

**ORDINANCE NO. 06-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 18, *SUBDIVISIONS*, OF THE CODE OF THE CITY OF COCOA TO CREATE A NEW ARTICLE VII, *LOT SPLITS AND BOUNDARY LINE ADJUSTMENTS*, AND TO MAKE CERTAIN OTHER AMENDMENTS TO CHAPTER 18, OF THE CODE AS MAY BE NECESSARY TO EFFECTUATE THE NEW ARTICLE VII; PROVIDING FOR AMENDMENTS TO THE CITY'S SUBDIVISION APPLICATION REQUIREMENTS AND PROCESSING PROCEDURES FOR BOTH PRELIMINARY AND FINAL PLATS; ALTERING THE REQUIREMENTS FOR POSTING SECURITY TO ENSURE COMPLETION OF PUBLIC IMPROVEMENTS PRIOR TO FINAL PLAT APPROVAL; AMENDING THE PROCESSING PROCEDURES FOR SITE PLANS PROCESSED CONCURRENTLY WITH PLAT APPLICATIONS AND REQUIRING APPROVAL OF THE CITY COUNCIL ON SUCH SITE PLANS; ELIMINATING SPECIFIC PROCEDURES FOR THE CREATION OF FLAG LOTS WITHIN THE CITY OF COCOA; CHANGING REFERENCES TO THE COMMUNITY DEVELOPMENT DIRECTOR TO THE CITY MANAGER OR DESIGNEE IN THE CODE RELATED TO SUBDIVISION AND SITE PLAN APPLICATION PROCESSING; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Cocoa is granted authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Chapter 18, *Subdivisions*, governs all subdivisions of land within the corporate limits of the City of Cocoa; and

**WHEREAS**, Chapter 177 of the Florida Statutes requires a plat to be approved and recorded only for all subdivisions of land where a parcel is divided into three or more lots; and

**WHEREAS**, the City desires to create an efficient "lot split" procedure for the division of a previously platted or otherwise legally recorded lot or tract of land which results in the creation of exactly one (1) additional lot or tract of land rather than require plat approval as is currently required by the City Code; and

**WHEREAS**, the City also desires to create an efficient "boundary line adjustment" procedure for the adjustment of a lot line between contiguous lots or parcels; and

**WHEREAS**, the City will make other changes to Chapter 18 to effectuate the new lot split and boundary line adjustment procedures, which will ensure the convenient and efficient division of lands in the City and ensure that any future divisions of land in the City of Cocoa will be reviewed by City staff or applicable boards to confirm that resulting lots are consistent with City Code and Comprehensive Plan requirements; and

**WHEREAS**, the City Council desires to update plat application requirements and platting procedures in the City of Cocoa to require certain documents with plat applications, public notice of hearings is adequately provided, and to ensure that the performance and construction of public improvements associated with a subdivision is adequately secured; and

**WHEREAS**, the City Council concludes that site plans and final engineering plans or drawings processed concurrently with plat applications should be heard and determined by the City Council rather than two different boards as is currently the City's practice; and

**WHEREAS**, a separate process for flag lot creation is no longer necessary now that lot split and subdivision processes have been updated; and

**WHEREAS**, the City Council of the City of Cocoa, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of the City of Cocoa.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COCOA HEREBY ORDAINS, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings of the City Council of the City of Cocoa.

**Section 2. Text Amendment.** The City of Cocoa Code of Ordinances, Chapter 18 is hereby amended as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Chapter 18. It is intended that the text in Chapter 18 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to this Ordinance):

\* \* \*

## **Chapter 18 – SUBDIVISIONS**

\* \* \*

### **ARTICLE I. – IN GENERAL**

#### **Section 18-3. – Scope of Regulations.**

The regulations herein shall govern all subdivisions of land within the corporate limits of the city as now or hereafter established, except, however, that no requirements hereunder shall be so applied as to result in retroactive legislation.

**Section 18-4. - Purpose and intent.**

The purpose of this chapter is to establish procedures and standards for the development and subdivision of real estate within the corporate limits of the city in an effort to, among other things, insure proper legal description, identification, monumentation and recording of real estate boundaries; further orderly layout and appropriate use of land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which drain properly and are readily accessible to emergency vehicles; assure the installation of improvements; help conserve and protect the physical and economic resources of the city; and assure that land is developed in conformity with the land development plan of the city.

**Section 18-5. - Council declared platting and division of land authority; approval prerequisite to recordation.**

The city council shall be the official platting authority, and no plat of a land subdivision within the corporate limits of the city shall be entitled to record in the office of the clerk of the circuit court of Brevard County unless it shall have the approval of the city council inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the city council as required by this chapter is declared to be a ~~misdemeanor~~ unlawful. Further, the city council shall be the official authority regarding the division of land, and no division of land within the corporate limits of the city shall be entitled to record in the office of the clerk of the circuit court of Brevard County unless it shall have the approval of the city council inscribed thereon. The filing or recording of any instrument effectuating a boundary line adjustment or lot split without the approval of the city council or City Manager or designee as required by this chapter after June 1, 2024 is declared to be unlawful. Divisions of land, plats and lots splits and boundary line adjustments deemed unlawful under this chapter shall not be recognized by the city, and the city will not consider the issuance of a development permit for such land. The foregoing restriction on the issuance of development permits shall not apply to divisions of land or adjustments of boundary lines completed prior to June 1, 2024 that were exempt from the requirement to obtain approval of a subdivision plat as formerly provided by this Chapter.

**Section 18-6. Reference to unapproved, unrecorded plat prohibited.**

The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision, or any instrument effectuating a lot split or boundary line adjustment, that has not been given final approval by the city council or City Manager or designee as provided in this Chapter and recorded in the office of the clerk of the circuit court of Brevard County is prohibited.

**Section 18-7. – Definitions.**

For the purpose of this chapter, certain words or terms used herein are defined as follows:

\* \* \*

Boundary line adjustment. An adjustment of a boundary line between contiguous lots or parcels, which may be platted or unplatted and which are under separate ownership or the same ownership, where such adjustment does not create any additional lots.

\* \* \*

Lot split shall mean a division of a lot or tract of land which will result in the creation of exactly one (1) additional lot or tract of land, provided the lot or tract of land to be split is a lawfully previously platted lot or legal description of record which is recognized by the city for development permit purposes under this Chapter.

\* \* \*

Subdivision includes all divisions of a tract or parcel of land into ~~two (2)~~ three (3) or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sales or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; ~~provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this chapter.~~

- ~~(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as required by the city zoning ordinance.~~
- ~~(2) The division of land into parcels greater than five (5) acres where no street right-of-way dedication is involved.~~
- ~~(3) The public acquisition of strips of land for the widening or opening of streets.~~
- ~~(4) The division of a tract of land in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street right of way dedication is involved, and where the resultant lots are equal to or exceed the standards of the city as required by the city zoning ordinance.~~

**Sec. 18-8. Modification of requirements for large scale developments. Reserved.**

~~The requirements of this chapter may be modified in the case of a large scale community or neighborhood unit, such as a housing project or shopping center which is not subdivided into customary lots, blocks and streets, if the development is approved by the planning board and if it is in conformity with the purpose and intent of this chapter.~~

**Sec. 18-9. – ~~Exceptions and modifications.~~ Reserved.**

- ~~(a) The standards and requirements of this chapter may be modified by the city council upon recommendation of the planning board in the case of a plan or program for a complete group development, which, in the judgment of the board, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. The provision is intended to encourage innovations in housing types and subdivision design.~~
- ~~(b) A proposed subdivision consisting of primarily lots which are flag lots or similarly shaped lots conforming to RR-1 zoning district and having a joint use access so that each lot has direct access to a previously existing public roadway and consisting of fifty (50) lots or less may be exempt from the provisions of this chapter if the city council upon recommendation of the planning board determines that the proposed subdivision would otherwise insure proper legal description, identification, monumentation and recording of real estate boundaries; provide an orderly layout and appropriate use of land; provide safe, convenient, and economic circulation of traffic; provide suitable building sites which drain properly; assure the installation of improvements; and assure that the land is developed in conformity with the land development plan of the city.~~

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**ARTICLE II. – PLATS AND PLATTING PROCEDURES**

**Sec. 18-23. ~~Preapplication submission of plan required.~~ Reserved.**

~~Prior to filing an application for conditional approval of the preliminary plan, the subdivider shall submit plans and data to the planning board through the city manager at least seven (7) days prior to the meeting at which it is to be considered. This step does not require formal application fee, or filing of any plat.~~

**Sec. 18-24. ~~Contents of preapplication submission~~ Pre-application Meetings.**

It is recommended that those desiring to submit an application for a subdivision meet with the community development department prior to submitting the application. No person may rely upon any comment made by any participant at the pre-application conference as a representation or implication that the application will be ultimately approved or rejected in any form. The pre-application submission shall should include the following:

- ~~(A) General subdivision information shall include the following:~~
- ~~(1) Data on the existing site conditions, such as physical characteristics, adjacent community facilities and public utilities.~~

- (2) Description of the proposed subdivision, including the proposed number of lots, average lot width and depth, building types and sizes, community facilities, street and drainage improvements.
- (3) Topographic map at a scale no smaller than one hundred (100) feet to one (1) inch, showing items (a-1) and (b-2) in sketch form.

~~(B) Location map shall be provided by the city to the subdivider at cost. The map shall be a copy of the community's future land development plan which shall be altered by such subdivider to show the relationship of the proposed subdivision to existing or proposed community facilities which will serve or influence it.~~

**Sec. 18-25. Action on preapplication submission. Reserved.**

~~Within seven (7) days following the planning board meeting at which the preapplication was submitted, the planning board shall inform the subdivider that the plans and data as submitted or as modified meet or do not meet the objectives of these regulations. When the planning board finds that the plans and data do not meet the provisions herein specified, it shall informally negotiate with the subdivider on changes deemed advisable to achieve the objectives of this chapter.~~

**Sec. 18-26. Application for preliminary plan approval required. Reserved.**

~~Following the preapplication review of a proposed subdivision, the subdivider shall submit the following to the city manager at least fifteen (15) days prior to the meeting of the planning board at which such plan is to be considered:~~

- ~~(A) A letter requesting review of a preliminary plan by the planning board and approval of the preliminary plan by the city council.~~
- ~~(B) Five (5) black or blue line prints of the proposed subdivision prepared in accordance with the submission requirements.~~
- ~~(C) When a preliminary plan is submitted for a subdivision, a fee of one hundred dollars (\$100.00) shall accompany the proper exhibits for the purpose of administration and inspection, and is to be deposited in the general fund.~~
- ~~(D) The city manager shall submit one (1) copy of the plan to the city engineer, the utility administrator and such other public officials or agencies for their approval and comments. These department heads shall submit their comments in writing to the city manager prior to the planning board meeting at which such plan is to be reviewed.~~

**Sec. 18-27. Submission requirements for preliminary plan plat and final engineering drawings.**

No improvements, including clearing and grading, shall be undertaken until final engineering drawings for the subdivision, or unit division thereof, have been submitted to and approved by the City Council. Accordingly, the preliminary plat application shall be accompanied by and processed concurrently with final engineering drawings for the development, as well as a site plan if the specific plan of development is known for each lot to be created, at the time of preliminary

plat application submission, unless final engineering drawings and/or a site plan was previously approved by the City for the property or adequate means of providing ingress and egress, utilities, and drainage have been or may be provided as determined by the City Manager or designee. Final engineering drawings and site plans shall be processed in accordance with Appendix A, Zoning, Article XIII, Section 1 of the Zoning Ordinance of the City. The preliminary ~~plan~~-plat and final engineering drawing submission shall include the following:

- (A) A preliminary ~~plan~~ plat drawn at a scale no smaller than one hundred (100) feet to one (1) inch by a registered surveyor or professional engineer showing graphically or by notes:
  - (1) Name of the proposed development.
  - (2) Name or names of the developers.
  - (3) Boundaries of tract shown with bearings, distances, closures and bulkhead lines.
  - (4) Site data:
    - (a) Name of owner, surveyor and engineer or land planner.
    - (b) Acreage in total tract; acreage in public or other land usage; average lot size; total number of lots.
    - (c) Names of adjoining subdivisions.
    - (d) The existing zoning classification, both on the land to be subdivided and on adjoining lands.
    - (e) Proposed streets, street names, rights-of-way, pavement widths and approximate grades.
    - (f) Proposed lot lines, lot and block numbers and approximate dimensions.
    - (g) Proposed parks, school sites or other public open spaces.
    - (h) Location, and classification of canals and waterways.
    - (i) Existing ground surfaces and proposed elevation of subdivision.
    - (j) Typical cross-sections of proposed grading, roadways and sidewalks.
    - (k) Type of pavement.
    - (l) Engineering drawings of the following utility systems and improvements:
      - 1. Water
      - 2. Sanitary sewer
      - 3. Storm sewer
      - 4. Bulkheads
      - 5. Sidewalks
      - 6. Streets

- (5) Proposed land uses other than public or single family.
  - (6) A topographic data map drawn at a scale no smaller than one hundred (100) feet to one (1) inch by a registered surveyor showing:
    - (a) The location of existing and platted property lines, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city limit lines and any public utility easements.
    - (b) Wooded areas, streams, lakes, marshes and any other physical conditions affecting the site.
    - (c) Contours based on U.S. coast and geodetic datum with a contour interval of one (1) foot.
  - (7) Proposed number and location of street lighting fixtures.
  - (8) Landscaping plan and tree removal and/or land clearing application in accordance with Appendix A, Zoning, Article XIII, Section 22.
  - (9) Title opinion: A title opinion from an attorney or a property information report that is prepared within the preceding sixty (60) days showing the status of the title to the site encompassed by the preliminary plat and all mortgages, liens, encumbrances and defects, if any.
  - (10) For Planned Unit Developments, the setbacks and building setback from the perimeter of the Planned Unit Development.
- (B) Vicinity map showing relationship between subdivision and surrounding area.

**Sec. 18-28. Action on preliminary ~~plan~~ plat by planning and zoning board.**

- (A) Following public notice as provided in this Section, the ~~The~~ planning and zoning board shall review the preliminary ~~plan~~ plat to determine its conformity with the land development plan and these regulations. Upon completing its review, the planning and zoning board shall recommend to the city council the approval, approval subject to conditions, or denial of the preliminary ~~plan~~ plat. In recommending approval subject to conditions or in recommending denial, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of the chapter with which the preliminary ~~plan~~ plat does not comply. The subdivider shall be notified in writing of the action taken.
- (B) Should the planning and zoning board fail to act on the proposed subdivision within thirty (30) days after its first appearance on the agenda of the planning and zoning board, the subdivider may seek preliminary ~~plan~~ plat approval at the next regularly scheduled meeting of the city council by notifying the city manager in writing and requesting to be placed on the council agenda.
- (C) In addition to any notice requirements provided by state law, all public hearings on a preliminary plat and any accompanying final engineering or site plan shall be publicly noticed for at least ten (10) calendar days prior to any required planning and zoning board hearing



and such notice shall also include the date and time of the City Council hearing on the same. Said notice shall include the address of or an identification of the subject property, matter to be considered and the time, date and place of the hearing. The notice shall be posted in the following manner:

- (1) Posting the affected property on a sign form provided by the city.
- (2) Posting at city hall and on the City's website.
- (3) Notifying, by U.S. mail, all owners of real property adjacent to and within approximately five hundred (500) feet of the subject property based on the information contained in the property appraiser's or similar property database. In addition, all neighborhood homeowner's associations registered with the city and located within one-half-mile of the property shall likewise be provided notice by U.S. mail. Such mailings are a courtesy notice. Failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder.

Said notices and mailing shall only be required for the initial public hearing and shall not be required for hearings that are continued to a date certain by the planning and zoning board or city council.

**Sec. 18-29. Action on preliminary ~~plan~~ plat by city council.**

- (A) *Time.* The city council shall approve or disapprove the preliminary ~~plan~~ plat:
- (1) Within thirty (30) days after its receipt of the recommendation of the planning and zoning board, or,
  - (2) Within thirty (30) days after being placed on the agenda of the city council if the planning board failed to act on the proposed subdivision within the required time.
- (B) *Effect of Approval.* Approval of the preliminary ~~plan~~ plat shall not be construed as authority for filing of the ~~plan~~ plat with the clerk of the circuit court of Brevard County, nor as authority for the sale of lots in reference thereto. Approval of the preliminary ~~plan~~ plat authorizes the subdivider to install all required improvements in accordance with the approved plans and specifications. All work shall be inspected and approved by the city engineer. No improvements, including clearing and grading, shall be undertaken until final engineering drawings or site plan for the subdivision, or unit division thereof, have been submitted to and approved by the City Council.

**Sec. 18-30. Application for final plat approval required.**

- (A) After the preliminary ~~plan~~ plat of a proposed land subdivision has been approved by the city council, the subdivider may, within one (1) year of the date of the preliminary ~~plan~~ plat approval submit to the city manager:
- (1) A letter requesting approval of the final plat by the city council.
  - (2) An original linen tracing drawn in India ink, one (1) reproducible copy and five (5) black or blue-line prints of the final plat.

- (B) Failure to apply for final plat approval within one (1) year shall cause the preliminary ~~plan~~ plat approval to cease and become void. A time extension may be granted by the city council upon written request by the subdivider. The final plat shall be properly signed and executed by the subdivider and his agents as required for recording by the clerk of the circuit court of Brevard County.
- (C) At the time the final plat is submitted to the city for approval, the plat shall be accompanied by ~~a certificate of ownership from a recognized abstractor or licensed Florida attorney, stating who are the owners of and mortgagees of the property covered by the plat and a certificate from the county tax collector that all taxes which have become due and payable for the current period have been paid in full~~ a title opinion from an attorney or a property information report that is prepared within the preceding thirty (30) days showing the status of the title to the site encompassed by the final plat and all mortgages, liens, encumbrances and defects, if any.
- (D) A certificate on the plat signed by the owner or owners and mortgagees, if any, stating that they agree to the preparation of the plat and dedicate the rights-of-way, easements and other public lands shown on the plat for public use shall be submitted.

**Sec. 18-31. Submission requirements for final plat.**

- (A) *Plat.* The final plat shall be twenty-four (24) by thirty (30) inches in size and shall be drawn on linen with India ink at the scale no smaller than one hundred (100) feet to the inch meeting all the platting requirements of Florida Statutes, and shall conform substantially to the preliminary ~~plan~~ plat as approved. The final plat shall constitute only that portion of the approved preliminary ~~plan~~ plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this chapter. The final plat shall be prepared by a registered Florida surveyor and shall show the following information:
  - (1) Title, date, name and description of the subdivision and graphic scale.
  - (2) Name of the subdivider and registered surveyor.
  - (3) The lines and names of all streets and roads.
  - (4) Lot lines and lot and block numbers.
  - (5) Location, right-of-way and classification of canals and waterways.
  - (6) Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
  - (7) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line whether curved or straight and including a north point.
  - (8) The radius, central angle, point of tangent, and arcs and chords of all curved streets and curved property lines.
  - (9) All dimensions should be to the nearest one-hundredths (100ths) of a foot and angles to the nearest second.

- (10) A legal description of the subdivision boundaries with bearings and distances.
  - (11) Accurate location and descriptions of all monuments and markers.
  - (12) The names and locations of adjoining subdivisions, streets and unsubdivided property.
  - (13) Title opinion: A title opinion from an attorney or a property information report that is prepared within the preceding thirty (30) days showing the status of the title to the site encompassed by the final plat and all mortgages, liens, encumbrances and defects, if any. The City may request an update of the title opinion or property information report prior to recording of the final plat.
- (B) *Improvement and maintenance security.* ~~Prior to the acceptance of required improvements by the city, a maintenance warranty bond in the amount of ten percent (10%) of the construction cost estimation of all such improvements shall be filed with the city.~~

(1) For final plat applications filed after June 1, 2024, where ~~Where~~ the required public improvements have not been substantially completed prior to the submission of the final plat, the approval of such plat shall be subject to the subdivider guaranteeing the installation of such public improvements through one (1) of the following methods:

~~(a1)~~ Filing a ~~performance or surety bond~~ letter of credit in the amount of one hundred ten percent (110%) of the construction cost estimation of any unfinished portion of the required improvements and in a form acceptable to the City Attorney, which shall be presentable and payable to the City should the public improvements not be completed within two (2) years of final plat approval.

~~(b2)~~ Depositing or placing in escrow a certified check, cash or other acceptable ~~pledge or~~ security as determined by the City Attorney, in the amount of one hundred ten percent (110%) of the construction cost estimation of any unfinished portion of the required improvements, which shall be subject to the City's use should the public improvements not be completed within two (2) years of final plat approval.

In addition, should the subdivider request approval of the final plat prior to substantial completion of all improvements, including both public and private improvements, the subdivider shall be required to place the following advisory notice on the first page of the plat, underneath the signature block for the City's mayor, in at least 12-point boldfaced type:

**ADVISORY: At the request of the Owner, this final plat has been approved prior to the installation and completion of the subdivision improvements, which may include roads, curbs, gutters, sidewalks, utility lines, stormwater drainage improvements, and recreational amenities.**

(2) Where the required public improvements have been substantially completed prior to the submission of the final plat, approval of such plat shall be subject to the subdivider guaranteeing the installation of such public improvements through one (1) of the methods described above in subsection (1) or by filing a performance surety bond in the amount of one hundred ten percent (110%) of the construction cost estimation of any unfinished portion of the required improvements and in a form acceptable to the City Attorney

(3) Prior to the acceptance of required public improvements by the city, a maintenance warranty bond in the amount of ten percent (10%) of the construction cost estimation of all such improvements shall be filed with the city. Such bond shall be for a one (1) year period of time commencing at the date of the city's acceptance, and shall cover all public improvements installed by the subdivider.

(C) *Private Covenants.* All land designated on the final plat as common open space, except public rights-of-way, including green(s) and all structures, roads and permitted drives, stormwater drainage facilities, and recreational amenities devoted to the common use of the inhabitants of this district shall be owned and maintained either by a property homeowners' association, a special taxing district, community development district, or a similar entity. In the case of a homeowners' association, the ownership shall be subject to mandatory covenants providing for the maintenance of the common facilities in a manner that assures its continuing use for its intended purpose. The subdivider shall submit evidence of the lawful formation of a homeowner's association or other ownership entity to be reviewed and approved by the city attorney for legal sufficiency prior to the final plat being scheduled for review by the city council. The final plat shall not be given full force and effect unless and until the declaration of restrictive covenants is provided to the city by the subdivider, has been reviewed and approved by the city attorney for legal sufficiency, and recorded in the public records of Brevard County.

#### **Sec. 18-32. Review of final plat by manager.**

Before acting on the final plat the city manager shall receive a written report from the city engineer certifying compliance with, or noting deviations from, the approved preliminary ~~plan~~ plat and the requirements of this chapter. The city manager shall recommend to the city council approval or disapproval of the final plat. In recommending denial, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of the chapter with which the final plat does not comply. The subdivider shall be notified in writing of the action taken.

#### **Sec. 18-33. Action on final plat by council.**

- (A) Following public notice as provided in this Section, the ~~The~~ city council shall approve or disapprove the final plat within thirty (30) days after receiving the recommendation of the city manager.
- (B) Approval by the city council shall be noted on the original linen tracing, the reproducible copy and on the five (5) prints of the final plat. One (1) reproducible copy and five (5) prints will be retained by the city for administrative records.
- (C) In addition to any notice requirements provided by state law, all public hearings on a final plat shall be publicly noticed for at least ten (10) calendar days prior to the City Council hearing. Said notice shall include the address of or an identification of the subject property, matter to be considered and the time, date and place of the hearing. The notice shall be posted in the following manner:

- (1) Posting the affected property on a sign form provided by the city.
- (2) Posting at city hall and on the City's website.
- (3) Published in a newspaper of regular circulation within the City of Cocoa.

**Sec. 18-34. Recording of the final plat.**

Within thirty (30) days after the final plat has been approved by the city council, it shall have been recorded with the clerk of the Circuit Court of Brevard County by the city clerk. The subdivider shall be responsible for payment of the actual cost of recordation plus twenty-five dollars (\$25.00). All cost will be payable to the city clerk and building permits shall not be issued until payment is received.

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**ARTICLE IV. – IMPROVEMENTS**

**Sec. 18-103. Installation or security prerequisite to plat approval; inspection, approval.**

Approval of the final plat shall be subject to the subdivider having installed the public improvements hereinafter designated or having guaranteed, with a surety bond, ~~or escrow~~ letter of credit, or placing in escrow a certified check, cash or other acceptable security as provided in Section 18-31, the installation of such improvements. The city engineer shall be responsible for approving all plans and specifications for the required improvements, assuring adequate inspection of construction for compliance to the approved plans and specifications and for issuing a certificate of completion upon the acceptable completion of the work.

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**ARTICLE VII. – LOT SPLITS AND BOUNDARY LINE ADJUSTMENTS**

**Sec. 18-147. – Lot Splits.**

The City Council may by resolution at a public hearing approve, approve with conditions, or deny divisions of land which constitute a lot split.

- (a) Lot split review and processing. All lot splits shall be processed in the following manner:
  - (1) Application. An application form provided by the planning and zoning division shall be completed and filed with the division, accompanied by the following:
    - a. An application fee in an amount approved by resolution of the City Council;

- b. One or more paper copies of the proposed lot split as specified in the application form and, if requested by the division, an electronic copy of the same;
- c. A statement indicating whether new streets, water, sewer, drainage structures, or other infrastructure are required off-site to provide sufficient access or municipal services to the subject land;
- d. A description of the planned means of access for each resulting lot and copy of proposed supporting cross-access easements, if any, including width of access ways or easements;
- e. Legal descriptions and acreage of the two (2) proposed lots or tracts of land and a sketch of description showing the intended division shall be prepared by a duly licensed land surveyor registered in the state. If a lot or tract of land contains any principal or accessory structures, a survey showing the structures on the lot or tract of land shall accompany the application; and
- f. Title opinion: A title opinion from an attorney or a property information report that is prepared within the preceding thirty (30) days showing the status of the title to the site encompassed by the lot split and all mortgages, liens, encumbrances and defects, if any.

(2) City staff review.

- a. Upon receipt of a complete lot split application, the City Manager designee and City staff from public works, fire, and utilities departments as necessary, shall review the application and either find the application to be sufficient or indicate areas which are inadequately or improperly completed.
- b. The City Attorney shall review the title opinion or certification.
- c. City staff shall return in writing all comments, recommendations, and questions to the applicant within thirty (30) business days of receipt of a complete application.
- d. Should any comment or recommendation made by the City reviewing staff require the applicant to revise its submittal, the City staff shall review the revised submittal and return all comments, recommendations, and questions to the applicant for further revision.
- e. Upon completion of necessary revisions, the planning and zoning staff shall schedule the application for consideration by the City Council.

- (3) Public hearing. The City Council shall consider an application for a lot split at a duly noticed public hearing and shall vote to recommend approval, approval with conditions, or disapproval of the lot split. Any approval of a lot split shall be by resolution of the City Council.
- (4) Review criteria. Before any lot split is approved by the City Council, the applicant must demonstrate, and City Council must find, that the proposed lot split meets the following criteria:
- a. The proposed lot split shall in every respect meet the criteria established elsewhere in this Chapter and the City Code for the category of zoning and other relevant codes and applicable laws under which the property is zoned.
  - b. The application is consistent with the City's comprehensive plan.
  - c. The application does not create any lots, tracts of land, or developments that do not conform to the City Code.
  - d. The application provides for proper and sufficient ingress and egress to all affected properties through a public or approved private street or perpetual cross access easements.
  - e. The application is compatible and in harmony with the surrounding neighborhood including with respect to the size of existing surrounding lots and development trends in the neighborhood which have been previously approved by the City Council.
  - f. The application does not create burdensome congestion on the streets and highways.
  - g. The application promotes the orderly layout and use of land.
  - h. The application provides for adequate light and air.
  - i. The application does not create an overcrowding of land.
  - j. The application does not pose any significant harm to the adequate and economical provision of water, sewer, and other public services.
  - k. If the lot split creates a flag lot, the narrow access strip shall be a minimum of thirty-five (35) feet in width. The narrow strip for each flag lot shall intersect a publicly dedicated and accepted road at no less than a sixty degree (60°) angle. Any flag lot of record prior to the

effective date of this amendment to the zoning laws of the City of Cocoa shall be considered a nonconforming lot of record if the narrow access strip is a minimum of ten (10) feet in width and said lot shall enjoy the same nonconforming rights as set forth in article X, section 3, Appendix A—Zoning, of the City of Cocoa Code. For the purposes of this section, "flag lot" shall mean any lot, plot, tract or parcel of land having a narrow, deeded, strip of land connecting the main body of said lot, plot, tract or parcel to a publicly dedicated and accepted road. For such lots, the lot width, lot depth and front, side and rear lot lines shall be established by the boundaries of the main body of such lot exclusive of the narrow connector strip of land.

- (5) Special notice for residential lot splits. Any proposed lot split of a residentially zoned property shall require special notice be provided to adjacent property owners at least ten (10) days prior to the City Council meeting on the proposed residential lot split. Said notices shall be provided by regular mail to adjacent property owners within five hundred (500) feet of the property subject to the lot split application, and shall include the address and legal description of the subject property, and the date, time, and location of the City Council meeting. Notices provided under this subsection are hereby deemed courtesy notices only and the failure to provide or receive said notices shall not be a basis of appealing any decision made under this section. Applicants shall be solely responsible for the cost of the notices required by this subsection.
- (b) Recording. Upon approval of any lot split by resolution of the City Council, the resolution of the City Council shall be duly recorded in the public records of Brevard County and the lot split shall be reflected on the appropriate City maps and documents.
- (c) Restriction on additional lot splits. No further division of a lot which has been split pursuant to an approved lot split shall be permitted under this Section, except through the plat review and approval procedures of this Chapter.

#### **Sec. 18-148. – Boundary Line Adjustments.**

- (a) Boundary line adjustment. An adjustment of a boundary line between contiguous lots or parcels (hereinafter "lots" or "lot") which may be platted or unplatted and which are under separate ownership or the same ownership shall be exempt from the platting requirements of this Chapter if the boundary line adjustment does not create any additional lots and meets all of the following conditions.
- (1) It is demonstrated that the request is to correct an engineering or surveying error in a recorded plat or is to permit a boundary change between adjacent lots; and



- (2) Both landowners whose lot lines are being adjusted provide written consent to the boundary line adjustment; and
- (3) Instrument(s) evidencing the boundary line adjustment shall be filed in the official records of Brevard County, Florida, upon approval, and shall indicate that the result of the boundary line adjustment will meet the standards of, and conforms to, the requirements of the City Code, including the dimensional requirements of the zoning district and the subdivision in which the lots are located. However, in cases of an existing nonconforming lot of record, the adjustment shall not increase the nonconformity of the lot; and
- (4) It is demonstrated that the boundary line adjustment will not affect the development rights or permitted density or intensity of use of the affected lots by providing the opportunity to create a new lot(s) for resale or development or by making the density or intensity of any lot nonconforming.

The aggregation of multiple lots under common ownership shall not be considered a boundary line adjustment and may be accomplished through a unity of title agreement with the City.

(b) Boundary line adjustment review and processing. Every boundary line adjustment shall be processed in the following manner:

(1) Application. An application form provided by the planning and zoning division shall be completed and filed with the division, accompanied with the following:

- a. An application fee approved by resolution of the City Council;
- b. A narrative describing the reason(s) for the boundary line adjustment and proposed reconfiguration;
- c. An affidavit by all property owners that they consent to the boundary line adjustment and resulting lot formation;
- d. A survey of the original and proposed reconfigured lots prepared by a duly licensed land surveyor registered in Florida. The survey shall also include:
  - i. The location of any principal or accessory buildings or structures and the existing and proposed setbacks on each lot; and
  - ii. The existing location of all utilities serving the lots; and
  - iii. The location of proposed access to the lots, including the location of proposed access easements.

- e. A title opinion from an attorney or a property information report that is prepared within the preceding thirty (30) days showing the status of the title to the site encompassed by the boundary line adjustment and all mortgages, liens, encumbrances and defects, if any;
- f. Where required by the City Attorney, a joinder and consent from any affected mortgage holders;
- g. Proposed deeds appropriate to accomplish any necessary property conveyances to effectuate the boundary line adjustment.

(2) Review criteria. The City Manager or designee shall approve, approve with conditions, or deny the boundary line adjustment using the criteria established below:

- a. The boundary line adjustment shall not result in the creation of any additional lot;
- b. The lots resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable district as outlined in Appendix A, Article XI, of the City Code, except that in cases of an existing nonconforming lot of records, the adjustment shall not increase the nonconformity of the lot.
- c. The boundary line adjustment shall not create a nonconforming setback for any existing building or structure;
- d. All lots modified by the boundary line adjustment procedures shall have access in compliance with the standards established by the City;
- e. The boundary line adjustment shall not cause lot lines to bisect on-site sewage disposal systems, prevent adequate access to water supply, obstruct fire lanes or otherwise interfere with the provision of utilities or emergency services;
- f. The boundary line adjustment shall not violate an applicable requirement or condition of a previous land use action, subdivision, plat or site plan;
- g. All boundary line adjustments shall be recorded surveys consistent with the requirements of applicable law. All boundary lines being adjusted shall be surveyed, and newly established lot corners shall be determined;
- h. All conditions for a boundary line adjustment as established in subsection (a) shall be satisfied.

(c) Unity of title. The City Manager or designee shall require the affected property owners to enter into a unity of title agreement with the city for purposes of creating the new developable lots resulting from the boundary line adjustment. The City Manager shall be

required to execute the unity of title agreement on the City's behalf provided the application is in compliance with the provisions of this section. The City Manager or designee may determine that a unity of title agreement is not required for insubstantial boundary changes.

- (d) Recording. No boundary line adjustment shall be recorded unless approved as provided in this section. The boundary line adjustment shall be recorded with the Clerk of the Court of Brevard County within twelve (12) months of approval by the planning official, and one reproducible copy shall be furnished to the planning and zoning division.

\* \* \*

**Section 3. Text Amendment.** The Zoning Ordinance of the City of Cocoa, Appendix A, Article XIII, Section 1, is hereby amended as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Section 1. It is intended that the text in Section 1 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to this Ordinance):

## **APPENDIX A – ZONING**

\* \* \*

### **ARTICLE XIII. – SUPPLEMENTARY DISTRICT REGULATIONS**

#### **Sec. 1. Site plan approval process and procedures for development or change of use or any use approved as a special exception as well as mobile home parks or mobile home cooperatives.**

- (A) **PURPOSE.** The purpose of these provisions is to provide for planned developments which will be more compatible and harmonious with surrounding and adjacent areas. It is intended that such review will aid in the reduction of tragic congestion and other adverse conditions, and will permit maximum flexibility in evaluating each plan on its own merits while encouraging variety and innovation within the intent and purpose of these regulations.
- (B) **SITE PLAN APPROVAL REQUIRED.** Except for single family homes or a single duplex unit, any development, change of use, any use approved as a special exception, mobile home parks, and mobile home cooperatives shall require a site plan approval prior to the issuance of any building permit.
- (C) **APPLICATION; ABANDONMENT.** Applications for site plan review shall be on a form prepared by the ~~community development director~~ City Manager or designee and available at the office of the community development department. A completed application shall be signed by all owners, or their agent, of the property subject to the application and notarized.

In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. A site plan application shall be deemed abandoned when an applicant fails to actively pursue the application for a period of one hundred eighty (180) days. One (1) extension of time for a period not to exceed ninety (90) days may be granted by the ~~community development director~~ City Manager or designee for good cause shown upon written request for extension being submitted to the ~~community development director~~ City Manager or designee prior to the site plan application being abandoned.

(1) *Small scale site plans.* The site plan submittal requirements of this subsection (C)(1), shall apply to any multi-family structure or combination of structures containing less than twenty-five (25) units and less than forty-five thousand (45,000) square feet, or any non multi-family structure or combination of structures of less than forty-five thousand (45,000) square feet. Notwithstanding, any site plan containing a structure greater than fifty (50) feet in height shall be subject to the site plan submittal requirements of subsection (C)(2).

a. The site plan shall, at a minimum, include:

1. General vicinity map or location map with principal road, city limits and other pertinent orientation information.
2. Complete legal description of the overall site and individual phase site if applicable.
3. Name, address, and telephone number of owner(s) of property, of applicant, and of party responsible for preparation and drawing of site plan.
4. Title block, north arrow, date, and name of the project shall be on each sheet submitted.
5. Area of site in square feet and acres.
6. Area of lot covered by a structure.
7. Height and number of floors of structure and total floor area.
8. Floor area ratio.

b. In addition to the requirements stated in (1)a., the following specific site plan requirements shall be provided:

1. Location of all existing and proposed easements, right-of-way lines, wetlands, flood zones, open water bodies, buildings, utilities, trash receptacles and screening, street lighting fixtures, and fences or walls including height and type.
2. Existing zoning and future land use category.
3. Depiction of abutting aprons and right of way improvements.
4. Landscape plan in accordance to the application.
5. Drainage plan in accordance to the application.

6. Location of proposed parking and circulation plan, points of ingress to and egress from the site, and dimension of parking areas.
  7. Indicate any previously approved variances, special exceptions, waivers, rezonings or any other action taken upon the subject property.
- (2) *Large scale site plans.* The site plan submittal requirements of this subsection (C)(2) shall apply to any site plan containing a structure greater than fifty (50) feet in height or to any structure or combination of structures that do not satisfy the criteria of subsection (C)(1).
- a. The site plan shall, at a minimum, include:
    1. General vicinity map or location map with principal roads, city limits and other pertinent orientation information.
    2. Complete legal description of the overall site and individual phase site if applicable.
    3. Name, address, and telephone number of owner(s) of property, of applicant, and of party responsible for preparation and drawing of site plan.
    4. Title block, north arrow, date, and name of the development shall be on each sheet submitted.
    5. Area of site in square feet and acres.
    6. Area of lot covered by a structure.
    7. Height with number of floors of structure and total floor area.
    8. Floor area ratio.
  - b. In addition to the requirements stated in (2)a., the following specific site plan requirements shall be provided:
    1. Site plan signed and sealed by a Florida registered engineer, surveyor or architect.
    2. Location of all existing and proposed right-of-way lines, easements, wetlands, flood zones, open water bodies, soil types, designated species, impervious surface, buildings, utilities, trash receptacles and screening, street lighting fixtures, and fences or walls including height and type.
    3. Existing zoning and future land use category.
    4. Depiction of abutting properties indicating zoning, existing use, aprons, and right of way improvements.
    5. Location of any existing fire hydrants within five hundred (500) feet of the site.
    6. Landscape plan in accordance to the application.
    7. Drainage plan in accordance to the application.

8. Location of proposed parking and circulation plan, points of ingress to and egress from the site, and dimension of parking areas.
  9. Location and availability of capacity for potable water and wastewater facilities to serve the proposed site, including a description of any required improvements or extensions of existing off-site facilities.
  10. Lands to be dedicated or transferred to a public or private entity and the purposes for which lands will be held and used.
  11. Indicate any previously approved variances, special exceptions, waivers, rezonings or any other action taken upon the subject property.
- (D) DETERMINATION OF SUFFICIENT APPLICATION. All applications are to be filed with supporting documentation pursuant to article XIII, section 1, of the City Code to the community development department. The City of Cocoa will promptly review the application for sufficiency. At such time, the applicant will be notified in writing whether the application has been found sufficient or not, and if not what the deficiencies are. Once deemed sufficient, the complete review process shall begin. All site plans shall be required to meet all current applicable code requirements.
- (E) ACTION ON APPLICATIONS FOR SMALL SCALE SITE PLANS UNDER SECTION I(C)(1).
- (1) The ~~community development director~~ City Manager or designee shall route the sufficient application to the appropriate city staff and any outside reviewing agencies necessary, and review the site plan for compliance with the city code and comprehensive plan.
  - (2) After review, except as provided in subsection (G), the ~~community development director~~ City Manager or designee shall issue a decision approving, approving with conditions, or denying the application based upon the comments of city staff and the requirements of the City Code and comprehensive plan.
  - (3) If the ~~community development director~~ City Manager or designee elects to grant conditional approval of a site plan subject to any conditions or contingencies, the applicant shall have ninety (90) days from the date of conditional site plan approval to satisfy any such conditions and/or contingencies. If all conditions and/or contingencies are satisfied, the final site plan approval date shall be the date the ~~community development director~~ City Manager or designee certifies by notation on all city site plan copies that all conditions and/or contingencies are satisfied. If the conditions and/or contingencies are not satisfied before the expiration of the 90-day period, the conditional approval shall be automatically withdrawn and the application shall stand as denied. The 90-day compliance period may be extended at the discretion of the ~~community development director~~ City Manager or designee, upon written request of the applicant prior to the expiration of the 90-day compliance period, and where the applicant demonstrates unusual circumstances or undue hardship.
  - (4) The applicant may be asked to attend an informal meeting with the city staff to review comments prior to final determination.

(F) ACTION ON APPLICATIONS FOR LARGE SCALE SITE PLANS UNDER SECTION 1(C)(2).

- (1) The ~~community development director~~ City Manager or designee shall route a completed application to the appropriate city staff and any outside reviewing agencies necessary, and review the site plan for compliance with the City Code and comprehensive plan.
- (2) After review, except as provided in subsection (G), the ~~community development director~~ City Manager or designee shall issue a written recommendation to the planning and zoning board approving, approving with conditions, or denying the application based upon the comments of city staff and the requirements of the City Code and comprehensive plan.
- (3) Except as provided in subsection (G), during ~~During~~ a public meeting of the planning and zoning board, said board shall approve, approve with conditions, or deny the site plan based upon the requirements of the City Code and comprehensive plan.
- (4) If the planning and zoning board elects to grant conditional approval of a site plan subject to any conditions or contingencies, the applicant shall have ninety (90) days from the date of conditional site plan approval to satisfy any such conditions and/or contingencies. If all conditions and/or contingencies are satisfied, the final site plan approval date shall be the date the ~~community development director~~ City Manager or designee certifies by notation on all city site plan copies, that all conditions and/or contingencies are satisfied. If the conditions and/or contingencies are not satisfied before the expiration of the 90-day period the conditional approval shall be automatically withdrawn and the application shall stand as denied. The 90-day compliance period may be extended at the discretion of the ~~community development director~~ City Manager or designee, upon written request of the applicant prior to the expiration of the 90-day compliance period, and where the applicant demonstrates unusual circumstances or undue hardship.

(G) ACTION ON APPLICATIONS FOR LARGE SCALE OR SMALL SCALE SITE PLANS REQUIRING A SUBDIVISION.

- (1) For all small scale site plans under Section 1(C)(1) and large scale site plans under Sections 1(C)(2) that will be processed concurrently with a subdivision plat application, the City Manager or designee shall route a completed application to the appropriate city staff and any outside reviewing agencies necessary, and review the site plan for compliance with the City Code and comprehensive plan.
- (2) After review, the City Manager or designee shall issue a written recommendation to the planning and zoning board approving, approving with conditions, or denying the application based upon the comments of city staff and the requirements of the City Code and comprehensive plan.
- (3) During a public meeting of the planning and zoning board, said board shall issue a written recommendation to the City Council approving, approving with conditions, or denying the site plan based upon the requirements of the City Code and comprehensive plan.

(4) During a public meeting of the City Council, said board shall approve, approve with conditions, or deny the site plan based upon the requirements of the City Code and comprehensive plan.

(5) If the City Council elects to grant conditional approval of a site plan subject to any conditions or contingencies, the applicant shall have ninety (90) days from the date of conditional site plan approval to satisfy any such conditions and/or contingencies. If all conditions and/or contingencies are satisfied, the final site plan approval date shall be the date the City Manager or designee certifies by notation on all city site plan copies, that all conditions and/or contingencies are satisfied. If the conditions and/or contingencies are not satisfied before the expiration of the 90-day period the conditional approval shall be automatically withdrawn and the application shall stand as denied. The 90-day compliance period may be extended at the discretion of the City Council, upon written request of the applicant prior to the expiration of the 90-day compliance period, and where the applicant demonstrates unusual circumstances or undue hardship.

**(GH) MINOR SITE PLAN AMENDMENTS.** If any site plan application is amending a previously approved site plan or existing development by twenty-five percent (25%) or less, being that any structural or impervious surface area is increased by twenty-five percent (25%) or less of the existing amount of structure or impervious surface area, then the site plan shall be exempt from the following code requirements:

- (1) Planning and zoning board and City Council review and approval, provided the site plan was originally approved by the planning and zoning board or City Council. Rather, the ~~community development director~~ City Manager or designee shall approve or deny the site plan amendment pursuant to subsection (E).
- (2) Size of existing parking spaces (provided that new spaces and handicap space(s) requirements are met).
- (3) Specific site plan requirements of subsections (C)(1)b., and (C)(2)b., may be omitted from being shown on the site plan by the ~~community development director~~ City Manager or designee.

**(IH) APPEAL OF ~~COMMUNITY DEVELOPMENT DIRECTOR~~ CITY MANAGER OR PLANNING AND ZONING BOARD DECISION.**

- (1) Any party adversely affected by a final site plan determination of the ~~community development director~~ City Manager or designee may appeal such determination to the planning and zoning board. Parties seeking appellate review shall submit a request for appeal in writing to the city clerk within thirty (30) days of the ~~community development director~~ City Manager or designee's determination. The city clerk shall schedule the planning and zoning board's consideration of the appeal for the next available regular planning and zoning board meeting and shall provide the party seeking appellate review with written notice of the date, time and location of said meeting. The planning and zoning board's consideration of the site plan determination being appealed shall be de novo. The planning and zoning board shall hear and consider the evidence and testimony of any interested party and shall either affirm or reverse, wholly or in part, the determination of the ~~community development director~~ City Manager or designee. Failure



of any adversely affected party to appeal to the planning and zoning board pursuant to this section shall be deemed a waiver of that party's right to judicial review.

- (2) Any party adversely affected by a final site plan determination of the planning and zoning board, except determinations made under subsection (I)(1) above, may appeal such determination to the city council. Parties seeking appellate review shall submit a request for appeal to the city clerk within thirty (30) days of the planning and zoning board's determination. The city clerk shall schedule the city council's consideration of the appeal for the next available regular city council meeting and shall provide the party seeking appellate review with written notice of the date, time and location of said meeting. The city council's consideration of the site plan determination being appealed shall be de novo. The city council shall hear and consider evidence and testimony of any interested party and shall either affirm or reverse, wholly or in part, the determination of the planning and zoning board. Failure of any adversely affected party to appeal to the city council pursuant to this section shall be deemed a waiver of that party's right to judicial review.

**(J) SITE PLAN APPLICATION APPROVED.**

- (1) Site plan approval shall not relieve the applicant from any other requirement or provision of the city code.
- (2) The applicant may be issued a building permit if the ~~community development director~~ City Manager or designee, ~~or~~ planning and zoning board, or City Council has approved the site plan pursuant to this section.
- (3) The city may accept an application for a building permit prior to the approval of the site plan for the purposes of conducting a courtesy concurrent review.
- (4) No building permits shall be issued until the site plan and all conditions of approval for site plan have been met and the building official has approved the construction drawings.

**(K) DURATION OF SITE PLAN APPROVAL.** Unless a greater time period is specifically approved during the original site plan approval process, an approved site plan shall be valid for one (1) year from the date of said approval. The ~~community development director~~ City Manager or designee may grant one (1) administrative extension for up to one hundred eighty (180) days based on good cause shown provided a written request for extension is submitted prior to the expiration of the site plan.

**Section 4. Text Amendment.** The Zoning Ordinance of the City of Cocoa, Appendix A, Article XV, Section 7, is hereby amended as follows: (underlined type indicates additions and ~~strikeout~~ type indicates deletions, while asterisks (\* \* \*) indicate a deletion from the Ordinance of text existing in Section 7. It is intended that the text in Section 1 denoted by the asterisks and set forth in this Ordinance shall remain unchanged from the language existing prior to this Ordinance):

**APPENDIX A – ZONING**

\* \* \*

**ARTICLE XV. – ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

\* \* \*

**Sec. 7. Flag lots.**

~~A building permit may be issued in the RR-1 Zoning District (Rural Residential District) for a flag lot as herein defined where the width of such lot does not entirely abut a dedicated and accepted road. Approval for such permits shall be obtained from the Cocoa city council with prior review by the planning and zoning board upon written application to the Cocoa community development director by the owner or purchaser of the lot, plot, tract or parcel. However, an application involving no more than two (2) flag lots per each ten (10) acres under single ownership may be approved by the city community development director after considering the factors outlined below:~~

- ~~(1) For the purposes of this section, "flag lot" shall mean any lot, plot, tract or parcel of land having a narrow, deeded, strip of land connecting the main body of said lot, plot, tract or parcel to a dedicated and accepted road. For such lots, the lot width, lot depth and front, side and rear lot lines shall be established by the boundaries of the main body of such lot exclusive of the narrow connector strip of land.~~
- ~~(2) There shall be no more than two (2) "flag lots" subdivided from any one (1) parcel, ten (10) acres or less in size unless approved by the Cocoa city council with prior review by the planning and zoning board.~~
- ~~(3) Each flag lot shall have a minimum lot area of one (1) acre, excluding the narrow access strip.~~
- ~~(4) The narrow access strip shall be a minimum of twenty five (25) feet in width.~~
- ~~(5) Where more than one (1) access strip is utilized, such access strips, not to exceed twenty five (25) feet, shall be located side by side and additional access strips shall be a minimum of two hundred eighty (280) feet apart regardless of ownership.~~
- ~~(6) The narrow strip for each flag lot shall intersect a dedicated and accepted road at no less than a sixty degree (60°) angle.~~
- ~~(7) Flag lots may be utilized in extremely low density platted subdivisions; provided, however, that such flag lots shall be approved by the Cocoa city council with the prior review and recommendation of the planning and zoning board.~~
- ~~(8) Any flag lot of record prior to the effective date of this amendment to the zoning laws of the City of Cocoa shall be considered a nonconforming lot of record if the narrow access strip is a minimum of ten (10) feet in width and said lot shall enjoy the same nonconforming rights as set forth in article X, section 3, Appendix A – Zoning, of the City of Cocoa Code.~~

\* \* \*

**Section 5. Incorporation into Code.** This Ordinance shall be incorporated into the City Code of the City of Cocoa and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

**Section 6. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent Ordinances and Resolutions adopted by the City Council, or parts of prior Ordinances and Resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 7. Severability.** If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance 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 Ordinance.

**Section 8. Effective Date.** This Ordinance 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 the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**Michael C. Blake, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Monica Arsenault, City Clerk**

Legal Ad Published: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Effective Date: \_\_\_\_\_