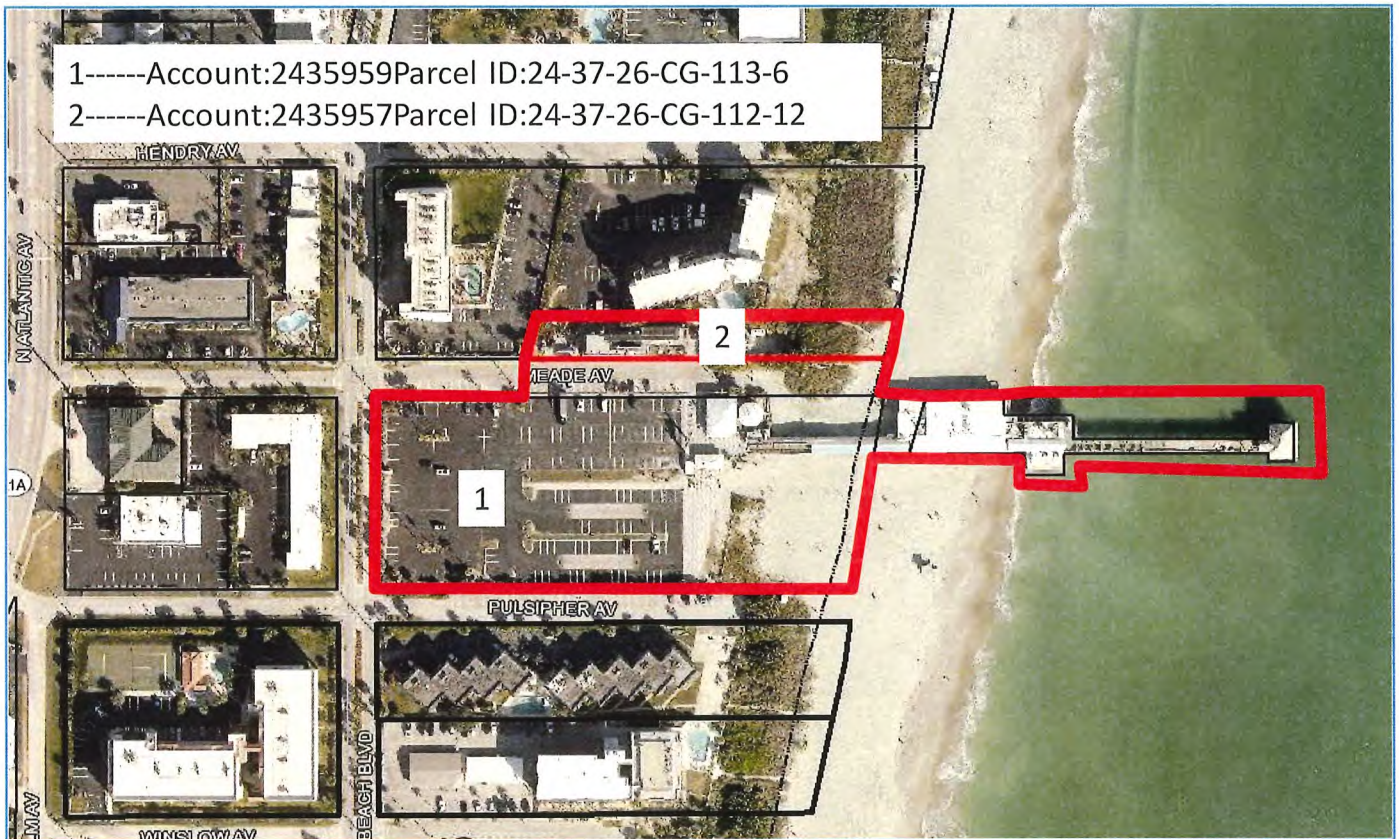
The property #1 on the south side of Meade is predominately surface parking that serves the Pier, on site restaurants and shops. The property #2 on the north side holds a retail shop providing beach ware and supplies. According to the Brevard County Property Appraiser's website, the shop was built in 1955. The Pier, to the east on the beach, is a locally known landmark, dating back to the early 1960's. A portion of Meade Avenue has been conditionally vacated by the City, giving an additional .51 acres to site. This additional portion will not be used in the density calculation. A height variance to allow a height of 70' has been granted by the City Commission. A new complete boundary survey will be updated and provided.

**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

Map 1, Location Map, shows the property as currently used. Map 2 shows the a sketch and legal of the new boundaries with the vacated portion of Meade Avenue included.

This document will set forth the standards and conditions for project development.

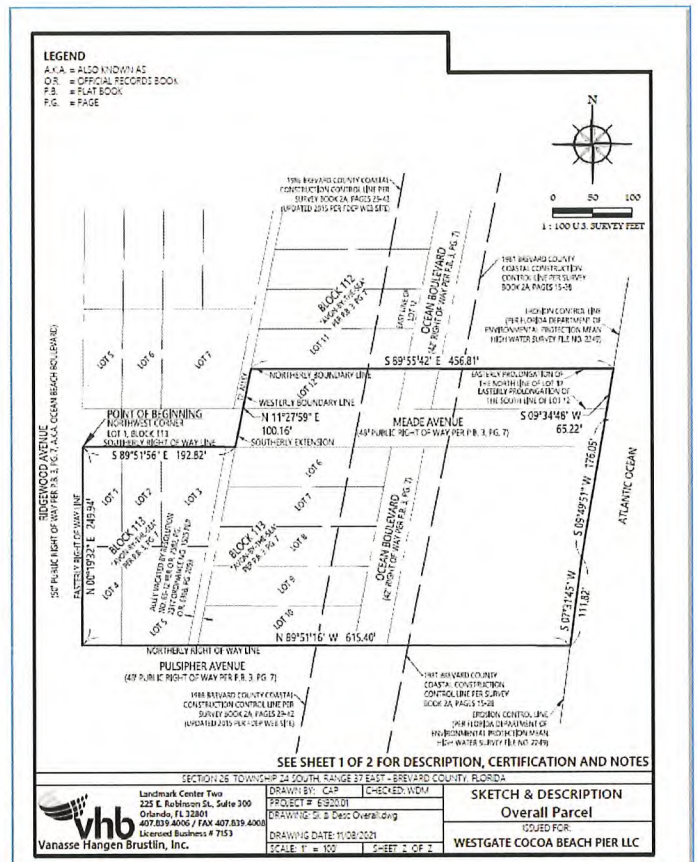
**Map 1
General Location Map(Not to scale)**



PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT SITE DEVELOPMENT STANDARDS

MAP 2 SKETCH AND LEGAL DESCRIPTION

DESCRIPTION A parcel of land located in Section 26, Township 24 South, Range 37 East, Brevard County, Florida. Said parcel being more particularly described as follows: BEGIN at the northwest corner of Lot 1, Block 113, AVOH-BY-THE-SEA, Plat Book 3, Page 7 of the Public Records of Brevard County, Florida; thence South 89° 51' 56" East along the southerly right of way of Meade Avenue per said plat, 192.82 feet to a point on the southerly extension of the westerly boundary line of Lot 12, Block 112 per said plat; thence leaving said southerly right of way line, run North 11° 27' 59" East along said southerly extension of the westerly boundary line of Lot 12 a distance of 100.16 feet to a point on the northerly boundary line of said Lot 12, Block 112 per said plat; thence leaving the southerly extension of the westerly boundary line of said Lot 12, run South 89° 55' 42" East along the northerly boundary line of said Lot 12 a distance of 456.81 feet to a point on the Erosion Control Line, per Florida Department of Environmental Protection Mean High Water Survey File No. 2249, thence leaving the northerly boundary line of said Lot 12, run the following courses along said Erosion Control Line, South 09° 34' 48" West, 65.22 feet; thence South 09° 49' 51" West, 176.05 feet; thence South 07° 31' 45" West, 111.82 feet to a point on the northerly right of way line of Pulsipher Avenue per said plat; thence leaving said Erosion Control Line, run North 89° 51' 16" West along said northerly right of way line 615.40 feet to a point on the easterly right of way line of Ridgewood Avenue per said plat; thence leaving the northerly right of way line of said Pulsipher Avenue, run North 00° 19' 32" East along said easterly right of way line 249.94 feet to the POINT OF BEGINNING. Said parcel contains 4.667 acres, more or less.	
NOTES 1. THIS SKETCH OF DESCRIPTION IS NOT A SURVEY. 2. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER LISTED BELOW. 3. THE LAND DESCRIPTION HEREON WAS WRITTEN BY THIS SURVEYOR AT THE DIRECTION OF THE CLIENT. 4. BEARING SHOWN HERE ARE BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF MEADE AVENUE AND BEING SOUTH 89° 51' 56" EAST. (ASSUMED) 5. THE EXISTING RIGHT OF WAY AREA OF OCEAN BLVD APPEARS TO BE VACATED. HOWEVER, THE UNDERSIGNED SURVEYOR WAS NOT PROVIDED ANY VACATION DOCUMENTATION, AND DOES NOT CERTIFY TO THE LEGAL STATUS OF OCEAN BOULEVARD.	
CERTIFICATION I HEREBY STATE THAT THIS SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE FOR FLORIDA SURVEYORS AND MAPPERS, AS SET FORTH IN CHAPTER 31-17 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES. WM. DAVID MCCRARY, JR., P.S.M. PROFESSIONAL SURVEYOR AND MAPPER FLORIDA LICENSE NO. 4853 DATE _____	
McCrory, David	
SECTION 26 TOWNSHIP 24 SOUTH RANGE 37 EAST - BREVARD COUNTY, FLORIDA	
Landmark Center Two 225 E. Robinson St., Suite 300 Orlando, FL 32801 407.839.4006 / FAX 407.839.4203 Licensed Business # 7153 Vanassee Hangen Brustlin, Inc.	SKETCH & DESCRIPTION Overall Parcel ISSUED FOR: WESTGATE COCOA BEACH PIER LLC
DRAWN BY: CAP CHECKED: WDM PROJECT # 692001 DRAWING: S.D. Desc Overall.dwg DRAWING DATE: 11/08/2021 SHEET 1 OF 2	



PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT SITE DEVELOPMENT STANDARDS

PROPOSED PROJECT

The properties are in an area designated for Redevelopment Land Use in the Comprehensive Plan and Zoned as the Oceanside Redevelopment District. The infrastructure is aging, and stormwater/landscape/beach areas need to be upgraded or enhanced for environmental sustainability. To eliminate an aging facility and bring renewed vitality to the area, the applicant is proposing to redevelop the 2 properties that abut Meade Avenue into a multi-million dollar resort hotel, complete with resort style pool, parking garage, beach frontage, new public beach access, replacement public parking spaces, landscaping, upgraded utilities, improved stormwater, restored dunes, and other amenities. The Parking Garage and "Back of House" areas are estimated to be 197,250 sf and the Hotel will be 182,000 sf with 116 +/- rooms. Density is based upon the 4.16 site acreage, not including the Meade Avenue vacation, at 28 units per acre per the Comprehensive Plan. This project will implement a vital need in Cocoa Beach's economic development and redevelopment plans.



Figure 1 Westgate Resort Rendering

The Master Conceptual Development Plan is shown in Map 3.

**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

DEVELOPMENT STANDARDS



The City of Cocoa Beach's Appendix B, Land Development Code, Chapter II, Article IV, Section 2-26 requires that a Development Agreement be formulated which in effect will bind the City and Developer to either: perform certain actions in support of the project by either party; require installation of certain infrastructure or physical enhancements by either party; provide for financial incentives or obligations by either party; and/or, set forth a list of agreed upon

development standards to govern the project's site design and utilization. The PD establishes several categories where standards would apply. This document sets forth general development standards that will be an exhibit to the Development Agreement, to influence the design and implementation of the proposed development, and give guidance to the developer and owner during the administrative review and permitting process.

MASTER PLANNING

Article IV, Section 2-26, requires a project proposed under Planned Development district to provide a variety of information. To that end, the **WESTGATE RESORTS AT THE COCOA BEACH PIER** created the " Master Conceptual Development Plan" (Map 3) and a Master Conceptual Site Plan (Map 4), both of which will serve as the Master Development Plans required for the PD. These two plans provide a '30,000' foot overview of the site and buildings for use in understanding the project as a whole and will become part of the Development Agreement.

The project is using the Planned Development District which offers an owner and designer maximum flexibility to deviate from traditional zoning standards and requirements. This project has been designed with its own setbacks, building locations, site coverage, parking, landscape, signage, and other site development or architectural standards based upon project feasibility, brand and site constraints, and development capabilities as shown on the composite set of conceptual plans provided with the PD application.

PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT SITE DEVELOPMENT STANDARDS

Once approved by the City Commission, the staff and developer will work through detailed construction, architectural building, and development permitting through administrative processes in conformance with the standards set forth herein and the adopted plans.

To satisfy other information requirements for the PD, several other informational Master Conceptual Plans were included in the application package. These show how the project proposes to address required elements such as site plans, infrastructure plans, building plans and elevations, lighting and landscape plans. These particular project elements are narrated herein and documented on the conceptual plans and Character Guide. The Planned Development zoning category allows for the developer to use the existing site to inform the buildings, placement, signage, and landscape and set forth its own development standards to govern the development. These standards become part of the development agreement. The plans included herein are graphic representations of the way in which the site is proposed to be developed, subject to final City and Agency permitting and plan approvals.

- **MAP 3 MASTER CONCEPTUAL DEVELOPMENT PLAN**
- **MAP 4 MASTER CONCEPTUAL SITE PLAN**
- **MAPS 5 A AND B MASTER CONCEPTUAL BUILDING PLANS**
- **MAPS 6 A AND B MASTER CONCEPTUAL AERIAL SITE PLAN AND MASTER INFRASTRUCTURE (UTILITY AND DRAINAGE) PLANS**
- **MAP 7 MASTER CONCEPTUAL LANDSCAPE PLAN**
- **CHARACTER GUIDE**

CHARACTER GUIDE

There is a project vision, style, aesthetic, and design character elements that are contemplated in this almost 200,000 +/- square feet, multi-million-dollar construction project. In order to present these ideas to address the components of Architectural Concepts, Landscape Plan, Lighting and Signage required by the City, the team created and proposed the '**Character Guide**'. This book symbolizes and gives the City and public the true essence of the visual attributes, flavor, and personality of this vibrant redevelopment project.

In the case of the "Architectural Aesthetic Concepts, Landscaping, Lighting and Signage" strategies, the Character Guide offers a sense of the project's preferred personality and style as intended by the owners, but is not proffered as a final design handbook for adoption. Specific final details regarding architectural materials and elements, plants, light fixtures, bulbs, signage design and position, and building external finishes cannot be identified at this time until further detailed design, construction plans, and value engineering efforts are undertaken by the developer. Final design will be undertaken during the construction, building, and

PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT SITE DEVELOPMENT STANDARDS

environmental permitting phases of the project through appropriate plans submitted for administrative review by the staff.

The project is introducing the best of urban design philosophy and practice into the architectural quilt of the Cocoa Beach community. Inspired by the unique aspects of the City's history and locational elements, other projects owned by Westgate Resorts, the conceptual design creates an increased sense of security, sense of place, visual enjoyment, offers various mobility options, provides new employment, and contains attractions that will foster new meaningful interactions between residents and with the environment. The location, shapes and materials envisioned for the structures show a thoughtful balance of economic, social, and environmental needs for a sustainable outcome. These inspired designs result in a stronger sense of place and good urban design with the goal of 'place-making'.

CHARACTER GUIDE STANDARDS

1. The Character Guide will be used to inform decisions on Architectural Aesthetic Concepts, Landscaping, Lighting and Signage by the City Manager and Developer during the administrative review process.
2. If the City Manager deems a project component consistent with the Character Guide, that component shall be approved by the staff. If there is a dispute, the Developer may appeal that decision to the City Commission.

USES AND SQUARE FOOTAGES

The project will contain a maximum 500,000+/- square feet of total space distributed by the Developer among the uses identified hereinbelow, subject to the maximum total square footage allowed.

1. **USES AND SQUARE FOOTAGES STANDARDS** The project is intended to contain the following elements:
 - a. Hotel guest rooms dependent upon the final surveyed acreage, currently under 120 units;
 - b. Public Food Service Establishments and Alcoholic Beverage Establishments;
 - c. Parking structure(552 spaces plus 38 public metered spaces) plus public parking on Meade and Pulsipher totaling 616 spaces;
 - d. Small meeting or banquet rooms internal to the hotel;
 - e. Retail and Commercial uses consisting of gift shops, other small boutiques, and spas;
 - f. Operational & services areas, such as the lobby, loading dock, on-site laundry, and maintenance facilities and central chiller plant'.

BUILDING AND SITE DEVELOPMENT STANDARDS

**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

A detailed Development Standards document has been prepared under separate cover for attachment to the Development Agreement. For descriptive purposes, Map 3 is the Master Conceptual Development Plan which sets the maximum development parameters for the project. The following development standards, as taken from the Development Standards document, shall govern the development of the project.

1. Minimum building setbacks from property lines:
 - a. Front: 10'
 - b. Sides: 10'
 - c. Rear: 1981 Coastal Construction Control Line
2. Lot Coverage: 80%
3. Parking: Minimum required by code. Proposed: 552 in the Garage, plus 38 public metered; 7 on Meade; 19 on Pulsipher Ave.
4. Height: Maximum 70', plus 10% or 7' per the Land Development Code for non-habitable appurtenances
5. Maximum Building sizes: All new buildings combined shall not exceed 500,000 square feet

BUILDING HEIGHT

The project owners were granted a height variance by the City in July, 2022, to allow a maximum building height of 70' based upon numerous findings of fact made by the City Commission during the hearing process.

The Project shall incorporate multi-level roof lines to ensure architectural diversity across the site consistent with the Master Conceptual Development Plan. Map 5-a and Map 5-b depict the desired external elevations, varied roof lines, and currently planned building heights.

An Administrative Waiver will be applied for to enable parapets, mechanical, and other allowable appurtenances consistent with the requirements in Section 4-42 of the City's Land Development Regulations.

PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS

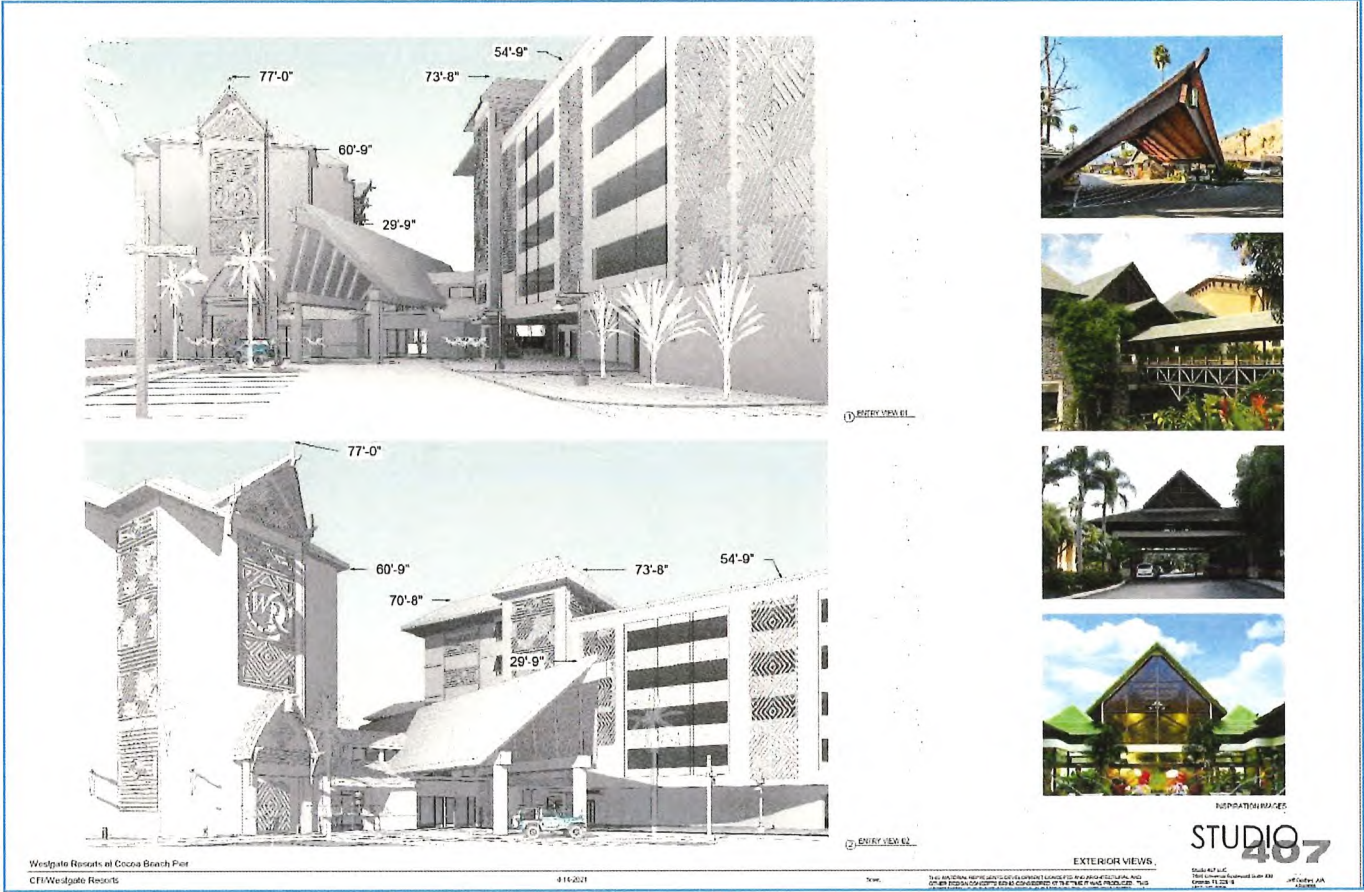
MAP 3

MASTER CONCEPTUAL DEVELOPMENT PLAN(Large sizes under separate cover)

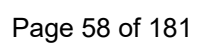


PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS

MAP 5-a
MASTER CONCEPTUAL BUILDING PLAN



MAP 5-b
BUILDING ELEVATION VIEW



**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

UTILITIES

ON-SITE UTILITIES OR OTHER OFF-SITE PUBLIC/PEDESTRIAN INFRASTRUCTURE STANDARDS

On-site utilities and off-site public/pedestrian infrastructure shall be subject to the approval of the City Manager.

The utilities plans shall, at a minimum, meet the following standards:

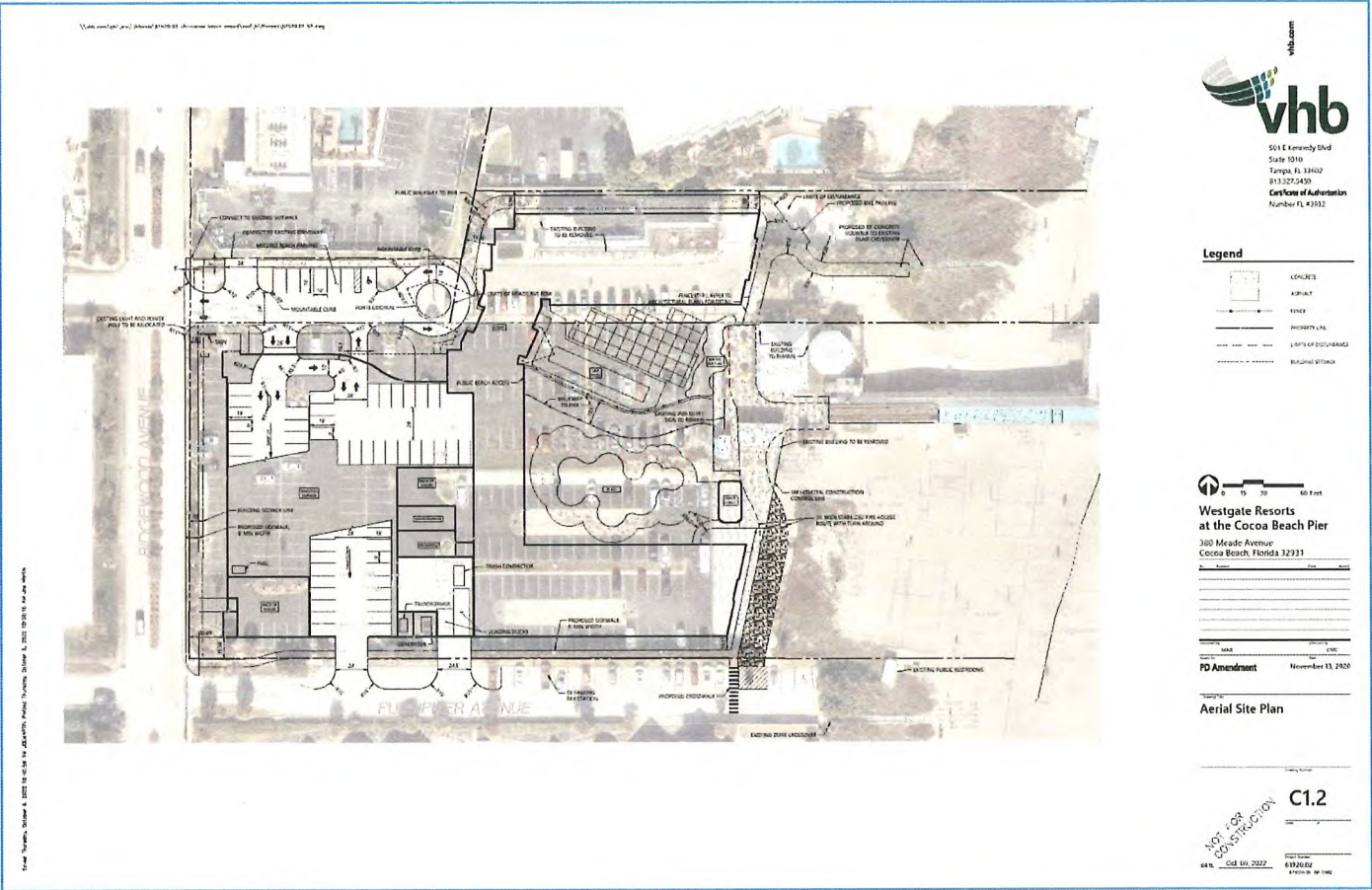
1. Locate all new or relocated on-site utility lines underground at the Developer's expense.
2. Shield to extent feasible unshielded ground level utility features from private or public rights-of-way or other public places.
3. Connect to City potable water and sanitary sewer services at the Developer's expense and extend or upgrade the utility distribution lines to accommodate the PD.
4. Where the City requires utilities, roadways, or public access features of greater capacity or size than required for the Project, the City shall be responsible for cost sharing the difference and shall reimburse the Developer for that amount if the Developer constructs the improvement under such written terms as determined prior to the construction of such improvements.
5. Connect to reclaimed effluent for irrigation purposes if available and feasible.

STORMWATER/DRAINAGE

As seen in Map 6-a Aerial Site Plan and Map 6 -b Utility and Drainage Plan, the existing facilities were built prior to today's stringent standards for environmental protection. Currently, the site is almost completely paved with a few grass areas containing planters and/or plant beds with palms and some oaks. The redevelopment of the site as a planned development will improve site and environmental conditions and will reduce overall discharge from the site by and increase the pervious area. A stormwater management plan and master utility an drainage plan is provided under separate cover and will go through both city and external agency permitting processes for construction approval. Final plans may be changes pursuant to City and external Agency requirements.

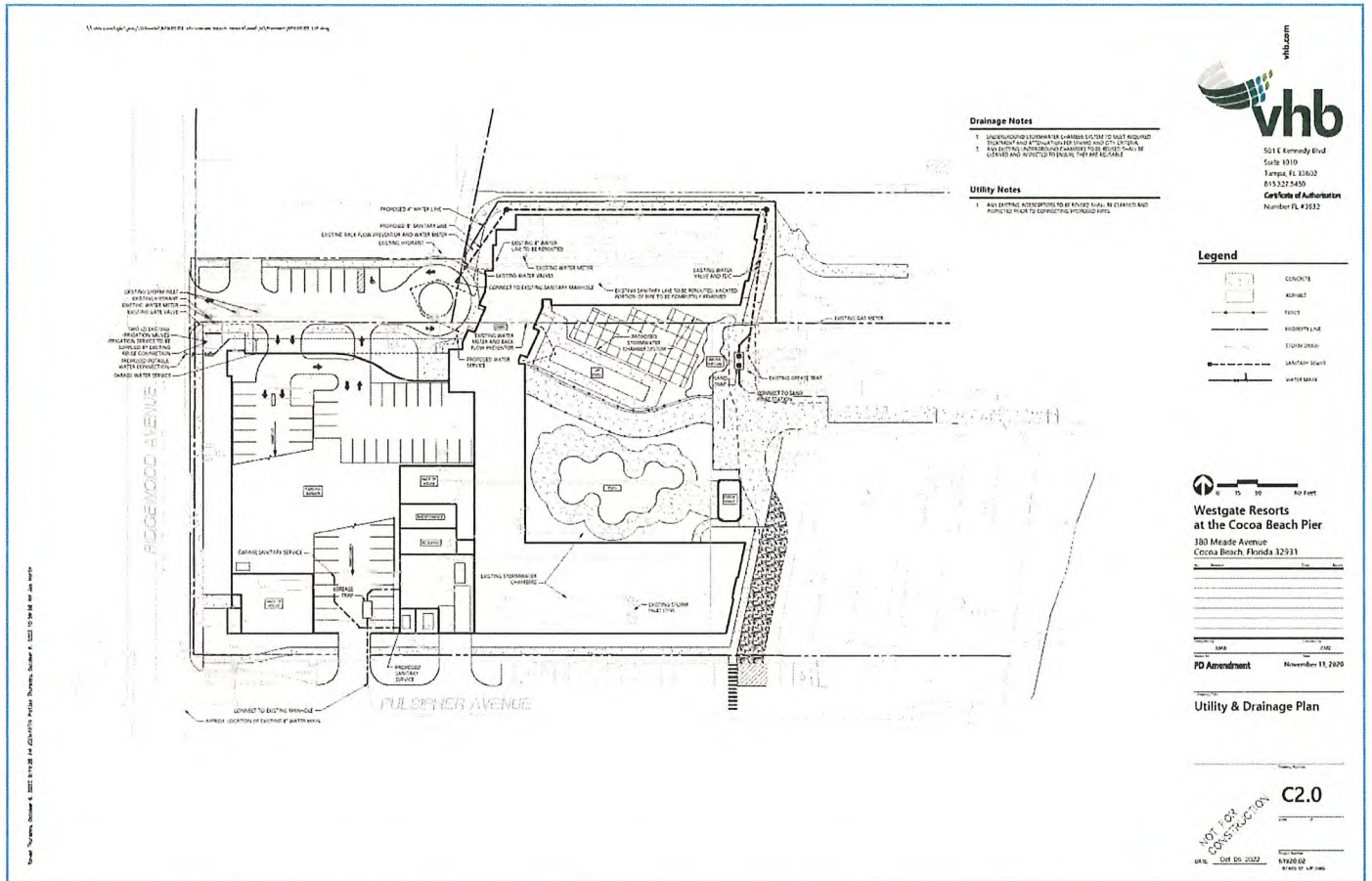
PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS

MAP 6a
Aerial site plan



PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT SITE DEVELOPMENT STANDARDS

MAP 6 b Utility and Drainage Plan



MOBILITY (VEHICULAR AND PEDESTRIAN)

Future development of the Project shall be consistent with the following standards:

1. Main access for both vehicle and pedestrian movements will occur at the Ridgewood (Ocean Beach Blvd) and Meade. Pulsipher will serve as a secondary access for emergency vehicles and for exiting from the garage.
2. To the maximum extent feasible:

**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

- a. Vehicular circulation on-site shall be designed in a one-way pattern circling in front of the hotel lobby on the south side of Meade and/or continue around to the north side of Meade
 - b. Motorists shall be allowed to enter and exit the parking garage from the main entry. An additional parking garage exit may also be designed onto Pulsipher Avenue for motorists.
 - c. Vehicular access for deliveries shall be provided on the South side of the site.
3. Principal pedestrian access shall be from the sidewalks on SR A1A, Ridgewood, Meade, Pulsipher and from the beach, all subject to FDOT and City approvals and standards, except where constrained by ROW, utility, or other physical features.

TRAFFIC CONCURRENCY STANDARDS

Prior to the issuance of any building permit(s) for the project, the Developer shall have received and be in possession of a valid unexpired Certificate of Capacity. The Certificate of Capacity will serve to verify the reservation of infrastructure capacity sufficient to permit development pursuant to the approved site plan for the project. Neither an executed Development Agreement nor the site/master plan approval shall create a vested right to develop the Subject Property without a current and valid Certificate of Capacity.

PARKING

The minimum parking requirements set forth hereinabove were the product of a parking study to determine the adequacy of the Developer's parking plan as shown in Figure 3. The location of the needed parking will be sited in accordance with the location shown on the Master Conceptual Development Plan, Master Conceptual Building Plan, and Conceptual Site Plan. The Developer proposes to meet the following standards with respect to parking for the project: To use innovative design alternatives as encouraged by the City, including use of valet, self, and other parking mechanisms to the meet the needs of the Project.

PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT SITE DEVELOPMENT STANDARDS

PARKING PLAN

Parking and open space areas on the site will be ADA accessible by means of well lit sidewalks. A beautifully appointed, open reception plaza will invite guests and visitors to the lobby and resort amenities, the Beach and the Pier.

616 spaces of parking for the general public, visitors, and resort guests will be provided on site. Meade and Pulsipher Avenues, as well as a portion of the Garage ground floor will have metered parking. This project will add 298 spaces to the parking inventory.



Figure 3 Proposed Parking Plan

PUBLIC BEACH ACCESS EASEMENT STANDARDS

The Developer will assure the preservation and maintenance of public access from Meade, Pulsipher, and the main entry as will be determined via a 3 party agreement between Brevard County, the City and the owner.

PUBLIC SAFETY ACCESS

Westgate has worked with the City's fire department and public safety to provide a suitable access plan in the event of an emergency. That plan is shown below as Map 7.

**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

3. Provides some form of visual, physical, landscape, or artistic illusion, articulation or ornamentation on street side facing facades to preclude flat blank walls.
4. Has met the terms of the approved Height Variance granted by the City Commission to allow up to 70' in height for buildings on the property.
5. Has met the terms for approval of an administrative waiver for allowable appurtenances for up to 10% of the approved 70' height.

LANDSCAPE AND HARDSCAPE STANDARDS

Final landscape construction plans for the Project shall be subject to the approval of the City Manager. The Developer has provided a Master Conceptual Landscape Plan which shows the number, types and location of all plant material. The Character Guide shows the current planned locations and layout of landscape islands, buffers, three (3) intended plant palettes, hardscape/streetscape, and any required or optional fencing. The Developer agrees to meet the following minimum standards:

1. All planted material shall be Florida Friendly Landscaping and approved by the City Manager.
2. All plant materials shall be certified as Florida number one grades and standards, most recent iteration, before installation and shall be installed pursuant to plan specifications or as approved by the City Manager during construction plan review.
3. Landscaping installation specifications shall be consistent with the Institute for Agricultural Sciences (IFAS) standards and best practices.
4. After installation, the applicant's landscape architect shall certify that the landscape materials have been appropriately installed pursuant to the specifications set forth on the landscape plans approved by the City Manager relative to species, quality, height, location, spacing, quantity, site preparation, planting, and mulching.
5. Provide a signed letter from the landscape architect confirming that plantings are at the prescribed and appropriate depth, in relation to adjacent grade, to ensure survivability.
6. Use landscape in critical locations to define public and private spaces, setbacks, buffering between public and private spaces or other buildings, and as a connectivity element bringing together various activity spaces.
7. The project intends to include the plants shown in the plant palette on the landscape plan and approved by the City.

**MAP 8
MASTER CONCEPTUAL LANDSCAPE PLAN**

1. Provide adequate lighting within pedestrian walkways, trails, and parking areas to ensure

**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

- c. Assuring that any fixture placed in and around the property line will be full cut off as defined by the IESNA ("zero intensity at or above horizontal (90° above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°.

SIGNAGE PLAN STANDARDS

The on-site signage will governed by these standards and become part of the negotiated Development Agreement between the Developer and the City. The sign plan is largely driven by the Westgate Resort brand and signage to support other uses within the project. The existing Cocoa Beach Pier sign was allowed by Variance Case No. 14-2000708-01, to allow a sign to have a height of 27'10" and an area of approximately 280 square feet to replace an old sign that was approximately similar in height under several conditions that have been met as the sign is constructed on site. This sign shall be allowed to remain in perpetuity and be allowed to be repaired or replaced in the event of damage or destruction.

Two additional types of signs are identified for the project, however, their placement will be determined during the design phase of the project. These signs are: (i) Ground Signs and (ii) Wall Signs (which may include signs mounted to the building parapet). The term "Ground Signs" include signage commonly described as Monument Signs and Destination/Arrival Signage. The term "Wall Signs" include Primary Building Signs and Secondary Building Signs. Wayfinding, informational, internal and directional signage standards are not regulated by these standards as such signage shall not be visible from public rights-of-way abutting the project. Notwithstanding the foregoing, directional signage for loading or deliveries shall be permitted to be visible from the public right-of-way along adjacent roadways.

New Project signage shall be limited to the following sign types, quantities, and sign-type sizes:

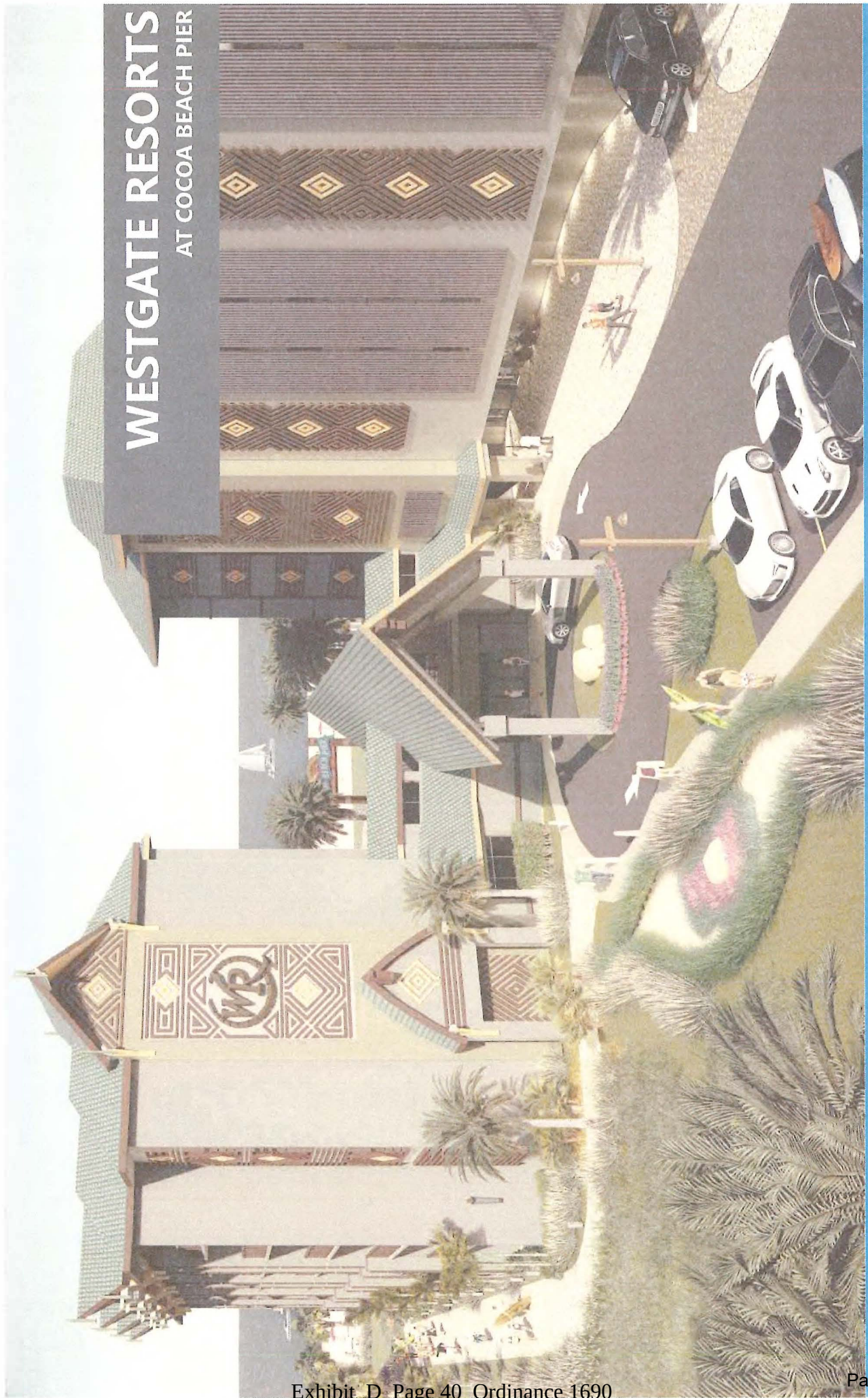
- Ground Signs. Such signs shall consist of approximately four (4) signs in the following maximum sizes: (i) not more than two (2) signs of up to 420 sq. feet; (ii) not more than one (1) sign of up to 60 sq. feet; and (iii) not more than one (1) sign of up to 23 sq. feet.
- Wall Signs. Such signs shall consist of approximately eight (8) signs whose aggregate square footage shall not exceed 1,000 sq. feet.

The Project shall also adhere to the following signage standards:

1. Ground and Wall Signs may be sited in the locations to be submitted on a signage plan at such locations for approval by the City Manager.
2. The City will have review, approval and permitting authority over only such ground or wall signs that are visible from adjoining public rights-of-way or City owned property.

**PROPOSED WESTGATE COCOA BEACH REDEVELOPMENT PROJECT
SITE DEVELOPMENT STANDARDS**

3. Ground signs shall be set back 3 feet from front property line and placed so as not to cause traffic or pedestrian mobility or visibility challenges.
4. Signs shall be styled according to the examples in the Character Guide and per the Westgate Resort brand.
5. All Signs shall be appropriately lit as follows:
 - a. Lighting Intensity - the lighting shall be low enough in intensity to be inconsequential
 - b. Lighting Direction - illuminates only the face of the sign and shielded to prevent lighting from causing glare or otherwise impair vision of any operator of a motor vehicle.
 - c. Signs may be internally illuminated.
6. No signs shall be permitted above the parapet or eave edge of roof on the guest room bridge structure.
7. The developer will be allowed to provide as much wayfinding and security or informational signage as needed to secure the safety and comfort of their guests. Such wayfinding and security signage shall not require approval from the City.
8. Signage, other than the Ground and Wall Signs described hereinabove, shall be allowed to be placed by the developer at sizes, in styles/themes, and in locations of their choosing.
9. The Developer shall adhere to the signage design features depicted in the Character Guide to the maximum extent practical and feasible.



WESTGATE RESORTS AT COCOA BEACH PIER

WESTGATE RESORTS AT COCOA BEACH PIER - CHARACTER GUIDE



GRAYROBINSON
ATTORNEYS | ADVISORS | CONSULTANTS



ROCHELLE W. LAWANDALES, FAICP
PLANNING FOR COMMUNITY

STUDIO 487

EXHIBIT E

1 of 17

PROPOSED WESTGATE RESORTS AT COCOA BEACH PIER

Located in the City's North Redevelopment District and as a gateway to the City, the proposed project will eliminate an aging facility and bring renewed vitality to the area, implementing several goals of the City's Comprehensive and Redevelopment Plans. Westgate Resorts is proposing to demolish the existing landward site (parking and buildings) in order to redevelop these properties into a multi-million-dollar Resort Hotel, complete with resort style pool, lap pool, parking garage, beach frontage, new public beach accesses, replacement public parking spaces, landscaping, upgraded utilities, improved stormwater, restored dunes, and other on-site amenities. The 6-story parking garage with 552, plus 38 public metered, spaces and "back of house" areas are estimated to be a collective 197,250 sf. The Hotel will be 182,000 sf with up to 116 rooms. Additional public parking will be located on Meade and Pulsipher Avenues. Guest will be able to enjoy the Adult Relaxation Zone at the private and cozy lap pool as their kids splash their way through the family pool, ideally located in the heart of the resort and steps away from our awesome beach.

Looking south towards Lobby



STUDIO 407

ROCHELLE W. LAWANDALES, FAICP
PLANNING FOR COMMUNITY

vhb

GRAY ROBINSON
ATTORNEYS | ADVISORS | CONSULTANTS

WR

WESTGATE RESORTS AT COCOA BEACH PIER - CHARACTER GUIDE

VISION URBAN CONTEXT

Waterfront location and on-site amenities:

- Direct Atlantic Ocean Beachfront access
- Landmark Pier, built in 1962
- On-Pier Restaurants, Bars, Shops, and Fishing access

Proximity to nearby gathering and tourist spots:

- Downtown Cocoa Beach
- Downtown Cocoa Village
- Port Canaveral - 2nd busiest Port in the World
- Kennedy Space Center

Local Events:

- Surf Contests
- Boat Races
- Rocket Launches



LOCAL INSPIRATION



MASTER CONCEPTUAL DEVELOPMENT PLAN REVISED DOCUMENT

- 1 LOBBY

2 GARAGE WITH 50 PUBLIC PARKING SPACES - Agreement Section 4

3 PUBLIC BEACH RENOURISHMENT ACCESS (NORTH-SOUTH BEACH ACCESS) *Easement Boundaries per Brevard County Shore Protection Beach Renourishment Easement EXH C/Agreement Section 6
- 4 POOL

5 LAP POOL

6 15' PUBLIC BEACH AND PIER WALKWAY EASEMENT EXH B/ Agreement Section 3

7 POOL DECK FOR GUEST ACCESS

8 BIKE PARKING

9 BEACH BAR
- 10 MULTI-LEVEL PARKING STRUCTURE (555 P.S.)

11 6-STORY GUESTROOM BUILDING

12 BEACH RESTROOMS

13 DROP OFF

14 PULSIPHER PUBLIC BEACH ACCESS Agreement Section 8
- 15 20' PUBLIC BEACH ACCESS EASEMENT EXH D/ Agreement Section 7

16 PUBLIC METERED BEACH PARKING (7 P.S.)

17 PUBLIC METERED BEACH PARKING (18+1 P.S.)

18 WATER FEATURE

19 COCOA BEACH PIER
- 20 COCOA BEACH PIER ENTRY SIGN

21 BEACH ACCESS

22 BEACH ACCESS PLAZA

23 EMERGENCY VEHICLE ACCESS

24 SUPPORT AREAS AND LOADING DOCK

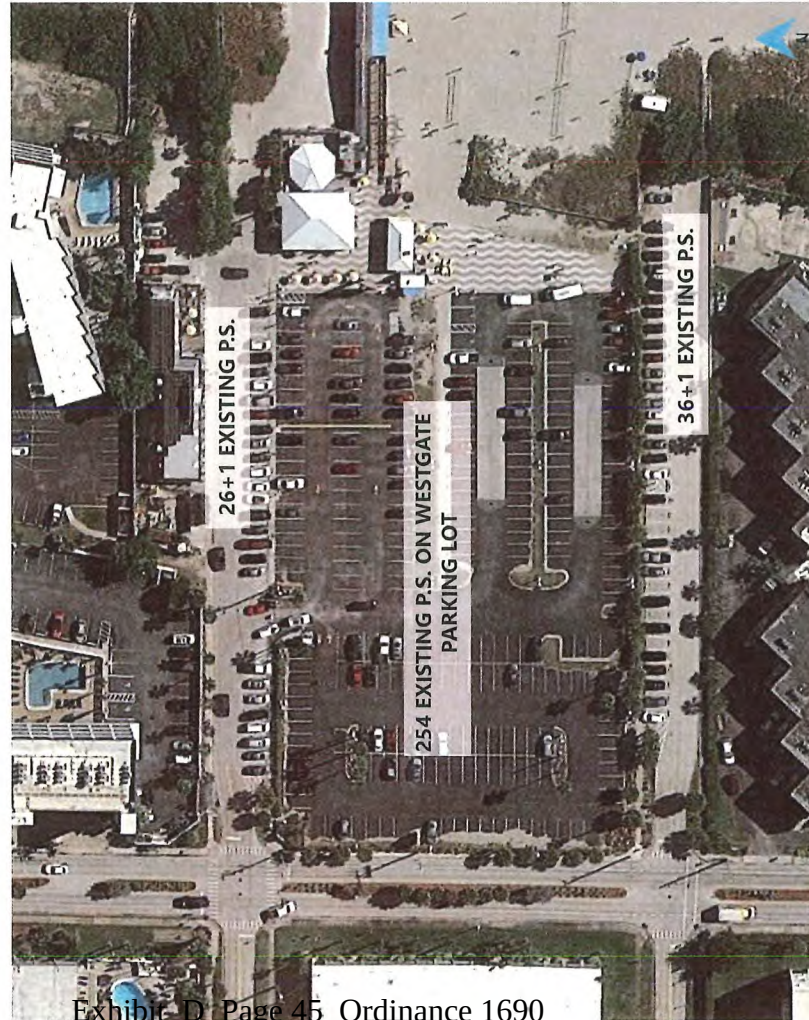
25 COCOA BEACH PIER SIGNS



PARKING PLAN

Parking and open space areas on the site will be ADA accessible by means of well lit sidewalks. A beautifully appointed, open reception plaza will invite guests and visitors to the lobby and resort amenities, the Beach and the Pier.

616 spaces of parking for the general public, visitors, and resort guests will be provided on site. Meade and Pulsipher Avenues, as well as a portion of the Garage ground floor will have metered parking. This project will add 298 spaces to the parking inventory.



Existing Parking - 254+62+2= 318



Proposed Parking - 552+38+7+ 19=616

ACCESSIBILITY



Looking East towards the lobby entrance



Looking SouthWest towards the central pool

The resort is the new gateway to the world-famous Westgate Cocoa Beach Pier, where you can enjoy amazing vistas over the Atlantic. The complimentary trolley transports guests to and from the pier, making this area a vibrant hub of Cocoa Beach.

The resort improves accessibility to the beach area, facilities, and amenities throughout, with three access points (North, center, and South), making the resort part of the Cocoa Beach urban fabric. The applicant recognizes the public necessity and value that the current beach access provide to the community. To that end, the applicant proposes to replace the current open, undefined beach access with a new 15' wide (10' paved), environmentally sound access way to the north side of the building. It will be safely designed with appropriately sized landscape materials, use pervious surface products, and have Turtle friendly lighting. There are 2 additional access points to the beach, through the center and south of the building.

Meade Ave provides 2 direct paths to the beach, one North of the resort, the other one through the pedestrian plaza that connects from the public area of the parking garage, through the resort amenities area, to the open space that leads to the beach and Pier. Pulsipher Ave on the south is a direct public link to the beautiful Atlantic beach and waters.

ARCHITECTURE



Looking East towards the Lobby



Looking West towards the Lobby

Westgate's signature style in Cocoa Beach is forged in the Wakulla Resort on the south end of the City, on SR A1A near downtown. The Pier project repeats the Wakulla's design form with similar colors, shapes, ornamentation, and materials. The sensitive master plan, ample open space, and tropical landscaping coupled with a contemporary Tiki architecture style presents a warm and inviting Polynesian beauty and life-style. Joining with the existing Tiki Tavern at the end of the pier, the architectural theme creates an interwoven fabric seen throughout the project.

The new resort will have differentiated roof lines of varying heights, resulting in diverse views of the beach and shoreline. The proposed design revolves around a central A-framed Porte-cochere focal point located between the hotel side and garage that calls the visitor to walk through to the beach, lobby, or pier. It culminates in the A-frame wooden adorned gabled dormers, with their artistic cornish and gable enhancements. The new resort will be a tremendous asset to the area, enhancing the current beach environment.

MATERIAL PALETTE



The resort's materiality of wood and earthy tones combined with themed stucco will blend seamlessly into the natural environment. The wooden railings and bamboo-like ornamentation, in combination with the A-framed vertical elements, both at street level and roof top, articulate the building facades. This materiality extends into the parking garage through the vertical louvers, ornaments, and feature roofs and parapets that exemplify the architectural theme.

MATERIAL PALETTE



1 - Potential bamboo texture on column



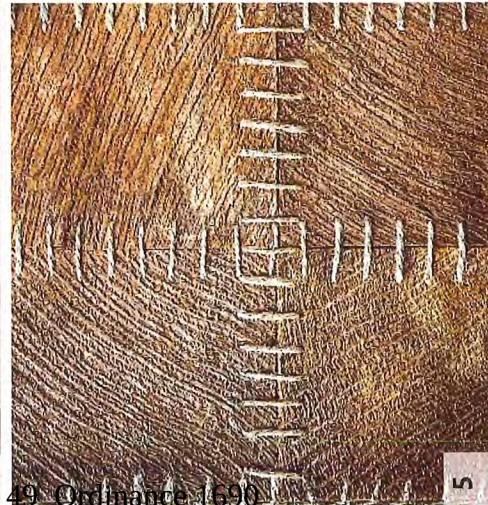
2 - Potential design for a wall covering



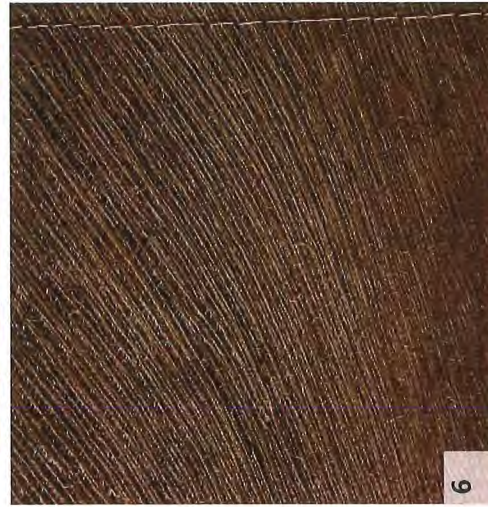
3 - Potential material to be used as an exterior wall facade



4 - Potential texture for a roof



5 - Potential texture on featured wall



6 - Potential texture on featured ceiling



7 - Potential material to be used as an exterior wall facade



8 - Potential design for a wall covering

RESORT AMENITIES



Looking Northwest towards the lobby entrance



Looking west to the open accessway that connects the resort guest rooms and garage, as well as provides the public entry to the Pier and Beach.

POOL INSPIRATION

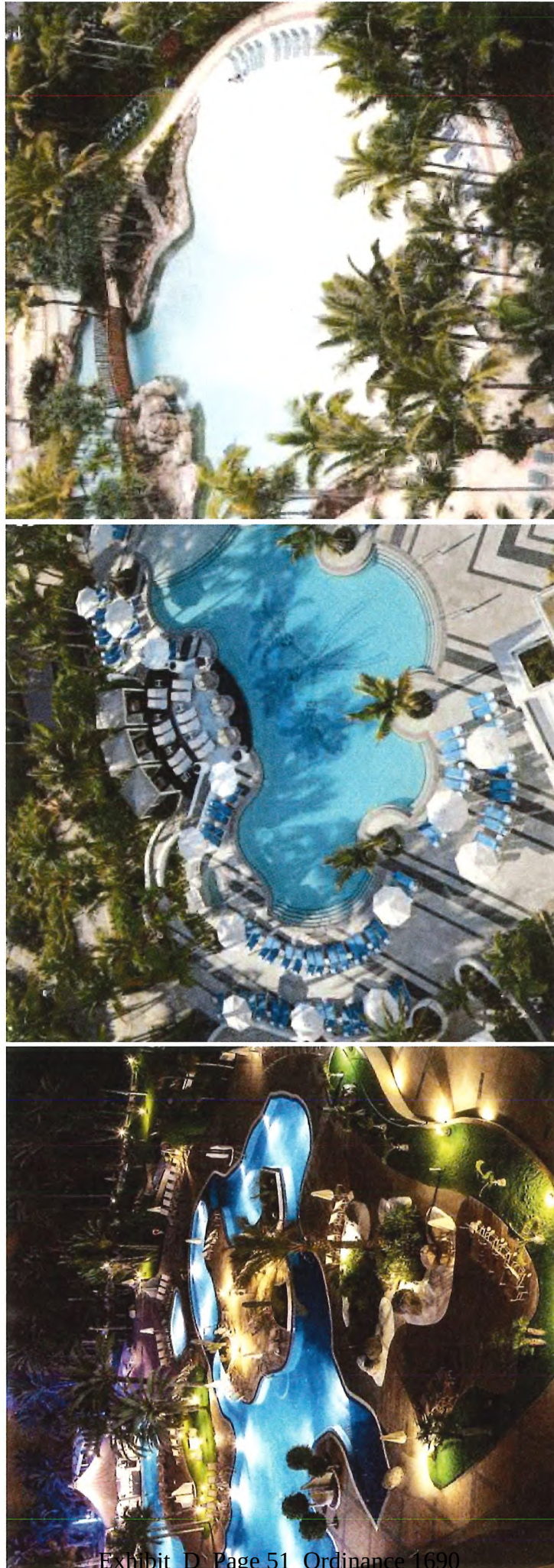
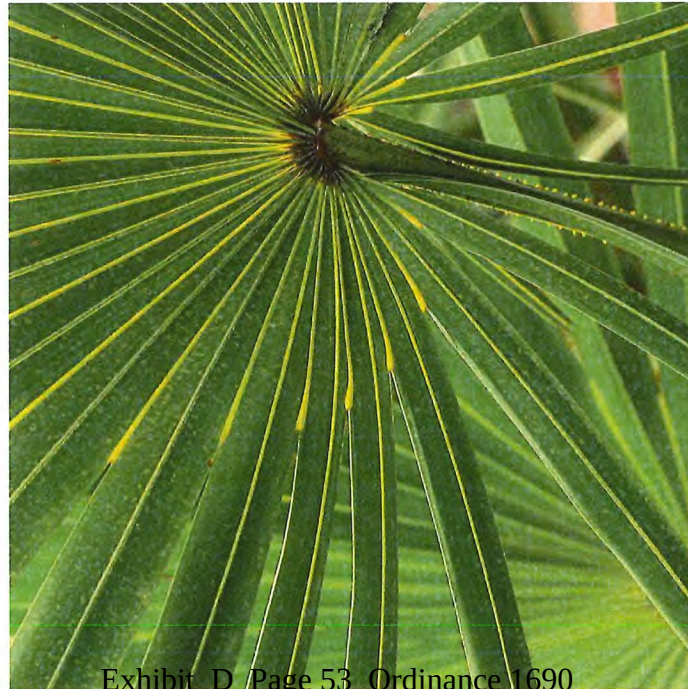


Exhibit D Page 51 Ordinance 1690

LANDSCAPE INSPIRATION

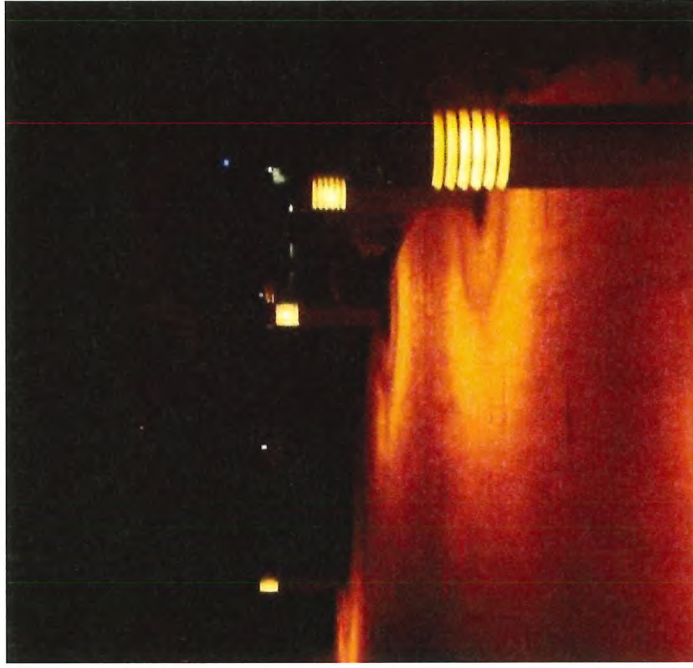
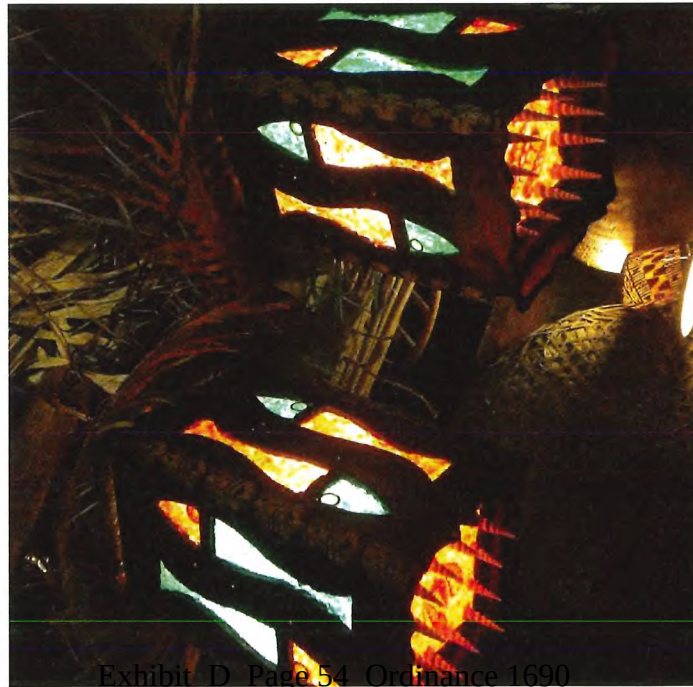


LANDSCAPE INSPIRATION



The site will be decorated with native, maritime, and appropriate ornamentals in key locations to express a variety of color tones and textures, creating interest and contrast. Site landscape improvements include proper dune preservation and restoration techniques in the redevelopment. The resulting project will contain palettes creating a compatible, integrated landscape between the Pier, parking, the beach, and the Resort. The outcome will be a revitalized lush site which promotes Cocoa Beach's sustainability and environmental enhancement initiatives. A Rain Garden will be located near Ridgewood as a means of sustainably irrigating the site and presenting a positive example to the community.

LIGHTING INSPIRATION



The site will be appropriately lit to meet all environmental, turtle-friendly, and local guidelines. Lights will be focused westward. There will be no offending lights on balconies, depending on the season. All lighting will be "AMBER DURING TURTLE SEASON - WHITE DURING OFF-SEASON".

SIGNAGE



Looking East towards Garage entrance



Looking East from within breezeway



Looking East from near pool

Complete with monument, wall, wayfinding and directional signage, the visitor will have ample cues of not only "ARRIVAL", but also to differentiate public versus private areas for hotel guests and public beach goers. The main Cocoa Beach Pier (historic) sign, located on the property's east side, remains as the first featured arrival demarcation. All of the resort signage will be integrated into the facades using similar building materials for the sign, and the same landscape palette for under the signage where appropriate.



SIGNAGE INSPIRATION

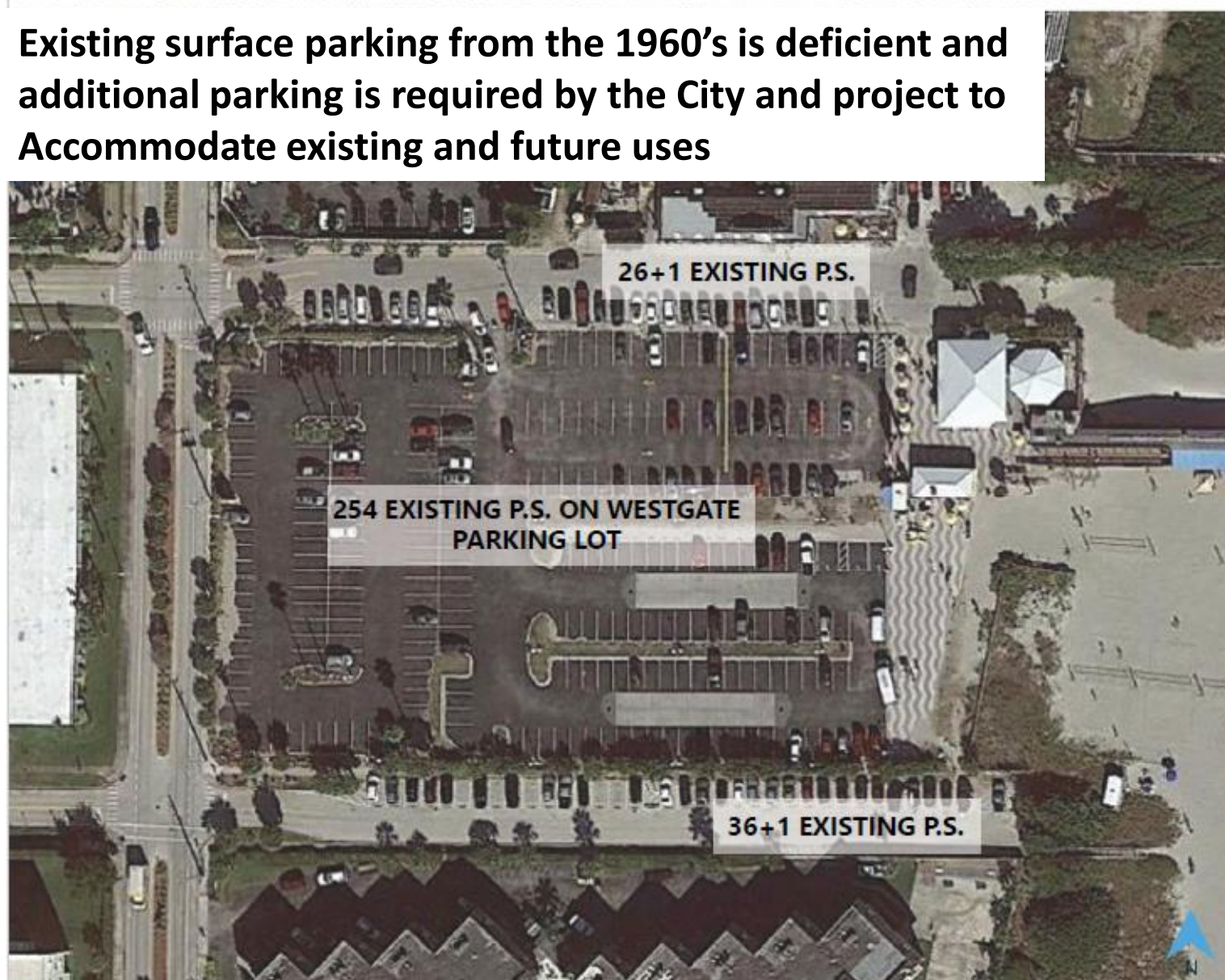


PARKING PLAN

Parking and open space areas on the site will be ADA accessible by means of well lit sidewalks. A beautifully appointed, open reception plaza will invite guests and visitors to the lobby and resort amenities, the Beach and the Pier.

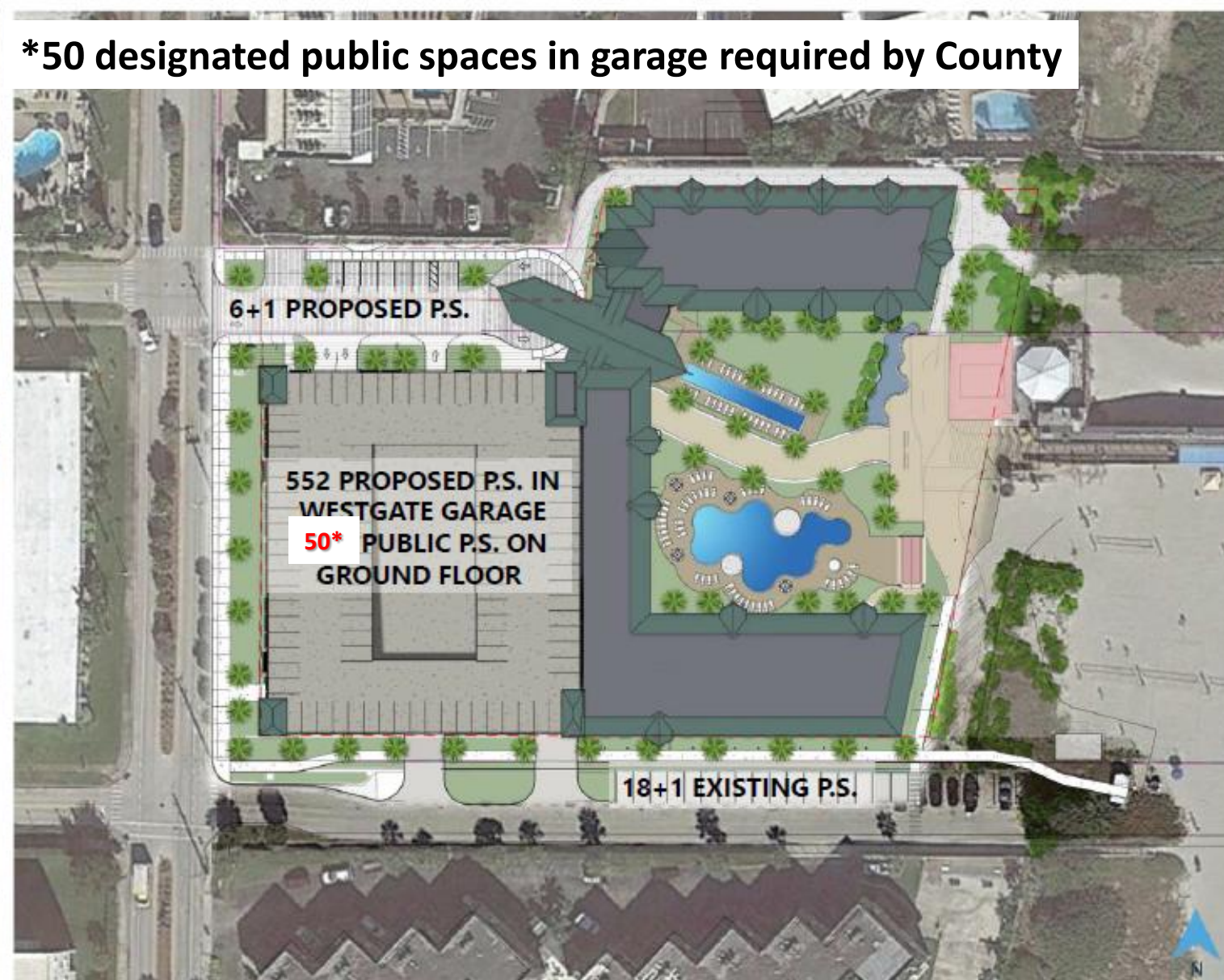
616 spaces of parking for the general public, visitors, and resort guests will be provided on site. Meade and Pulsipher Avenues, as well as a portion of the Garage ground floor will have metered parking. This project will add 298 spaces to the parking inventory.

Existing surface parking from the 1960's is deficient and additional parking is required by the City and project to Accommodate existing and future uses

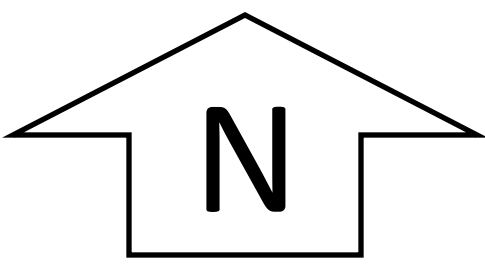


Existing Parking - $254+62+2=318$

*50 designated public spaces in garage required by County

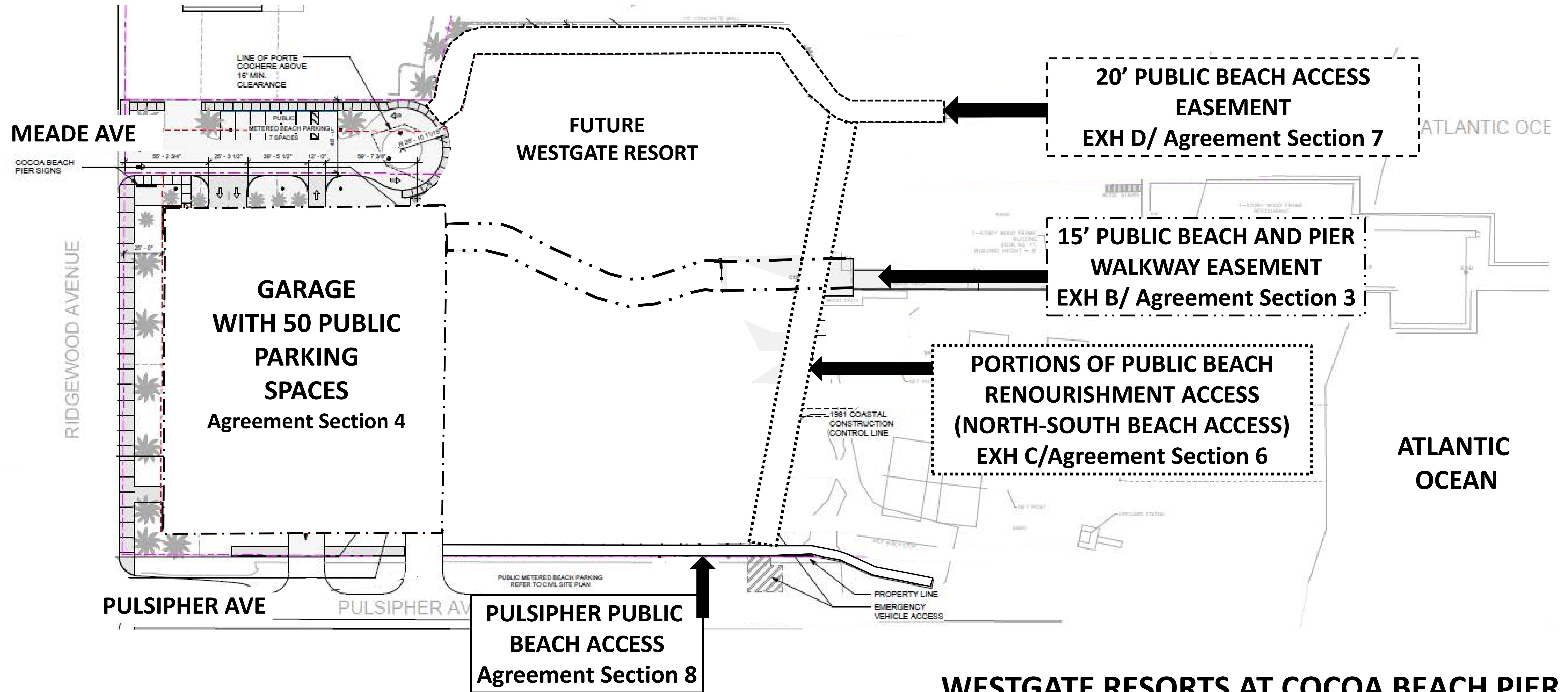


Proposed Parking - $552+38+7+19=616$



COMPOSITE CONCEPTUAL EASEMENT SITE PLAN

EXH A-2 to Westgate/City/County Agreement



**WESTGATE RESORTS AT COCOA BEACH PIER
CFI/WESTGATE RESORTS**

EXHIBIT G

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
Randy Stevenson, Director of Development
Services

MEETING DATE

August 15, 2024

REQUESTED MOTION/ACTION

~~Approve First Reading of Ordinance 1689:~~ **Tabled to September 19th,
2024.**

~~AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SPECIFIC SECTIONS OF APPENDIX B OF THE COCOA BEACH CODE OF ORDINANCES, LAND DEVELOPMENT CODE; PROVIDING FOR MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP); AMENDING ARTICLE IV "DEFINITIONS;" WITHIN CHAPTER I, "PURPOSE AND GENERAL PROVISIONS"; AMENDING SECTION 3-37 "FORTY-FIVE-FOOT BUILDING HEIGHT LIMIT" AND SECTION 3-38 "REQUIRED FINISHED FLOOR ELEVATION" WITHIN CHAPTER III "DESIGN STANDARDS" ARTICLE III. "DEVELOPMENT AND CONSTRUCTION"; AMENDING SECTION 4-40 "APPLICATION FOR A VARIANCE FROM THE CITY COMMISSION FOR A HEIGHT TO EXCEED FORTY-FIVE (45) FEET" WITHIN CHAPTER IV "LAND DEVELOPMENT PROCEDURES", ARTICLE IV. "VARIANCE, WAIVER AND SPECIAL EXCEPTION"; AMENDING Article III "FLOOD DAMAGE PREVENTION" WITHIN CHAPTER VII "STORMWATER MANAGEMENT AND FLOOD CONTROL"; ALL WITHIN THE LDC; INCORPORATING RECITALS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; AND EFFECTIVE DATE.~~

~~Staff Representative: Loren Wiltse - Principal Planner, Randy Stevenson -
Development Services Director~~

Staff Representative:

Recommendation:

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

Ordinance 1689 is a request to implement changes to The Land Development Code (LDC) Chapters I, III, IV and VII, determined to be necessary to maintain or possibly improve the City's Community Rating System (CRS) Class 8 rating under the National Flood Insurance Program (NFIP).

Early last year, the Florida Division of Emergency Management (FDEM), an agency the Federal Emergency Management Agency (FEMA) relies upon to help review and keep

local floodplain ordinances compliant, informed the city that we are on the 2023 list for a CRS Cycle visit. This triggered FDEP and City Staff to perform an in-depth review of the LDC's floodplain regulations. The review discovered that recent 2019 updates LCD related to land use regulations inadvertently altered floodplain prevention provisions, resulting in flood regulations that are no longer compliant with the National Flood Insurance Program (NFIP).

Ordinance 1689 reflects FDEP recommended changes needed to satisfy the prerequisite requirements of the NFIP, and those necessary for the City of Cocoa Beach to maintain or improve its current CRS 8 rating.

Without these changes, the city was informed it could be retrograded to a CRS Class 9 rating.

Planning Board Recommendation: Following a public hearing on July 8, 2024, the Board approved the following recommendation of approval: Vote- unanimously approved.

Motion: In reference to Ordinance 1689, I move that the Planning Board finds that Ordinance 1689, amending the City's LDC, Chapters I, III, IV and VII to meet the prerequisite requirements necessary for the City of Cocoa Beach to maintain or improve its current CRS 8 rating is in the best interest of the Citizen of the City, and move to forward a recommendation of approval to the City Commission.

ORDINANCE NO. 1689

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SPECIFIC SECTIONS OF APPENDIX B OF THE COCOA BEACH CODE OF ORDINANCES, LAND DEVELOPMENT CODE; PROVIDING FOR MINIMUM REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP); AMENDING ARTICLE IV “DEFINITIONS;” WITHIN CHAPTER I, “PURPOSE AND GENERAL PROVISIONS”; AMENDING SECTION 3-37 “FORTY-FIVE-FOOT BUILDING HEIGHT LIMIT” AND SECTION 3-38 “REQUIRED FINISHED FLOOR ELEVATION” WITHIN CHAPTER III “DESIGN STANDARDS” ARTICLE III. “DEVELOPMENT AND CONSTRUCTION”; AMENDING SECTION 4-40 “APPLICATION FOR A VARIANCE FROM THE CITY COMMISSION FOR A HEIGHT TO EXCEED FORTY-FIVE (45) FEET” WITHIN CHAPTER IV “LAND DEVELOPMENT PROCEDURES”, ARTICLE IV. “VARIANCE, WAIVER AND SPECIAL EXCEPTION”; AMENDING ARTICLE III “FLOOD DAMAGE PREVENTION” WITHIN CHAPTER VII “STORMWATER MANAGEMENT AND FLOOD CONTROL”; ALL WITHIN THE LDC; INCORPORATING RECITALS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes requires that municipalities maintain Land Development Regulations that are consistent with and implement their Comprehensive Plans; and

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Cocoa Beach participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 8, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the City of Cocoa Beach to maintain the current CRS rating, all manufactured homes and other listed improvements installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the City of Cocoa Beach Commission determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes

and other listed improvements, and to continue participating in the Community Rating System at the current class rating.

WHEREAS, the City Commission finds that an update to Appendix B of the Cocoa Beach Code of Ordinances will provide development guidelines and regulations which are more objective and detailed with a greater clarity of language; and

WHEREAS, the Planning Board and the City Commission both find that the proposed amendments are consistent with the City Charter and will be internally consistent with the remainder of the City Code of Ordinances and Comprehensive Plan; and

NOW, BE IT ORDAINED BY the City Commission of the City of Cocoa Beach, Florida:

SECTION 1. Recitations. The above recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein.

SECTION 2. Enactment. Appendix B of the Cocoa Beach Code of Ordinances, entitled Cocoa Beach Land Development Code (LDC) is hereby amended to read as set forth in the following attached exhibits incorporated herein.

- Exhibit A amending Article IV “Definitions” within Chapter 1 “Purpose and General Provisions”.
- Exhibit B amending Sections 3-37 “Forty-Five-Foot Building Height Limit” and Section 3-38 “Required Finished Floor Elevation” within Chapter III, Article III “Development and Construction”.
- Exhibit C amending Section 4-40 “Application for a variance from the city commission for a height to exceed forty-five (45) feet” within Chapter IV “Land Development Procedures” Article IV “Variance, Waiver and Special Exception.”
- Exhibit D amending Article III “Flood Damage Prevention” within Chapter VII Stormwater Management and Flood Control”

SECTION 3. Codification. The provisions of this Ordinance shall be codified as, and become and be made a part of the Code of Ordinances of the City of Cocoa Beach. The sections of this Ordinance may be renumbered or re-lettered to accomplish such an intention. Text shown as underline is being added and text shown as ~~cross-out~~ is being removed.

SECTION 4. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Severability. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to accomplish, to the greatest extent legally

possible, the purposes of this ordinance as expressed herein.

SECTION 6. Effective Date. This ordinance shall become effective upon adoption by the City Commission.

Upon Motion by Commissioner _____, seconded by Commissioner _____, this Ordinance was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the ____ day of _____, 2019.

Ayes: _____
Nays: _____
Absent or Abstaining _____

Keith Capizzi
Mayor-Commissioner

ATTEST:

Karen Groom
City Clerk

First Reading: _____
Date Posted: _____
Date Published: _____

CHAPTER I PURPOSE AND GENERAL PROVISIONS

ARTICLE I. PURPOSE AND INTENT

ARTICLE IV. DEFINITIONS¹**Section 1-20. Definitions of words, terms, and phrases.**

- A. *Purpose.* For the purpose of these Land Development Code (LDC) regulations, certain words and terms shall be interpreted to have meanings as defined herein. When words or terms are not defined, their most commonly accepted meaning shall apply. The context in which the word or term is used may imply the intended meaning. Words used in the present tense include the future tense; the singular number includes the plural and the plural includes the singular. The words "shall", "must" and "will" are mandatory; the words "may" or "might" are permissive. The masculine gender shall imply the feminine and neuter genders and vice versa. The words "used" or "occupied" include the words intended, designed, maintained, or arranged to be used or occupied. The word "lot" includes the words plot, tract or parcel. The word "structure" includes the word building and vice versa. The word "land" includes the words marsh, water, or swamp.
- B. *Definitions.* For the purpose of these regulations, the following definitions apply, unless they are found to be inconsistent with the intent of the city commission, the City Charter or the Comprehensive Plan:
1. *Abut/abutting.* To have a common property or zoning district line.
 2. *Accepted planning standards and practices.* The planning standards and practices which are generally accepted and used by the American Institute for Certified Planners (AICP).
 3. *Accessory dwelling unit.* A secondary residential unit, which can be attached or detached, located on the same property as the principal residential structure.
 4. *Accessory structure or facility.* A detached subordinate structure located on the same property as the principal structure but with a use that is incidental to the primary use. Examples include, but are not limited to, a shed or pergola.
 5. *ADA (Americans with Disabilities Act).* A civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.
 6. *Adjacent.* Touching, next to or contiguous, having a common border
 7. *Administrator.* The development services director for the city, who is responsible for the administration of the Comprehensive Plan and Land Development Code regulations; who may engage the assistance of other city staff and area professionals, as required; and whose determinations are subject to review by the city manager.
 8. *Administrative approval.* Approval received and only required by the administrator, subject to review by the city manager.

9. *Administrative waiver.* A grant of permission by the administrator, according to the procedures within section 4-42, that authorizes an applicant to deviate from specific standards or provisions of these regulations.
10. *Adult entertainment/establishment.* An adult theater, adult store, adult performance establishment, commercial contact parlor, sexual encounter business, or escort service.
11. *Aggrieved person or party.* Person or entity who is dissatisfied with an interpretation of the LDC regulations by the administrator or other city staff or the final ruling on a case heard by the planning board, board of adjustment or the city commission.
12. *Alcoholic beverage establishment.* Those establishments selling alcoholic beverages, as licensed by the state, such as bars, cocktail lounges and nightclubs, but not including restaurants where at least fifty-one (51) percent of the sales are food sales or hotel/motel pool bars which provide alcoholic beverage services exclusively to guests.
13. *Alley.* See *street, alley*.
14. *Alteration.* Any change in size, shape, character, occupancy or use of a building or land, including a change in the amount of impervious surface.
15. *Apartment house.* See *dwelling, multi-family*.
16. *Applicant.* The person or agent responsible for completing a city application.
17. *Appurtenances.* See *Building element*.
18. *Aquatic Preserve.* Those sovereign lands established by the state and managed under the provisions set forth in F.S. Chapters 253 and 258, as amended.
19. *Artist workspace/dwelling.* A combination working studio and dwelling unit for artists.
20. *ASCE 24.* A standard titled flood resistant design and construction that is referenced by the Florida Building Code. The standard states the minimum requirements and expected performance for the siting, design and construction of buildings and structures in flood hazard areas that are subject to building code requirements.
21. *Assisted living facility/adult congregate living facility.* A combination of housing, personalized supportive services, and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a higher level nursing facility. A nursing home is typically a home for the aged, chronically ill, or persons with incurable conditions in which three (3) or more persons not in the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted to the diagnosis and treatment of the sick or injured.
22. *Automobile maintenance facility, body shop, automobile mechanics garage, service or filling station or vehicle repair shop.* Buildings and premises where automobiles and other vehicles, such as scooters, motorcycles, boats, RVs, aircraft, golf carts, etc., may be worked-on, serviced, repaired, painted, rebuilt, fueled, tinted, enhanced, customized or otherwise have work done on or to them, such as: body shops; mechanical garages; and service/filling stations.
23. *Average daily traffic.* The average number of vehicles crossing a specific point on a roadway on an average weekday.

24. *Awning*. Any roof like overhang or flexible covering extended from the outside wall of a building.
25. *Balcony*. A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.
26. *Bar*. A business whose primary activity is the sale of alcoholic beverages to be consumed on premises. Bars include taverns, night clubs, private clubs, and similar facilities serving alcoholic liquor.
27. *Base flood*. The flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood." The base flood is the national standard used by Federal agencies for regulating new development. Base flood elevations (BFEs) are typically shown on flood insurance rate maps (FIRMs).
28. *Base flood elevation*. The computed elevation relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or as specified on the Flood Insurance Rate Map (FIRM) to which floodwater including wave height is anticipated to rise during the base flood. Base flood elevation (BFE) zones are shown on flood insurance rate maps (FIRM) and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood proofing of structures.
29. *Basement*. For the purposes of Chapter VII, the portion of a building having its floor subgrade (below ground level) on all sides.
30. *Bed and breakfast establishment*. A family home structure, with no more than ten (10) sleeping rooms, which has been modified to serve as a lodging establishment, is personally and physically operated and occupied by an owner or manager, where transient guests are permitted to reside and where payment is exchanged for this service.
31. *Best management practices (BMP)*. Methods or techniques found to be the most effective and practical means in achieving an objective, while making the optimum use of the available resources. Examples of BMPs on a construction site include silt fences, inlet protection, and site-stabilization techniques.
32. *Block*. An area of land completely surrounded by private or public streets, easements, waterways or other natural physical barriers.
33. *Boat slip*. A space designed for the mooring or embarking/disembarking of a single watercraft and usually projecting from a dock or shoreline.
34. *Buildable area*. The area remaining on a lot or parcel, after the minimum setbacks have been met, and outside of any property drainage or utility easements.
35. *Building/development permit and/or agreement*. The permit issued or an agreement entered into by the city and the applicant to allow construction to commence on a building, subdivision or parcel of land. Also referred to as a development order.
36. *Building element*. An architectural feature, including, but not limited to, windows, columns, awnings, chimneys or decorative ornaments. On the top of buildings elements include, but are not limited to, elevator shafts, stairways, mechanical equipment, chimneys, skylights, railings, antennas, roof peaks or parapet walls. Also referred to as an appurtenance.
37. *Building, height of*. The vertical distance from the finished grade, or other legally required minimum elevation, of the site as measured twelve (12) inches from the

outside wall of the building to the highest point of the finished roof deck elevation (top of the roof deck) of a flat roof, or to the highest bearing point of the roof trusses or roof joists for gable, hip or gambrel roofs, provided any habitable space above the bearing point of the trusses or joists shall be solely for the use of occupant of the floor immediately below and not used as separate occupancy. This definition is for purposes of implementing the regulation of building height found in chapter II "zoning" and chapter III "design standards" of these regulations only.

38. *Building painting/mural*. A painting, drawing, or image applied to an external wall which is considered generic art and does not graphically depict a business-related product or service. Any business-related wording or graphics in the painting, drawing, or image shall be considered signage and, as such, shall require zoning authorization.
39. *Building setback lines*. Lines established by these regulations along the front, rear and sides of a lot, which governs the location where structures may be placed on a lot.
40. *Building width*. The distance from one (1) side of a building frontage to the other.
41. *Canal*. See Waterway.
42. *Certificate of occupancy (CO) or temporary (TCO)*. A document, certified by the chief building official, which certifies a building was constructed in accordance with all building codes, and which may now be opened, used and/or occupied permanently (CO) or for a defined, finite period of time (TCO).
43. *Change of use or occupancy*. Replacement of an existing use and/or occupancy with another.
44. *Chief building official (CBO)*. The licensed individual responsible for the administration of the Florida Building Code within the city. Other qualified individuals may be employed under the supervision of the chief building official.
45. *City*. The City of Cocoa Beach, Brevard County, Florida.
46. *Civic/public*. Civic/public areas are used for functions of public benefit such as parks and recreation, conservation areas that are dedicated to the public and governmental uses such as city hall, Cocoa Beach Junior/Senior High School, and the U.S. Post Office.
47. *Clearance*. The height above the sidewalk, roadway or other flat surface, to the lowest point of an element such as an overhang, balcony, awning, etc.
48. *Clinic*. A building where patients are admitted for examination and treatment by one (1) or more persons practicing any form of healing arts, which are licensed in the State of Florida.
49. *Coastal construction control line (CCCL)*. The line ~~of jurisdiction defining the landward limit of the authority of FDEP to regulate construction, as~~ established pursuant to the provisions of F.S. § 161.053, and recorded in the official records of the county. The CCCL defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions.
50. *Coastal construction general permit line (GP)*. The line that defines the seaward limit where general permits can be issued by FDEP for construction activities, is established pursuant to the provisions of F.S. § 161.053(18), and is recorded in the official records of the county. Also referred to as the *Coastal construction setback line (CCSBL)* or the 1981 CCCL.

51. Coastal high hazard area. For the purposes of Chapter VII, a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. ~~Coastal high hazard area. Coastal areas below the elevation of the category 1 storm surge line as established by sea, lake, and overland surges from hurricanes (SLOSH) computerized storm surge model and/or which are designated on the Federal Emergency Management Agency (FEMA) FIRM map as zone VE.~~
52. *Coastal construction setback line (CCSBL).* See *Coastal construction general permit line (GP).*
53. *Colonnade, gallery or arcade.* A covered, open-air walkway at standard sidewalk level attached to or integral with a building frontage; the structure overhead is supported architecturally by columns or arches along the sidewalk.
54. *Commercial use.* Buildings, structures or uses designed or intended for transacting commercial business, including hotels and motels, retail or professional activities of any kind.
55. *Commercial parking.* A parking lot, area or garage operated with the intent of collecting money for the ability to park vehicles.
56. *Commercial vehicle.* Any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise in the furtherance of any commercial enterprise and having a gross weight of more than ten thousand (10,000) pounds.
57. *Commission.* The city commission of the City of Cocoa Beach.
58. *Common open space.* An approved and dedicated area of land and/or water designed and intended for the recreational use and enjoyment of residents living within a residential subdivision.
59. *Common space.* Generally, the part of a building shared as communal space by occupants.
60. *Compact Car.* Cars having a wheelbase of approximately one hundred (100) inches to one hundred nine (109) inches and further defined by the United States EPA.
61. *Community residential home.* A dwelling unit licensed to serve clients of the Florida Department of Children and Families, which shall be categorized by levels according to the number of assigned residents on the premises as well as the zoning district in which it is a permitted use. Residents of these homes shall be as defined in F.S. § 419.001(1)(d). Level I permits includes six (6) or fewer residents, level II permits up to nine (9) residents and level III permits up to fourteen (14) residents.
62. *Conforming.* A building, land or use that complies with the LDC or any amendments thereto.
63. *Construction.* Any on-site intentional activity that will result in the change of the natural or existing site or building characteristics, including, but not limited to, land clearing or any alterations to property contours, grading, or elevations; the demolition, creation, or alteration of structures; or any changes to the amount of impervious area or ability of the property to manage stormwater.

64. *Contractor and trade operation.* An establishment that is primarily engaged in providing an off-site service but which maintains a business office and inventory or equipment at a central location, such as a general contractor or subcontractor, pest control operator, caterer, surveyor, etc.
65. *Convalescent facility.* A housing or medical clinic that allows the gradual recovery of health and strength after an illness or injury.
66. *Crown of road.* The elevation of the highest part of the vehicle travel-way surface on a right-of-way. If used to measure the height of buildings or structures, the elevation of the crown of road shall be calculated by averaging the three (3) elevations of the crown at the points of intersection of the crown and an extension of the property's side lot lines and at the crown located midpoint between the extensions of the property's side lot lines.
67. *County.* The County of Brevard.
68. *DBPR (Department of Business and Professional Regulation).* The agency charged with licensing and regulating businesses and professionals in the State of Florida, such as, but not limited to, cosmetologists, veterinarians, real estate agents, restaurants, and vacation rentals.
69. *Density.* An objective measurement of the number of residential units allowed per unit of land (acre).
70. *Design flood.* The flood associated with the greater of the following two areas:
 - (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
 - (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.
71. *Design flood elevation.* The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.
72. 69. *Development.* aAny man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities. This includes construction, installation, building construction alteration, and demolition or removal of a structure or an impervious surface; clearing, scraping, grubbing or otherwise removing, altering or destroying the vegetation of a site; adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise significantly disturbing the soils or altering the natural topographic elevations of the site. Any installation, alteration, building, construction, renovation, material change in the use or appearance of a structure or in the land itself, which can also include the division of land into lots, a change in the intensity or use of the land, an increase in the number of dwelling units in a structure or on the land.

- Development, small scale. Development on a site that is less than three (3) acres and contains structures totaling less than thirty thousand (30,000) square feet.
 - Development, large scale. Development on a site of three (3) acres or greater or contains structures totaling thirty thousand (30,000) square feet or greater, or both.
73. *Development plan, site plan, plat, preliminary plat, final plat, record drawings or construction plans.* A graphic presentation, typically in the form of plans or drawings, which may include a detailed map drawn to an accepted scale, to depict how a property is or shall be developed.
 74. *Dormitories.* A building primarily used for and containing sleeping accommodations for students or instructors affiliated with an educational institution, churches, athletic teams, or other groups.
 75. *Drive-through facility.* Any establishment that provides physical facilities which allow its customers to obtain food, goods or receive services while remaining in their motor vehicles.
 76. *Dune.* An accumulation of sand in ridges or mounds landward of the beach.
 77. *Dwelling area.* The total internal usable space on all floors of a structure, not including porches, balconies, terraces, stoops, patios, or garages.
 78. *Dwelling, accessory.* See *Accessory dwelling unit.*
 79. *Dwelling or dwelling unit.* A single unit, providing complete living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
 80. *Dwelling, single-family.* A permanent, detached, private, residential building designed to be used as a home or residence for one (1) family.
 81. *Dwelling, multi-family, townhouse, apartment building, or a house/group development.* A permanent building designed to have multiple dwelling units which are to be used by three (3) or more families. This does not include *Transient accommodations.*
 82. *Dwelling, two-family or duplex.* A single building designed with two (2) separate dwelling units which are to be used by two (2) separate families.
 83. *Easement.* A granted strip of privately owned land which shall provide access to either the general public, a governmental entity or a utility corporation, for public utilities, drainage or other specified purposes, where access is needed onto private property.
 84. *FAR.* See *Floor Area Ratio.*
 85. *FEMA (Federal Emergency Management Agency).* The agency which coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror and administers the National Flood Insurance Program.
 86. *Fence wall.* An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

87. *Fingerfill*. A manmade portion of land nearly surrounded by water, containing a street ending in a cul-de-sac and having lots which typically abut both the street and waterway.
88. *Finished floor elevation (FFE)*. The elevation of the top of the structural slab or foundation.
89. *Fireworks*. Any combustible or explosive composition or substance or combination of substances or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, as defined by F.S. § 791.01(4)(a). The term "fireworks" does not include those devices and materials defined by F.S. § 791.01(4)(b) and (c).
90. *Flea market*. An open-air or enclosed market for the sale of new or used merchandise which is typically sold by various merchants.
91. *Flood or flooding*. A general and temporary condition of partial or complete inundation of normally dry land from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
92. *Flood control*. Any undertaking for the conveyance, control, and dispersal of flood waters.
93. *Flood damage-resistant materials*. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.
94. *Flood hazard area*. The greater of the following two areas:
 - (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
 - (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.
95. *Flood insurance rate maps (FIRM)*. ~~The maps created for the National Flood Insurance Program (NFIP) used by all municipalities for determining flood zones and flood insurance rates.~~ The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.
96. *Flood insurance study (FIS)*. The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data (also see FBC, B, Section 1612.2.). A compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the National Flood Insurance Program (NFIP), the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables.

97. *Floodplain administrator.* The office or position designated and charged with the administration and enforcement of floodplain resources and flood mitigation. Sometimes referred to as the floodplain manager.
98. *Flood profile.* A graphical representation of the elevations of the water surface of the 100-year flood along the watercourse.
99. ~~*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.~~
99. *Floor area ratio (FAR).* The measurement (ratio) of the intensity of a building development on a site, most commonly applied to non-residential development. The FAR is the ratio of the gross floor developed area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing by the gross land area.
100. *Floor area, gross.* The total horizontal areas of all floors, including penthouses (excluding areas in a building used for parking) measured from the exterior walls of a building.
101. *Floor area, base.* The enclosed livable floor area within a dwelling, exclusive of open or screened porches, breezeways, terraces, carports, garages or patios.
102. *Floor area, net.* The total horizontal areas of all floors, including penthouses (excluding areas in a building used for parking) measured from the interior walls/surfaces of a building, less areas of non-usable space by patrons of the building, such as walls, utility closets or mechanical rooms.
103. *Florida Building Code.* The set of minimum standards which govern the design, construction, erection, alteration, modification, repair and demolition of public and private buildings, structures, and facilities in Florida, and which is adopted, updated and administered by the Florida Building Commission, a division of the Department of Business and Professional Regulation (DBPR).
104. *Forecourt.* A private frontage wherein a portion of the facade is close to the front property line and the central portion is set back from the front property line.
105. *Freeboard.* Additional height above a specified minimum used as a factor of safety. Freeboard compensates for factors that may increase the depth of flooding.
106. *Functionally dependent use.* A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.
107. *Gambling.* Participation, which shall include setting up, promoting, playing, participating, staking, betting or wagering, knowingly aiding, assisting or abetting, in the following events: (i) those games of cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value; (ii) any game or drawing of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein; and (iii) any trial or contest of skill, speed or power or endurance of human or beast. The intent of the definition is to prohibit commercialized gambling, including, but not limited to, "Las Vegas-style casinos," professional card rooms and

internet gambling style cafes. It is not intended to include permitted lotteries, such as the state lottery, bingo games, such as those organized by charitable, nonprofit or veterans' organizations, penny-ante games, including, but not limited to, those games operated solely in a personal dwelling (e.g. neighborhood poker game), bowling tournaments, arcade style games wherein coupons or points may be exchanged for merchandise only, or game promotions in connection with, and incidental to, the sale of legitimate products or services or legitimate promotional giveaways.

108. *Garage, parking.* A building/structure or portion thereof used exclusively for the storage or parking of vehicles.
109. *Garage, private.* A detached building or a portion of the principal building, used for the storage or parking of automobiles by the property occupants. A carport is a private garage.
110. *Garage sale.* The sale of old, used or unwanted personal household items, articles and effects on a residential lot by the property owner or occupant. Garage sales shall not include any new or used items, articles or effects which have been purchased for the purpose of resale at the garage sale.
111. *Grade.* The surface of the ground.
 - *Existing grade.* The vertical elevation of the ground surface prior to any development or redevelopment activity.
 - *Finished grade.* The final grade, after development, of the site that conforms to the approved site plan.
 - *Highest adjacent.* The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.
112. *Habitable space.* Any enclosed space used, or intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting commercial business, or for purposes of a similar nature. Space used for storage or parking is not a habitable space.
113. *Heliport/helipad.* A landing pad or area designed and built solely to land helicopters, but not to maintain or store them.
114. *Historic structure.* Any structure that is accredited as being of historic significance by a state or local authority after careful review of the historical value of the building or structure and therefore determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings. Other considerations including the structural condition of the building its proposed use, its impact on life safety and how the intent of the code, if not the letter, will be achieved, will be considered.
115. *Home occupation.* Any lawful business use inside a residential home as defined by city codes, as a secondary use to the residential dwelling and which does not change the residential character of the neighborhood.
116. *Hotel or motel.* See *transient accommodations*.
117. *Impervious surface.* A surface that has been covered with a layer of material or has been compacted to the point that the surface becomes highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, parking lots, swimming pools, wet pond surface areas at normal or control elevation, and

other similar nonporous surfaces. A surface covered with material such as gravel or coquina is impervious.

118. *Industrial use.* An activity involving the research, development, manufacturing or repair of goods, materials, components, devices, equipment or systems, and associated storage.
119. *Institutional use.* Public and quasi-public buildings and uses for public assemblage such as, libraries, city hall buildings, fire and police stations, hospitals, sanitariums, convalescent homes, public/private schools, public/private camps and clubs, and similar types of uses.
120. *Junkyard.* An area or place containing any scrap materials or whole items which are purchased or collected for the purpose of selling, storing, dismantling, recycling or processing for profit as a commercial business.
121. *Kennel.* A business location where four (4) or more dogs, cats or combination of both over four (4) months old are kept.
122. *Land clearing.* The removal of vegetation from a site, parcel or lot beyond those activities considered to be routine land maintenance, such as mowing, trimming or pruning.
123. *Landscaping.* The use of plants, construction, and grading to create a desired effect. Landscaping elements may consist of, but are not limited to, turf and other ground covers, shrubs, vines, hedges, and trees, as well as cover materials, such as mulch, stones, etc. Landscaping related terms are as follows:
 - *Caliper.* A nursery standard measurement of a tree's trunk diameter as measured at a predetermined point of measurement. Trunk caliper for trees up to four (4) inches shall be measured six (6) inches above the soil line. Trees greater than four (4) inches in caliper shall be measured twelve (12) inches above the soil line.
 - *DBH (diameter at breast height).* A standard measurement of a tree trunk diameter as measured at a predetermined point of measurement. Trunks of existing trees shall be measured at four and one-half (4½) feet above the soil line. For multitrunked trees, the DBH shall mean the cumulative diameter of the two (2) largest trunks divided by two (2).
 - *Existing tree.* An existing healthy species of tree with a minimum DBH of one and one-half (1½) inches which normally grows to a mature height of forty (40) feet or more and is not listed as a prohibited plant. Existing trees may be counted to meet some portions of this Code.
 - *Florida-friendly landscaping.* A statewide program that encourages landscape design, installation, and maintenance practices that conserve water, reduce runoff of fertilizers, and minimize the need for pesticides (<http://www.floridayards.org/>).
 - *Ground cover.* A low-growing plant that grows over an area of ground providing protection from erosion and inhibiting weed growth.
 - *Hedge.* A planting of shrubs and trees, forming a compact, dense, living barrier which screens an area from view.
 - *High-water use zone.* An area(s) of a property that receives the application of landscape irrigation by use of rotors or sprays with application rates greater than sixty (60) gallons per hour (gph).

- *Irrigation plan.* A scaled plan (no greater than 1:40 scale) showing protected trees, turf and high-, moderate-, and low-water use zones separately outlined and illustrated with their separate zones of irrigation, indicating pipe size and layout, the location and type of irrigation heads and valves, and water supply.
 - *Landscape buffer.* An area of landscaping separating two (2) distinct land uses, or a land use and a public right-of-way, acting to soften or mitigate the effects of one (1) land use on the other.
 - *Landscape plan.* A scaled plan (no greater than 1:40 scale) showing the whole property, plant materials, complementary hardscape elements such as fountains, sculpture, masonry, walls, tree wells, and water use areas.
 - *Landscape architect.* A design professional registered in the state as defined by F.S. § Chapter 481, Part II, Landscape Architecture
 - *Low-water use zone.* An area(s) of a property that receives the application of landscape irrigation by only rainfall or the use of micro-irrigation.
 - *Ordinary high-water level.* The level that the Indian River Lagoon can be expected to reach during an "ordinary" wet season.
 - *Prohibited plant species or invasive plant.* A tree or plant that disrupts naturally occurring native plant communities as determined by the University of Florida (UF), Institute of Food and Agricultural Sciences (IFAS) Plant Directory, latest edition, or the Florida Exotic Pest Plant Council's (FLEPPC) List of Invasive Plant Species, most recent edition.
 - *Rain sensor.* A device connected to the automatic controller of an in-ground irrigation system that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
 - *Shade tree.* A species of tree which normally grows to a mature height of forty (40) feet or more, and which is a minimum of twelve (12) feet in height and a minimum of three (3) inch DBH at planting.
 - *Shrub.* A woody plant that is smaller than a tree and has several main stems arising at or near the ground.
 - *Understory tree.* A species of tree whose mature height is expected to range between fifteen (15) feet and forty (40) feet, and which is a minimum of six (6) feet in height and a minimum of one (1) inch DBH at planting.
 - *Water use zones.* Distinct portions of a property that are of a low-, moderate-, or high-water use, and which are irrigated with separate irrigation zones on separate programs.
124. *Laundry, self-service.* A business location where patrons go to do their laundry and pay for the use of clothes washing and drying machines and where other laundry services may be provided.
125. *Legal nonconforming.* Any characteristic of a building, property or use which lawfully existed prior to the enactment of these regulations but does not comply with the current regulations.
126. *Letter of Map Change (LOMC).* An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

127. *Level of service (LOS).* A method used to measure the amount of service proposed or provided by a public facility based on its operational characteristics.

128. *LID (Low impact development).* Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat

129. *Light-duty truck.* As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- Designed primarily for transportation of persons and has a capacity of more than 12 persons, or
- Available with special features enabling off-street or off-highway operation and use.

130. *Lighting.* Any fixed source of light emanating from a man-made device, including but not limited to incandescent, mercury vapor, fluorescent, halogen, or LED. Lighting related terms are as follows:

- *Accent lighting.* Lighting used as an enhancement to an architectural feature of a building, sign or other manmade improvement and it includes lighting to enhance landscape features. Such lighting is designed to be subtle and muted and not to create unnecessary reflection or glare.

- *Animated lighting.* Flashing, moving or changing lights.
 - *Beacon.* A light with one (1) or more beams directed into the atmosphere or at one (1) or more points not on the same property as the light source, or any beam of light which rotates.
 - *Foot candle.* A measure of illumination on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.
 - *Full light cutoff.* Fixtures shielded in such a manner that all light rays emitted are projected only through the bottom of the fixture.
 - *Light trespass.* Unwanted light emitted beyond the boundaries of the property on which the light fixture is located, detrimentally affecting residents, vehicle operators, watercraft operators and pedestrians.
 - *Lumen.* A unit of luminous flux. One (1) lumen per square foot is equal to one (1) foot candle.
 - *Turtle friendly lighting.* Coastal lighting which is certified and approved by the Florida Fish and Wildlife Conservation Commission (FWC).
131. *Liner building.* A building constructed in front of a parking garage, cinema, supermarket, etc. to conceal large expanses of blank wall area and to face the street space with a façade that has doors and windows opening onto the sidewalk.
132. *Live/work unit.* A single dwelling unit in a detached building or in a multi-family or mixed use building that also accommodates limited commercial uses within the dwelling unit. The predominant use of a live/work unit is residential, and commercial activity is a secondary use.
133. *Living shoreline.* Stabilized coastal edge made of natural materials such as plants, sand, or rock.
134. *Loading zone, off-street loading.* An unobstructed area on private property at least twelve (12) feet by thirty (30) feet in area that is provided and maintained for the temporary parking of trucks or other vehicles for the purpose of loading or unloading goods, wares, materials, and merchandise.
135. *Lot, lot of record or metes and bounds parcel.* A parcel of land with a legal description with frontage onto an improved public or private street that is recorded with the county. Related terms are provided below:
- *Corner lot.* A lot where two (2) intersecting sides abut public or private streets on perpendicular lot lines. A side lot line abutting a street, which is not a front lot line as defined below, is a side street lot line.
 - *Double frontage lot.* A lot with frontage on two (2) parallel streets on opposing lot lines.
 - *Front lot line or frontage.* The property line that abuts a street, except on a corner lot where the front lot line is determined by the property address, unless special circumstances exist which require an administrator interpretation. Typically, but not always, the shortest lot line abutting a street is considered the lot frontage.
 - *Interior lot.* A lot other than a corner or double frontage lot.
 - *Lot area.* The square footage of a lot measured within the lot boundary lines.

- *Lot coverage.* A measure of the intensity of land use that represents the portion of a site that is an impervious surface, expressed as a percentage of the total lot area. This portion includes but is not limited to all areas covered by building, parking structures, driveways, gravel or rock, roads, sidewalks, pools, and any areas of concrete, asphalt, gravel, rock or other impervious material.
 - *Lot depth.* Distance measured in a straight line between the midpoint of front and rear lot lines. Lots of an irregular shape may use the midpoint of the rear and front lot lines when determining depth.
 - *Lot lines.* The property boundary lines of a lot.
 - *Lot split.* The division of a single lot into two (2) legal lots of record where both lots have frontage onto a public or private improved street.
 - *Lot width.* The distance between two (2) side lot lines. Lots of an irregular shape may use the midpoint of each side lot line to determine width.
 - *Rear lot line.* The lot line opposite and parallel or approximately parallel to the front lot line.
 - *Reverse frontage lot.* A lot that has double frontage onto an arterial or collector street on one (1) side, and onto a local street on the opposite side of the lot.
 - *Side corner lot line.* A lot line which is perpendicular or approximately perpendicular to the front lot line, and which runs parallel or approximately parallel to the side street of a corner lot. Also referred to as *Side street lot line*.
 - *Side lot line.* The two (2) lot lines that are not the front or rear lot lines, as established herein.
 - *Single tier lot.* A lot where the rear lot line abuts a highway, any kind of physical barrier, or a nonresidential district that prohibits vehicular access onto the lot from the rear lot line.
 - *Side street lot line.* See *Side corner lot line*.
 - *Waterfront lot.* Any lot with a rear or side yard not separated from a waterway by any dedicated road or other platted parcel.
 - *Zero lot line.* Buildings/structures built along one (1) or more lot lines, without setbacks.
136. *Lowest floor.* ~~The floor with the lowest elevation within a building or structure including sunken living rooms, basements, or uninhabitable spaces.~~ The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.
137. *Manufactured home.* ~~A detached dwelling unit or office unit which is transported to the site in large pre-manufactured sections and assembled on site and on a permanent foundation.~~ A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

138. Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
139. *Marijuana dispensary.* A location where a qualified patient or their caregiver (both as defined in Florida State Statutes) can access cannabis in a legal and safe manner.
140. *Marina, commercial.* A business that stores, services, fuels, launches, and/or secures boats and may provide related services for owners, crews, and guests.
141. Market value. For the purposes of Chapter VII, the value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.
142. *Marquee.* A permanent roof architectural projection, the sides of which are vertical and are intended for the display of signs and which provides protection against the weather for the pedestrian, and which is supported entirely from an exterior wall of a building.
143. *Masonry wall.* A wall and footing constructed of masonry material meeting the requirements of the Florida Building Code and Land Development Code.
144. *Mixed-use development.* A development that includes two (2) or more physically integrated uses on one (1) site or within one (1) structure. This can be any combination of residential, retail, office, or other uses. Mixed-use developments of less than three (3) acres are not permitted to have both permanent occupancy dwellings and transient accommodations.
145. *Mobile food dispensing vehicle.* A public food service establishment mounted on wheels and axle(s) that is movable from place to place and, if applicable, includes self-contained utilities, such as gas, water, electricity, and liquid waste disposal. Examples are a food truck or hot dog cart.
146. *Mobile home.* A detached mobile dwelling or office unit built onto its own chassis and wheels which can be transported on streets and highways.
147. *Mobile home park.* Premises where spaces can be rented or sold for the temporary or permanent placement of a mobile home, including any land or facilities used by the mobile home occupants.
148. *Motor vehicle.* Any self-propelled vehicle designed primarily for transportation of persons or goods along public rights-of-way.
149. *Multi-use path.* A form of infrastructure, usually located along the side of a street but wider than a traditional sidewalk, that supports multiple recreation and pedestrian transportation opportunities, such as walking, bicycling, and skating, with access for wheelchairs and strollers.
150. *Mural.* See Building painting/mural.
151. *NAVD88 or North American Vertical Datum.* The vertical control datum of orthometric height established for vertical control surveying in the United States.
152. New construction. For the purposes of Chapter VII, structures for which the “start of construction” commenced on or after June 16, 1972 and includes any subsequent improvements to such structures.

153. *Nursery school.* A day school for the care and instruction of pre-school age children.
154. *Nursing home.* A public or private residential facility providing a high level of personal or nursing care for persons, such as the aged or chronically ill, who are unable to care for themselves.
155. *Ocean park and/or public beach.* The city managed and maintained public beach area found within the corporate limits of the city which is between the top of the dune line of the beach and a line parallel thereto and five hundred (500) feet east therefrom. Also known as Ocean Beach Park.
156. *Official city maps or plans.* Maps/plans officially adopted by the commission used for development, to delineate between various and different districts or for informational purposes.
157. *Open space.* Land that is set aside to remain undeveloped and, in the case of public open spaces, may be utilized as civic/public areas.
158. *Open storage area.* An outdoor area used to store equipment, materials, or products.
159. *Owner.* The person who owns the whole or a part of a building or land.
160. *Pain management clinic.* Any publicly or privately owned facility that advertises in any medium for any type of pain-management services or where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain and which is required to register with the Florida Department of Health pursuant to F.S. § 458.3265.
161. *Park trailer.* A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.
162. *Parkway.* A wide road with trees and grass along the sides and often with a center median.
163. *Parking garage.* A covered structure or portion of a covered structure that provides parking areas for motor vehicles, usually in multiple levels.
164. *Pedestrian/urban trail.* A multi-use path which creates an active transportation corridor for walking, running, bicycling, skating, or similar use, through a developed environment.
165. *Permanent.* The opposite of temporary, mobile or moveable, that includes being permanently attached to a structure, building, or land and fixed in place without change or without being capable of being moved without deconstruction and reassembly at a new location.
166. *Person.* This includes agents, associations, firms, partnerships, political bodies, corporations, and individuals.
167. *Pervious/Porous surface.* A surface that allows water to percolate through to the underlying ground and includes, but is not limited to, grass/turf, mulch, or landscaped open areas.
168. *Pet care facility.* A business location where four (4) or more domestic animals, such as dogs and cats, are provided care. A pet care facility includes, but is not limited to, veterinary facilities, boarding facilities, kennels, groomers, animal sitters/foster care, rescues, shelters, and pet stores.

169. *Pharmacy.* A location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.
170. *Place of worship.* A specially designed structure or consecrated place where a group of people, such as a congregation, comes to perform acts of devotion, veneration, or religious study. Places of worship may include ancillary buildings for education, recreation, and social functions.
171. *Planned development.* A contiguous land area of a minimum size, as specified, to be planned and developed using a common master plan and containing two (2) or more uses and appurtenant common areas.
172. *Porch.* A roofed area, attached at the first floor level of a building, open except for railings and support columns. Porches may be mid story and attached to the front, side or rear of a structure.
173. *Principal plane.* The front of the primary mass of a building, typically the first load bearing wall. Porches, stoops, colonnades, and terraces are common architectural details and do not constitute the "principal plane" of a building.
174. *Principal structure/building.* The main building on a property which is used for the primary or principal use of the property, which may or may not have accessory structures subordinate to it.
175. *Professional services.* Work done for others, predominately on the premises of an office, by someone trained and engaged in such work for a career. Examples include, but are not limited to, lawyers, accountants, insurance agents, engineers, or cosmetologist.
176. *Public safety communications tower.* A wireless communication facility owned or operated by a municipal, county, state, or federal government used in part for fire, law enforcement, or other public safety communications purposes. A public safety communications tower does not constitute a building or structure for the purposes of height regulations.
177. *Public facilities and services.* The facilities and services typically provided or supervised by a governmental entity or public utility, such as streets, stormwater potable water, sanitary sewer, solid waste, electric, telecommunications, and/or recreational parks, and open space. A public utility is one (1) that is regulated by the Florida Public Services Commission.
178. *Public food service establishment.* Any building, vehicle, place, structure, or any room of a building, vehicle, place, or structure where food is prepared, served, or sold for consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered.
179. *Public place.* Any government-owned land or facilities to which the public has access.
180. *Public open space.* An outdoor space that is maintained by a government or nonprofit entity as a civic amenity for the general public. Public spaces include parks, playgrounds, golf courses, beaches, beach accesses, boat ramps, nature preserves, etc.
181. *Recreational vehicle.* ~~A vehicle primarily designed as a temporary living quarters for recreation, camping, or travel use, which is either self-propelled or attached to or pulled by another vehicle.~~ A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- Built on a single chassis;
- Four hundred (400) square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light-duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

182. *Redevelopment.* Any proposed expansion, addition, or major façade upgrade to an existing building or structure, a demolition and rebuild of an existing building or structure, or changes to impervious surfaces, topography, grading, paving, or excavation.
183. *Registered professional.* A professional registered or licensed by and in the State of Florida and practicing under F.S. Chapter 471, 472, 481, or 492.
184. *Replat.* The act of dividing or combining parcels and easements which are part of an existing plat, such that lots lines are created or removed to create new property boundaries in a newly recorded plat or subdivision which will increase or decrease the number of parcels.
185. *Residential use.* Buildings, structures or uses designed primarily for single family, duplex or multifamily residences, excluding hotels and motels.
186. *Restaurant.* A commercial establishment where food and beverages are prepared and served, and where food sales constitute at least fifty-one (51) percent of gross sales receipts.
187. *Right-of-way (ROW or plural rights-of-way).* Publicly owned land which is dedicated and used for a street, alley, walkway, drainage, ingress, egress or other public purpose.
188. *Right-of-way line.* The lines that form the boundaries of the right-of-way.
189. *Riparian rights.* Right to access the water bordering a property for ingress, egress, boating, and fishing, and those rights are determined as an extension of the property lines to the ordinary high watermark of the navigable waterway, and as further defined in F.S. § 253.141.
190. *Screen enclosure.* An enclosure consisting entirely of screen mesh, except for essential structural framework required for support.
191. *Sea dune area.* That area of land immediately adjacent to the ocean beach consisting of accumulations of sand in ridges or mounds landward of the ocean beach often stabilized and covered by salt-resistant plants and vegetation indigenous to this formation, including but not limited to sea oats, herbs, woody vegetation, and other growth common to the beach area adjacent to the coastline, which serves as an immediate buffer to the waters of the Atlantic Ocean and onshore winds.
192. *Seawall/bulkhead.* Shoreline protection structures designed to combat erosion constructed along ocean and other waterway shorelines, which may also include revetments and sandbags.
193. *Self-storage facility.* A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

194. *Semi-public facilities and services.* Institutional, academic, governmental, and community service uses, either owned publicly or privately, including, but not limited to, hospitals, schools, libraries, and cemeteries. See also *Institutional use*.
195. *Semi-trailer.* A freight trailer, enclosed or open, with wheels at the rear end, with the forward end being supported by the rear of a semi-trailer truck/tractor when attached and by other means, including, but not limited to, vertical extendable legs, when not attached to a semi-trailer truck/tractor.
196. *Semi-trailer truck/tractor.* A truck, also called a tractor, which connects to a semi-trailer for the purpose of hauling freight. Sometimes referred to as a semi-truck or just a semi.
197. *Service area.* An equipment area, loading area or dock, trash collection area, trash compaction area, truck parking area, recycling area, or other similar service function area.
198. *Setbacks.* See *Building setback lines*.
199. *Shopfront/storefront.* Display windows of a building housing a commercial use that is visible from a street, sidewalk, or other pedestrian way accessible to the public or adjacent public or private property.
200. *Sidewalk.* A path for pedestrians, and sometimes bicyclists, usually along the side of a street.
201. *Sign.* Any words, lettering, figures, numerals, emblems, devices, trademarks, trade names, or any combination thereof, by which anything is made known and which is designed to attract attention or convey a message. Sign related terms are listed below:
 - *Address sign.* A sign applied to a building wall, curb or other similar surface that displays a building or unit address.
 - *Animated sign.* A sign which is designed or intended to change physical position by any movement, rotation or lighting effects.
 - *Awning sign.* A sign incorporated into or attached to an awning.
 - *Backlit awning sign.* A sign incorporated into or attached to an awning with an interior source of light which illuminates the sign by shining through the surface of the sign from the internal light source.
 - *Balloon/inflated sign.* A sign filled with gaseous elements which make it rise, dance, or float.
 - *Banner or flag sign.* A sign having wording or illustrations applied to a flexible material. Banner signs are usually attached to flat wall surfaces or hang vertically. Flag signs are attached to vertical, flexible poles.
 - *Bulletin board.* A sign with removable letters, words, or numerals.
 - *Channel letters.* Removable letters that fit into channels on a sign or marquee.
 - *Dilapidated sign.* Any sign which is structurally unsound, fails to meet applicable building, electrical, and safety codes, has defective parts or is in need of painting and/or maintenance.
 - *Directional sign.* A sign which directs or guides traffic, vehicular or pedestrian, to a destination.

- *Discontinued sign.* A sign on property which is vacant or unoccupied for a period of ninety (90) days or more, which references services no longer available at the site, or a which offers goods no longer available at the location where the sign is located.
- *Electronic message board sign.* Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
- *Freestanding sign.* Any mobile or portable sign or sign structure not securely attached to the ground or a structure.
- *Ground or monument sign.* A freestanding sign attached to a structure secured to the ground. Ground signs are typically supported by poles and monument signs typically have a solid monument structure built up from the ground without pole supports.
- *Hanging sign.* A sign attached to and extending below a marquee, roof overhang or canopy.
- *Illuminated sign.* Any sign illuminated in any way by an artificial light source.
- *Message board or message center sign.* A sign with changeable text. Non-electronic message boards typically consist of letters attached to a surface within a transparent display case.
- *Nameplate.* A sign consisting of either a panel or individual letters applied to a building listing the name and/or address of businesses or building tenants.
- *Nit.* A unit of measurement of luminance, or the intensity of visible light, where one (1) nit is equal to one (1) candela per square meter (DC/M2). The higher number of nits, the brighter the screen.
- *Noncommercial.* A sign that does not contain information or advertising for any business, commodity, services, entertainment, product or other attraction.
- *Obscene sign.* A sign which is deemed obscene pursuant to the Florida and United States Constitutions.
- *Off-site sign.* A sign identifying an activity which is not on the property where the sign is located or which offers products or services available at a location different from the sign location.
- *Painted wall sign.* A sign applied to a building wall with paint and which has no individual sign structure.
- *Portable sign.* A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and that may be easily moved or relocated for reuse. Portable signs shall include, but are not limited to, signs mounted on a trailer, bench, wheeled carrier, or other nonmotorized mobile structure with or without wheels.
- *Roadside sign.* A temporary sign on wheels, stands or pulled by a trailer that is intended to be installed at or near the right of way to attract attention.
- *Reader board.* A portion of a sign which allows for modification of the message by manual, electronic, or mechanical means.

- *Roof sign.* A sign erected upon or directly above a roof or on top of/above the parapet of a building.
 - *Sidewalk sign.* A moveable, freestanding sign that is typically double-sided and placed at the entrance to a business to attract pedestrians. (also called a sandwich board or A-frame sign).
 - *Shingle sign.* A small blade or projecting sign, usually mounted on the ground floor level.
 - *Snipe sign.* A temporary sign of any material attached in any manner to trees, poles, stakes, fences or other objects, and displayed on public property or in the public right-of-way.
 - *Temporary sign.* Any sign on display for a limited amount of time and not intended or designed for permanent installation.
 - *Vehicle sign.* A sign affixed to or applied to a trailer, vehicle, or watercraft.
 - *Wall sign.* A sign attached flush to the wall of a building as a single unit, with only one (1) advertising surface, including signs attached to a mansard roof and facade signs.
 - *Window sign.* A sign painted, attached or hanging on the inside of a window or other opening which is visible from outside.
202. *Site plan.* A plan, to scale, showing uses and structures proposed for a parcel of land as required by these regulations, including lot lines, streets, building sites, reserved open spaces, buildings, elevations, stormwater management elements, major landscape features, and the location of proposed utility lines.
203. *Special exception.* The use of a property which is not permitted "by right" but is only granted after approval by the board of adjustment when it has been determined to be compatible with the permitted use(s) on a property in a specific zoning district and is found not to be detrimental to the surrounding properties, businesses, traffic-flows or area, to the extent that such special exception is consistent with the Comprehensive Plan.
204. *Special flood hazard area (SFHA).* The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.
205. *Start of construction.* For the purposes of Chapter VII, the date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of

any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

206. *State.* The State of Florida.
207. *Stoop.* A small platform and/or entrance stairway at a home's door, commonly covered by a secondary roof or awning.
208. *Street.* Any public or private roadway, avenue, drive, boulevard, cul-de-sac, road, alley, lane, viaduct, causeway and all other highways, roadways, and rights-of-way in the city. Streets within the city are classified as follows:
- *Arterials—Highways—Causeways.* Major streets/highways used for fast and heavy traffic with minimal ingress/egress and a minimum of two (2) lanes of travel in each direction.
 - *Collectors—Boulevards—Avenues.* Mid-sized streets that bring local traffic to arterials with up to two (2) lanes of travel in each direction and slower speeds.
 - *Local streets (roads/lanes/drives/cul-de-sac).* Minor streets typically found in neighborhoods with one (1) lane of travel in each direction and slow travel speeds.
 - *Alleys.* Rights-of-way designed to serve as secondary access to the rear or side of properties, typically less than twenty-five (25) feet wide.
 - *Primary pedestrian street.* These streets, as designated in this code, support decreased dependence on motor vehicles, make travel on foot pleasant, safe, and easy. The development along a primary pedestrian street should: acknowledge the need to accommodate arrival by vehicle; support increased arrival by transit, carpool, bike, and on foot; and create incentives to circulate within the area by non-auto modes (on foot, by shuttle or bus, or bicycle).
209. *Stores and services.* Establishments that sell merchandise or food or provide personal or professional services. The following are not considered stores and services: automotive maintenance facility, adult entertainment establishment, contractor and trade operations, convenience store with fuel, drive-through facilities for any use, parking lot or garage, marina, self-storage facility, nightclub or bar, or pain management clinic. Classifications of stores and services, as used in these regulations, are listed below:
- *Stores and services, limited.* An establishment, as defined above, containing no greater than one thousand (1,000) square feet of enclosed floor space.
 - *Stores and services, general.* An establishment, as defined above, containing greater than one thousand (1,000) square feet but no greater than thirty thousand (30,000) square feet of enclosed floor area.
 - *Stores and services, large format.* An establishment, as defined above, containing greater than thirty thousand (30,000) square feet of enclosed floor area.
210. *Stormwater.* Water that originates from a rainfall event.
211. *Stormwater management plan.* Describes how the proposed stormwater management system for a development will be constructed to meet the requirements of the city's stormwater master plan which is managed by the city's stormwater department.

212. *Stormwater management system.* A system which is designed and constructed to control discharges necessitated by rainfall events, incorporating methods (BMPs) to collect, convey, store, absorb, inhibit, treat, use, or reuse stormwater to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.
- Note: additional definitions related to stormwater management, flood control and pollution prevention are listed within chapter VII of these LDC regulations.
213. *Structural alteration.* Any change in the supporting members of a structure, such as load bearing walls, columns, beams, girders, or any substantial change in the roof or exterior wall of a structure, as determined by the building official.
214. *Structure.* Any building, stand-alone system or facility, that is thirty (30) inches or more in height, that requires support by a foundation, such as a footer, stem wall, or piling, and which is constructed in place.
215. *Structure, temporary.* Any structure that is not attached to a permanent foundation.
216. *Structure, temporary storage.* A temporary structure designed primarily for storage of building materials, household items, and other such material; and that is not intended for permanent installation.
217. *Structure, portable.* A structure assembled offsite and delivered to a location as a complete unit or a structure purchased in a kit and assembled onsite, which can then be moved to another location without disassembly.
218. *Structured parking.* See *Parking garage*.
219. *Subdivision, major.* The division of a tract of land into more than ten (10) lots or parcels for the purpose of individual lot sales and/or building development. This shall also include any subdivisions which have a dedication of a new public/private street or change the alignment of existing street(s).
220. *Subdivision, minor.* The division of a tract of land into ten (10) or less lots or parcels for the purpose of individual lot sales and/or building development and does not include any new public/private streets or a change in the alignment of an existing street.
221. *Substantial damage.* Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.
222. *Substantial improvement.* ~~Any alteration, repair, reconstruction or improvement of a structure, the cumulative cost of which exceeds fifty (50) percent of the current market value of the structure, as determined by the city's chief building official.~~ Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:
- Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

- Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

223. *Summary plat.* Where two (2) or more lots are combined into one (1) lot of record under single ownership, and where no public or private streets or rights-of-way are added or altered as a result.
224. *Tattoo studio.* Any place of business licensed to perform tattooing, as defined in F.S. § 381.
225. *Temporary sales.* Any sale made by a person, firm, or corporation engaging in the temporary business of selling goods, wares, or merchandise.
226. *Temporary use permit.* A permit approved for authorization of a particular activity for a specified length of time. The administrator is responsible for assigning applicable conditions and the approved time limit.
227. *Terrace.* A level paved area or platform next to a building, a patio, or a veranda.
228. *Traffic impact statement/analysis.* A traffic report/study/analysis to identify the impact of the traffic generation and flow created by a development, and its impact on the community. This report may also contain options for addressing any identified impact.
229. *Transient accommodations (hotels, motels).* A group of lodging units for guests which include, at a minimum, sleeping quarters with private bath(s) that may or may not include additional rooms, that are not intended to be permanent residences, and which have a centralized rental office on the property with no less than twelve (12) hours of operation every day.
230. *Travel trailer/camper trailer.* A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.
231. *Vacation rental.* Any residential unit that is used as transient lodging, which is rented to separate guests more than three (3) times in a year, or which is rented for less than one (1) month at a time, or which is advertised as lodging for guests.
232. *Valance.* The portion of an awning that hangs perpendicular to the sidewalk.
233. *Variance.* A variance is a type of formal modification of the dimensional or numerical requirements of the LDC regulations where not contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship. As used in section 4-39 of these regulations, a variance may be approved by the board of adjustment and it is authorized only for height, area and size of structure or size of yards and open spaces to the extent that such variance is consistent with the Comprehensive Plan and City Charter. Applications for a variance for a building height to exceed forty-five (45) feet shall be governed solely by section 4-40. For a variance from the flood resistant construction requirements of the Florida Building Code, see Chapter VII, Section 7-16.
234. *Vehicle.* An instrument of conveyance, which can include any conveyance used for transporting passengers or things by land, water, or air. It can be a self-propelled conveyance that runs on tires, such as a car, truck, motorcycle or cart, or runs on water, such as a boat or barge.
235. *Vehicular use area.* Any paved or unpaved ground surface area used for storage, display, temporary parking, and/or maneuvering of vehicles by employees or

customers, either for compensation or to provide an accessory service to a commercial, institutional, or residential use, excluding single-family and duplex residences.

236. *Vending machine, freestanding.* Any unattended self-service device that, upon payment, dispenses something of value, such as ice, beverages or merchandise and which is standing alone or on its own foundation free of support or attachment to a structural wall.
237. *Waiver, administrative.* See *Administrative waiver*.
238. *Watercourse.* A water channel and Banks, but not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the carrying capacity of the channel.
239. *Watercraft.* A boat, canoe, raft, surfboard or other vessel designed for use on the water.
240. *Waterfront launch facility.* Water dependent facilities that are open to the public and offer public access by vessels to the waters of the state that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.
241. *Waterway.* A body of water, including any creek, canal, river, lake, bay, or any other body of water, natural or artificial, but not including a swimming pool, spa, or ornamental pond.
- *Canal.* An artificial open channel or waterway constructed for one (1) or more of the following purposes: transporting water, connecting two (2) or more bodies of water, or serving as a waterway for watercraft.
 - *Navigable waterway.* A body of water, such as a river, canal or lake that is deep, wide, and slow enough for a motorized vessel to pass
242. *Waterside accessory structure.* Residential and commercial piers, docks, decks, slips, boathouses, boat lifts, boat shelters, mooring posts, davits, piles, buoys, dolphins, or other similar structures.
243. *Wireless communication facility.* Any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment towers, or supporting equipment.
244. *Work/live unit.* A single dwelling unit in a detached building, or in a multi-family, mixed-use, or commercial building, where the predominant use is commercial, and residential activity is a secondary use.
245. *Workshop/studio.* An establishment for the creation or display of arts and crafts, the production or repair of clothing and jewelry, or instruction in dance, exercise, or martial arts, or other similar uses/activities.
246. *Yard.* Open space unoccupied and unobstructed by any structure.
247. *Year.* A calendar year.

APPENDIX B - LAND DEVELOPMENT CODE
 CHAPTER III - DESIGN STANDARDS
 ARTICLE III. DEVELOPMENT AND CONSTRUCTION

Section 3-37. Forty-five-foot building height limit.

The maximum allowable building height for all new construction is limited to forty-five (45) feet above the crown of the abutting road, unless exempted as set forth below:

- A. No owners of structures destroyed or substantially damaged by explosion, fire, flood, wind, erosion, or other disaster shall be denied the right either to rebuild or to raze and rebuild to the same height in the same location.
- B. Where required to meet federal, state, or local law to elevate the lowest floor to or above the base flood elevation plus one (1) foot, ~~provide a wash through or similar grade level passage for storm surges~~, existing buildings lost to a casualty event may be rebuilt to the existing height as previously provided as measured from the base flood elevation plus one (1) foot ~~plus up to the height of the wash through~~, if necessary to maintain the same density with the same habitable area or gross square footage.
- C. Where a ~~parcel or a portion thereof has been assigned a FEMA base flood elevation, or another minimum elevation for construction of habitable space has been applied to a parcel pursuant~~ minimum lowest floor elevations, or minimum elevations of habitable space, are required to meet to federal, state, or local law, the forty-five-foot building height limit shall be measured from the height of the Base Flood Elevation plus one (1) foot, or other minimum elevation, rather than the crown of abutting road.
- D. On all parcels, up to ten (10) feet of unoccupied building elements and attachments on the top of buildings shall not count toward the forty-five-foot building height limit.
- E. Residential and non-residential structures may be razed and rebuilt to their existing height as previously provided to the same extent as if they were lost to a casualty event.
- F. The city commission may grant a variance to individual parcels to allow new structures at a height greater than forty-five (45) feet as set forth in Section 4-40.

CHAPTER IV LAND DEVELOPMENT PROCEDURES²

ARTICLE IV. VARIANCE, WAIVER AND SPECIAL EXCEPTION

Section 4-40. Application for a variance from the city commission for a height to exceed forty-five (45) feet.

- A. The maximum allowable building height for all new construction is limited to forty-five (45) feet above crown of the abutting road, unless exempted as set forth below:
1. No owners of structures destroyed or substantially damaged as defined in the FBC, B Section 1612.2 by explosion, fire, flood, wind, erosion, or other disaster shall be denied the right either to rebuild or to raze and rebuild to the same height in the same location. Buildings rebuilt after being “destroyed” are new construction and must comply with the FBC. Buildings that are in SFHAs and substantially damaged must be brought into compliance with the flood provisions of the FBC.
 2. Where required to meet federal, state, or local law to provide a wash through or similar grade level passage for storm surges, existing buildings lost to a casualty event may be rebuilt to the existing height as previously provided plus up to the height of the wash through, if necessary to maintain the same density with the same habitable area or gross square footage.
 3. Where a parcel or a portion thereof has been assigned a FEMA base flood elevation, or another minimum elevation for construction of habitable space has been applied to a parcel pursuant to federal, state, or local law, the forty-five-foot building height limit shall be measured from the height of the base flood elevation or other minimum elevation requirement, rather than the crown of abutting road.
 4. On all parcels, up to ten (10) feet of unoccupied building elements and attachments on the top of buildings shall not count toward the forty-five-foot building height limit.
 5. Residential and non-residential structures may be razed and rebuilt to their existing height as previously provided to the same extent as if they were lost to a casualty event.
 6. The city commission may grant a variance to individual parcels to allow new structures at a height greater than forty-five (45) feet, but in no event greater than seventy (70) feet (measured in accordance with section 4-40(A)(7)), upon petition and proof that the variance will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this section would result in unnecessary hardship. To grant such a variance, the city commission must make findings of fact that the petitioner has met the legal standards for variance as set forth in this section, and the variance must be approved by a concurring vote of four (4) members of the city commission after due notice and public hearing. A request for variance will be considered after a written petition is submitted to the city commission indicating the grounds on which the variance is sought. After the petitioner has submitted a sufficient petition, the request must be scheduled for public hearing before the city commission as expeditiously as possible, and not earlier than thirty (30) days after the day of

submission of a sufficient petition. Notice and hearing requirements for such variance shall be in accordance with the provisions for variance set forth in this section.

7. The seventy (70) feet referenced in section 4-40(A)(6) shall be measured from the crown of the abutting road and measured to the top of the highest building element or attachment, except as set forth in this paragraph and as adjusted by administrative waiver. Any such administrative waiver shall be limited to unoccupied building elements and attachments only. Where a parcel or a portion thereof has been assigned a FEMA base flood elevation, or another minimum elevation for construction ~~of habitable space has been applied to a parcel~~ pursuant to federal, state, or local law, the seventy (70) feet referenced in section 4-40(A)(6) shall be measured from the height of the ~~base flood elevation or other~~ minimum ~~required~~ elevation, rather than the crown of abutting road. Consistent with the provisions of the Comprehensive Plan, the seventy (70) feet limitation imposed by section 4-40(A)(6) shall not apply to wireless communication towers or lightning rods.

B. Legal standards for variance for a building height to exceed forty-five (45) feet.

1. In granting a variance governed by this section, the city commission shall make findings of fact based upon competent substantial evidence that the application for variance satisfies each of the following legal standards, which shall exclusively govern and be required for approval of a height variance by the city commission:
 - a. Special conditions and circumstances (regardless of whether such special conditions and circumstances result from the actions of the applicant) exist with respect to the land, structure or building involved, including but not limited to unusual or extraordinary site conditions or location, which are not applicable to a majority of other lands, structures, or buildings within the city. Such special conditions and circumstances may include, but not be limited to:
 - i. Advanced age and deteriorating conditions of existing buildings and structures on the land.
 - ii. Substandard stormwater management systems associated with the land and existing buildings and structures on the land.
 - iii. Substandard life safety systems associated with existing buildings and structures on the land.
 - iv. Substandard energy conservation systems associated with existing buildings and structures on the land.
 - v. Elevated incidence of crime associated with existing buildings and structures on the land.
 - vi. Elevated fire or emergency medical service calls associated with existing buildings and structures on the land.
 - b. As a result of such special conditions and circumstances, the literal interpretation and strict application of the forty-five-foot building height limit would result in an unnecessary hardship. Such unnecessary hardship may include but not be limited to:
 - i. Depriving the applicant of rights commonly enjoyed by other properties within proximity to the proposed site, including but not limited to other properties with buildings exceeding forty-five (45) feet in height (regardless of when such buildings were authorized).

- ii. Impeding or disincentivizing the redevelopment of a parcel, where the redevelopment of such parcel would foreseeably ameliorate any blighted condition associated with the land and existing buildings and structures on the land, including but not limited to those conditions enumerated in section 4-40(B)(1)(a)(i) through (vi), and conditions similar thereto.
 - iii. Impeding or disincentivizing the development or redevelopment of a parcel so as to result in a substantial economic loss to both the property owner and the city.
 - c. The granting of the variance (while not necessarily the minimum variance necessary to make reasonable use of the land, building, or structure) is conditioned upon the restriction that residential areas (RS-1 and RM-1) shall be buffered by tiered heights from higher structures, with intervening rights of way or canals not considered buffers.
 - d. The granting of the variance will be in harmony with the general purpose and intent of the LDC and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, but rather enhances the public, economic, or social welfare of the community.
- C. Notice required for a variance to exceed forty-five (45) feet.
 - 1. Public notification in the following prescribed manner is required.
 - a. *U.S. Mail notification.* Notice of the public meeting/hearing shall be mailed to property owners within three hundred (300) feet of the property for which the variance is requested at least ten (10) days prior to the date of the hearing. For this purpose, the owner of the property shall be deemed to be the person who is so shown on the most current tax rolls on file with the Brevard County property appraiser.
 - b. *Newspaper advertising.* Notice of the public meeting/hearing shall be advertised by publication of a notice of hearing in a newspaper of general circulation, as defined by F.S. Chapter 50, at least ten (10) days prior to the date of the hearing.
 - c. *Notice posted on subject property.* Notice signs shall be posted on the property. These signs must be visible from all streets, adjacent properties and waterways, and posted at least ten (10) days prior to the public meeting/hearing. Failure to post or removal of the sign by natural weather events or vandalism is not sufficient cause to require that the case be continued or not heard.
 - 2. Fees for required public notices to be paid by the applicant are as adopted from time to time by resolution or ordinance by the city commission.
 - 3. Failure of notice by U.S. mail or newspaper advertisement may not be cause to continue an application process unless such failed notice is determined by the city commission to be in any way intentional and in "bad faith", as determined on a case-by-case basis by the city commission, should these notices ever fail to be sent or advertised.

CHAPTER VII STORMWATER MANAGEMENT AND FLOOD CONTROL

ARTICLE III. FLOOD DAMAGE PREVENTION

Section 7-10. General.

- A. *Title.* These regulations shall be known as the floodplain management chapter of the City of Cocoa Beach.
- B. *Scope.* The provisions of this [article chapter](#) shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- C. *Intent.* The purposes of this [article chapter](#) and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, [watercourses](#), and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- D. *Coordination with the Florida Building Code.* This [article chapter](#) is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- E. *Warning.* The degree of flood protection required by this [article chapter](#) and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger

floods can and will occur. Flood heights may be increased by man-made or natural causes. This [article chapter](#) does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this [article chapter](#)

- F. *Disclaimer of liability.* this [article chapter](#) shall not create liability on the part of the City Commission of the City of Cocoa Beach or by any officer or employee thereof for any flood damage that results from reliance on this [article chapter](#) or any administrative decision lawfully made thereunder.

Section 7-11. Applicability.

- A. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. *Areas to which this [article chapter](#) applies.* This [article chapter](#) shall apply to all flood hazard areas within the City of Cocoa Beach, as established in subsection C of this section.
- C. *Basis for establishing flood hazard areas.* The flood insurance study for Brevard County, Florida and incorporated areas dated [January 29, 2021](#) ~~[March 17, 2014](#)~~, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this [article chapter](#) and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Development Services Department, 2 S. Orlando Ave., Cocoa Beach.
- D. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 7-14 of this [article chapter](#) the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the flood plain administrator indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this [article chapter](#) and, as applicable, the requirements of the Florida Building Code.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- E. *Other laws.* The provisions of this [article chapter](#) shall not be deemed to nullify any provisions of local, state or federal law.
- F. *Abrogation and greater restrictions.* This [article chapter](#) supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this [article chapter](#) and any other ordinance, the more restrictive shall govern. This [article chapter](#) shall not impair any deed

restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this [article chapter](#).

G. *Interpretation.* In the interpretation and application of this [article chapter](#), all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 7-12. Duties and powers of the floodplain administrator.

A. *Designation.* The chief building official is designated as the floodplain administrator.

B. *General.* The floodplain administrator shall have the authority to render interpretations of this [article chapter](#) consistent with the intent and purpose of [this article these provisions](#) and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this [article chapter](#) without the granting of a variance pursuant to [Section 7-16 of this article chapter IV of this LDC](#).

C. *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of [this article these provisions](#);
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with [this article these provisions](#) are demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this [article chapter](#).

D. *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this [article chapter](#) is required.
- E. *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to [Section 7-16 of this article chapter IV of this LDC](#).
- F. *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this [article chapter](#).
- G. *Inspections.* The floodplain administrator shall make the required inspections as specified in section 7-15 of this [article chapter](#) for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including, but not limited to:
1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to [subsection D of this section 7-12 of this chapter](#);
 2. ~~Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);~~
 2. ~~3.~~ Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within six (6) months of such data becoming available;
 3. ~~4.~~ Review required design certifications and documentation of elevations specified by this [article chapter](#) and the Florida Building Code and this [article chapter](#) to determine that such certifications and documentations are complete;
 4. ~~5.~~ Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Cocoa Beach are modified; and

5. 6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "coastal barrier resource system areas" and "otherwise protected areas."

- I. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this [article chapter](#) and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this [article chapter](#); ~~notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained;~~ documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this [article chapter](#) and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Development Services Department, 2 S. Orlando Ave., Cocoa Beach.

Section 7-13. ~~Reserved.~~ Permits.

A. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

B. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

C. Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this article:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.

- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

D. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- 1. Identify and describe the development to be covered by the permit or approval.
- 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- 3. Indicate the use and occupancy for which the proposed development is intended.
- 4. Be accompanied by a site plan or construction documents as specified in section 14 of this article.
- 5. State the valuation of the proposed work.
- 6. Be signed by the applicant or the applicant's authorized agent.
- 7. Give such other data and information as required by the Floodplain Administrator.

E. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

F. Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

G. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.

H. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The St. Johns River Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

Section 7-14. Site plans and construction documents.

- A. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this article chapter shall be drawn to scale and shall include, as applicable to the proposed development:
 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations-if necessary for review of the proposed development.
 2. Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsection C.2 or .3 of this section 7-14 of this chapter.
 3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection C.1 of this section 7-14 of this chapter.
 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
 8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
 - ~~9. Existing and proposed alignment of any proposed alteration of a watercourse.~~
- B. The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article chapter but that are

not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this [article](#) ~~chapter~~.

C. *Information in flood hazard areas without base flood elevations (approximate Zone A).*

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation [and floodway data](#) available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation [and floodway data](#) available from a federal or state agency or other source.
3. Where base flood elevation [and floodway data](#) are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

D. *Additional analyses and certifications.* [For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas \(Zone V\), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage shall be prepared. and](#) ~~As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses~~ signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- ~~1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 7-14 of this chapter and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.~~
- ~~2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.~~

- ~~3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 7-14 of this chapter.~~
 - ~~4. For activities that propose to alter sand dunes or mangrove stands in coastal high-hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.~~
- E. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, ~~change floodway boundaries~~, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal

Section 7-15. Inspections.

- A. *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this [article](#) chapter and the conditions of issued floodplain development permits or approvals.
- C. *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this [article](#) chapter and the conditions of issued floodplain development permits or approvals.
- D. *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:
 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with [section 7-14.C.3.b](#) of this chapter, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- E. *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in [subsection D of this section 7-15 of this chapter](#).
- F. *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this [article](#) chapter and the conditions of the issued permit. Upon placement of a manufactured home, [an elevation](#) certification ~~of the elevation of the lowest floor~~ shall be

Section 7-16. ~~Reserved.~~ Variances and Appeals.

A. General. The Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to section 553.73(5), F.S., the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

B. Appeals. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. Limitations on authority to grant variances. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection F of this section, the conditions of issuance set forth in subsection G of this section, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

D. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 12 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

E. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

F. Considerations for issuance of variances. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this article, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;

7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

G. Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
2. Determination by the Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Section 7-17. Violations.

- A. *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this [article chapter](#) that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this [article chapter](#), shall be deemed a violation of the Land Development Code. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this [article chapter](#) or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- B. *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this [article chapter](#) and that is determined to be a violation, the floodplain

administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

- C. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 7-18. Reserved.

ARTICLE IV. RESERVED

Sections 7-19—7-20. Reserved.

ARTICLE V. FLOOD RESISTANT DEVELOPMENT

Section 7-21. Buildings and structures.

- A. *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 7-27 of this [article chapter](#).
- B. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
 2. Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this [article chapter](#) and ASCE 24.

Section 7-22. Subdivisions.

- A. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, ~~floodway boundaries and~~ flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section ~~7-14.C.1 of this article~~ ~~1.5(b)(1) of this chapter~~; and
3. Compliance with the site improvement and utilities requirements of section 7-23 of this ~~article~~ ~~chapter~~.

Section 7-23. Site improvements, utilities and limitations.

- A. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
 1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.
- C. *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- ~~D. *Limitations on sites in regulatory floodways.* No development, including, but not limited to, site improvements, and land-disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 7-14 of this chapter demonstrates that the proposed development or land-disturbing activity will not result in any increase in the base flood elevation.~~
- ~~D. E.~~ *Limitations on placement of fill.* Subject to the limitations of this ~~article~~ ~~chapter~~, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- ~~E. F.~~ *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 7-14. ~~D~~ of this ~~article~~ ~~chapter~~ demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 7-27. ~~E~~ of this ~~article~~ ~~chapter~~.

Section 7-24. Manufactured homes.

- A. *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this [article chapter](#). If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- B. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this [article chapter](#).
 2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this [article chapter](#).
- C. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- D. *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 7-24 of this chapter, as applicable.~~
- ~~E. *General elevation requirement.* Unless subject to the requirements of section 7-24 of this chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~
- ~~F. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to section 7-24 of this chapter, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~
- ~~1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
 - ~~2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

E. G. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

F. H. *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

Section 7-25. Recreational vehicles and park trailers.

- A. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
 2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- B. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection A (a) of this section for temporary placement shall meet the requirements of section 7-24 of this article chapter for manufactured homes

Section 7-26. Tanks.

- A. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- B. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection C section 7-26 of this article chapter shall:
1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 2. Not be permitted in coastal high hazard areas (Zone V).
- C. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- D. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Section 7-27. Other development.

- A. *General requirements for other development.* All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this [article](#) ~~chapter~~ or the Florida Building Code, shall:
1. Be located and constructed to minimize flood damage;
 - ~~2. Meet the limitations of section 7-23 of this chapter if located in a regulated floodway;~~
 - ~~2. 3.~~ Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - ~~3. 4.~~ Be constructed of flood damage-resistant materials; and
 - ~~4. 5.~~ Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- ~~B. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 7-23 of this chapter.~~
- ~~C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 7-23 of this chapter.~~
- ~~D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low water crossings and similar means for vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 7-23 of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 7-14 of this chapter.~~
- ~~B. E.~~ *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
1. Structurally independent of the foundation system of the building or structure;
 2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 3. Have a maximum slab thickness of not more than four (4) inches.
- ~~C. F.~~ *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be

designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

D. F. *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

E. H. *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one (1) unit vertical to five (5) units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
Randy Stevenson, Director of Development
Services

MEETING DATE

August 15, 2024

REQUESTED MOTION/ACTION

Request: City Commission review and approve first reading of Ordinance 1688 (Amending the City of Cocoa Beach Comprehensive Plan) and authorize transmittal of the proposed amendments to the State Land Planning Agency for the State Coordinated Review Process prior to second reading.

Ordinance No. 1688 AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, AGREEMENT; AMEND THE COMPREHENSIVE PLAN TITLE TO BE "CITY OF COCOA BEACH COMPREHENSIVE PLAN 2045"; AMENDING DEFINITIONS TO BE CONSISTENT WITH THE LDC; AMENDING SECTION I "FUTURE LAND USE ELEMENT" INTRODUCTION DATA TO REFLECT CURRENT POPULATION ANALYSIS AND FORECASTING FUTURE GROWTH, AND AMENDING POLICY I.1.1 AND I.1.2, AND AMENDING FLUE MAPS TO CHANGE DATES TO 2045; AMEND SECTION II, "COASTAL MANAGEMENT ELEMENT" INTRODUCTION DATA AND ANALYSIS AND POLICY I.1.1 ADDING NORTH THOUSAND ISLANDS MANAGEMENT PLAN DATA; AMENDING SECTION III "CONSERVATION ELEMENT" UPDATING THE INTRODUCTION DATA AND ANALYSIS TO INCLUDE LISTED PLANT AND ANIMAL SPECIES; AMENDING SECTION IV, "RECREATION AND OPEN SPACE ELEMENT" INTRODUCTION DATA AND ANALYSIS TEXT AND POLICY I.1.3 TO REFLECT A 2045 PLANNING HORIZON; AMENDING SECTION V, "HOUSING ELEMENT" INTRODUCTION TEXT TO REFLECT CURRENT POPULATION AND GROWTH TRENDS THOUGH 2045; AMENDING SECTION VII "INFRASTRUCTURE ELEMENT" INTRODUCTION DATA AND ANALYSIS TEXT AND POLICY'S I.1.1, I.1.3, I.1.6, AND POLICY'S I.2.2 – I.2.4 TO REFLECT THE CITY'S CURRENT POTABLE WATER SERVICE PROVIDER, AND PROVIDE CONSISTENCY WITH THE CITY'S POTABLE WATER CONTRACTUAL AGREEMENT; AMEND SECTION VIII "MOBILITY ELEMENT" POLICY'S I.1.3, I.1.20 AND I.13.1 TO REFLECT CURRENT TRANSPORTATION PRIORITIES, AND UPDATE MOBILITY MAPS TO REFLECT 2024 CONDITIONS AND ANTICIPATED 2045 CONDITIONS; AMENDING SECTION IX "CAPITAL IMPROVEMENT ELEMENT" TO REFLECT RECENT CIP TABLES; AND PROVIDING FOR FINDINGS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Staff Representative: Loren Wiltse - Principal Planner, Randy Stevenson -
Development Services Director

Staff Representative:

Recommendation:

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

State Law (Sections 163.31) requires that local governments, at least every seven (7) years, determine whether the need exists to amend their Comprehensive Plans (Plan) to reflect changes in state requirements since the last time the Plan was updated. The City has a history of updating its Plan to keep it current with changes in state requirements and local conditions.

In 2022 the City amended its Plan to add peril of flood goals, objectives, and policies, and a new property rights element. The Florida Department of Commerce's following its review of the amendments and Evaluation and Appraisal Report (22-01ER) determined the City to be in compliance with the state's land planning regulations through 2022, and that the next required "Evaluation and Appraisal Report" is not due until 2028.

In 2023, Chapter 2023-31, Laws of Florida, was changed and now requires local governments to modify their comprehensive planning periods. The City of Cocoa Beach is now required to include two planning periods in its Comprehensive Plan, one covering at least the first 10-year period occurring after the plan's adoption and one covering at least a 20-year period. The planning staff is recommending updating the Comprehensive Plan to meet the new 20-year planning period before the end of the current Plans 2025 planning period.

Ordinance 1688 includes updates to population projections (data and analysis), to improve consistency with other adopted regulations and Level of Services LOS standards necessary to support extending the Comprehensive Plan's planning period to at least 2045.

Planning Board Recommendation: Following a public hearing on July 8, 2024, the Board approved the following recommendation of approval: Vote- unanimously approved.

Motion- "In reference to Ordinance 1688, I move to forward Ordinance 1688 amending the City's Comprehensive Plan to include updated maps and tables, and to extend its planning horizon from 2025 to 2045, and an accompanying EAR report to the City Commission with a recommendation of approval".

ORDINANCE NO.1688

AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TITLE TO BE “CITY OF COCOA BEACH COMPREHENSIVE PLAN 2045”; AMENDING DEFINITIONS TO BE CONSISTENT WITH THE LDC; AMENDING SECTION I “FUTURE LAND USE ELEMENT” INTRODUCTION DATA TO REFLECT CURRENT POPULATION ANALYSIS AND FORECASTING FUTURE GROWTH, AND AMENDING POLICY I.1.1 AND I.1.2, AND AMENDING FLUE MAPS TO CHANGE DATES TO 2045; AMEND SECTION II, “COASTAL MANAGEMENT ELEMENT” INTRODUCTION DATA AND ANALYSIS AND POLICY I.1.1 ADDING NORTH THOUSAND ISLANDS MANAGEMENT PLAN DATA; AMENDING SECTION III “CONSERVATION ELEMENT” UPDATING THE INTRODUCTION DATA AND ANALYSIS TO INCLUDE LISTED PLANT AND ANIMAL SPECIES; AMENDING SECTION IV, “RECREATION AND OPEN SPACE ELEMENT” INTRODUCTION DATA AND ANALYSIS TEXT AND POLICY I.1.3 TO REFLECT A 2045 PLANNING HORIZON; AMENDING SECTION V, “HOUSING ELEMENT” INTRODUCTION TEXT TO REFLECT CURRENT POPULATION AND GROWTH TRENDS THOUGH 2045; AMENDING SECTION VII “INFRASTRUCTURE ELEMENT” INTRODUCTION DATA AND ANALYSIS TEXT AND POLICY’S I.1.1, I.1.3, I.1.6, AND POLICY’S I.2.2 – I.2.4 TO REFLECT THE CITY’S CURRENT POTABLE WATER SERVICE PROVIDER, AND PROVIDE CONSISTENCY WITH THE CITY’S POTABLE WATER CONTRACTUAL AGREEMENT; AMEND SECTION VIII “MOBILITY ELEMENT” POLICY’S I.1.3, I.1.20 AND I.13.1 TO REFLECT CURRENT TRANSPORTATION PRIORITIES, AND UPDATE MOBILITY MAPS TO REFLECT 2024 CONDITIONS AND ANTICIPATED 2045 CONDITIONS; AMENDING SECTION IX “CAPITAL IMPROVEMENT ELEMENT” TO REFLECT RECENT CIP TABLES; AND PROVIDING FOR FINDINGS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Cocoa Beach has adopted a Comprehensive Plan in accordance with the State of Florida Community Planning Act; and

WHEREAS, Pursuant to Section 163.3191, F.S. the city shall evaluate its Comprehensive Plan every seven (7) years to determine if plan amendments are necessary to reflect changes in state requirements pursuant 163.3177 F.S. and local conditions since the last update of the comprehensive plan.

WHEREAS, Chapter 2023-31, Laws of Florida, requires local governments to modify their comprehensive planning periods. Local government comprehensive plans are now required to include two planning periods, one covering at least the first 10-year period occurring after the plan’s adoption and one covering at least a 20-year period; and

WHEREAS, updating the Comprehensive Plan to reflect changes in state requirements and reflect local conditions prior to the end of 2025, rather than waiting until the City’s required EAR update in 2028 will confirm the plan’s applicability after 2025; and

ORDINANCE NO.1688

WHEREAS, Florida Commerce has reminded the City of the need to include supporting documentation (data and analysis), including removal or revision of outdated references, inconsistencies, repetitive or meaningless policies, supporting the extension of the Comprehensive Plan to at least 2045; and

WHEREAS, on July 8, 2024, the City of Cocoa Beach Planning Board, serving as the local planning agency, held a public hearing on the proposed amendment to the City of Cocoa Beach Comprehensive Plan in accordance with Chapter 163, Florida Statutes, and recommended adoption of the proposed amendment to the City Commission; and

WHEREAS, the City Commission held a public hearing concerning the comprehensive plan amendment in accordance with Chapter 163, Florida Statutes and authorized the changes attached to represent the cities Evaluation and Appraisal Report to be included in the required appraisal notice to Department of Economic Opportunity; and

WHEREAS, the City Commission has considered the proposed comprehensive plan amendment, response from the Department of Economic Opportunity, and comments received, and finds that adoption thereof is in the best interest and welfare of the citizens of the City, and has determined that all conditions required for the adoption of this amendment have been met, including the necessary hearings and public notices, in conformity with the procedural and substantive requirements of Florida Statutes, the City of Cocoa Beach Land Development Code, and the Comprehensive Plan, as amended hereby; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW THEREFORE BE IT ORDAINED BY the City Commission of the City of Cocoa Beach, Florida:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference as findings of the City Commission.

SECTION 2. Adoption. The City Commission of the City of Cocoa Beach hereby amends the “City of Cocoa Beach Comprehensive Plan 2025” name to read, “City of Cocoa Beach, Comprehensive Plan, (2045)”. The City Commission also, hereby amends the City of Cocoa Beach Comprehensive Plans text as provided and shown on Exhibit A, and amends the City’s Future Land Use Map (FLUE Map 1) to be dated (2024) and include an approval block reflecting the Planning Boards recommendation, and the Signature of the Mayor reflecting the City Commissions approval, as shown on Exhibit B.

SECTION 3. Codification. The provisions of Exhibit “A” and Exhibit “B” of this Ordinance shall become and be made a part of the City of Cocoa Beach Comprehensive Plan, and Future Land Use Map and the contents of this Ordinance may be re-numbered

ORDINANCE NO.1688

or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; sections other than those specified shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 6. Effective Date. In accordance with Section 163.3184(3)(c)(4), Florida Statutes, the comprehensive plan amendment set forth herein shall not become effective until 30 days after the state land planning agency notifies the City that the plan amendment package is complete. If timely challenged, the comprehensive plan amendment set forth in this Ordinance shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted comprehensive plan amendment to be in compliance with controlling state law.

Upon Motion by Commissioner _____, seconded by Commissioner _____, this Ordinance was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the ____ day of _____, 2024.

Ayes: _____
Nays: _____
Absent or
Abstaining _____

Keith Capizzi
Mayor-Commissioner

ATTEST:

Karen Groom
City Clerk

First Reading: _____
Date Posted: _____
Date Published: _____

ORDINANCE NO.1688

Exhibit “A”

Definitions: *(The following changes are intended to provide consistency with LDC)*

Average Daily Traffic ²	An average number of vehicles crossing a specific point on a roadway on an average weekday. The most recent official traffic counts from FDOT, the county or the city shall be accepted as representing average daily traffic for a specified roadway segment. Average daily traffic counts provided by any other source must be prepared by utilizing accepted engineering principles
Coastal High Hazard Area ²	That portion of the coastal floodplain having special flood hazards that is subject to velocity waters, including hurricane wave wash and tidal waves and which is designated on the City of Cocoa Beach FIRM Map(s) as zone V7.
Density ² —	An objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.
Development Order ²	Any order granting, (with or without conditions), or denying a development permit, including any amendments to the development permit. <u>(Also defined as “Building/development permit and/or agreement”. The permit issued or an agreement entered into by the city and the applicant to allow construction to commence on a building, subdivision or parcel of land. Also referred to as a development order).</u>
Level of Service ²	This is an indicator of the extent or degree amount of service provided by or proposed to be provided by a public facility based on and related to the <u>its</u> operational characteristics of the public facility.
Open Space ²	<u>Open space may refer to areas intended to as public, or nonpublic open spaces. Open space is an area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes.</u> Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel. In ocean front developments, that are seaward

ORDINANCE NO.1688

of the 1981 Coastal Construction Control Line to the eastern property boundary, may be utilized in meeting the requirement.

Pervious²

A surface that allows water to percolate through to the underlying ground and includes, but is not limited to, grass/turf, mulch, or landscaped open areas. A natural occurring ground surface or landscaped ground area which is not resistant to infiltration by water.

Section 1, Future Land Use Element

INTRODUCTION

Changing Conditions

The ~~City~~city ~~had~~experienced growth in its permanent population over the years until ~~with~~ the growth rate slow~~ed~~ing in recent decades. ~~By~~According to the 2010 US census Cocoa Beach's permanent population decreased from 12,482 in 2000 to approximately 11,231 in 2010. Similarly, the average household size ~~in the City~~also fell to 1.88 persons in 2010 from 1.91 persons in 2000. Between 2010 to 2022 the City of Cocoa Beach's population has fluctuated from a low of 11,214 in 2013 and a high of 11,703 in 2018. Since 2018 Cocoa Beach's population declined to 11,341 in 2022, where the population has remained relatively steady. The 2024 US Census data indicates the city could expect a growth rate of -.01% to 0.21% if the current trends hold. Using the .21% growth rate the City of Cocoa Beach could expect to see a population of about 11,630 in 2035, and 11,877 in 2045, which are both well below the Cities 2000 peak population of 12,482 it use to service.

Offsetting this decline ~~is~~the city has a steady influx of seasonal winter visitors as well as tourists visiting the city throughout the year. This annual fluctuation of population (about 12,000 seasonal residents and about 3,850 average daily tourists). Cocoa Beach recognizes the importance of tourists, and with its creation of redevelopment districts with a primary focus on tourists. Seasonal visitors is ~~will be~~ one of the most critical demographic condition affecting demands on public facilities, services, and land uses, and requires that systems be designed to handle recurring seasonal demands in addition to the demands of the City's permanent population.

According to the U.S. Census Bureau, the city has a total area of 15.0 square miles, of which only 4.9 square miles is land, and the remaining 10.1 square miles is water. There are Approximately 74-2.36% acres of the land area was considered vacant or available for redevelopment. Today, that percentage is estimated to be 1.9 % percent may be available to land in the City (2.8 percent of the city's total area), which can ~~accommodate~~ limited new residential and commercial development.

Based on the declines in the population for the past several decades, an a growth rate less than .25% percent predicted, paired with maximum allowable densities for

ORDINANCE NO.1688

single-family and multi-family residential uses, and the limited amount of vacant land in each of these land use categories, the City has sufficient ~~vacant~~ land to meet ~~the its~~ need for single-family and multi-family housing units for the City's permanent and seasonal population through the year ~~2025~~2045. At this time, the City appears to have sufficient commercial, recreational and institutional uses to meet the City's needs through the year ~~2025~~2045.

Supporting Infrastructure

Most of the structures in the City were constructed in the 1960s and 1970s. There are no significant concentrations of slum or blighted residential areas. There are a small number of individual structures and small areas that are in need of rehabilitation or maintenance. The City's Development Services Department, through adopted code enforcement procedures, continues to identify those residential properties and structures needing improved property maintenance and works toward taking corrective actions. The City adopted a Stormwater Management Plan in 2001 and has implemented much of the plan. and Today the City has adopted a 2024 Stormwater Management Plan and is using it to define future capital improvements.

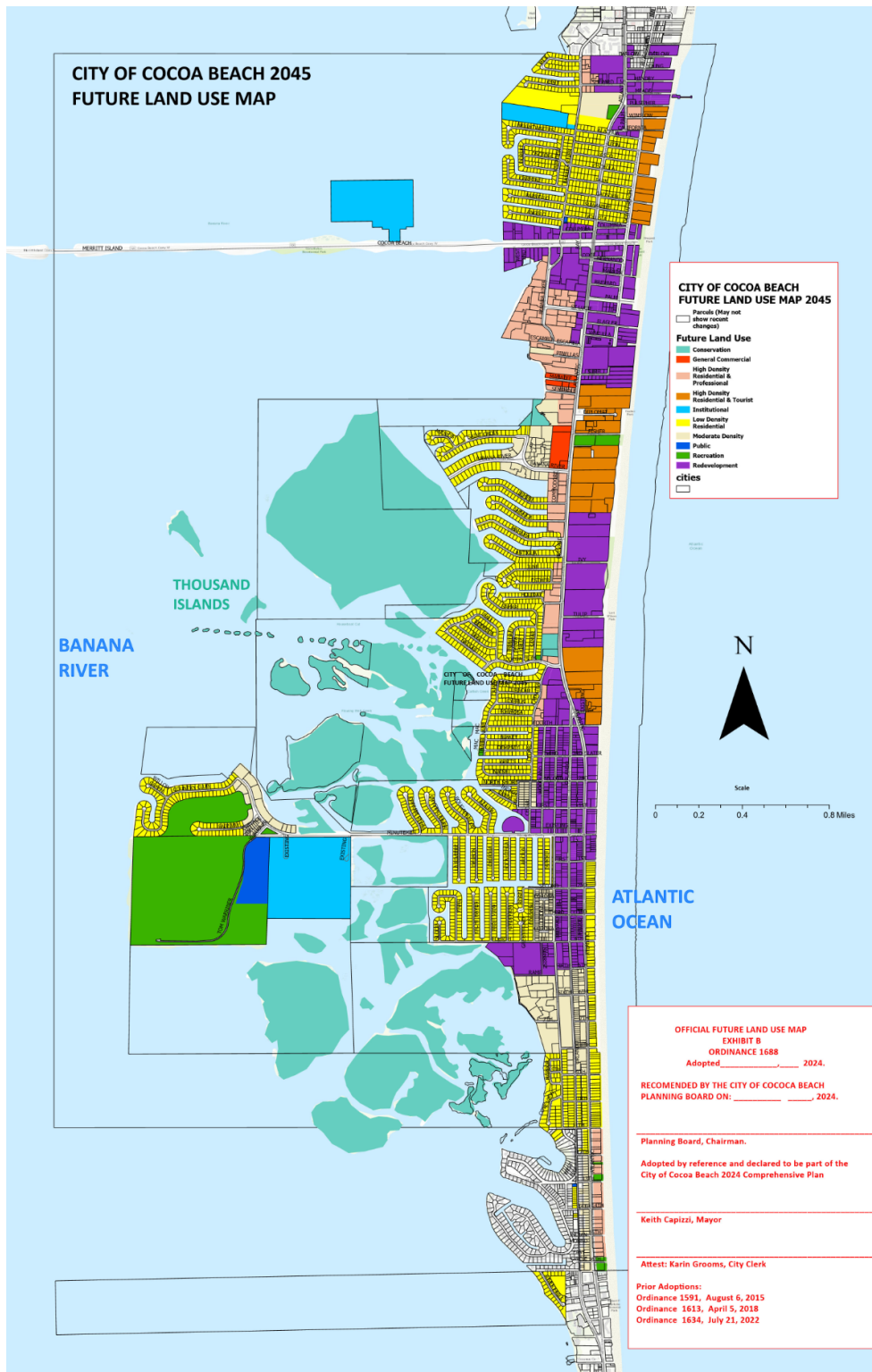
The City's infrastructure and service facilities are operating at acceptable levels of service; however, there are concerns with the roadway network which consists primarily of two principle arterial roadways (SR A1A and SR 520). These two roads are operating near the adopted capacity. The City has developed an analysis of the roadway system that indicates methods of improving the level of service through system improvements and the use of alternative modes of travel. These methods and implementation strategies are described in the Mobility Element Goals, Objectives, and Policies (GOPs).

Policy I.1.1 The ~~2025~~ 2045 Future Land Use Element Map (FLUE 1) documents the city's land use, natural features, and schools. The Wetlands Map (FLUE 2) and the Beach Access, Shores, and Estuarine System Map (FLUE 3) are also included within this element.

Policy I.1.2 Table I-1 establishes the future land use categories and describes the consistency between the City's Future Land Use Map (FLUE 1) and the Official Zoning Map. Uses of land and implementing regulations shall be consistent with the intensities and densities of the uses identified on ~~2025~~ 2045 FLUE 1. Additional zoning classifications or other modifications to the permitted uses identified in the City's LDC shall be consistent with those identified in this table.

FLUE Map 1 Future Land Use (~~2025~~ 2045)

ORDINANCE NO.1688



Section II, Coastal Management Element:

The Thousand Islands

The North Thousand Islands are located in the BRL within the City of Cocoa Beach, about ½ mile south of SR 520 and north of Minutemen Causeway. The Indian River Lagoon system is a Surface Water Improvement and Management (SWIM) priority waterbody, an Estuary of National Significance included in EPA's National Estuary Program and is known as the most diverse estuary in North America. In addition to being part of the IRLNEP, the BRL is designated as a Class III waters, an Aquatic Preserve, and an Outstanding Florida Waters.

While most of the islands are naturally occurring, many were modified and elevated in the 1950's and 1960's during the development of Cocoa Beach and its canals. In 1988, the islands were purchased (with funds from the City of Cocoa Beach (\$1,615,475), Brevard County (\$700,000), and the State of Florida (\$915,475) to protect them from future development. In 1991, the City of Cocoa Beach leased these islands from the state of Florida to manage these islands "for the conservation and protection of natural and historical resources and for resources based public outdoor recreation". As part of the lease agreement, the *North Thousand Islands Management Plan* was prepared and adopted by the City of Cocoa Beach in October 1994. In April 2013, the Plan was revised and approved by the Florida Department of Environmental Protection on April 24, 2013. Future updates of the plan should consider the following policy.

Brevard County owns the South Thousand Islands, which are managed through the County's Environmentally Endangered Lands (EEL) program. The County has prepared the "Thousand Islands Management Plan" for the South Thousand Islands, similar in scope to the management plan prepared for the North Thousand Islands.

Policy I.1.1

Development within coastal wetlands shall be subject to the safeguards established in this Plan's Conservation Element. In addition, the city will coordinate all decisions regarding the management, protection and conservation of wetlands resources with the Indian River Lagoon Comprehensive Conservation and Management Plan (IRLCCMP) especially as it pertains to the requirements, directives, or restrictions found in property lease, the requirements of Chapters 253 and 259 Florida Statutes, applicable Florida Administrative Code or other regulations that govern biodiversity, wetland resource management, land acquisition and protection of endangered species.

Section III, Conservation Element:

Native Vegetative Communities, Fisheries, Wildlife, and Marine Habitat (Text proposed to be added)

A wide variety of wild animals, reptiles, birds and aquatic species live within the municipal limits of Cocoa Beach as listed in Table III-2 of the Conservation Element Supporting Data and Analysis. Shellfish harvesting has been limited due to the poor water quality in the BRL. In fact, this area is one of the richest in the continental United States in terms of the number and diversity of species. The abundant sea grasses and algae in the Lagoon are vital as nursery and breeding grounds for both shellfish and finfish.

Seagrasses also provide grazing grounds for the endangered West Indian manatee and the entire Banana River Lagoon has been designated as a critical habitat necessary for their survival. Estuarine marshes and grass flats are vital habitat for dozens of bird species, many of which are unique or rare, or are on the endangered species list. Approximately half of the birds on the wildlife lists utilize estuarine areas for nesting and breeding purposes. Slight disturbances, such as excessive noise, excessive human traffic, or chemical pollution in the environment can cause nesting interference. Because of the extreme sensitivity of many endangered species to disruption by man, it is important to preserve as many large estuarine areas as possible.

Listed Plant Species occurring within the North Thousand Islands Management Plan include: Tillandsia utriculate; Giant Wild Pine or Giant Air Plant, and Opuntia stricta; Erect prickly-pear cactus. Both are upland plants occurring on the islands. Both species are listed as Threatened species. Threats include illegal collection and displacement by exotic species.

Endangered and Threatened Wildlife Species (Text proposed to be added)

The Western Indian manatee is an endangered species and the entire Banana River Lagoon has been designated as a critical habitat necessary for their survival. The Atlantic Ocean sandy beaches and dunes provide essential nesting areas for a variety of endangered or threatened sea turtles. To prevent turtle nest disturbances, the City has adopted an ordinance that prohibits “spillover” of light onto the beach, as supported in the City’s Land Development Code (Section 3-91, Article XI, Chapter III). These two species are included with others that have special protection status, found in Table III-3 of the Conservation Element Supporting Data and Analysis.

Listed Animal Species Fourteen listed animal species have been confirmed as occurring within the North Thousand Islands Management Plan (Table1). An additional five listed species are likely to occur in the North Thousand Islands as suitable habitat is present and these species are known to be present nearby.

Section IV, Recreation and Open Space Element:

Meeting Future Needs

The City has approximately 22 acres of recreational land per 1,000 population, or more than twice the adopted Level of Service (LOS) for open space and land area to support recreational facilities. Since the City's permanent population (which is the basis for measuring the LOS) is anticipated to remain static and/or slightly indecrease through 2015 2045, existing recreational facilities within the City of Cocoa Beach will be more than sufficient to meet the City's needs through 2015 2045. The City's challenge is to continue to meet the needs of its residents and the interests of its visitors while also maintaining a quality recreational experience. Concurrency management for parks and recreational facilities is optional and is no longer mandatory. The city has chosen to discontinue concurrency management for its parks and recreational facilities.

The Recreation Complex (and the facilities located on that land area) is leased from the Brevard County School Board with the lease scheduled to expire in 2015-2045. The city will work closely with the School Board to secure a renewal of that lease in order to maintain the City's adopted LOS for those facilities.

On September 18, 2014, the Cocoa Beach City Commission adopted the City's *Strategic Plan – Actions and Tasks*, through approval of Resolution 2014-22. This document provides detailed action steps and time frames for addressing the issues identified in the *Comprehensive Plan*. Activities such as a Marketing Plan (that will promote the value and attraction of Cocoa Beach), a wayfinding signage program, a Recreation Master Plan, and a Sustainability Action Plan will support the implementation of the Recreation and Open Space Element goal, objectives and policies.

Policy I.3.1 By 2020, tThe City shall review ~~all~~ public parks and recreational facilities within the City to determine accessibility to City residents and visitors, including the handicapped and ~~by a 2020~~ shall prioritize any needed accessibility improvements as future CIP projects. will be made.

Section V, Housing Element:

Existing and Future Needs

As described in the Future Land Use Element, the City has reached a built-out condition with little vacant land left for new development. Future changes in the housing stock will be the result of redevelopment. In 2010, the City of Cocoa Beach lost its permanent population dropped from (12,482 in 2000 to 11,231 in 2010). Over the past several years the City of Cocoa Beach's population has fluctuated from a low of 11,214 in 2013 and a high of 11,703 in 2018. In 2022 the population dropped again from 11,703 back to 11,341 where it has remained mostly steady with a growth rate ranging from -.01 to about .21 percent. and t This trend is expected to continue with a projected permanent population of 11,630 in 2035, and 11,877 in 2045, which is well below the

ORDINANCE NO.1688

city's 2000 peak of 12,482. ~~10,362 by 2025~~

While the City's permanent population is stabilizing, the seasonal population continues to fuel housing demand. Of the 11,~~341~~²³¹ permanent residents in Cocoa Beach, ~~7,974~~ approximately 71% are homestead homeowners and ~~3,257~~ ^{29%} are renters. City utilities, that once serviced a population of 12, 482 people, are in place to serve the City's existing and future 2045 housing needs. New housing cannot be served by septic tanks.

Section VII, Infrastructure Element

The Public Schools Facilities Element "Introduction" Potable water text is amended to reflect the City of Cocoa as the potable water service provider for areas of Cocoa Beach and to reflect recent LOS standards established by the City of Cocoa's for the City of Cocoa Beach. These changes are consistent with recent City of Cocoa plan update.

Potable Water

The City of Cocoa provides all of Cocoa Beach's potable water so any of the state statutory requirements related to potable water facilities do not apply to Cocoa Beach. An interlocal agreement is in place that describes the arrangement between the two cities, which will ~~be renewed before April 2018~~ expires in 2048. Cocoa Beach works closely with the City of Cocoa to ensure that existing and future potable water needs are addressed. For example, the City is represented on the Utilities Advisory Board, a countywide group that meets periodically to coordinate potable water utility matters throughout Brevard County. As of ~~2013-2021~~, the City of Cocoa Beach uses an average of ~~22.5-19.59~~ million gallons per day (MGD). The City of Cocoa's comprehensive plan assures an adequate supply of potable water to the citizens of Cocoa Beach, in accordance with the City of Cocoa's agreements. The City of Cocoa's 2020-2030 Comprehensive Plan establishes a potable water level of service (LOS) standard of 122 gallons per capita per day per Equivalent Residential Connection (ERC), or 340 gallons per day per ERC. (Policy 7.1.1.1 City of Cocoa Potable Water Element.~~and that usage is expected to be very close to the current usage rate, due to the projected declines in population by 2025. These figures account for all potable water needs within the City, including residents (permanent and seasonal), businesses, and visitors.~~ This usage is consistent with the City of Cocoa's *Water Supply Facilities Work Plan*.

Sanitary Sewer

The City of Cocoa Beach is responsible for sanitary sewer service. There are only two septic tanks within the City due inadequate gravity flow into the City's sewer system. Everyone else within the City is tied into the City's sanitary sewer system. In addition, the City's *Land Development Code* requires sewer connections for new development and redevelopment. As of 20~~24~~¹³, the City of Cocoa Beach uses (treated) an average of 3.~~657~~ million gallons per day (MGD) and that usage (treatment) is expected to be 4.2 MDG by 20~~4~~²⁵. These figures account for all sanitary sewer needs within the City, including residents (permanent and seasonal),

ORDINANCE NO.1688

businesses, and visitors. The City's current treatment capacity is 6 MGD so there are adequate facilities to meet current and future needs.

Stormwater Management

The City of Cocoa Beach is responsible for stormwater management facilities as well as service for its residents, businesses, and visitors. Water quality issues are described fully in the Conservation Element. Investments and practices are consistent with federal, state, and local regulations and policies, including the Banana River Lagoon Basin Management Action Plan (BRLMAP) and the City's Stormwater Master Plan. Existing facilities have sufficient capacity to prohibit severe flooding; however, improvements in upstream runoff retention will lower potential flooding risk and reduce downstream nuisance flooding. It is anticipated that ~~over the next 10 years, a~~ comprehensive assessments of the infrastructure will occur to evaluate and prioritize the structural integrity of all storm piping throughout the City. In addition, this assessment should use the most current information available regarding climate change when prioritizing deficiencies and needs.

- Policy I.1.1 The City shall insure its potable water contractual agreement includes all necessary legal requirements, rates, service area specifications and relevant information pertinent to the provision of potable water service within the City, including the establish~~ment~~ and adoption a level of service (LOS) for potable water, based on total City residents (permanent and seasonal) and tourists. ~~of minimum design flow 129.34 gallons per capita per day, as identified in the cities adopted water Supply Facility Plan~~ *(Cocoa Beach does not provide potable water inside the city today.)*
- Policy I.1.3 It shall be the responsibility of the City's Public Works Department to coordinate with the City of Cocoa to maintain a record of existing and committed project demands in order to determine that adequate potable water capacity is available for expanded use. The Public Works Department shall maintain accurate records of the additional demands on the potable water capacity due to new development or redevelopment.
- Policy I.1.6 The City shall coordinate with the City of Cocoa as proposed potable water facilities are being planned.
- Policy I.2.2 ~~There shall be no~~ Prohibit physical connection between a public or private potable water supply and a sewer or appurtenance which would permit the passage of any sewage or polluted water supply into the potable water supply.
- Policy I.2.3 The City shall encourage property owners ~~continue~~ to conserve water resources and reduce chemical use through the use of Florida friendly design principles and other best conservation practices, consistent with the City's adopted Water Supply Facilities Work Plan

ORDINANCE NO.1688

- Policy I.2.4 ~~The City shall~~ Distribute information and educational materials on water conservation to the public on an annual basis as identified in the City's Strategic Plan and the City's Sustainability Plan

Section VIII, Mobility Element

- Policy I.1.3 The City of Cocoa Beach, in conjunction with Brevard County and nearby municipalities, ~~shall~~ should track the progress of implementing multimodal options. The following data measures ~~shall~~ should be used to access the degree of success of the multimodal approach:
- a. Reduction in the growth of average daily traffic and/or peak hour traffic in the roadway segments identified in Table 1 in this element;
 - b. Growth in transit ridership levels for the routes with stops within the City limits;
 - c. Implementation of the Sidewalk and Bicycle Master Plan, including a focus on completion of segments that are not contiguous; and
 - d. Track the percentage of contiguous bicycle and pedestrian facilities within the City limits.
- Policy I.1.20 ~~By 2017~~ The City will may continue to request that the TPO and SCAT research the possibility of developing Park and Ride lots at major commercial and recreational facilities to reduce the demand of automobile-based traffic during peak tourist season.
- Policy I.3.1 Annually, the City Engineer, along with other City Departments, shall identify the City's top transportation priorities. These priorities include, but are not limited to:
- a. Maintenance of existing facilities;
 - b. Work with TPO, State FDOT to make the city more resilient, especially elevating the road surfaces of portions of SR 520.
 - ~~c. Enhancing the SR 520/SR A1A area (SR A1A Corridor Study and the Gateways District Plan);~~
 - ~~d. SR A1A streetscape in Downtown;~~
- Mobility Map 4 has been updated to reflect current 2024 Transit Services in the City of Cocoa Beach.
 - Mobility Maps 5, 6, 7 have been updated to represent anticipated Mobility Conditions expected in 2024.
 - Mobility Map 8 has been updated to reflect Transit Service expected in 2045. This map shall be automatically updated to match the current services provided by the transit service provider.

ORDINANCE NO.1688

Map 2

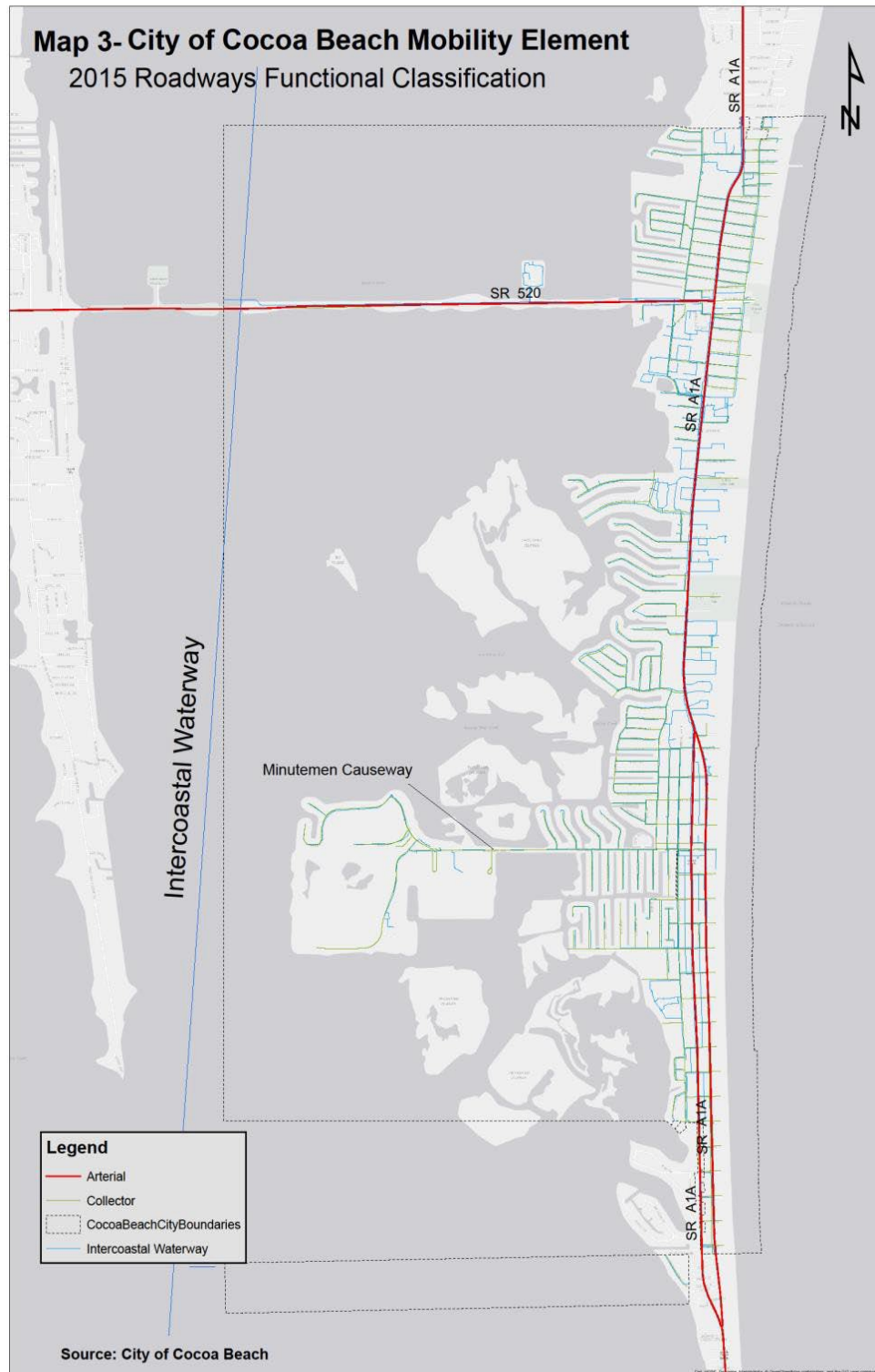
202415 Roadways: Number of Lanes



ORDINANCE NO.1688

Map 3

2015-2024 Roadways: Functional Classification

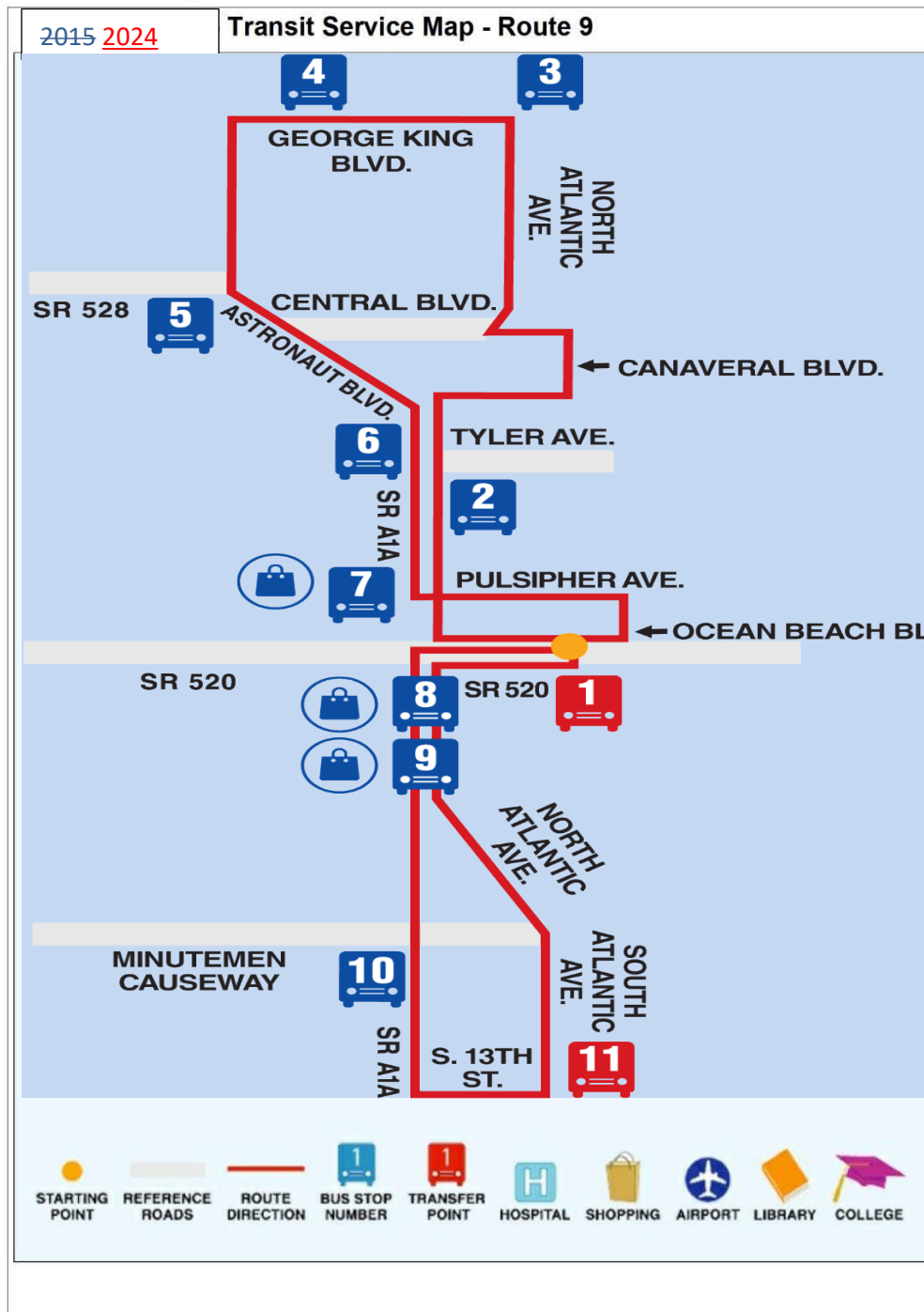


Map 4

ORDINANCE NO.1688

2015 2024 Roadways: Transit Service Map – Route 9

Map 4-City of Cocoa Beach Mobility Element



Source: Space Coast Area Transit

Map 5

ORDINANCE NO.1688

2025-2045 Roadways: City and State Roads



Map 6 2025-2045 Roadways: Number of Lanes

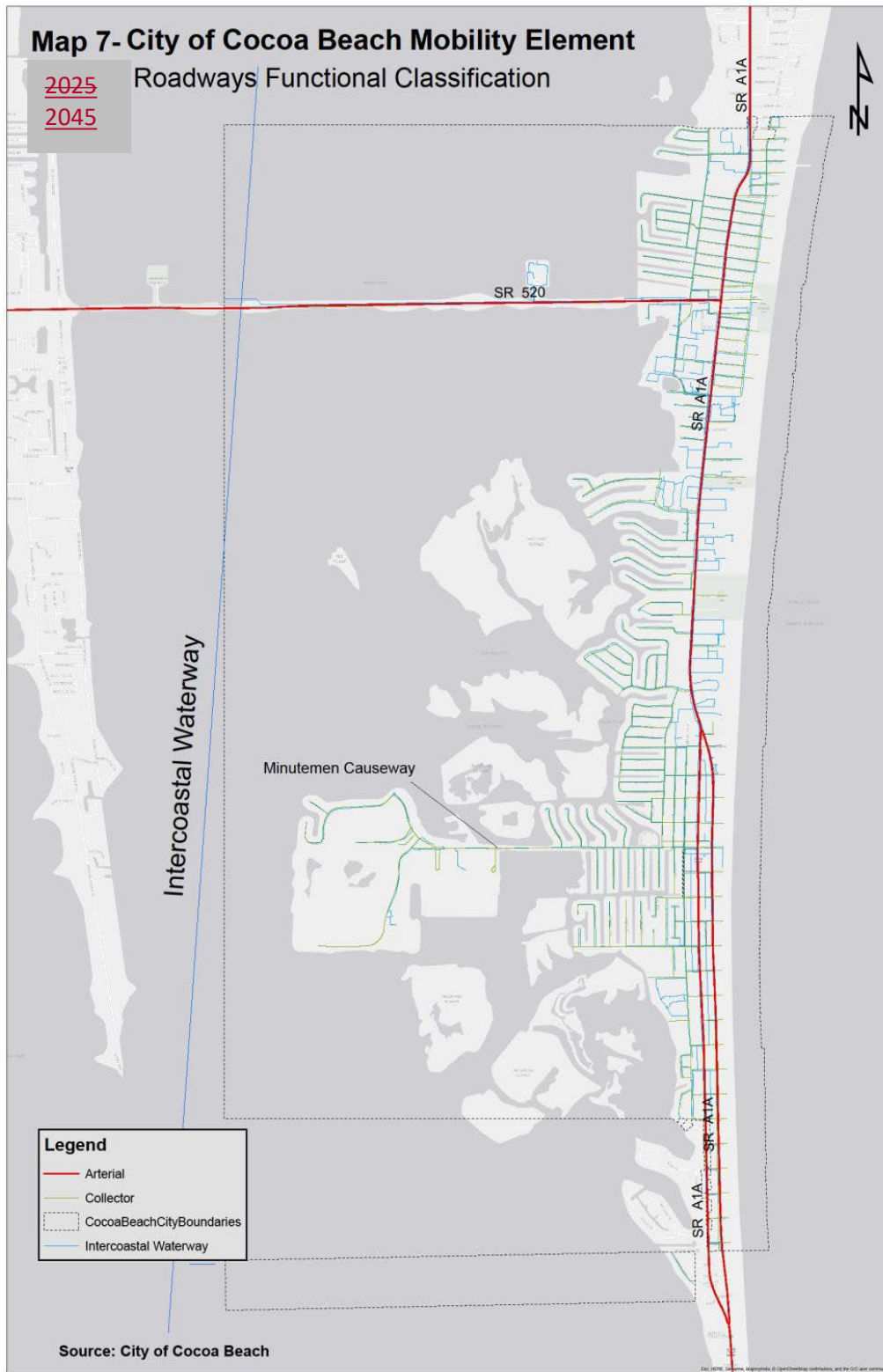
ORDINANCE NO.1688



ORDINANCE NO.1688

Map 7

2025-2045 Roadways: Functional Classification

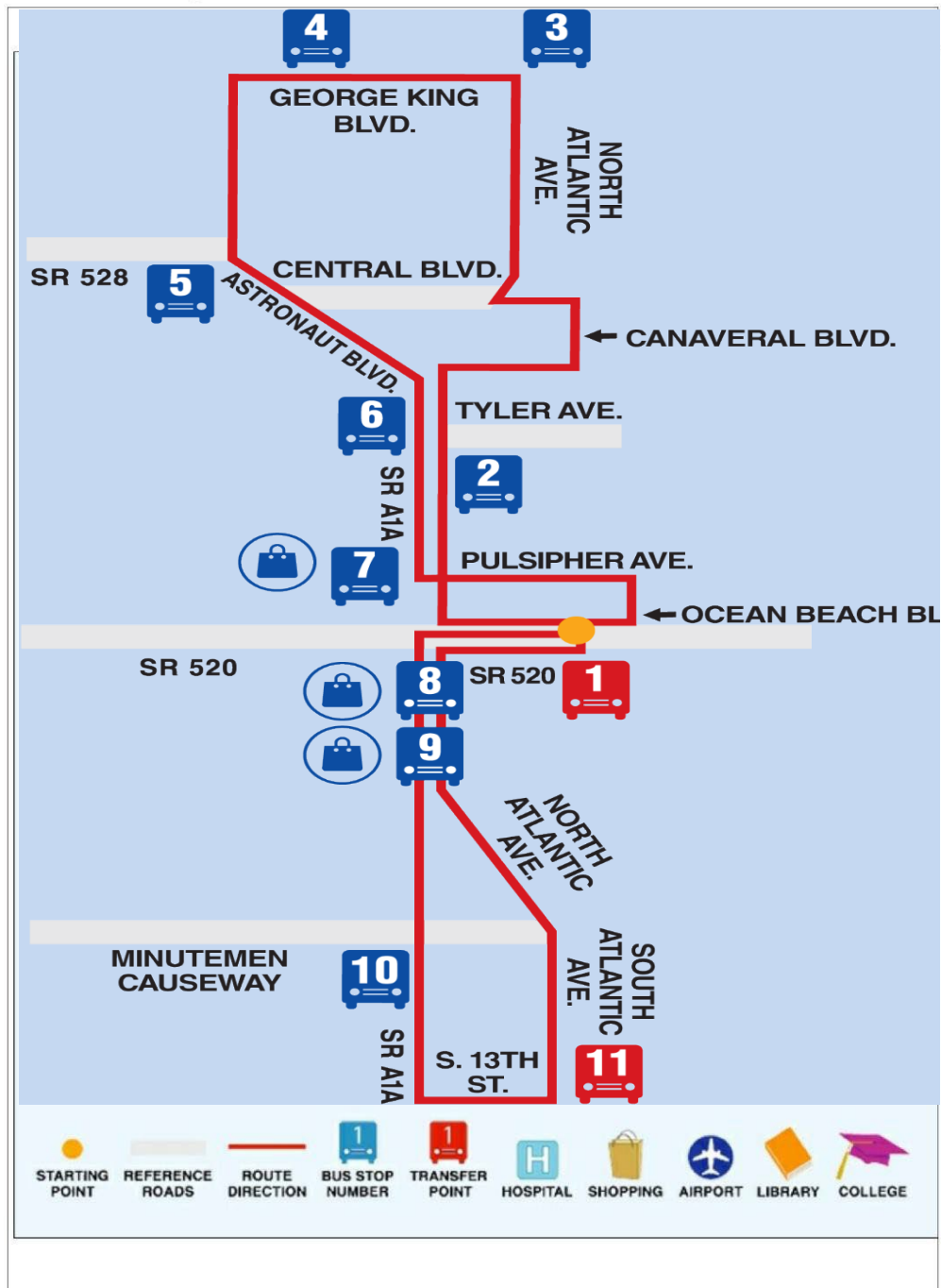


Map 8

2025-2045 Roadways: Transit Service Map – Route 9

ORDINANCE NO.1688

Map 4-City of Cocoa Beach Mobility Element



Source: Space Coast Area Transit

ORDINANCE NO.1688

Section IV, Capital Improvements Element:

INTRODUCTION

Investing in key public facilities is an important part of turning community goals into reality. Based on Section 163.3177(3)(a), Florida Statutes, the Capital Improvements Element should be “designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities”. For a five-year period, this element also must identify the investments needed to maintain and upgrade existing public facilities and needed new facilities; set priorities; and identify the revenue sources to pay for these investments.

The City of Cocoa Beach adopts a Five-Year Capital Improvements Program (CIP) as part of the City’s annual budgeting process. Until 2011 (when the Community Planning Act was passed), a comprehensive plan would need to be amended at least once a year to include the newly adopted CIP. Now, the CIP can be adopted by ordinance with the Comprehensive Plan making reference to that ordinance. This approach eliminates the need to amend the plan each year solely to accommodate an updated CIP.

The City’s CIP includes any capital improvement project that is a physical asset constructed or purchased to provide, improve or replace a public facility or service, the costs of which are \$1,000 or greater, non-recurring, and may require multi-year financing. The projects listed in this Element are a subset of those found in the City’s CIP for Fiscal Years ~~2015-2019~~ 2024 – 2028 that was adopted on ~~July 16, 2015 (Ordinance No. 1589)~~ September 21, 2024 (Resolution No. 2023-12). In addition to the City, several outside entities make capital improvement investments within the City of Cocoa Beach, including:

- School Board of Brevard County (local public schools);
- City of Cocoa (potable water);
- Brevard County (solid waste and Space Coast Area Transit);
- Florida Department of Transportation (SR A1A and SR 520); and
- Space Coast Transportation Planning Organization (Minutemen Causeway and Beach Trail/SR A1A Urban Trail).

Policy I.1.7

This Element’s Supporting Data and Analysis includes the capital improvement projects related to this Comprehensive Plan for FY ~~2015~~ 2024 through FY 2019 2028. This and all future updated CIPs adopted by ~~ordinance~~ resolution

ORDINANCE NO.1688

shall be considered a part of the comprehensive plan without requiring an amendment to the City's Comprehensive Plan.

Policy I.3.2

The City shall use the following LOS standards in reviewing the impacts of new development and redevelopment.

(a) Stormwater Management

The Following Stormwater LOS Standards may be superseded by the most recently approved and adopted stormwater plan, without updates to this plan.

One inch times the square footage of the property for a site of less than 100 acres, or one-half inch times the square footage of the property for a site of 100 acres or more; and detention volume sufficient to ensure that post-development runoff will not exceed pre-development runoff for a 10-year/24-hour storm event

STORMWATER MANAGEMENT	<u>DESIGN STORM EVENT</u> <u>10-year frequency/24-hour duration event Or as approved in the most recently adopted Stormwater Plan.</u>
	<u>ON-SITE STORMWATER MANAGEMENT</u> <u>Retention: One-inch times the square footage of the property for a site of less than 100 acres, or one-half inch times the square footage of the property for a site of 100 acres or more. Or as approved in the most recently adopted Stormwater Plan.</u>
	<u>STORMWATER (DETENTION) QUANTITY</u> <u>Detention volume sufficient to ensure that post-development runoff will not exceed pre-</u>

ORDINANCE NO.1688

	<u>development runoff for a 10-year/24-hour storm event. Or as approved in the most recently adopted Stormwater Plan.</u>
	<u>STORMWATER QUALITY</u> <u>No significant degradation of water quality in receiving water bodies. Or as approved in the most recently adopted Stormwater Plan.</u>

- (b) Potable water – ~~141~~122.41 gallons per capita per day. Potable water LOS is established by contract with the City of Cocoa)
- (c) Recreation – 10 acres per 1,000 population
- (d) Sanitary sewer – 100 gallons per capita per day (average daily) and 130 gallons per capita per day (peak daily)
- (e) Solid waste --- 8.0 pounds per capita per day
- (f) **Transportation**

	Daily/Peak
SR 520 west of SR A1A (state road)	LOS D/ LOS D
SR A1A within the City of Cocoa Beach (state road)	LOS D/ LOS D
All City collectors and local roads	LOS D/ LOS D
- (g) Public School Facilities – LOS standard of 100% FISH Capacity each elementary, middle, high school, and any combination school

Capital improvement projects that are needed to ensure these LOS standards are listed in the most recently adopted CIP Resolution.
~~Table 1~~Table 1 shows projects adopted in the 2024 CIP Resolution.

ORDINANCE NO.1688

Table 1

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

DEPARTMENT: STORMWATER UTILITY ENTERPRISE FUND							
PROJECT(S)	PROJECT CODE	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FIVE YR. TOTAL
Cedar/Woodland/Brevard/2nd SW Improvements	SWCWB	450,000	6,000,000				6,450,000
Slip Lining of Existing SW Infrastructure	SWSLIP	250,000					250,000
Ramp Road Park SW Improvements	SWRAMP	550,000	750,000				1,300,000
Golf Pond Aquatic Vegetation Harvesting	GLFVEG	600,000					600,000
Brevard Ave S From 8th Street S to 11th Street S Stormwater Improvements			57,500				57,500
Indian Village Trail at A1A Improvements			57,500	120,000	125,000		302,500
ST. Lucie Gardens Bam Dry Pond			40,000	69,000	120,000		229,000
Cocoa Isles Blvd Bam Dry Pond			55,000	50,000	50,000		155,000
Bahama Blvd Bam Swale			55,000	50,000	50,000		155,000
Minor BMPS, Sales, Exfiltration				25,000	25,000	25,000	75,000
Structural Rehabilitation				25,000	25,000	25,000	75,000
Brightwaters- Dorset Outfall System Improvements				60,000	93,750	97,500	251,250
La Riviere Road Bam Dry Pond				55,000	50,000		105,000
Aucila Road BAM Exfiltration Pipe				75,000	60,000		135,000
Brevard Ave S From 9th Street S to 11th Street S Stormwater Improvements				120,000	125,000	130,000	375,000
Boca Ciega Road BAM Exfiltration Pipe				75,000	60,000		135,000
Swale Renourishment & Construction					50,000		50,000
South Banana River Blvd Improvements					62,500	130,000	192,500
June Drive BAM Dry Pond					50,000	55,000	105,000
Crystal River BAM Dry Pond					55,000	50,000	105,000
Brevard Ave South & 4th Street South Improvements						50,000	50,000
4th ST South & Yawl/Sloop/Riverview/Corona Improvements						50,000	50,000
Basin I Flood Improvements						75,000	75,000
South Basin E Flood Improvements						75,000	75,000
Brightwaters Drive BAM Exfiltration Pipe						75,000	75,000
Manatee Lane BAM Dry Pond						75,000	75,000
Stormwater Work Boat		47,000					47,000
TOTAL STORM		1,897,000	7,015,000	724,000	1,001,250	912,500	11,549,750

Source of Funds: Stormwater Utility Fund

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

DEPARTMENT: INFORMATION TECHNOLOGY							
PROJECT(S)	PROJECT CODE	FY2024	FY2025	FY2026	FY2027	FY2028	FIVE YR. TOTAL
Equipment							
IP System Phone Replacement		1,000	3,000	1,000	3,000	1,000	9,000
Square Registers for Leisure Service Programs		3,000	1,000	3,000	1,000	3,000	11,000
Subtotal Equipment		4,000	4,000	4,000	4,000	4,000	20,000
Computer Hardware							
Computers/Tablets/Laptops		12,000	12,000	15,000	15,000	15,000	69,000
Storage Server		14,000	70,000	—	—	—	84,000
Desktops, UPS, Surge & Lightning Protection		5,000	5,000	5,000	7,000	7,000	29,000
WIFI Backhaul and Access Panels		5,000	—	5,000	—	5,000	15,000
Surveillance Cameras		30,000	10,000	10,000	10,000	10,000	70,000
Rugged Laptops for Police Dept		24,750	14,850	16,050	16,050	16,050	87,750
Networking Equipment		7,000	7,000	7,000	9,000	50,000	80,000
Storage Shelf		—	—	—	—	—	—
Monitors & Displays		10,000	—	—	—	—	10,000
Access Control Panels (Park Bathrooms)		20,000	—	—	—	—	20,000
Server Replacement (Server Room)		—	8,000	8,000	10,000	10,000	36,000
Subtotal Computer Hardware		127,750	126,850	66,050	67,050	113,050	500,750
Computer Software							
Software Upgrades and New Products		—	—	—	—	—	—
Mach Licensing		7,200	—	—	—	—	7,200
Docuware Licenses		3,720	—	—	—	—	3,720
Vmware Sockets		12,000	—	—	—	—	12,000
Subtotal Computer Software		22,920	—	—	—	—	22,920
TOTAL INFORMATION TECHNOLOGY		154,670	130,850	70,050	71,050	117,050	543,670

Source of Funds: General Fund

DEPARTMENT: FINANCE/METERED PARKING							
PROJECT(S)	PROJECT CODE	FY2024	FY2025	FY2026	FY2027	FY2028	FIVE YR. TOTAL
Accounting Software		—	850,000	—	—	—	850,000
TOTAL FINANCE/METERED PARKING		—	850,000	—	—	—	850,000

DEPARTMENT: CITY CLERK							
PROJECT(S)	PROJECT CODE	FY2024	FY2025	FY2026	FY2027	FY2028	FIVE YR. TOTAL
		—	—	—	—	—	—
TOTAL CITY CLERK		—	—	—	—	—	—

Source of Funds: General Fund/Metered Parking Program

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY ~~2015~~ 2024 – ~~2019~~ 2028)

DEPARTMENT: FIRE							
PROJECT(S)	PROJECT CODE	FY2024	FY2025	FY2026	FY2027	FY2028	FIVE YR. TOTAL
Vehicles & Machinery							
Fire Station 50 Engine		713,575	—	—	—	—	713,575
Fire Pumper Truck		—	250,000	250,000	250,000	250,000	1,000,000
Fire - Subtotal Vehicles & Machinery		713,575	250,000	250,000	250,000	250,000	1,713,575
Furniture & Equipment							
Water Rescue Craft		15,000	16,000	—	—	—	31,000
Extrication Tools; E-Draulics		44,000	—	—	—	48,000	92,000
Water/Sun Protected Area Cover		—	40,000	—	—	—	40,000
Oxygen Cascade System		—	31,000	—	—	—	31,000
Zoll Cardiac Monitor		53,359	—	—	—	—	53,359
AED's (45-PD) (5-FD) (15-City)		130,000	—	—	—	—	130,000
Fire Station 50 Design Planning		—	5,000,000	—	—	—	5,000,000
Air Packs		—	40,000	40,000	40,000	40,000	160,000
Vehicle Rescue Struts (2)		—	—	—	8,000	—	8,000
Fire - Subtotal Furniture & Equipment		242,359	5,127,000	40,000	48,000	88,000	5,545,359
TOTAL FIRE		955,934	5,377,000	290,000	298,000	338,000	7,258,934

Source of Funds: General Fund

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

DEPARTMENT: POLICE							
PROJECT(S)	PROJECT CODE	FY2024	FY2025	FY2026	FY2027	FY2028	FIVE YR. TOTAL
Furniture & Equipment							
Digital In-Car Video Camera Recorder (8)		20,000	14,000	15,000	16,000	17,000	82,000
Radar Unit (8)		20,053	13,536	14,619	15,788	17,052	81,048
Tasers (6)		12,312	13,297	14,361	15,510	16,750	72,230
Body Camera System (5 year program)		15,000	—	—	52,000	—	67,000
Heavy Duty Paper Shredder (2)(2)(1)(1)		—	—	—	—	—	—
Radar Trailer - Speed Measuring Unit		—	—	—	—	—	—
Long Rifles (4 each year)		7,128	7,698	8,314	8,979	9,698	41,817
Glock 47 Hand Gun w/ Light		—	85,001	—	—	—	85,001
Radar Units-Hand Held		—	11,474	—	—	—	11,474
Automatic Defibrillators (AEDs) (25) (20)		—	—	—	—	—	—
Evidence Drying Cabinet		—	—	—	—	16,530	16,530
Evidence Refrigeration Unit		—	—	—	16,319	—	16,319
Motorcycle Patrol Unit Equipment		—	—	—	—	21,055	21,055
Alcohol Breath Simulator (2)		—	—	13,966	—	3,526	17,492
K9 Unit Replacement		—	—	—	—	44,080	44,080
Electronic Traffic Message Board		—	106,400	—	—	—	106,400
Subtotal Furniture & Equipment		74,493	251,406	66,260	124,596	145,691	662,446
Computer Software							
Evidence/Property Tracking Software		—	—	23,935	—	—	23,935
Investigation Software		—	16,913	—	—	—	16,913
License Plate Recognition Software		—	—	—	—	—	—
Subtotal Computer Software		—	16,913	23,935	—	—	40,848
TOTAL POLICE		74,493	268,319	90,195	124,596	145,691	703,294

DEPARTMENT: COMMUNICATIONS							
PROJECT(S)	PROJECT CODE	FY2024	FY2025	FY2026	FY2027	FY2028	FIVE YR. TOTAL
XL-95P Portable Radio (PD-12) (FD-23)		171,574	—	—	—	—	171,574
XG-75M/M7300 Mobile Radio (PD-14) (FD-15)		162,645	30,286	32,708	35,325	38,151	299,115
P25 Compliance X69 Radios		44,326	—	—	—	—	44,326
Backbone Radio Charges-Brevard Emergency Management		77,000	—	—	—	—	77,000
TOTAL COMMUNICATIONS		455,545	30,286	32,708	35,325	38,151	592,015

DEPARTMENT: BEACH RANGERS PROGRAM							
PROJECT(S)	PROJECT CODE	FY2024	FY2025	FY2026	FY2027	FY2028	FIVE YR. TOTAL
		—	—	—	—	—	—
TOTAL BEACH RANGERS PROGRAM		—	—	—	—	—	—

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

DEPARTMENT: PUBLIC WORKS							
Building Maintenance Continued (3140)	PROJECT CODE	FY2024	FY2025	FY2026	FY2027	FY2028	FIVE YR. TOTAL
Shepard Park Bathroom Renovations		—	150,000	—	—	—	150,000
Rooftop Solar Array		—	—	420,000	—	—	420,000
Tennis Court Electrical Upgrade		—	30,000	—	—	—	30,000
Fisher Park Information Sign		—	100,000	—	—	—	100,000
Water Rec MCC Bldg A/C Replacements		—	20,000	—	—	—	20,000
Fisher Park Bathroom Renovations		—	—	100,000	—	—	100,000
Fire Station 51 Paint Exterior		—	—	100,000	—	—	100,000
Water Rec Lab Bldg A/C Replacements		—	—	30,000	—	—	30,000
Public Works/Water Rec Flooring		—	—	—	200,000	—	200,000
Water Rec Utility Bldg Roof		—	—	—	50,000	—	50,000
Public Works IT Server Room AC System		—	—	—	30,000	—	30,000
Public Works/Water Rec 1st Floor A/C Replacements		—	—	—	—	30,000	30,000
Public Works/Water Rec Lobby Atrium AC		—	—	—	10,000	—	10,000
Subtotal Buildings Maintenance		250,000	550,880	920,320	567,760	315,200	2,604,160
Grounds Maintenance (3150)							
Pool Pavilion Upgrade		—	32,000	—	—	—	32,000
Subtotal Grounds Maintenance		—	32,000	—	—	—	32,000
TOTAL PUBLIC WORKS O & M		1,153,226	1,585,580	1,510,320	1,067,760	815,200	6,132,086
DEPARTMENT: PUBLIC WORKS - CAPITAL IMPROVEMENT PROJECTS							
PROJECT(S)	PROJECT CODE	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FIVE YR. TOTAL
100 Channel Marker Replacement	CHAMRK	65,000	—	—	—	—	65,000
Marina Feasibility Study	MARINA	75,000	75,000	—	—	—	150,000
Holiday Lane Boat Ramp Feasibility Study	HOLDOC	—	—	—	75,000	—	75,000
Aquatic Center Building Replacement	RPPPA	—	—	—	1,350,000	—	1,350,000
400 Channel Marker Replacement	400CDP	100,000	400,000	400,000	—	—	900,000
CB GOLF Muck Capping	CBGOLF	2,000,000	8,200,000	8,200,000	8,200,000	8,253,347	34,853,347
TOTAL PUBLIC WORKS CAPITAL IMPROVEMENT		2,240,000	8,675,000	8,600,000	9,625,000	8,253,347	37,393,347

City of Cocoa Beach

G- 21

Annual Budget Fiscal Year 2024

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

DEPARTMENT: PUBLIC WORKS - FLEET							
PROJECT(S)	Project Code	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FIVE YR. TOTAL
Police							
4-Door SUV Hybrid Marked (2) (2) (5) (5) (2)		135,000	141,750	372,090	390,690	164,088	1,203,618
4-Door SUV Hybrid K-9 (1) (1)		—	72,000	—	—	85,000	157,000
Patrol Motorcycle (1)		—	—	—	27,000	—	27,000
1/2 Ton 4x4 Truck (3)		—	—	—	—	200,169	200,169
4-Door SUV Hybrid Unmarked (3)		—	185,850	—	—	—	185,850
Compact (Code Enforcement) (1)		—	—	—	37,044	—	37,044
Subtotal Police		135,000	399,600	372,090	454,734	449,257	1,810,681
Parking Enforcement							
Compact Pickup Truck (1) (1) (2) (1)		—	33,600	70,560	37,044	—	141,204
1/2 Ton Truck (1)		—	—	—	—	38,896	38,896
Subtotal Parking Enforcement		—	33,600	70,560	37,044	38,896	180,100
Fire							
3/4 Ton Pickup 4x4 (1) (1)		45,000	—	—	—	73,000	118,000
4-Door SUV Hybrid (1) (1)		—	61,950	65,047	—	—	126,997
Subtotal Fire		45,000	61,950	65,047	—	73,000	244,997
Public Works							
Compact Pickup (1) (1) (1)		—	33,600	—	37,044	38,896	109,540
3/4 Ton Pickup 4x4 (1)		—	49,000	—	—	—	49,000
Bucket Truck (1)		—	—	—	—	160,000	160,000
3/4 Ton Cargo Van (1)		45,000	—	—	53,000	—	98,000
Dump Truck (1)		160,000	—	—	—	—	160,000
2500 Service Truck 4x4 (1)		63,000	—	—	—	—	63,000
4-Door Sedan/SUV (1) (1)		—	51,000	53,550	56,227	—	160,777
3/4 Ton Pickup (2) (3) (2) (1)		—	94,500	148,836	104,184	54,696	402,216
Subtotal Public Works		268,000	228,100	202,386	250,455	253,592	1,202,533
Leisure Services							
Compact Pickup		—	—	35,280	—	—	35,280
Subtotal Leisure Services		—	—	35,280	—	—	35,280
Fleet Furniture & Equipment							
PD Utility Vehicle		16,000	—	17,640	—	19,448	53,088
PW Zero Turn Mower		12,000	12,600	13,230	13,891	14,586	66,307
PW Portable Generator 3500KW		—	3,500	3,675	3,858	4,051	15,084
PW Utility Trailer		4,200	4,410	4,630	4,862	5,105	23,207
Beach Ranger John Deere Gator (2)		27,000	28,350	29,766	31,254	32,032	148,402
KBB John Deere Gator (2)		27,000	14,175	29,766	15,254	32,032	118,227
PW Hydraulic Dump Trailer		14,000	—	—	—	—	14,000
PD Enclosed Cargo Trailer		12,000	—	—	—	—	12,000
PD Patrol Boat		100,000	—	—	—	—	100,000
PD Electric Golf Cart		—	15,000	—	—	—	15,000
Fleet Twin Post Lift 18000 LB		18,000	—	—	—	—	18,000
Fleet Twin Post Lift 10000 LB		7,000	—	—	—	—	7,000

City of Cocoa Beach

G- 22

Annual Budget Fiscal Year 2024

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

Fleet Furniture & Equipment Continued	Project Code	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FIVE YR. TOTAL
Fleet A/C Recovery Machine		7,000	—	—	—	—	7,000
Field Ops- Ground Compactor		3,000	—	—	—	—	3,000
300 KW Portable Generators (3)		802,899	—	—	—	—	802,899
230 KW Generator (Country Club) (1)		350,000	—	—	—	—	350,000
50 KW Generator FD 50 (1)		75,000	—	—	—	—	75,000
Replace Generator at FD 51		163,000	—	—	—	—	163,000
Fire Utility Vehicle		—	16,800	—	18,522	—	35,322
PW Track Skid Steer		—	—	—	85,000	—	85,000
PW Backhole Extended Reach		—	160,000	—	—	—	160,000
Subtotal Fleet Furniture & Equipment		1,638,099	254,835	98,707	172,641	107,254	2,271,536
Contingency		20,000	20,000	20,000	20,000	20,000	100,000
TOTAL PUBLIC WORKS FLEET		2,106,099	998,085	864,070	934,874	941,999	5,845,127

Source of Funds: General Fund

DEPARTMENT: LEISURE SERVICES

PROJECT(S)	Project Code	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FIVE YR. TOTAL
Recreation Administration							
Equipment Shed Storage	EQSS	13,500	—	—	—	—	13,500
Rec Center Renovation		—	50,000	—	—	—	50,000
Video Machines		—	7,600	—	—	—	7,600
1 Set of Bleachers		—	—	15,000	—	—	15,000
1 Set of Bleachers		—	—	—	15,000	—	15,000
Portable Basketball Rims (2)		—	—	—	—	13,000	13,000
Skate Park Renovations	SKATER	200,000	—	—	—	—	200,000
Subtotal Recreation Administration		213,500	57,600	15,000	15,000	13,000	314,100
Tennis							
Replace Tennis Facility Awning	RTFA	35,000	—	—	—	—	35,000
Replace Lights at Ramp Road Tennis Courts		—	6,000	—	—	—	6,000
Subtotal Tennis		35,000	6,000	—	—	—	41,000
Aquatic Center							
Pool Covers (4) Replace Main Pool		17,000	—	—	18,000	—	35,000
Pool Cover Reel (1) Main Pool Covers		10,000	—	—	—	—	10,000
Pool Heater/Chiller Main Pool		27,446	—	—	—	—	27,446
Pool Deck Resurface	PDRS	49,834	—	—	—	—	49,834
Pool Cover Automatic Winder		—	12,000	—	—	—	12,000
Main Pool Liner		—	100,000	—	—	—	100,000
Pool Cover Reel		—	—	10,000	—	—	10,000
Canopy Shade Structure (Kiddy Pool)		—	—	35,000	—	—	35,000
Replace Storage Shed		—	—	13,500	—	—	13,500
Canopy Single Cantilever Shade		—	—	—	34,348	—	34,348
Power Chair Lift		—	—	—	6,000	—	6,000
Pump Room Main Pool		—	—	—	—	50,000	50,000
Long Course Lane Lines (8)		—	—	—	—	9,000	9,000
Subtotal Aquatic Center		104,280	112,000	58,500	58,348	59,000	392,128

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

Golf	Project Code	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Five YR. TOTAL
Regrass Driving Range	RGRASS	45,000					45,000
Replace Sprinkler System	GSPRINK	400,000	350,000	350,000			1,100,000
Pipe Replacement Irrigation System	REPIPE	400,000	400,000	400,000			1,200,000
Chemical Storage Building			25,000				25,000
Bunker Reconditioning					30,000	30,000	60,000
Greens Mower		—	47,000			100,000	147,000
Fairway Mower		78,000	80,000				158,000
Replacement of Toro Sprayer		50,000					50,000
Golf Utility Vehicle		13,000	26,000	26,000	13,000	13,000	91,000
Z Turn Mower		10,000		10,000			20,000
Slope Mower			39,000				39,000
Edger Attachment			10,000				10,000
Rough Mower				74,000			74,000
Sprayer					50,000		50,000
F&B Utility Vehicle		13,000	13,000	13,000			39,000
Subtotal Golf Division		1,009,000	990,000	873,000	93,000	143,000	3,108,000
TOTAL LEISURE SERVICES		1,361,780	1,159,600	946,500	166,348	215,000	3,849,228

Source of Funds: General Fund

DEPARTMENT: COMMUNITY REDEVELOPMENT AGENCY							
PROJECT(S)	Project Code	FY 2024	FY2025	FY2026	FY2027	FY2028	Five YR. TOTAL
SurfSide Playhouse Improvements	SURFSP	50,000	25,000				75,000
Wash Through Improvements (New City Hall)	CHWASH					200,000	200,000
CRA Garage Improvements (Bathrooms)	CRABRI	250,000					250,000
CRA Garage Improvements (Building/Electric)	CRABEI	325,000					325,000
CRA Garage Elevator	CRA		350,000				350,000
TOTAL COMMUNITY REDEVELOPMENT		625,000	375,000	—	—	200,000	1,200,000

DEPARTMENT: BUILDING PERMIT FUND							
PROJECT(S) 136	Project Code	FY 2024	FY2025	FY2026	FY2027	FY2028	Five YR. TOTAL
Light Duty Electric Truck		60,000	—	—	—	—	60,000
TOTAL BUILDING PERMIT FUND		60,000	—	—	—	—	60,000

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

DEPARTMENT: CAPITAL IMPROVEMENT FUND							
PROJECT(S)	Project Code	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Five YR. TOTAL
City Hall (Design/Engineering/Construction)	CHCOMP	7,200,000	—	—	—	—	7,200,000
City Hall (Furniture/Equipment)	CHCOMP	275,000	—	—	—	—	275,000
City Hall Caricature Pictures	CHCOMP	7,000	—	—	—	—	7,000
City Hall Technology Hardware	CHTECH	410,750	—	—	—	—	410,750
City Hall Construction Impact Fees	CHCOMP	50,000	—	—	—	—	50,000
CRA Cultural Green Space / Wash Through	CHWASH	3,300,000	—	—	—	—	3,300,000
Bicentennial Park Improvements	BICENT	125,000	125,000	1,312,500	1,312,500	—	2,875,000
City Hall - Parking Garage	CHPARK	—	—	—	—	5,400,000	5,400,000
TOTAL CAPITAL IMPROVEMENT FUND		11,367,750	125,000	1,312,500	1,312,500	5,400,000	19,517,750

DEPARTMENT: UTILITIES SYSTEM FUND							
PROJECT(S)	PROJECT CODE	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FIVE YR. TOTAL
Collection System Rehab (Slip-Lining)	WRDDEO	2,000,000	1,000,000	1,000,000	1,000,000	1,000,000	6,000,000
Forcemain (14") Condition Assessment (Lift Station 5)	LIFT05		300,000				300,000
Lift Station Rehabilitation (Pipes/Valves/Panels)	LIFT10		750,000	750,000	750,000		2,250,000
Port Forcemain Air Release Valve Evaluation & Replacement			200,000				200,000
Blake Ave Lateral Inspection & Repair (Sewer Laterals)			125,000				125,000
Inflow & Infiltration (City's Sewer Collection System)	INFINF	1,000,000	2,000,000	1,000,000			4,000,000
A1A Crossover Pipe Replacement Cornerstone	A1APRC	800,000					800,000
Lift Station 3, 5, 8 Rehabilitation (Pipes/Valves/Panels)	LIFT05/ LIFT08		750,000				750,000
Lift Station 14 & 16 Rehabilitation (Pipes/Valves/Panels)	LIFT14			500,000			500,000
Replacement Pump Lift Station 5	LIFT05		65,000	70,000			135,000
Lift Station 14 & 16 Pumps	LIFT14	20,000					20,000
Hydrogen Sulfide Detection Equipment		10,000					10,000
Manhole Smart Covers (5)	WRMHSC		33,000				33,000
Belt Road Sewer & Reclaimed MCC Improvements	WRDMCC		500,000				500,000
Generator For Post Anoxic Tank & Lift Station 4	LIFT04	370,000					370,000
Flood Light Tower Trailer Mounted	WRLITE		12,000				12,000
Tow Behind Air Compressor				25,000			25,000
Replacement Pump Lift Station 4					100,000		100,000
Lift Station 3, 8, 15 Pumps	LIFT08					20,000	20,000
WR 3/4 Ton Pickup Vehicle		45,000	47,250	49,612	52,092	54,696	248,650
WR CCTV Camera Truck		400,000					400,000
WR Straight Flatbed Truck			96,000				96,000
WR Compact Truck						38,896	38,896
WR Front Wheel Loader			200,000				200,000

City of Cocoa Beach

G- 25

Annual Budget Fiscal Year 2024

ORDINANCE NO.1688

Table 1 (continued)

Five Year Capital Improvements Schedule (FY 2015 2024 – 2019 2028)

PROJECT(S)/EQUIPMENT UTILITIES SYSTEM FUND, CONTINUED							
PROJECT(S)	PROJECT CODE	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FIVE YR. TOTAL
WR 6 inch Bypass Pump		120,000					120,000
Lift Station 5 Odor Control Panel	LIFT05	250,000	250,000				500,000
Sludge Biosolid Processing Project	WRDBIO	1,500,000					1,500,000
Reuse Ground Storage Tank Repairs					130,000		130,000
150 HP Reuse Pump Repair		17,000					17,000
New Grit Pump			35,000				35,000
Grit Removal System	WRGRIT		250,000				250,000
Grit Pump Flow Meter (2)		12,000					12,000
Waste Activated Sludge Flow Meter			6,000				6,000
Spare Internal Recycle Pump		32,000					32,000
Spare Return Activated Sludge Pump		30,000					30,000
Spare Waste Activated Sludge Pump		18,000					18,000
Filter Cloth Media Replacement					27,000		27,000
Fine Screening System Spiral Screw					8,000		8,000
Fine Screening System Wash Press					18,000		18,000
Fine Screen Trunnion Upgrades				25,000			25,000
Replacement Plant Generator			500,000				500,000
Patrick Space Force Base Sewer Flow Meter			15,000				15,000
RAS Flow Meter			10,000				10,000
Chlorine Contact Chamber Flow Meter - 24"				18,000			18,000
Automatic Reuse Valve Actuators & Valves (7)				300,000			300,000
Injection Well Cleaning				80,000			80,000
250 HP Reuse Flow Meter - 12"				15,000			15,000
Clarifier Rehab Project				1,000,000			1,000,000
Centrifugal Blower (Backup)					300,000		300,000
Headworks Wash Press					115,000		115,000
Fine Screen Drum Replacement					700,000		700,000
Reuse Transfer Pump Replacement					360,000		360,000
Aquadisk Cloth Media Filter						1,500,000	1,500,000
Blower Replacement						50,000	50,000
Engineering Condition Assessment Tier II Pipe Analysis	ECATPA	300,000					300,000
Reclaimed Distribution System Rehab			500,000	500,000	500,000	500,000	2,000,000
Total Utilities		6,924,000	7,644,250	5,332,612	4,060,092	3,163,592	27,124,546

Table 1 (continued)

ORDINANCE NO.1688

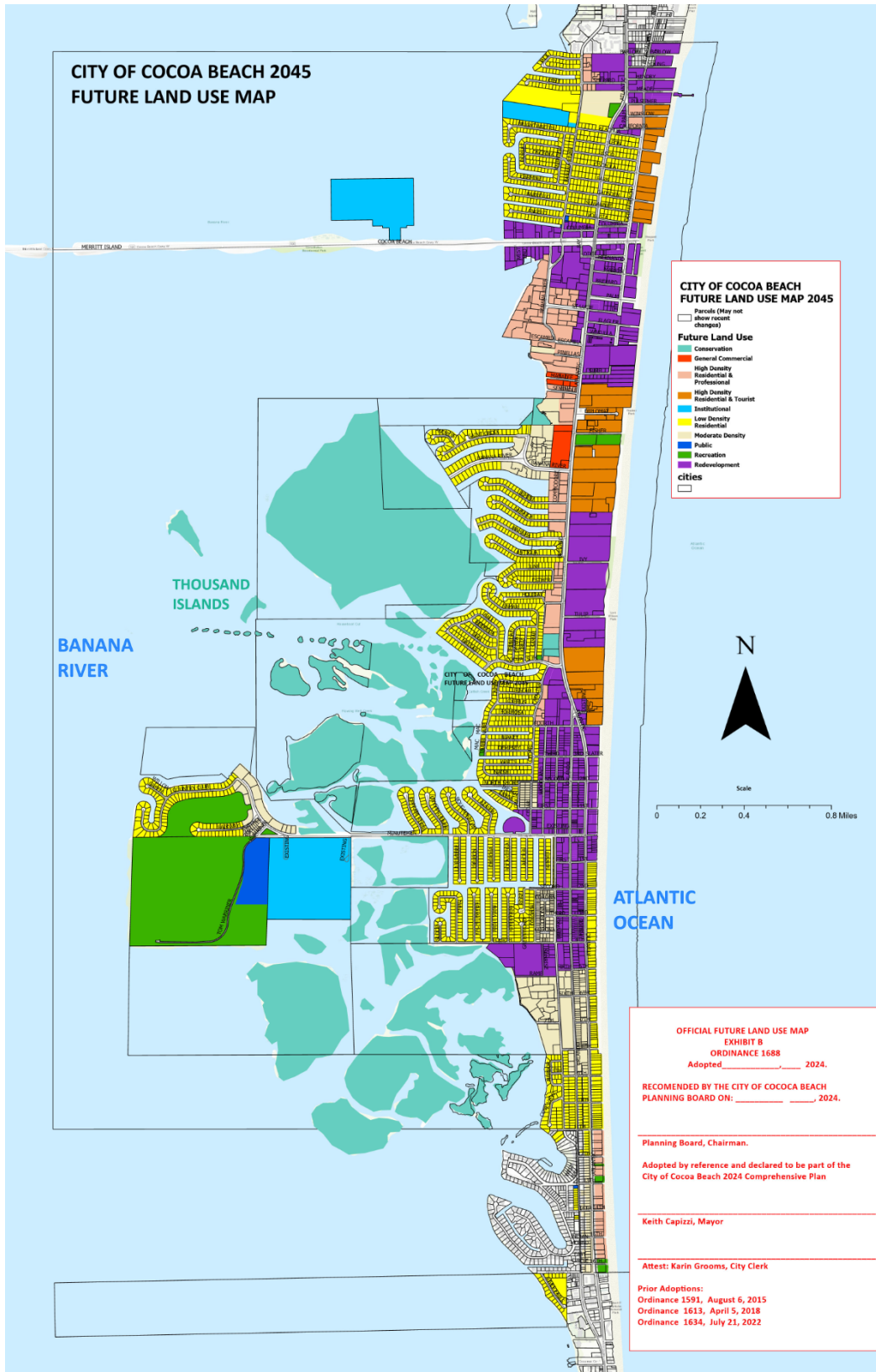
Five Year Capital Improvements Schedule (FY ~~2015~~ 2024 – ~~2019~~ 2028)

DEPARTMENT: STORMWATER UTILITY ENTERPRISE FUND							
PROJECT(S)	PROJECT CODE	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FIVE YR. TOTAL
Cedar/Woodland/Brevard/2nd SW Improvements	SWCWB	450,000	6,000,000				6,450,000
Slip Lining of Existing SW Infrastructure	SWSLIP	250,000					250,000
Ramp Road Park SW Improvements	SWRAMP	550,000	750,000				1,300,000
Golf Pond Aquatic Vegetation Harvesting	GLFVEG	600,000					600,000
Brevard Ave S From 8th Street S to 11th Street S Stormwater Improvements			57,500				57,500
Indian Village Trail at A1A Improvements			57,500	120,000	125,000		302,500
ST. Lucie Gardens Bam Dry Pond			40,000	69,000	120,000		229,000
Cocoa Isles Blvd Bam Dry Pond			55,000	50,000	50,000		155,000
Bahama Blvd Bam Swale			55,000	50,000	50,000		155,000
Minor BMPs, Sales, Exfiltration				25,000	25,000	25,000	75,000
Structural Rehabilitation				25,000	25,000	25,000	75,000
Brightwaters- Dorset Outfall System Improvements				60,000	93,750	97,500	251,250
La Riviere Road Bam Dry Pond				55,000	50,000		105,000
Aucila Road BAM Exfiltration Pipe				75,000	60,000		135,000
Brevard Ave S From 9th Street S to 11th Street S Stormwater Improvements				120,000	125,000	130,000	375,000
Boca Ciega Road BAM Exfiltration Pipe				75,000	60,000		135,000
Swale Renourishment & Construction					50,000		50,000
South Banana River Blvd Improvements					62,500	130,000	192,500
June Drive BAM Dry Pond					50,000	55,000	105,000
Crystal River BAM Dry Pond					55,000	50,000	105,000
Brevard Ave South & 4th Street South Improvements						50,000	50,000
4th ST South & Yawl/Sloop/Riverview/Corona Improvements						50,000	50,000
Basin I Flood Improvements						75,000	75,000
South Basin E Flood Improvements						75,000	75,000
Brightwaters Drive BAM Exfiltration Pipe						75,000	75,000
Manatee Lane BAM Dry Pond						75,000	75,000
Stormwater Work Boat		47,000					47,000
TOTAL STORM		1,897,000	7,015,000	724,000	1,001,250	912,500	11,549,750

Source of Funds: Stormwater Utility Fund

Exhibit "B"
FUTURE LAND USE MAP (2045)

ORDINANCE NO.1688



**City of Cocoa Beach City Commission
Agenda Item Summary**

**DEPARTMENT MAKING
REQUEST/NAME:**

City Clerk /

MEETING DATE

August 15, 2024

REQUESTED MOTION/ACTION

Approve the first reading of Ordinance 1692;
AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING
SECTION 1-8, "GENERAL PENALTY; CONTINUING VIOLATIONS; ADJUDGING
FINES AND IMPRISONMENTS", OF CHAPTER 1, "GENERAL PROVISIONS", AND
SECTION 5-49.1 "PENALTY FOR VIOLATION OF ARTICLE" OF ARTICLE iiiB
"OCEANFRONT BUILDING RESTRICTION LINE AND SEAWALL LINE" OF
CHAPTER 5 "BEACHES, FILLS, BOATS, AND WATERWAYS" AND SECTION 26-7
"ILLEGALLY PARKED MOTOR VEHICLES IN A TOW-AWAY ZONE; REMOVING;
STORAGE; RESTORATION' OF ARTICLE I, "IN GENERAL" OF CHAPTER 26,
"TRAFFIC" OF THE COCOA BEACH CODE OF ORDINANCES, UPDATING
PENALTY PROVISIONS FOR VIOLATIONS OF THE CITY CODE AND ELIMINATING
ALL OUTDATED REFERENCES TO MUNICIPAL JUDGES FROM THE CITY CODE
AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN
EFFECTIVE DATE.

Staff Representative: Randy Stevenson, Director of Development Services

Staff Representative:

Recommendation:

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

ORDINANCE NO. 1692

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SECTION 1-8, "GENERAL PENALTY; CONTINUING VIOLATIONS; ADJUDGING FINES AND IMPRISONMENTS", OF CHAPTER 1, "GENERAL PROVISIONS", AND SECTION 5-49.1 "PENALTY FOR VIOLATION OF ARTICLE" OF ARTICLE IIIB "OCEANFRONT BUILDING RESTRICTION LINE AND SEAWALL LINE" OF CHAPTER 5 "BEACHES, FILLS, BOATS AND WATERWAYS" AND SECTION 26-7 "ILLEGALLY PARKED MOTOR VEHICLES IN A TOW-AWAY ZONE; REMOVING; STORAGE; RESTORATION" OF ARTICLE I, "IN GENERAL" OF CHAPTER 26 "TRAFFIC" OF THE COCOA BEACH CODE OF ORDINANCES, UPDATING PENALTY PROVISIONS FOR VIOLATIONS OF THE CITY CODE AND ELIMINATING ALL OUTDATED REFERENCES TO MUNICIPAL JUDGES FROM THE CITY CODE, AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREFORE, the City Commission of the City of Cocoa Beach wishes to amend Sections 1-8, 5-49.1 and 26-7 of the Cocoa Beach Code of Ordinances, to update penalty provisions of the city code and to eliminate any and all references to municipal judges, as the roles of municipal judges have been absorbed by county courts and special magistrates, and municipal judges no longer exist in the current legal structure of Florida; and

WHEREFORE, the City Commission of the City of Cocoa Beach finds that amendment of Sections 1-8, 5-49.1 and 26-7 of the Cocoa Beach Code of Ordinances, to update penalty provisions of the city code and eliminate all outdated references to municipal judges in the City Code and bring the Code up to date with existing Florida law is in the best interests of the City and its residents; and

NOW, THEREFORE, BE IT ORDAINED BY the City Commission of the City of Cocoa Beach, Florida:

SECTION 1. Findings. The above Whereas provisions are true, and they shall collectively be considered the legislative intent of this Ordinance.

SECTION 2. Adoption. Sections 1-8, 5-49.1 and 26-7 of the Cocoa Beach Code of Ordinances are hereby each amended as follows:

Sec. 1-8. General penalty; continuing violations; adjudging fines and imprisonments.

- (a) It shall be unlawful for any person to violate or fail to comply with any provisions of this Code and regardless of any provision of law to the contrary the violation of any provision of this Code shall be punishable by a fine not exceeding five hundred dollars (\$500.00), or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment. Each day any violation of any provision of this Code shall continue, shall constitute a separate offense.
- (b) In addition, or alternatively, as deemed appropriate by the city manager, Code violations can be addressed through proceedings before the city's special magistrate in accordance with city and state law. Whenever the

~~sentence shall be one of both fine and imprisonment, it may also provide for an additional period of imprisonment in the city jail for which such person shall be held in default of payment of fine and costs.~~

- ~~(c) Nothing in this section shall exempt a prisoner from being put at labor during the period of such additional imprisonment.~~

Sec. 5-49.1. - Penalty for violation of article.

Any person, firm or corporation who shall violate any provision of this article shall be punished in accordance with Sec. 1-8 of this Code by fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for a term not to exceed sixty (60) days, or by such fine and imprisonment, in the discretion of the municipal judge.

Sec. 26-7. - Illegally parked motor vehicles in a tow-away zone; removing; storage; restoration.

Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or by this municipality under the circumstances hereinafter described:

- (1) Any motor vehicle illegally parked within the city, within any no-parking zone marked "Tow-away zone" shall be towed away and impounded.
- (2) No vehicle impounded in an authorized garage as herein provided shall be released therefrom until the charges for towing such vehicle into the garage and storage charges have been paid. The charge for towing or removal of any such vehicle and storage charges shall be fixed from time to time by the municipal judge city manager, such charges to be based upon a determination of reasonable expenses incurred by the city for such towing or removal. Such charge or charges shall be posted for public inspection in the office of the municipal clerk or the police department, and in any garage designated by the city manager.
~~municipal judge.~~

SECTION 3. Codification. Section 2 of this ordinance shall be codified as set forth above and become and be made a part of the Code of Ordinances of the City of Cocoa Beach. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 4. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Severability. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to accomplish, to the greatest

extent legally possible, the purposes of this ordinance as expressed herein.

SECTION 6. Effective Date. This ordinance shall become effective upon its adoption.

Upon Motion by Commissioner _____, seconded by Commissioner _____, this Ordinance was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the ____ day of _____, 2024.

Ayes: _____
Nays: _____
Absent or Abstaining _____

Keith Capizzi
Mayor-Commissioner

ATTEST:

Karin Grooms
City Clerk

First Reading: _____
Date Posted: _____
Date Published: _____