

RESOLUTION NO. 2024-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A REVISED FEE SCHEDULE FOR PLANNING AND ZONING RELATED APPLICATIONS; PROVIDING FOR A REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under its broad exercise of home rule powers established by Section 2(b), Article VIII, of the Florida Constitution, and Section 166.021, Florida Statutes, the City Council of the City of Cocoa, Florida, is authorized to establish fee schedules; and

WHEREAS, the City Council has express statutory authority to establish appropriate user charges and fees which are necessary for the conduct of municipal government pursuant to Section 166.201, Florida Statutes; and

WHEREAS, in Resolutions No. 2022-102 and 2023-052 the City Council previously adopted a schedule of fees, charges, and expenses for planning and zoning related applications; and

WHEREAS, the City Council desires to update the previously established schedule of fees, charges, and expenses for planning and zoning related applications via this Resolution; and

WHEREAS, the fees established in this Resolution are necessary to assist the City in defraying a portion of the costs and administrative expenses incurred by the City in the administration and enforcement of planning and zoning regulations; and

WHEREAS, the City Council deems this Resolution to be in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COCOA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are hereby incorporated as a material part of this Resolution.

Section 2. Adoption of Fee Schedule. The City Council of the City of Cocoa hereby approves and adopts the City of Cocoa Planning and Zoning Fee Schedule, which is attached hereto as **Exhibit “A”** and fully incorporated herein by this reference.

Section 3. Repeal of Prior Inconsistent Resolutions. All prior inconsistent resolutions or parts of prior resolutions inconsistent with this Resolution are hereby repealed to the extent of the conflict.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this Resolution and/or Exhibit “A” is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on this _____ day of _____, 2024.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, City Clerk

Exhibit A

CITY OF COCOA PLANNING AND ZONING FEE SCHEDULE

Updated August 2024

Fee Schedule

Board of Adjustment	
Special Exception	\$850 + Ad fees
Variance – Single or Two-Family Residence	\$250 + \$100 per additional item + Ad fees
Variance – All other	\$500 + \$100 per additional item + Ad fees
Variance - Administrative	\$100/each item
Waiver – Single or Two-Family Residence	\$250 + \$100 per additional item + Ad fees
Waiver – All other	\$500 + \$100 per additional item + Ad fees
Waiver - Administrative	\$100/each item

Comprehensive Plan Amendment	
Small-Scale Map Amendment	\$1550 + Ad fees
Large-Scale Map (Incl Text Amendment if applicable)	\$2100 + \$6/acre + Ad fees
Text Amendment Only	\$850 + Ad fees
Development of Regional Impact	\$2100 + \$6/acre fees and costs allowed by State law + Ad fees
Development Agreement	\$1550 + Ad fees
Development agreement Modification	\$775 + Ad fees

Zoning Amendments	
Zoning Text Amendment	\$1250 + Ad fees
Zoning Map Amendment (Rezoning)	\$1250 + \$6 per acre + \$6 Per lot per du + Ad fees

Planned Unit Development	
Preliminary	\$2000 + \$25/lot
Final	Final subdivision plat + Zoning Map Amendment

Site Plan	
Less than one Acre and Minor Amendment for all site plans	\$1500
Over one acre	\$1500 + \$50 for each additional acre

Subdivision	
Preliminary Plat	\$2000 + \$25/lot
Final Plat	\$1500 + \$25/lot
Recording	Actual recording fees + \$50

Miscellaneous	
Sidewalk Café	\$25
Dog-Friendly Dining Area	\$25
Zoning Confirmation Letter	\$150 + special service charges for public records requests pursuant to public records policy
Tree removal (if not part of a site plan)	\$15/tree or \$200/acre except that oak tree removal from the right of way is \$100 per oak tree
Telecommunications Towers and Antennae	\$1500
Vacation (right-of-way, easement)	\$1500 + Ad Fees
Lot Splits Residential (single-family)	\$500 + Ad Fees
Lot Splits multifamily and non-residential	\$1250 + Ad Fees
Appeal of Board of Adjustment or Planning and Zoning Board Decision to City Council	\$850 + Ad fees
Appeal of Administrative Decision to Board of Adjustment or Planning and Zoning Board	\$850 + Ad fees
Pre-application Meeting	\$250
Concurrent Review (Any 2 Development Orders within the same approval period)	\$500
Specialist Third Party Reviews	As Needed
Voluntary Annexation	\$1250 + \$6 per acre + Comprehensive Plan (large or small scale) + Zoning Map Amendment + Ad Fees
Community Development District (CDD)	\$15,000.00 or as provided in Florida Statutes Section 190.005.

***The City of Cocoa shall reserve the right to utilize a third party consultant for review of all of or a portion of any application related to the items listed in the Fee Schedule including, but not limited to, reviews requiring technical assistance on certain projects or extensive expertise in the subject matter. The applicant will be responsible for the application fee listed for that specific task and the additional costs associated with the third party consultant's review.** An estimate of the third party consultant's fees will be provided to the applicant and paid prior to commencement of the review by the consultant. If the estimate related to the task is exceeded due to unforeseen complexity related to the review or additional reviews beyond the number of reviews detailed in the estimate necessitated by changes to the application, the applicant will be responsible for the additional costs. Pursuant to City of Cocoa Code of Ordinances Article XXI.- Schedule of Fees, Charges and Expenses. (Ord. No. 10-84, § 1, 4-10-84; Ord. No. 56-03, § 1, 11-11-03).

* The actual costs of legal advertising and public mail notice shall be in addition to the fees listed above. (Ord. No. 56-03, § 1, 11-11-03).

* All applicable fees, charges and expenses shall be paid in full to the City prior to commencement of staff review of the application, or further public notices, petition, appeal, hearing, meeting, permit issuance, or certificate of occupancy issuance. (Ord. No. 56-03, § 1, 11-11-03).

* Application fee refunds shall be as follows for planning and zoning board or board of adjustment items:

- (1) If withdrawn prior to submission of legal advertisement to the newspaper, one-half ($\frac{1}{2}$) the original required fee shall be returned.
- (2) If withdrawn after legal advertisement and prior to public hearing, one-fourth ($\frac{1}{4}$) the original fee shall be returned.
- (3) If withdrawn at public hearing, there shall be no refund.

* Applications tabled by the planning and zoning board or the board of adjustment shall remit fees as follows:

- (1) Applications tabled where such is the result of the applicant's request, error, or failure to appear or be represented, the applicant shall remit one-half ($\frac{1}{2}$) the original required application fee for the purpose of rehearing the applicant's request.
- (2) Applications tabled by the planning and zoning board or the board of adjustment due to no fault of the applicant, no fee shall be required.

* Any property owner who is proposing to develop or redevelop a residential, commercial or industrial project may request a waiver of all or part of the fees less legal costs. Qualifying residential projects shall be limited to the development or redevelopment of residential subdivisions. Such request shall be in writing and submitted to the city manager or designee prior to the issuance of any approval. In consideration of the waiver of such fees the developer must agree to provide a project which exceeds the minimum requirements provided within the city's zoning code, including, but not limited to setbacks, landscaping, and visual screening, and provide structures with enhanced architectural facades and treatments. Such agreements shall be outlined in a development agreement between the developer and the City of Cocoa. Each request for waiver and corresponding development agreement shall not be effective until approved by the city council.