



**Meeting Agenda  
Monday, April 6, 2026**

**5:30 PM**

**Planning Board  
Regular Board Meeting**

**Cocoa Beach City Hall  
2 South Orlando Ave.  
Cocoa Beach, FL 32931**

**WELCOME**

**A. Call to Order**

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Disclosure of Conflict

**B. Unfinished Business**

1. Ordinance 1710 - AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, RELATED TO TRAVEL AND CAR RENTAL AGENCIES, AMENDING SECTION 2, "RM-2 MULTIFAMILY PROFESSIONAL DISTRICT" AND "CT-1 OCEANFRONT RESIDENTIAL AND TRANSIENT DISTRICT" OF ARTICLE III "ESTABLISHMENT OF STANDARD ZONING DISTRICTS" OF CHAPTER II – "ZONING DISTRICTS" OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

**C. New Business**

1. Ordinance 1714 - AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SECTION 4-43, "SPECIAL EXCEPTIONS"; AND

SECTION 4-46, "AMENDMENTS TO THE ZONING MAP" OF ARTICLE I, "VARIANCE WAIVER AND SPECIAL EXCEPTION"; AND ARTICLE V, "AMENDMENTS"; OF CHAPTER IV – "LAND DEVELOPMENT PROCEDURES" RESPECTIVELY OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND an EFFECTIVE DATE.

D. Staff Reports and Announcements

1. Report from Staff Representative

E. Public Comment

F. Board Members Reports and Announcements

1. Report from Board/Committee Member

G. Adjournment

1. Next Meeting Date

Note: more than one member of the City Commission may be in attendance at the meeting and may participate in discussions.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by this Board, agency or meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk at (321-868-3286), no later than 4:00 p.m., at least 48 hours prior to the meeting.



## CITY OF COCOA BEACH – PLANNING BOARD MEETING MINUTES

Monday, March 2nd, 2025 @ 5:30 P.M.

**CALL TO ORDER AND ROLL CALL:** Lisa Colloredo called the meeting to order at 5:30 P.M.

**Pledge of Allegiance:**

**Members Present:** Lisa Colloredo, Chair; Warren Burger; Alexandra Bobo.

**Alternate Members:** Alt 1: Margaret Schneider; Alt 2: Mike Miller

**School District Board Representative Alternate Present:** *None*

**Members Absent:** John Butera; Loi Mckinley

**Staff Present:** Cory Hall, Dave Dickey

**Visitors Present:** 0

**Approval of Agenda:** Warren Burger-motivated Mike Miller-seconded, Vote 5-0

After minor adjustments to the agenda, including moving public comment until after a scheduled training session and adding the election of a vice chair. The board unanimously approved the amended agenda.

**Approval of Meeting Minutes:** Margaret Schneider-motivated, Warren Burger-seconded, Vote 5-0

Board members then reviewed and approved the minutes from the previous meeting with a minor correction to a typographical error.

### **UNFINISHED BUSINESS:**

**Election for Vice Chair:** Mike Miller-Motivated, Warren Burger-seconded Vote 5-0

During the newly added agenda item, Margaret Schneider was nominated to serve as vice chair of the board. Although she initially expressed surprise at the nomination, no other candidates were proposed. The board approved the nomination by vote, and Schneider accepted the position.

### **NEW BUSINESS:**

#### **Expanded Responsibilities for the Planning Board**

Before turning to new business, staff announced that the city commission had recently amended the Planning Board's responsibilities. Two boards, the Land Management Board and the Sustainability Board, have been dissolved, and their responsibilities are now assigned to the Planning Board. As a result, the board will take on additional duties, including work related to the North Thousand Islands Management Plan. Staff noted that these responsibilities have not been addressed in some time due to staffing changes but will now be incorporated into the Planning Board's future agenda items.

#### **Proposed Ordinance on Car Rental Facilities**

The primary item of new business involved a staff-initiated ordinance proposal concerning where car rental facilities may operate within the city. Staff explained that several entities had approached the city in recent years seeking permission to establish such facilities, prompting a review of the existing zoning regulations. Currently, car rental facilities are allowed in limited zoning districts, including certain commercial areas and accessory uses to transient lodging facilities such as hotels. However, staff noted that the current code also allows these facilities within multifamily residential properties, which may create compatibility issues. The proposed ordinance seeks to update the rules in several ways:

- **Removing car rental facilities from multifamily residential properties**, including apartment complexes.
- **Retaining the ability for rental operations to function as accessory uses to hotels or motels** in appropriate commercial districts.
- **Adding commercial condominium properties as potential locations**, provided the development contains at least 50 units.
- Staff explained that the goal was to reduce the likelihood of rental operations appearing in residential settings while still allowing them in commercial areas where they might serve visitors.



## CITY OF COCOA BEACH – PLANNING BOARD MEETING MINUTES

Monday, March 2nd, 2025 @ 5:30 P.M.

### Discussion and Concerns

- Board members raised several questions about the proposal, focusing largely on traffic, parking, and neighborhood impacts.
- Some members expressed concern that allowing a rental operation at large commercial condominium developments—specifically referencing the Cape Royal property—could increase traffic in an already busy area. Others questioned whether the city truly needed additional rental car facilities, noting that nearby communities already provide such services.
- Additional issues discussed included:
  - a. Whether a minimum number of excess parking spaces should be required.
  - b. How to ensure rental operations remain subordinate to the primary property use.
  - c. Whether aesthetic requirements should apply to vehicle storage areas.
  - d. How do emerging car-sharing services and peer-to-peer rental platforms fit into the regulations.
  - e. Staff noted that earlier drafts of the ordinance had included more restrictive conditions, such as limits on the number of rental vehicles or requirements that facilities be located near signalized intersections. Those provisions were removed to simplify the proposal, but board members indicated interest in revisiting some of those safeguards.

### Proposal to Require Special Exception Approval

- One board member suggested a different approach: rather than allowing car rental facilities as a permitted accessory use, require them to obtain **special exception approval**. Under that process, applicants would need to appear before the Board of Adjustment and demonstrate that their proposal benefits the community.
- Several members supported this idea, noting that it would allow the city to review proposals on a case-by-case basis while still leaving the option available to property owners.
- The board ultimately approved a motion directing staff to revise the ordinance and bring it back at a future meeting with language requiring car rental facilities to obtain special exception approval.

### Board Discussion Topics –

Staff will revise the proposed ordinance based on the board’s feedback and present a new version at a future meeting. That draft will likely include a requirement that any new car rental facility seek special exception approval, allowing city officials to evaluate each proposal individually.

### STAFF AND ATTORNEY REPORTS:

The city attorney presented a refresher on Florida’s Sunshine Law, public records requirements, and conflict-of-interest rules for board members. The training emphasized that:

- Discussions between two or more board members about public business must occur only at properly noticed public meetings.
- Board members may not use intermediaries—such as staff members—to relay opinions or coordinate votes outside of meetings.
- Public meetings must remain accessible to all members of the public.

The attorney explained that the purpose of the training was to help board members recognize potential issues before they arise and ensure the board continues to operate transparently and in compliance with state law.

### GENERAL PUBLIC COMMENTS:



## CITY OF COCOA BEACH – PLANNING BOARD MEETING MINUTES

Monday, March 2nd, 2025 @ 5:30 P.M.

- NONE

### **BOARD FINAL COMMENTS:**

- The meeting concluded after the training session, with board members thanking staff and legal counsel for their guidance.

**ADJOURNMENT:** The meeting adjourned at 7:36 p.m.

\_\_\_\_\_ Date \_\_\_\_\_  
Cory Hall, Planner II/Senior Planner

\_\_\_\_\_ Date \_\_\_\_\_  
Lisa Colloredo, Chair

# City of Cocoa Beach Planning Board Agenda Item Summary

**DEPARTMENT MAKING  
REQUEST/NAME:**

Development Services /

**MEETING DATE**

April 6, 2026

## **REQUESTED MOTION/ACTION**

Ordinance 1710 - AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, RELATED TO TRAVEL AND CAR RENTAL AGENCIES, AMENDING SECTION 2, "RM-2 MULTIFAMILY PROFESSIONAL DISTRICT" AND "CT-1 OCEANFRONT RESIDENTIAL AND TRANSIENT DISTRICT" OF ARTICLE III "ESTABLISHMENT OF STANDARD ZONING DISTRICTS" OF CHAPTER II – "ZONING DISTRICTS" OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

## **IS THIS ITEM BUDGETED (IF APPLICABLE)?**

### **BACKGROUND:**

As discussed at the September 1, 2025, Planning Board meeting, attached is Ordinance 1710 amending Sec. 2-10 of city code to revise locations where a car rental facility may be located in the city. City code currently limits car rental facilities to:

- the RM-2 district as a special exception associated with a transient lodging (aka hotel/motel) facility or multifamily complex of more than 50 units; and
- the Professional-commercial opportunity overlay district as a special exception associated with a transient lodging facility of 50 units or more.
- the CT-1 district as a permitted accessory use associated with an apartment, multifamily, or transient lodging complex of fifty units or more.

The commercial sale of vehicles is prohibited in the city limits. Private sales of vehicles are only allowed on an occupied residential property of the vehicle owner.

The proposed ordinance, upon feedback from the board at its March 2, 2026, meeting, will revise eligible locations for car rental facilities by:

- deleting multifamily sites from the list of eligible locations for a travel or car rental facility in the RM-2 district.
- deleting multifamily and apartment sites from the list of eligible locations as a permitted accessory use in the CT-1 district.
- adding travel or car rental facility as a special exception in the CT-1 district.

In addition, the following revisions have been made to the proposed ordinance based on board feedback:

- Travel and car rental facilities will now be permitted/processed as a special exception in the CT-1 zoning district.
- When considering an application for a travel or car rental agency, the added criteria shall be considered:
  - The number of off-street parking spaces shall not fall below those required for the primary use.
  - Servicing or repair of vehicles is prohibited.
  - Outdoor speakers/paging systems are prohibited.
  - A separate driveway access point for the facility is prohibited.
  - Hours shall be 7 AM to 9 PM, seven days a week.
  - Signage is limited to that allowed for the overall property.

Once the board makes a recommendation, the ordinance will be presented to the commission for action.

Exhibit "A"  
Ordinance 1710  
Travel and Car Rental Agencies

**Section 2-08. - RM-2 multifamily professional district.**

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E. *Special exceptions.* After public notice and hearing and subject to appropriate conditions and safeguards, as provided in [section 4-43](#) of these regulations, the board of adjustment may permit the following as special exceptions:

1. Community residential homes, levels II and III.
2. Public and private parks, playgrounds, community centers, and recreation and cultural facilities.
3. Public and private schools, including day care nurseries and kindergartens.
4. Major public utility structures, owned, operated or supervised by the city.
5. Bed and breakfast establishment.
6. ~~Travel and car rental agency as an accessory use to a transient lodging or multifamily complex of fifty (50) or more dwelling units.~~
7. The following accessory uses, when clearly subordinate to an apartment, multifamily, or transient lodging complex of less than fifty (50) dwelling or rental units, provided the nonresidential uses are in compliance with the FAR requirements within this section:
  - a. Restaurant or bar, as defined in [section 1-20](#), when located at least one hundred (100) feet from a residentially zoned property (RS-1, RM-1), as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line. All operations shall be in compliance with the requirements of [section 2-65](#) of these LDC regulations.
  - b. Retail and professional service shops.

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**Section 2-10. - CT-1 oceanfront residential and transient district.**

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D. *Permitted accessory uses and structures.*

1. The following accessory uses, when clearly subordinate to an apartment, multifamily, or a transient lodging complex of fifty (50) or more dwelling or rental units, are permitted. Such uses may include:
  - a. Meeting/conference rooms, indoor recreation and banquet facilities.
  - b. Parking garage.
  - c. Outdoor recreation facilities.

d. Recreational equipment, rental and guided tours.

e. Outdoor poolside food and beverage service.

f. ~~Travel and car rental agencies.~~

E. *Special exceptions.* After public notice and hearing and subject to appropriate conditions and safeguards, as provided in [section 4-43](#) of these regulations, the board of adjustment may permit the following as special exceptions:

1. Churches and similar places of worship with educational buildings and recreational facilities, if located on a major street or thoroughfare.
2. Public and private schools.
3. The following uses when accessory to an apartment, multifamily or transient lodging complex of less than fifty (50) units:
  - a. Restaurant or bar, as defined in [section 1-20](#), when located at least one hundred (100) feet from a residentially zoned property (RS-1, RM-1), as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line. All operations shall be in compliance with the requirements of [section 2-65](#) of these LDC regulations.
  - b. Retail, business or professional shop.
4. Travel and car rental agencies when accessory to a transient lodging or commercial condo complex of fifty (50) or more units. When considering an application for a car rental facility, the board must consider the criteria listed below, in addition to that criteria in subsection 4-43.c.
  - a. At no time shall the minimum off-street parking spaces for the primary use fall below those required in Sec. 3-01.
  - b. Servicing or repair of vehicles is prohibited. Minor, routine interior/exterior cleaning is allowed. Should a carwash be utilized, it must be within a structure with a roof and include a water recycling system pursuant to a water recycling system plan approved by the city's public works director, which recycles and reuses at least 50 percent of wash and rinse water.
  - c. There shall be no outdoor paging and/or speaker system associated with the rental agency.
  - d. The rental facility shall not have a separate driveway/access point onto adjacent road(s).
  - e. Hours of operation shall be seven days a week, between 7 A.M. and 9:00 P.M.
  - f. Signage for the rental facility shall be limited to that which is allowed for the overall property.

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**ORDINANCE 1710**

**AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, RELATED TO TRAVEL AND CAR RENTAL AGENCIES, AMENDING SECTION 2, "RM-2 MULTIFAMILY PROFESSIONAL DISTRICT" AND "CT-1 OCEANFRONT RESIDENTIAL AND TRANSIENT DISTRICT" OF ARTICLE III "ESTABLISHMENT OF STANDARD ZONING DISTRICTS" OF CHAPTER II – "ZONING DISTRICTS" TO OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Cocoa Beach finds it necessary to periodically review and update its Code of Ordinances to ensure consistency with community goals and to reflect changing land use patterns; and

**WHEREAS**, Section 2-08 and 2-10 of Article III of Chapter II of the Cocoa Beach City Code establishes the scope, purpose, permitted principal uses and structures, permitted accessory structures and uses, special exceptions, prohibited uses and structures, density/intensity, setbacks, etc. for the RM-2 and CT-1 zoning districts respectively; and

**WHEREAS**, the City Commission desires to adopt the revised Article III to update the "Special exceptions" and "Permitted Accessory Uses and Structures" sections of the RM-2 and CT-1 zoning districts respectively; and

**WHEREAS**, the City Commission of the City of Cocoa Beach finds that the proposed code revisions to Article III provides for increased compatibility between adjacent land uses; and

**WHEREAS**, the City Commission hereby finds and declares that this ordinance is in the best interest of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CITY OF COCOA BEACH, FLORIDA**

**SECTION 1. Findings.** The City Commission of the City of Cocoa Beach finds that the above Whereas clauses are true and correct and constitute the legislative findings supporting this ordinance and set forth the justification for the adoption of this ordinance.

**SECTION 2. Enactment.** A new Ordinance in the City of Cocoa Beach is hereby created to read as set forth in the attached Exhibit "A". with underlined text added, and ~~stricken~~ test deleted.

**SECTION 3. Codification; Direction to the Code Editor.** The City's code editor is authorized to codify Exhibit "A" into the Code of Ordinances, to correct non-substantive formatting, capitalization, punctuation, and internal references, and to renumber/letter sections and parts as necessary to effectuate this ordinance, without altering the substantive meaning.

**SECTION 4. Conflicts.** All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

**SECTION 5. Severability.** If any section, sentence, clause, or other provision of this Ordinance, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding of invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, which shall remain in full force and effect.

**SECTION 6. Effective Date.** This ordinance shall take effect upon adoption.

Adopted by the City Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST

CITY OF COCOA BEACH

\_\_\_\_\_  
Karin Grooms, City Clerk

\_\_\_\_\_  
Keith Capizzi, Mayor-Commissioner

# City of Cocoa Beach Planning Board Agenda Item Summary

**DEPARTMENT MAKING  
REQUEST/NAME:**

Development Services /

**MEETING DATE**

April 6, 2026

## **REQUESTED MOTION/ACTION**

Ordinance 1714 - AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SECTION 4-43, "SPECIAL EXCEPTIONS"; AND SECTION 4-46, "AMENDMENTS TO THE ZONING MAP" OF ARTICLE I, "VARIANCE WAIVER AND SPECIAL EXCEPTION"; AND ARTICLE V, "AMENDMENTS"; OF CHAPTER IV – "LAND DEVELOPMENT PROCEDURES" RESPECTIVELY OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND an EFFECTIVE DATE.

## **IS THIS ITEM BUDGETED (IF APPLICABLE)?**

### **BACKGROUND:**

The city's citizen boards (Planning Board and Board of Adjustment) oftentimes sit in a quasi-judicial (QJ) capacity when considering certain application types such as a special exception, or a rezoning. In a QJ hearing, the board acts as a judge, and applies policy as contained in an ordinance to a specific situation.

There are rules and standards set forth in city ordinances regarding criteria that have to be met in order to get a special exception or a variance, what has to be included in a rezoning amendment, and what the standards are for reviewing these applications. The facts of a case are applied to the standards set forth in the ordinance, and the decision must be based on established guidelines and criteria. In a QJ hearing, the board must rely on competent and substantial evidence presented at the hearing. Competent in that the evidence must be from a source that is qualified to speak on the matter, and substantial in that the evidence must provide a reasonable, factual basis for a decision. Decisions cannot be based on speculation, unsupported opinions, or unsubstantiated conjecture.

After a review of the code, staff determined there does not exist an adequate set of QJ criteria and that a uniform set of standards should be developed specifically for city special exception and rezoning requests. To that end, Ordinance 1714 has been prepared to establish these criteria. The criteria will provide a framework to assist citizen boards and commission in evaluating an application to determine if it is consistent with the city's comprehensive plan and land development regulations. Importantly, the criteria will provide the city with legal safeguards, so land use decisions are consistent with applicable state and local law and should a decision be appealed and/or litigated, the city is well positioned to defend itself.



**ORDINANCE 1714**

**AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SECTION 4-43, "SPECIAL EXCEPTIONS"; AND SECTION 4-46, "AMENDMENTS TO THE ZONING MAP" OF ARTICLE I, "VARIANCE WAIVER AND SPECIAL EXCEPTION"; AND ARTICLE V, "AMENDMENTS"; OF CHAPTER IV – "LAND DEVELOPMENT PROCEDURES" RESPECTIVELY OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Cocoa Beach finds it necessary to periodically review and update its Code of Ordinances to ensure consistency with best practices and a changing legal environment; and

**WHEREAS**, Sections 4-43 and 4-46 of Articles IV, and V of Chapter IV of the Cocoa Beach City Code establishes the general procedures variances, and amendments to the zoning map respectively; and

**WHEREAS**, the City Commission desires to adopt the revised Articles IV, and V to update the "Variance Waiver and Special Exception" and "Amendments" sections of Chapter IV – "Land Development Procedures"; and

**WHEREAS**, the City Commission of the City of Cocoa Beach finds that the proposed code revisions to Article IV, and V provides for a more robust legal framework to guide decisions in quasi-judicial hearings; and

**WHEREAS**, the City Commission hereby finds and declares that this ordinance is in the best interest of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CITY OF COCOA BEACH, FLORIDA**

**SECTION 1. Findings.** The City Commission of the City of Cocoa Beach finds that the above Whereas clauses are true and correct and constitute the legislative findings supporting this ordinance and set forth the justification for the adoption of this ordinance.

**SECTION 2. Enactment.** A new Ordinance in the City of Cocoa Beach is hereby created to read as set forth in the attached Exhibit "A". with underlined text added, and ~~stricken~~ text deleted.

**SECTION 3. Codification; Direction to the Code Editor.** The City's code editor is authorized to codify Exhibit "A" into the Code of Ordinances, to correct non-substantive formatting, capitalization, punctuation, and internal references, and to renumber/letter sections and parts as necessary to effectuate this ordinance, without altering the substantive meaning.

**SECTION 4. Conflicts.** All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

**SECTION 5. Severability.** If any section, sentence, clause, or other provision of this Ordinance, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding of invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, which shall remain in full force and effect.

**SECTION 6. Effective Date.** This ordinance shall take effect upon adoption.

Adopted by the City Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST

CITY OF COCOA BEACH

\_\_\_\_\_  
Karin Grooms, City Clerk

\_\_\_\_\_  
Keith Capizzi, Mayor-Commissioner

Exhibit "A"  
Review Criteria  
Ordinance 1714

**Section 4-43. - Special exceptions.**

- A. A special exception is the use of a property which is not permitted "by right" but is only granted after approval by the board of adjustment when the use is listed as an allowable special exception use within the applicable zoning district; when the use has been determined to be compatible with the permitted uses on a property in a specific zoning district; and when the use 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.
- B. The board of adjustment shall hear and vote on only such special exceptions as they are specifically authorized to consider by the terms of these LDC regulations.
- C. A request for a special exception shall only be considered when a sufficient application, including required fees, has been submitted.
- D. The applicant shall provide sufficient information to clearly illustrate that the request for a special exception is in harmony with the purpose and intent of the LDC regulations, and the granting of the request will not adversely affect the public interest. In addition, the Board shall consider the following criteria when evaluating a special exception request:
  - 1. Whether the applicant has demonstrated the request, including its proposed density, height, scale and intensity, hours of operation, building and lighting design, setbacks, buffers, noise, refuse, odor, particulates, smoke, fumes and other emissions, parking and traffic-generating characteristics, number of persons anticipated using, residing or working under the plan, and other off-site impacts, is compatible and harmonious with adjacent land uses, and will not adversely impact land use activities in the immediate vicinity.
  - 2. Whether the proposed special exception will have an adverse impact on the local economy, including governmental fiscal impact, employment, and property values.
  - 3. Whether the proposed special exception will have an adverse impact on the natural environment, including air, water, and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards.
  - 4. Whether the proposed special exception will have an adverse impact on public services, including water, sewer, stormwater and surface water management, police, fire, parks and recreation, streets, public transportation, marina and waterways, and bicycle and pedestrian facilities.
  - 5. Whether the special exception and any related applicable traffic report provided by the applicant, details safe and efficient means of ingress and egress into and out of the neighborhood and adequately addresses the impact of projected traffic on the

immediate neighborhood, traffic circulation pattern for the neighborhood, and traffic flow through immediate intersections and arterials.

6. Whether the proposed special exception will have an adverse impact on housing and social conditions, including variety of housing unit types and prices, and neighborhood quality.
  7. Whether the proposed special exception avoids significant adverse odor, emission, noise, glare, and vibration impacts on adjacent and surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements.
  8. Whether the applicant has demonstrated that the special exception has been designed to incorporate mitigative techniques and plans needed to prevent adverse impacts addressed in the criteria stated herein or to adjacent and surrounding uses and properties.
- E. After receipt of a sufficient application, the request must be scheduled for public hearing in accordance with the requirements of [section 4-44](#).
  - F. In deciding the request for a special exception, the board may approve the request, approve the request with conditions, or deny the request.
  - G. All approved special exceptions shall remain in effect unless and until the structure or use is changed, discontinued, or abandoned for six (6) consecutive months or for eighteen (18) months during a three-year period, except when such is caused by natural disaster or declared emergency. Future uses of the property shall be in compliance with zoning regulations and the special exception is no longer valid.
  - H. Should the board of adjustment deny a case for a special exception, it shall not consider any further petition for the same case, on the same property, for a period of one (1) year from the date of denial. However, if substantive new evidence is supplied by the petitioner, the administrator is authorized to determine that such evidence warrants an early reapplication, and thereby waive the one-year period. Such substantive evidence shall include a significant change in the proposed size, density or use, or new evidence is brought to light.
  - I. Any person aggrieved by the decision of the board of adjustment may seek judicial review of such decision, in the form prescribed by the Florida Appellate Rules, in the circuit court within thirty (30) days of the decision being appealed. The decision of the board of adjustment shall be considered the final administrative action and shall be subject to review based only upon the record established at the hearing before the board of adjustment.
  - J. Within the Towncenter redevelopment district, the owner of a property subject to an approved special exception currently in effect may apply to the board of adjustment for a modification to the conditions of such special exception, notwithstanding the fact that such use is no longer currently allowed by special exception.

**Section 4-46. - Amendments to the zoning map.**

- A. All proposed amendments to the zoning map designation of one (1) or more parcels shall be adopted in compliance with the requirements of this section.
- B. Citizen requests for amendments to the zoning map shall require submittal of an application, supporting documentation and required fees prior to review.
- C. Any request to amend the zoning map shall consider whether or not the change is in compliance with the City Charter, Comprehensive Plan, Code of Ordinances and FSS.
- D. All requests must consider whether or not the ~~proposal is consistent with the densities, intensities and general uses within the area; whether the change will be compatible with existing or planned uses for surrounding properties; and whether or not the change will place an undue burden on utilities, transportation or emergency services.~~ proposed amendment:
  - 1. Demonstrates the request, including its proposed density, height, scale and intensity, hours of operation, building and lighting design, setbacks, buffers, noise, refuse, odor, particulates, smoke, fumes and other emissions, parking and traffic-generating characteristics, number of persons anticipated using, residing or working under the plan, and other off-site impacts, is compatible and harmonious with adjacent land uses, and will not adversely impact land use activities in the immediate vicinity.
  - 2. Will have an adverse impact on the local economy, including governmental fiscal impact, employment, and property values.
  - 3. Will have an adverse impact on the natural environment, including air, water, and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards.
  - 4. Will have an adverse impact on public services, including water, sewer, stormwater and surface water management, police, fire, parks and recreation, streets, public transportation, marina and waterways, and bicycle and pedestrian facilities.
  - 5. Demonstrates the proposed amendment and any related applicable traffic report provided by the applicant, details safe and efficient means of ingress and egress into and out of the property and adequately addresses the impact of projected traffic on the immediate area, traffic circulation pattern for the area, and traffic flow through immediate intersections and arterials.
  - 6. Demonstrates the proposed amendment will not have an adverse impact on housing and social conditions, including variety of housing unit types and prices, and neighborhood quality.
  - 7. Demonstrates the proposed amendment avoids significant adverse odor, emission, noise, glare, and vibration impacts on adjacent and surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements.

8. Whether the applicant has demonstrated the amendment has been designed to incorporate mitigative techniques and plans needed to prevent adverse impacts addressed in the criteria stated herein or to adjacent and surrounding uses and properties.
- E. Any proposed amendment shall be reviewed by the planning board at one (1) or more publicly noticed public hearings. The board shall make a recommendation to the city commission regarding the proposal.
- F. Adoption of any amendments to the zoning map designation by the city commission shall be by ordinance, which requires two (2) public hearings noticed and advertised in accordance with F.S. Section 166.041.
- G. Adoption of an amendment to the zoning map shall be by ordinance.