

ORDINANCE NO. 13-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, REPEALING APPENDIX A, ZONING, ARTICLE XX OF THE ZONING ORDINANCE OF THE CITY OF COCOA; REPEALING THE SCHEDULE OF FEES, CHARGES AND EXPENSES TO BE PAID TO THE CITY UPON RECEIPT OF PLANNING AND ZONING RELATED APPLICATIONS CONTAINED THEREIN; PROVIDING FOR THE ADOPTION OF FUTURE PLANNING AND ZONING FEE SCHEDULES BY RESOLUTION; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, under its broad exercise of home rule powers established by section 2 (b), Art. 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 also has express statutory authority to establish appropriate user charges and fees which are necessary for the conduct of municipal government, See § 166.201, Fla. Stat.; and

WHEREAS, Appendix A, Zoning, Article XX of the Zoning Ordinance of the City of Cocoa provides for a fee schedule of fees to be paid to the City upon receipt of planning and zoning related applications; and

WHEREAS, it is necessary for the City Council to update the fee schedule in order 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 hereby intends to repeal Appendix A, Zoning, Article XX of the Zoning Ordinance of the City of Cocoa and shall separately adopt by resolution future planning and zoning fees consistent with the manner and procedure used by the City Council to adopt numerous other types of fees and fee schedules for the City of Cocoa; and

WHEREAS, the City Council deems it to be in the best interest of the City of Cocoa and its citizens to adopt this Ordinance.

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

Section 1. Recitals. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

Section 2. Authority. This Ordinance is adopted in compliance with and pursuant to Section 2 (b), Art. VIII of the Florida Constitution, and Section 166.021, Florida Statutes.

Section 3. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to repeal the existing Schedule of Fees, Charges, and Expenses related to planning and zoning applications and to provide that future adoption of and amendments to the planning and zoning fee schedule may be made by Resolution.

Section 4. Repeal and Replace. The City Council hereby repeals Appendix A, Zoning, Article XX. – Schedule of Fees, Charges, and Expenses in its entirety and replaces Section 1. – Schedule as follows:

ARTICLE XX. – SCHEDULE OF FEES, CHARGES AND EXPENSES

Sec. 1. – Schedule

The city council shall adopt by resolution a planning and zoning application fee schedule which itemizes all applicable fees and charges imposed to defray city costs and expenses related to implementing this ordinance.

Section 5. 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 6. 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 7. 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 the _____ day of _____, 2022.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

First Reading: _____
Legal Advertisement _____
Second Reading: _____