

ORDINANCE NO. 1627

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING APPENDIX B OF THE COCOA BEACH CODE OF ORDINANCES, “COCOA BEACH LAND DEVELOPMENT CODE (LDC);” AMENDING ARTICLE IV, “RULES FOR CONSTRUCTION” AND ARTICLE VIII, “BOARDS” WITHIN CHAPTER I, “PURPOSE AND GENERAL PROVISIONS;” AMENDING ARTICLE IV, “ESTABLISHMENT OF OVERLAY AND PLANNED DEVELOPMENT DISTRICTS” WITHIN CHAPTER II, “ZONING DISTRICTS,” AMENDING ARTICLE I, “APPLICATION REQUIREMENTS AND SUBMITTALS” AND ARTICLE V, “LANDSCAPING” WITHIN CHAPTER III, “DESIGN STANDARDS,” ADDING ARTICLE II, “ACCESS MANAGEMENT,” ARTICLE III, “DEVELOPMENT AND CONSTRUCTION,” ARTICLE IV, “STANDARDS FOR OPERATIONS,” ARTICLE VII, “SANITARY SEWER,” AND ARTICLE VIII, “WIRELESS COMMUNICATION FACILITIES” WITHIN CHAPTER III, “DESIGN STANDARDS;” DELETING ARTICLE II, “SCHEDULE OF LOT DIMENSIONAL DESIGN STANDARDS,” ARTICLE III, “OFF-STREET PARKING AND LOADING,” ARTICLE IV, “ACCESS MANAGEMENT,” ARTICLE VI, “SUPPLEMENTAL DESIGN STANDARDS,” ARTICLE VII, “STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL,” ARTICLE VIII, “SANITARY SEWER,” ARTICLE IX, “MISCELLANEOUS DESIGN STANDARDS AND REGULATIONS,” ARTICLE X, “DUNE CROSSOVERS,” AND ARTICLE XI, “OUTDOOR LIGHTING AND ROAD GLARE” WITHIN CHAPTER III, “DESIGN STANDARDS;” AMENDING ARTICLE I, “SITE PLAN APPLICATION PROCEDURES” WITHIN CHAPTER IV, “APPLICATION AND REVIEW PROCESSES;” ADDING CHAPTER VII, “STORMWATER MANAGEMENT AND FLOOD CONTROL;” DELETING APPENDIX C “FLOOD DAMAGE PREVENTION CODE” WITHIN THE LDC; INCORPORATING RECITALS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; AND EFFECTIVE DATE.

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

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

WHEREAS, the City Commission finds that stormwater guidelines and regulations are implemented with greater clarity when incorporated within Appendix B of the Cocoa Beach

Code of Ordinances, instead of within a separate Appendix C; and

WHEREAS, the City Commission finds that this ordinance will promote the public health, safety, welfare, economic order, and public interest; and,

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

WHEREAS, the City Commission and the Planning Board both find that the proposed amendments will be consistent with the City's 2025 Comprehensive Plan; and

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

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

SECTION 2. Enactment. Appendix B of the Cocoa Beach Code of Ordinances, entitled Cocoa Beach Land Development Code (LDC) is hereby amended by the amendment of Articles IV and VIII within Chapter I, the amendment of Article IV within Chapter II, the amendment, addition and/or deletion of Articles I, II, III, IV, V, VI, VII, VIII, IX, X, and XI within Chapter III, the amendment of Article I within Chapter IV, the addition of Chapter VII, and the deletion of Appendix C.

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

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

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

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

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

Ayes: _____
Nays: _____
Absent or Abstaining _____

Ben Malik,
Mayor-Commissioner

ATTEST:

Loredana Kalaghchy, CMC
City Clerk

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