



**Agenda
City of Cocoa
Board of Adjustment Regular Meeting**

**July 1, 2026
5:00 PM**

65 Stone Street, Cocoa, FL 32922

I. Opening Matters:

1. Pledge of Allegiance
2. Roll Call

II. Approval of Agenda and Minutes:

1. Agenda: Special Meeting of July 1, 2026.
2. Minutes: Regular Meeting of June 17, 2026.

III. Old Business:

1. Variance 1198 N Indian River Dr

IV. New Business:

V. Other Business:

VI. Next Meeting Date: Wednesday, July 15, 2026, at 6:00 pm at 65 Stone Street in Cocoa, FL.

VII. Adjournment:

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Monica Arsenault, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8488 or via email at marsenault@cocoafl.gov.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor

does it authorize challenges or appeals otherwise not allowed by law.

The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a certain date without re-advertising.

BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: 06/11/2026
Agenda Date: 7/1/2026
Prepared By: Breanna Earley, Assistant City Clerk
Through: Jennifer Webster, Senior Planner
Requested Action: Request Board approval of the Agenda for the Special Meeting of the Board of Adjustment on July 1, 2026, either as written or with amendments.

BACKGROUND:

N/A

PRIORITY AREA CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Request Board approval of the Agenda for the Special Meeting of the Board of Adjustment on July 1, 2026, either as written or with amendments.



**Agenda
City of Cocoa
Board of Adjustment Agency Special Meeting**

**July 1st, 2026, 5:00 PM
65 Stone Street, Cocoa, FL 32922**

I. Opening Matters:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

II. Approval of Agenda and Minutes:

1. Agenda: Special Meeting of July 1st, 2026.
2. Minutes: Regular Meeting of June 17, 2026.

III. Old Business:

IV. New Business:

PZ 26-00700002 –Variance - 1198 N Indian River Dr

CONSIDERATION OF A VARIANCE REQUEST, from Appendix A, Article X, Nonconformities, Section 5, to allow for an approximately 861 square-foot addition to a nonconforming residential structure that increases its nonconformity; and Appendix A, Article XI, Sec 1 (F), of the City of Cocoa Code regarding front setback requirements to allow a reduction of the required front setback from 50 feet to approximately 25 feet in the Residential Estate Zoning District. The property is identified as 1198 N Indian River Dr, Cocoa, Florida. Tax Parcel ID 24-36-21-BM-*-6.

V. Other Business:

VI. Next Meeting Date (Regular meeting): Wednesday, July 15, 2026, at 6:00 pm at 65 Stone Street in Cocoa, FL.

VII. Adjournment:

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Monica Arsenault, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8488 or via email at marsenault@cocoafl.gov.

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The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

Documents pertaining to the above may also be inspected at the Community Services Department between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8400.

Interested persons may submit their written comments or questions prior to the meeting through Email at meetings@cocoafl.org, or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

Viewing In Real Time. Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet address:

City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.

Special Information for Quasi-Judicial Hearings:

Any person that (1) can demonstrate that they may suffer special damages different in kind and degree from that of the general public at large; and (2) wishes to present factual or expert witnesses and/or evidence at the quasi-judicial hearing is highly encouraged to immediately contact Lucilene Ribeiro, Planner, at (321) 433-8535 or, to make proper arrangements for presentation of witnesses and/or evidence. All witnesses should be identified and all evidentiary documents and exhibits that are intended to be distributed to the BOA, P&Z/LPA and City Council should be submitted to Ms. Ribeiro via email or mail at least three (3) days prior to the hearing.

BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: 06/11/2026
Agenda Date: 7/1/2026
Prepared By: Breanna Earley, Assistant City Clerk
Through: Lucilene Ribeiro, Planner
Requested Action: Request Board approval of the Minutes for the Board of Adjustment June 17, 2026, Regular Meeting, either as written or with amendments.

BACKGROUND:

PRIORITY AREA CONNECTION:

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

RECOMMENDED MOTION:

Request Board approval of the Minutes for the Board of Adjustment June 17, 2026, Regular Meeting, either as written or with amendments.

CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
June 17, 2026

A Regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, June 17, 2026, in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Chair Quattrocchi called the meeting to order at 6:00 pm.

The Recording Secretary called the roll.

ROLL CALL:

Dan Quattrocchi	Chairperson
Robert Butler	Vice Chair
Robert Dyar	Board Member
Pam Shaia	Board Member
Jose Pacheco	Board Member
Jennifer Moton	Board Member
Margaret Goudelock	Board Member
Ashley Lanier	Alternate Board Member

MEMBERS PRESENT:

Dan Quattrocchi	Chairperson
Pam Shaia	Board Member
Jennifer Moton	Board Member
Margaret Goudelock	Board Member
Ashley Lanier	Alternate Board Member

MEMBERS ABSENT:

Jose Pacheco	Board Member
Robert Butler	Vice Chair
Robert Dyar	Board Member

OTHERS PRESENT:

Anthony Garganese	City Attorney
Jennifer Webster	City Planner
Breanna Earley	Recording Secretary

I. APPROVAL OF AGENDA AND MINUTES:

AGENDA: Regular Meeting of June 17, 2026
MINUTES: Regular Meeting of May 20, 2025

- * **Motion by Board Member Shaia; Seconded by Board Member Goudelock to approve the June 17, 2026, Regular Meeting Agenda, and to approve the May 20, 2026 Regular Meeting Minutes as written.**

Ayes: Quattrocchi, Shaia, Goudelock, Lanier, Moton

Motion Passed Unanimously (5-0).

II. OLD BUSINESS:

III. NEW BUSINESS:

1. PZ 26–00700002 - 1540 Clearlake Rd Modwash Signage Waiver

Jennifer Webster, City Planner, presented a PowerPoint for a ModWash Signage Waiver¹.

The applicant spoke further about the building and the signage.

Board Member Moton asked if the signage will be turned off outside of business hours.

The applicant confirmed they will be off when the business is not in operation.

- * **Motion by Board Member Shaia; Seconded by Board Member Moton to approve the sign waiver with staff recommendations.**

Ayes: Quattrocchi, Moton, Shaia, Goudelock, Lanier

Motion Passed Unanimously (5-0)

1. PZ26-00800004 1540 Clearlake Rd ModWash Signage Variance

Ms. Webster presented a PowerPoint for the ModWash Signage Variance².

Chairperson Quattrocchi asked about the neighborhoods in the area. In response, Ms. Webster offered clarification.

Board member Shaia asked what road is close to ModWash.

Ms. Webster explained the cross streets.

Board Member Goudelock inquired about the LED dimensions.

In response, Ms. Webster stated 30ft.

Board Member Goudelock wanted to know if the LED signage would be required to be off during close of business.

¹ Exhibit A: PowerPoint for Signage Waiver

² Exhibit B: PowerPoint for Signage Variance

Ms. Webster explained that could be a condition.

The applicant spoke about the LED signage and his respect for the City's code. He stated that he is more than happy to have the sign off when the business is not in operation.

Board Member Goudelock pointed out the sophistication in newer LED signage.

The applicant expressed their willingness and interest in displaying community events should ModWash be open to it as well.

Board Member Moton asked for more clarification.

The applicant explained the involvement ModWash has in grand openings and the ability to display City events.

Chairperson Quattrocchi discussed the item and area the signage will be.

Board Member Shaia expressed her reservations.

Board Member Moton spoke about the dimensions of the signage.

Board Member Goudelock talked about what business owners must do to attract business.

Board Member Shaia asked if approving this will set a precedent for future applicants.

Attorney Garganese explained the difference between a waiver and a variance.

- * **Motion by Board member Shaia; Seconded by Board Member Moton to deny the sign waiver variance.**

Ayes: Quattrocchi, Lanier, Moton, Shaia

Nays: Goudelock

Motion Passed (4-1).

IV. OTHER BUSINESS:

V. NEXT MEETING DATE: July 1, 2026, at 6:00 pm at 65 Stone Street, Cocoa, FL.

VI. ADJOURNMENT

- * **Motion by Chairperson Quattrocchi; Seconded by Board Member Shaia to adjourn the June 17, 2026 meeting.**

Ayes: Quattrocchi, Lanier, Goudelock, Moton, Shaia

Motion Passed Unanimously (5-0)

There being no further business the meeting adjourned at 6:46 P.M.

Dan Quattrocchi, Chairperson

Breanna Earley, Recording Secretary

BOARD OF ADJUSTMENT AGENDA ITEM

Memo Date: 06/05/2026
Agenda Date: 7/1/2026
Prepared By: Lucilene Ribeiro, Planner
Through: Stockton Whitten, City Manager
Requested Action: A variance request from Appendix A, Article X, Nonconformities, Section 5, to allow for an approximately 861-square-foot addition to a nonconforming residential structure that increases its nonconformity; and Appendix A, Article XI, Section 1(F), of the City of Cocoa Code regarding front setback requirements to allow a reduction of the required front setback from 50 feet to approximately 25 feet in the Residential Estate Zoning District.

BACKGROUND:

Date: June 26, 2026

Project No.: PZ# 26-00700003

Meeting Date: July 1, 2026

Project Planner: Lucilene Ribeiro - Planner

Subject Property: 1198 N Indian River

Applicant: Tim Quigley

1198 N Indian River Dr

Cocoa, FL 32922

Notice Provided: Notice of the public hearing was provided by publishing in the newspaper on June 15, 2026, posting the property and mailers to property owners within 500 feet.

I. Project Information

The subject property is located along North Indian River Drive within one of Cocoa's oldest residential corridors overlooking the Indian River. The parcel contains a single-family residence built in 1962, with a Future Land Use designation of Very Low Density Residential, and is zoned Residential Estate.

The applicant proposes demolishing and reconstructing a deteriorated portion of the existing residence and constructing an approximately 861-square-foot addition. Because this residence was originally constructed prior to the adoption of current zoning regulations and encroaches on the required front setback, the proposed addition would enlarge an existing nonconforming structure and require variance approval as a relief from the City's nonconforming structure provisions and Residential Estate front yard zoning regulations.

Appendix A, Article X, Section 5 provides that a legally existing nonconforming structure may continue to exist; however, it may not generally be enlarged or altered in a manner that increases its degree of nonconformity unless relief is granted through the variance

process.

Accordingly, the applicant requests relief from:

- Appendix A, Article XI, requiring a fifty-foot front setback; and
- Appendix A, Article X, Section 5 governing expansion of nonconforming structures.

Property History

Planning staff conducted historical research of the property's development and zoning history from 1940 through 1980. The subject property was originally part of Lot 6 of the Plat of Division of Lands of Robert Dixon, recorded on November 16, 1893 (Exhibit D). Subsequent subdivision activity, including the recording of the Georgia Terrace Subdivision in September 1945 (Exhibit E), divided the original tract into approximately sixteen (16) residential lots, establishing the development pattern that remains today.

However, the Georgia Terrace Subdivision, approved in 1945, clearly omitted the subject property from the plat despite it originally being part of Lot 6 that was otherwise platted. The Georgia Terrace Subdivision only platted the lands in Lot 6 located west of Indian River Drive. Therefore, it appears that the subject property became a remnant parcel located east of Indian River Drive in 1945.

The City's first comprehensive zoning regulations were adopted through Ordinance No. 1250 in 1940 (Exhibit F), pursuant to the authority granted by Chapter 19,539, Laws of Florida (1939), which authorized municipalities to establish zoning districts and regulate land use, building height, open space, and population density. Under Ordinance No. 1250, the subject property was designated R-1 (Single-Family Residential), which required a minimum twenty-foot (20-foot) front-yard setback measured from the front property line to the principal structure.

In 1959, the City adopted a new comprehensive zoning ordinance and official zoning map through Ordinance No. 1478 (Exhibit G). The official zoning map identifies the subject property as R-1A, a zoning classification with bulk regulations substantially similar to those of the current Residential Estate (RE) zoning district.

The applicant has stated that portions of the residence incorporate elements of an earlier structure believed to be more than one hundred (100) years old and that the dwelling has been modified through subsequent additions and renovations. Planning staff was unable to independently verify this claim. Brevard County Property Appraiser records identify the residence as having been constructed in 1962, while City building permit records indicate that a frame residence was completed in August 1963 (Exhibit H).

Planning staff also identified a 1977 Board of Adjustment variance approving the construction of a detached garage. The variance records indicate that the property owner at that time, Ruth C. Kershaw, owned both the subject property and the adjacent Lot 18, which was later conveyed separately (Exhibit J).

In 1974, the City adopted Ordinance No. 1618 (Exhibit I), which reorganized the City's zoning districts and established the current Residential Estate (RE) zoning district. The subject property and the surrounding neighborhood were assigned the RE zoning classification, which remains in effect today.

The historical record demonstrates that the property has remained in residential use throughout its development history and that the existing residence predates the current zoning regulations governing nonconforming structures. Given the owner's assertions that a structure has been located on the subject property for over 100 years, the City has treated the residence as a legally established nonconforming structure subject to the applicable provisions of the City's Land Development Regulations.

Existing Site Conditions

To provide an overview of the existing residence and the proposed improvements, staff prepared the following table comparing information obtained from the Brevard County Property Appraiser records, the boundary survey, and the architectural plans submitted with the building permit application (Exhibits K,L, M).

Description	Property Appraiser	Survey/Building Footprint	Proposed Plans
First Floor Living Area	1,177 SF	Approx. 1,105 SF ¹	1,980 SF
Second Floor Living Area	736 SF	Approx. 736 SF ¹	738 SF
Total Living Area	1,913 SF	Approx. 1,841 SF ²	2,718 SF
Garage	660 SF	Not shown	648 SF
Open Porch	312 SF	approx. 72 SF	284 SF
Wood Deck	239 SF	Not shown	232 SF
Concrete Patio	66 SF	Not shown	Not shown
Building Footprint	2,885 SF	Approx. 1,841 SF ²	Approx. 2,702 SF ²
Proposed Building Area (Living + Garage + Porch + Deck + Addition)	N/A	2,702 SF	3,882 SF

The residence was constructed over a crawlspace supported by masonry stem walls. According to the applicant, portions of the foundation and structural system have deteriorated over time. The applicant submitted photographs showing visible cracking in portions of the masonry foundation, evidence of prior stabilization measures, adjustable support posts, deteriorated crawlspace conditions, and aging mechanical, electrical, plumbing, and HVAC systems located beneath the residence.

The submitted photographs also show previous repair efforts, including supplemental structural supports and steel jack posts, as well as plumbing, ductwork, electrical equipment, and mechanical systems located below the finished floor elevation (Exhibit N)

The applicant states that reconstruction of the affected portion of the dwelling would allow deterioration of structural components to be addressed and provide an opportunity to relocate mechanical, electrical, and plumbing systems to locations more consistent

with current building and life-safety standards.

Currently, portions of the existing single-family residence are located as close as approximately 15.6 feet from the front property line along North Indian River Drive. The residence was constructed at an angle rather than parallel to the front property line, resulting in a front setback that varies along the length of the structure. Based on the submitted boundary survey, the front setback ranges from approximately 15.6 to 26 feet, with a substantial portion of the residence located within the required 50-foot front setback. Consequently, much of the existing structure is legally nonconforming with respect to the current front-yard setback requirement. The proposed addition is located on the northern portion of the residence, where the existing setback is approximately 26 feet. Construction of the addition, therefore, requires a 25-foot variance from the required 50-foot front setback to allow the expansion of the existing nonconforming structure while maintaining the established building line.

Variance Standards

The Board of Adjustment acts in a quasi-judicial capacity when considering variance requests. Decisions must be based on competent, substantial evidence in the record and the variance criteria established in the City of Cocoa Land Development Regulations, per Appendix A, Article XVII, Section 3.

Florida law recognizes that a variance is an extraordinary form of relief that should be granted only when an unnecessary hardship results from unique characteristics of the property rather than the personal circumstances or preferences of the property owner.

Florida courts have consistently held that hardships caused by the property owner's actions generally do not justify a variance.

One of the most important criteria for the board to consider is the deprivation of rights commonly enjoyed by property owners, which the applicant must demonstrate would result from a literal application of the Land Development Regulations, thereby depriving the property of rights commonly enjoyed by other properties within the same zoning district. Florida courts have consistently held that this standard is satisfied only when competent substantial evidence establishes that the property cannot reasonably be used for a permitted purpose under the existing zoning regulations or that it is virtually impossible to use the property as zoned.

When considering a variance request, the Board of Adjustment may impose reasonable conditions and safeguards necessary to ensure compliance with the City's Land Development Regulations and to protect the public health, safety, and welfare. Any conditions imposed by the Board become part of the variance approval, and failure to comply with those conditions constitutes a violation of the City Code. The Board's authority is limited to granting relief from the dimensional or development standards of the Land Development Regulations when the required variance criteria have been satisfied. The Board may not grant a variance to authorize a use that is not otherwise

permitted or allowed as a special exception within the applicable zoning district, nor may it approve any use that is expressly or implicitly prohibited by the Land Development Regulations.

Comprehensive Plan

In evaluating the requested variance, staff considered the applicable goals, objectives, and policies of the City of Cocoa Comprehensive Plan, including Policies 1.1.7.2, 9.1.2.3, 9.2.1.2, and 9.2.2.2. Staff reviewed the proposal for consistency with the City's objectives to protect water resources, limit impervious surface coverage, preserve natural drainage functions, and promote resilient site design within the Coastal High Hazard Area.

The maximum Impervious Surface Ratio (ISR) applicable to the property is 0.40. The existing residence and the proposed addition would increase the building footprint to approximately 3,529 square feet. Based on the submitted survey (Exhibit H) and site information, the total impervious surface, including the residence and paver areas, is approximately 6,267.51 square feet, representing approximately 32.9 percent of the 19,055-square-foot parcel. Therefore, the property complies with the 40 percent maximum impervious surface limitation applicable to the property's Future Land Use designation.

Staff also considered shoreline protection and stormwater management measures on the site. The existing riprap was previously permitted and approved by the U.S. Army Corps of Engineers as a shoreline stabilization measure. Riprap is a sloping stabilization structure consisting of unconsolidated rock or similar material designed to dissipate wave energy and protect shorelines from erosion. Unlike conventional impervious surfaces such as buildings, concrete, or asphalt pavement, riprap is an engineered shoreline stabilization feature intended to allow water to pass through the voids between the rocks while reducing erosion. Accordingly, staff did not classify the approved riprap as impervious surface for purposes of calculating site coverage.

The property owner also constructed an elevated berm along Indian River Drive to help retain stormwater onsite and reduce runoff toward the roadway. Staff therefore finds that the proposal is generally consistent with the Comprehensive Plan policies intended to minimize flood risk, protect coastal resources, and encourage resilient site development. (Exhibit O)

Future Land Use Designation: Very Low Density Residential

Zoning District: Single Family Residential

Existing Land Use: Single Family Residential

Council District: District 2– Council member Hearn

Overview of Surrounding Area:

Future Land Use Designation	Zoning District	Land Use
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North	Very Low-Density Residential	Residential Estate	Single Family Residential
South	Very Low-Density Residential	Residential Estate	Single Family Residential
East	N/A	N/A	N/A
West	Very Low-Density Residential	Residential Estate	Single Family Residential

II. Staff Analysis

In accordance with Article XVI, Sec. 3, in order to obtain a variance, the Board of Adjustment shall make findings that the following have been demonstrated by the applicant:

A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings, or structures in the same district.

Staff Finding: The subject property contains several physical characteristics that distinguish it from other properties within the Residential Estate (RE) zoning district. The parcel contains approximately 19,055 square feet and has an irregular configuration created by the meandering shoreline of the Indian River. Unlike a typical rectangular lot, the parcel narrows toward the rear and has an average depth of approximately 61 feet. The existing residence is located near the front of the property, leaving a constrained building envelope between the existing structure, the required rear setback, and the river shoreline.

The applicant also submitted documentation indicating that portions of the residence have deteriorated structural components, aging crawlspace conditions, and mechanical, electrical, plumbing, and HVAC systems located beneath the structure.

Structural conditions onsite resemble separate additions completed over time, unique to this property and not generally visible on neighboring lots within the RE district. Although the proposed addition increases the building footprint, the development reaches the maximum lot coverage permitted by the zoning district.

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

Staff Finding: The property is currently developed with an established single-family residence, which is a permitted use within the Residential Estate zoning district. The issue before the Board is not whether the property can continue to be occupied as a residence, but whether strict application of the required 50-foot front setback would prevent the reasonable rehabilitation, modernization, and continued functional use of the

existing building.

The existing location of the residence, together with the property's irregular shape, limited average depth, and proximity to the Indian River, substantially restricts the practical area available for expansion. Requiring the proposed improvements to comply with the current front setback would shift construction toward the rear of the property, creating additional design, setback, shoreline, drainage, and site-development constraints. The applicant has proposed improvements to reconstruct deteriorated portions of the residence, replace aging structural components, and relocate mechanical, electrical, plumbing, and HVAC systems from beneath the crawlspace to a safer, more functional configuration. These improvements do not create an additional dwelling unit, increase residential density, or introduce a new use.

The Board should also consider whether the requested approximately 861-square-foot addition represents the minimum practical relief necessary to accomplish these rehabilitation objectives and whether materially smaller alternatives would reasonably address the documented structural and site constraints.

C. That special conditions and circumstances referred to in "A" above do not result from the actions of the applicant.

Staff Finding: The physical characteristics of the property, including its irregular configuration, limited average depth, waterfront location, and the placement of the existing residence, existed prior to the current owner's acquisition of the property. Likewise, the documented deterioration of structural components and the aging building systems resulted from age and continued use of the residence rather than any action of the current applicant. Staff finds that these conditions are inherent to the property and were not created by the applicant.

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or dwellings in the same district.

Staff Finding: Granting the requested variance would not authorize any additional residential density, commercial activity, subdivision of the property, or any use otherwise prohibited within the Residential Estate zoning district. The variance would allow improvements to an existing single-family residence while maintaining the property's existing residential use. Any similarly situated property containing comparable physical constraints and a legally established nonconforming structure may seek similar relief through the variance process. Therefore, approval would not confer a special privilege unavailable to other properties under similar circumstances.

E. That the reasons set forth in the application justify the granting of the variance; and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

Staff Finding: The requested variance is the minimum variance necessary to allow

the reasonable use of the existing building and structure.

The reasonable use inquiry is not limited to whether the property can continue to be occupied in its present condition. The applicable criterion expressly addresses the reasonable use of the land, building, or structure. In this case, the existing residence is an established single-family structure constructed in accordance with the zoning regulations in effect at the time, but became nonconforming due to a change in zoning regulations.

The property's limited average depth, irregular shoreline boundary, existing placement of the residence, and proximity to the Indian River substantially restrict the location in which improvements may reasonably be constructed. Requiring the proposed work to meet the current fifty-foot front setback would move construction toward the shoreline and rear-yard area and would create additional setback, design, drainage, and site-development constraints. Relocating the entire residence or shifting the improvements to another portion of the property would be disproportionate to the work proposed and would not constitute a reasonable means of correcting conditions created by the historical placement of the residence and subsequent changes to the City's zoning regulations.

The proposed work is intended to reconstruct a deteriorated portion of the residence, address aging structural components, relocate mechanical, electrical, plumbing, and HVAC systems from the crawlspace, and integrate those improvements into a safe and functional residential structure. The Board finds that reasonable use of an existing residence includes the ability to make necessary and practical improvements that keep the residence safe, functional, resilient, and suitable for continued residential occupancy.

The requested relief is also limited in scope. It does not authorize a new use, an additional dwelling unit, increased density, or commercial activity. The residence will remain in a single-family dwelling. The proposed improvements remain below the maximum lot coverage and impervious surface limitations applicable to the property.

As shown on the approved site plan, the proposed construction maintains the established approximately twenty-five-foot front building line and does not extend closer to Indian River Drive than the existing residence. The variance, therefore, does not create a new or greater front-yard encroachment than is necessary to integrate the improvements with the existing structure.

Based upon the property's constrained building envelope, the location of the legally established residence, the structural and utility conditions documented in the record, and the applicant's testimony concerning alternative designs, the Board finds that a materially smaller addition or different configuration would not reasonably accomplish the rehabilitation objectives without creating other structural, setback, shoreline, drainage, or flood-resiliency concerns.

Although another theoretical design might be possible, the applicable standard is the minimum practical variance necessary to make reasonable use of this particular building and property, not the smallest hypothetical addition that could be conceived. The requested variance is narrowly limited to the approved plans, maintains the existing residential use and established building line, and provides no greater relief than the Board finds reasonably necessary to rehabilitate and preserve the existing residence.

F. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Staff Finding: The proposed improvements will maintain the property's existing single-family residential use and will not increase residential density or introduce a new land use. The addition is designed to remain generally consistent with the existing building line and the surrounding residential character of North Indian River Drive.

The applicant submitted a letter of support from the owners of the adjacent property at 1209 North Indian River Drive, stating that the proposed improvements would preserve the residence, maintain neighborhood character, and protect surrounding property values. In addition, any reconstruction approved by the Board will remain subject to all applicable Florida Building Code requirements, floodplain regulations, stormwater requirements, shoreline permitting, and engineering review. Approval of the variance, therefore, does not relieve the applicant of the obligation to comply with any other applicable federal, state, or local regulations intended to protect public health, safety, and welfare.

PRIORITY AREA CONNECTION:

Economic and Community Development

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Staff recommends approval of the requested variance, provided the applicant presents competent substantial evidence at the public hearing demonstrating that:

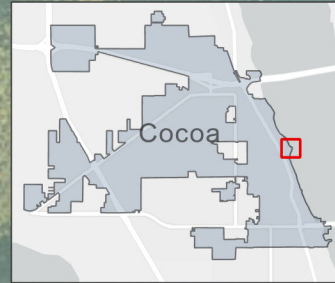
1. The proposed addition will not extend closer to North Indian River Drive than the existing residence;
2. Relocating the addition farther toward the rear of the property would create or

worsen rear-setback, shoreline, drainage, floodplain, structural, or other site-development constraints;

3. The proposed 861-square-foot addition is reasonably related to the reconstruction of the deteriorated portion of the residence, relocation of mechanical, electrical, plumbing, and HVAC systems, and the creation of a safe and functional residential structure, rather than merely a preference for additional living space; and

4. A materially smaller addition, different configuration, or second-floor alternative would not reasonably accomplish the proposed rehabilitation because of structural, foundation, access, floodplain, shoreline, drainage, or other site-specific constraints. If the applicant provides competent substantial evidence supporting these findings, staff believes the Board may reasonably determine that the requested variance is the minimum practical relief necessary to allow the reasonable rehabilitation and continued use of the existing legally nonconforming residence.

If the applicant does not provide sufficient evidence addressing these matters, staff recommends that the Board continue or deny the application because the record would not establish that the requested variance is the minimum variance necessary to make reasonable use of the building or structure.



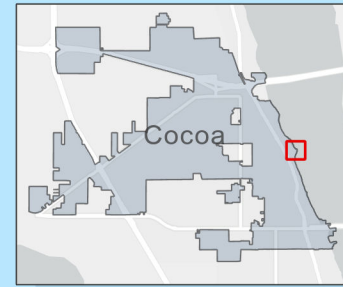
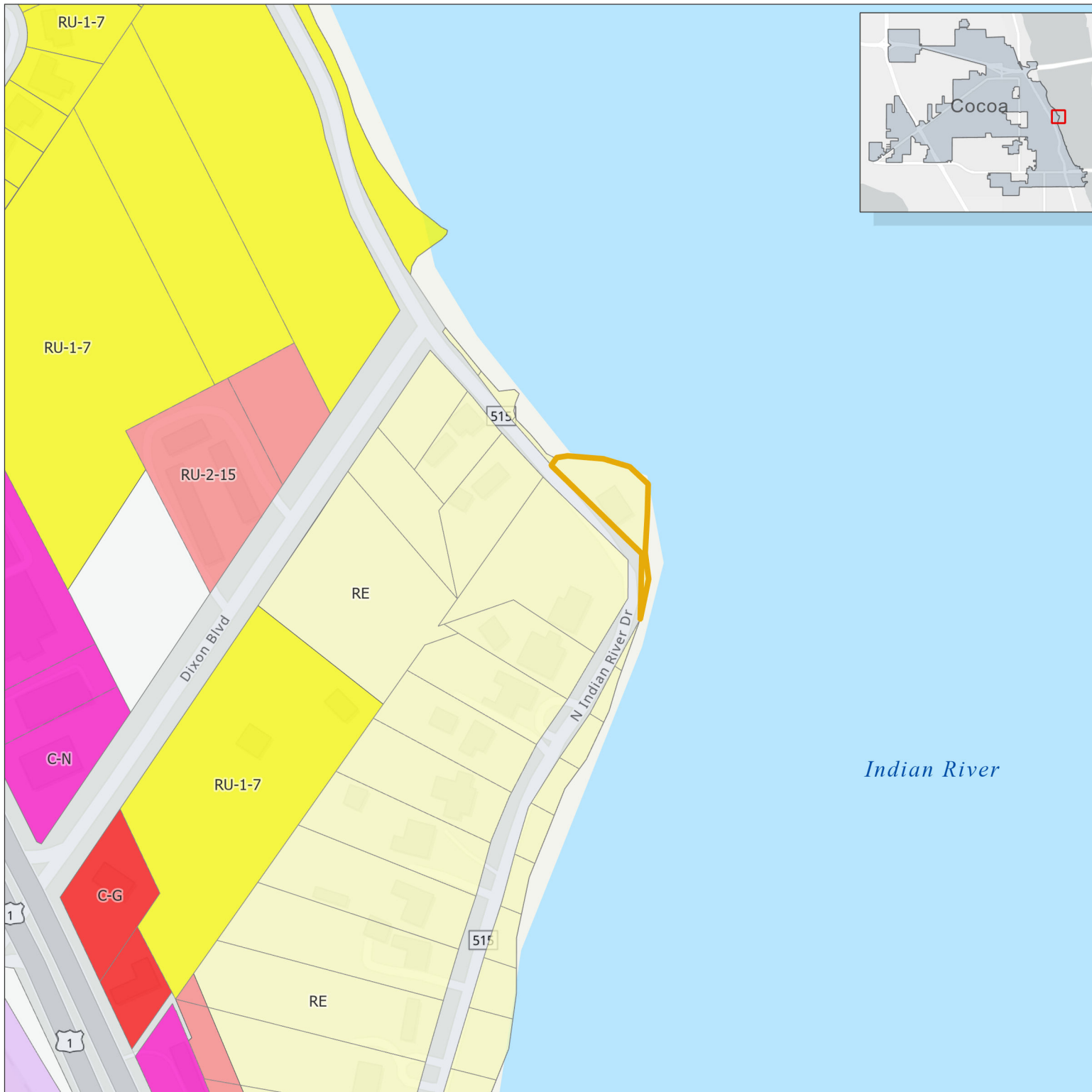
1198 N INDIAN RIVER DR LOCATION

June 12, 2026

-  Subject Parcels
-  Parcels
-  Cocoa City Boundary

0 200 400 Feet

P20260612-196001.1



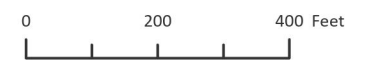
1198 N INDIAN RIVER DR ZONING

June 12, 2026

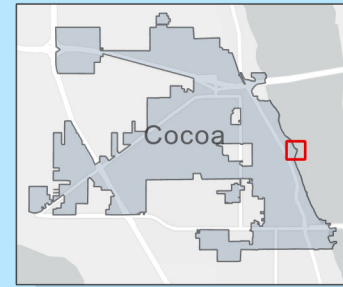
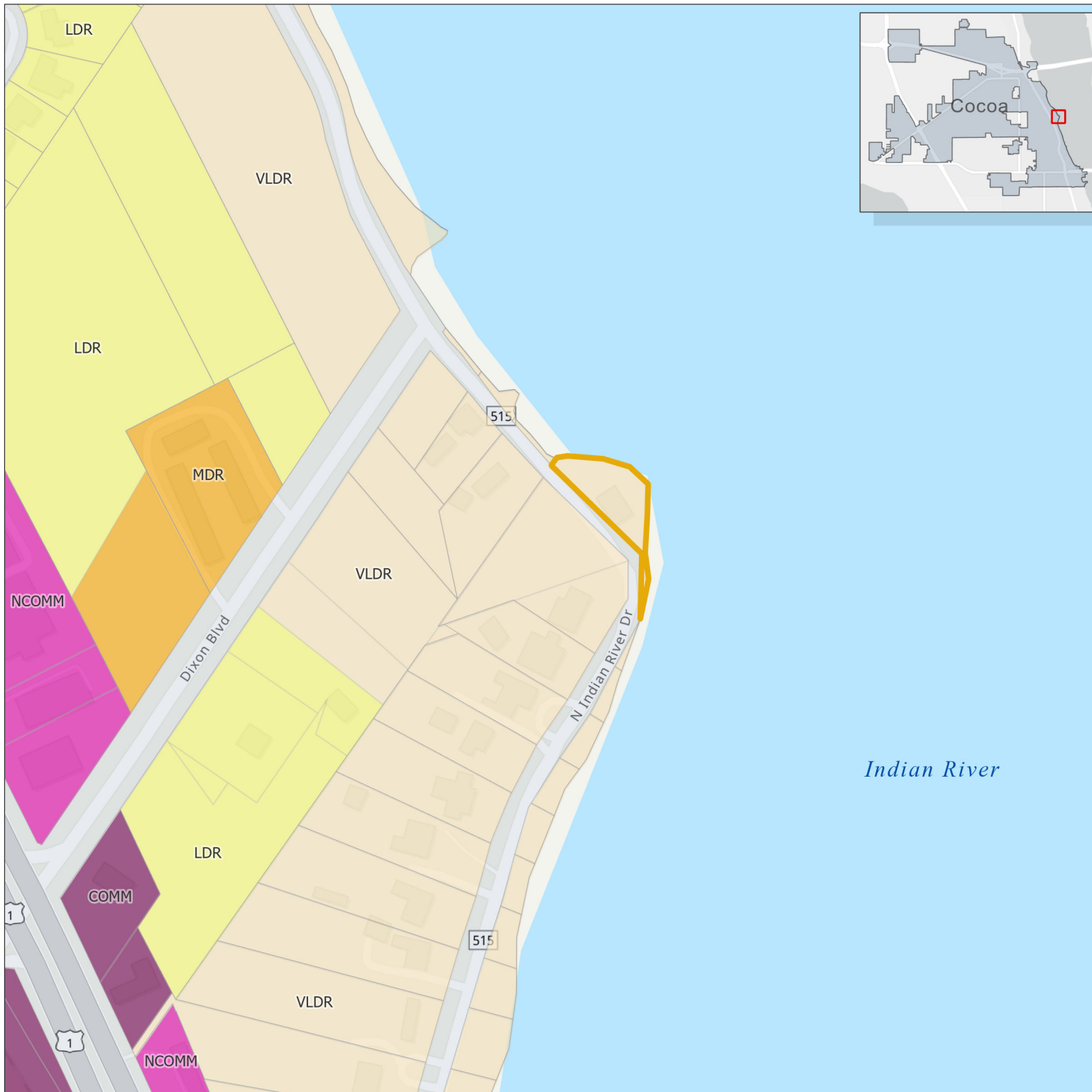
 Subject Parcels

Cocoa Zoning

-  RE - Residential Estate
-  RU-1-7 - Single-Family Residential
-  RU-2-15 - Multiple Family Dwelling
-  C-N - Neighborhood Commercial
-  C-P - Commercial Parkway
-  C-G - General Commercial
-  Zoning Not Assigned
-  Parcels
-  Cocoa City Boundary



P20260612-196001.2



1198 N INDIAN RIVER DR FUTURE LAND USE

June 12, 2026

 Subject Parcels

Future Land Use

 Very Low Density Residential

 Low Density Residential

 Medium Density Residential

 Neighborhood Commercial

 Commercial

 Parcels

 Cocoa City Boundary

Indian River



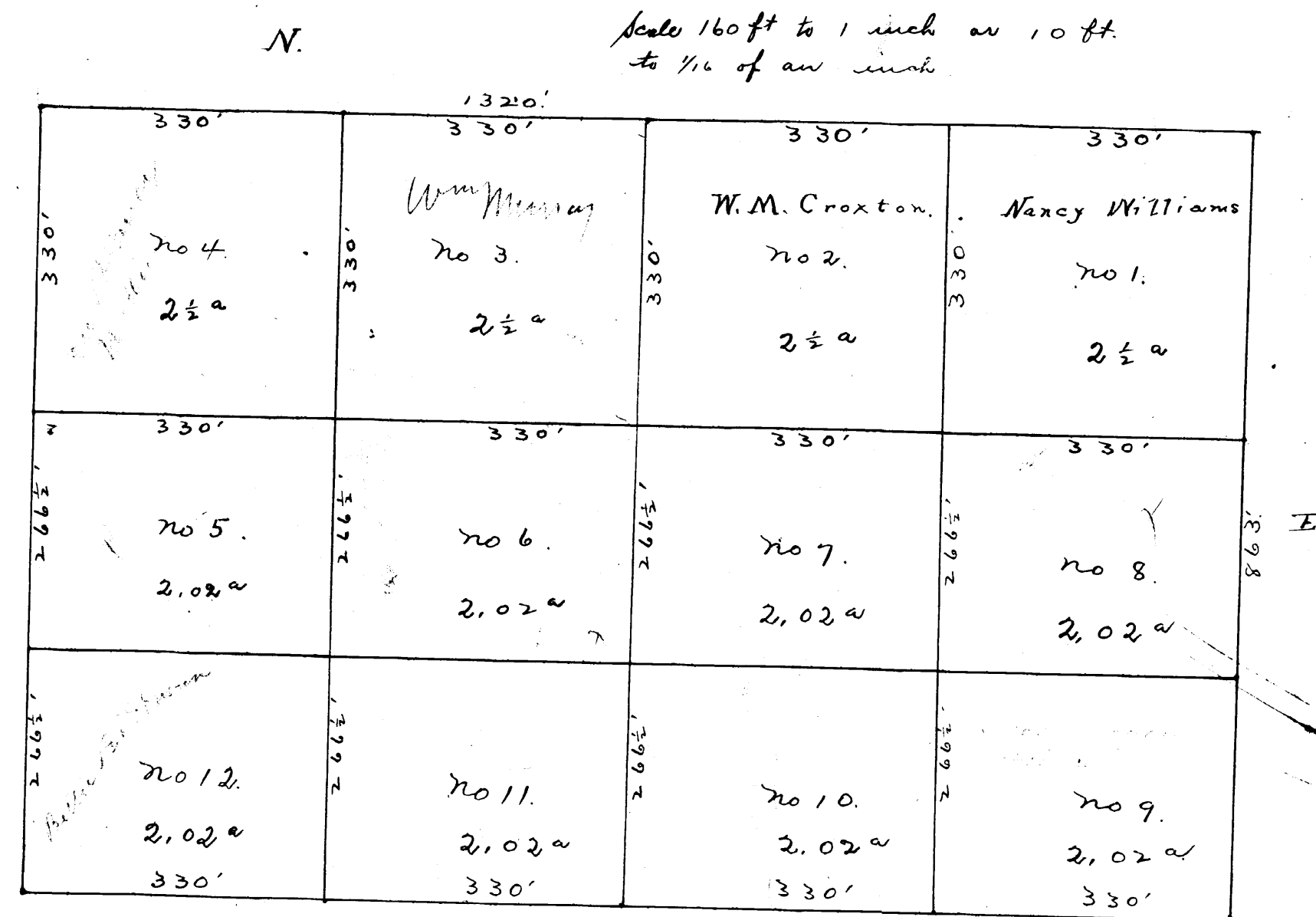
P20260612-196001.3

N. 27° of 2nd foot 1
Sec 4, Twp 22 S.R. 35 E.

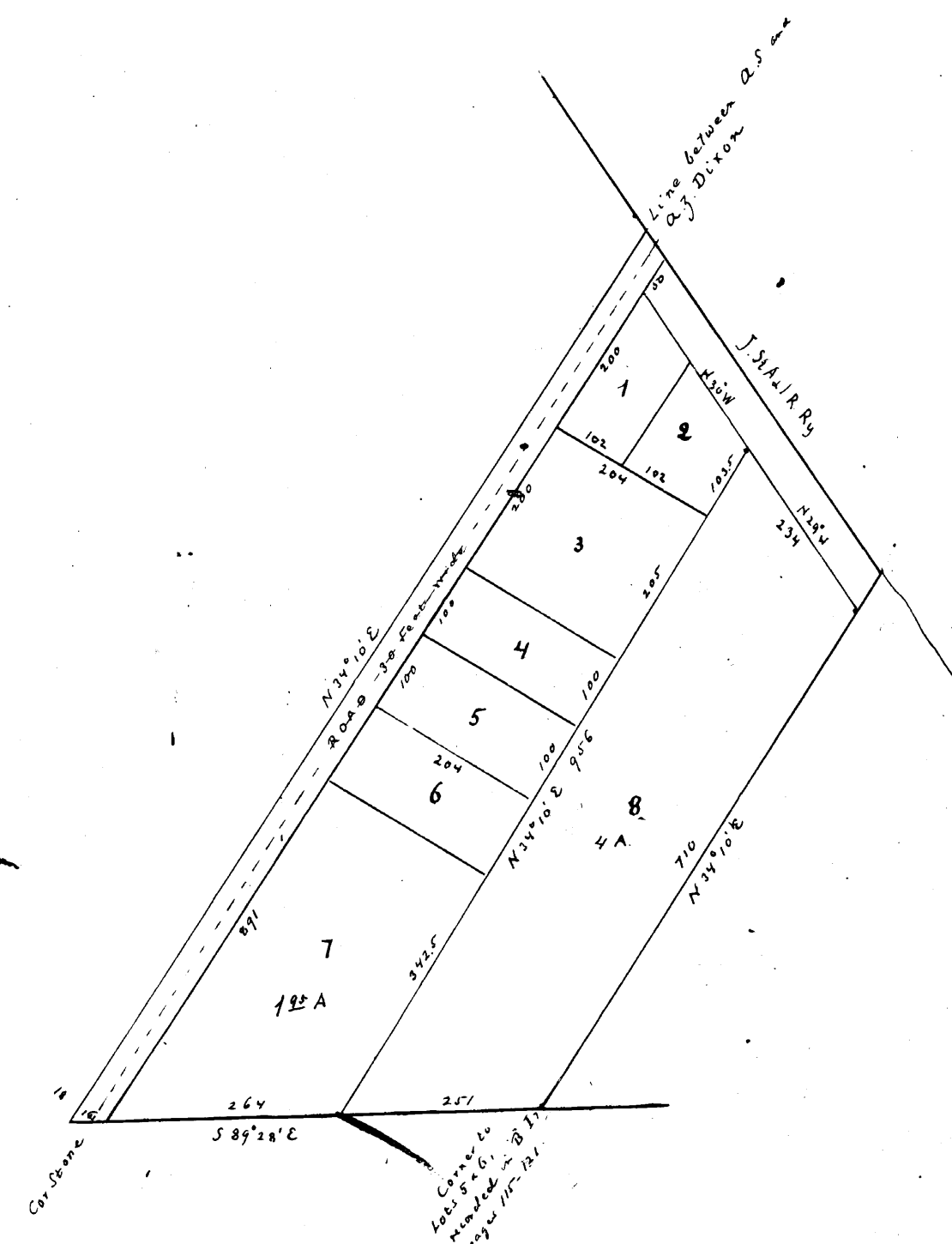
OSBANS SUBDY.

J.P. Farnsworth

W.



Filed and recorded June 18, 1908.
A.A. Stewart Clerk
My Co. Stewart



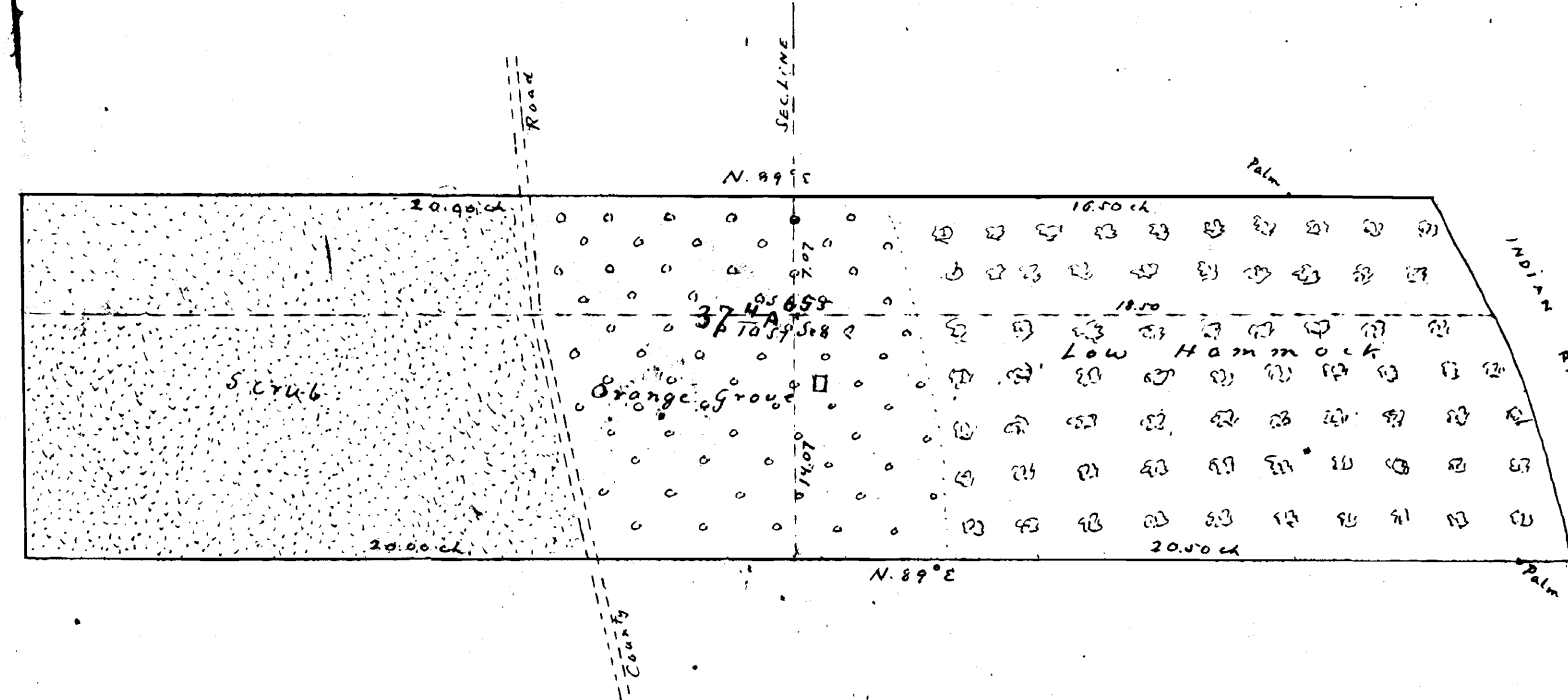
Plat of the Subdivision
of the land of A.J. Dixon Sec. 20, T. 22 S. R. 36 E.
lying west of the J.S. & L.R. Ry.
Scale 200 feet = 1 inch
Surveyed by R.B. Burchfield
Oct 28th 1893

Transcribed from plat recorded in
Deedbook V page 692 by
J.O. Fries
County Surveyor

Filed and recorded this November 16th 1893
A.A. Stewart
Clerk

This plat is made and filed for the purpose of facilitating Assessments, which
can be made as follows:
70 yards off of the South side of Sec. 5, T. 24 S. R. 36 E., containing 5 1/2 acres
70 yards off of South side of SE 1/4 of Sec 6, T. 24 S. R. 36 E., containing 6 1/2 acres
140 yards off of the North side of NE 1/4 of Sec 7, T. 24 S. R. 36 E. containing 12 1/2 acres
140 yards off of the North side of Sec. 8, T. 24 S. R. 36 E. containing 12 1/2 acres

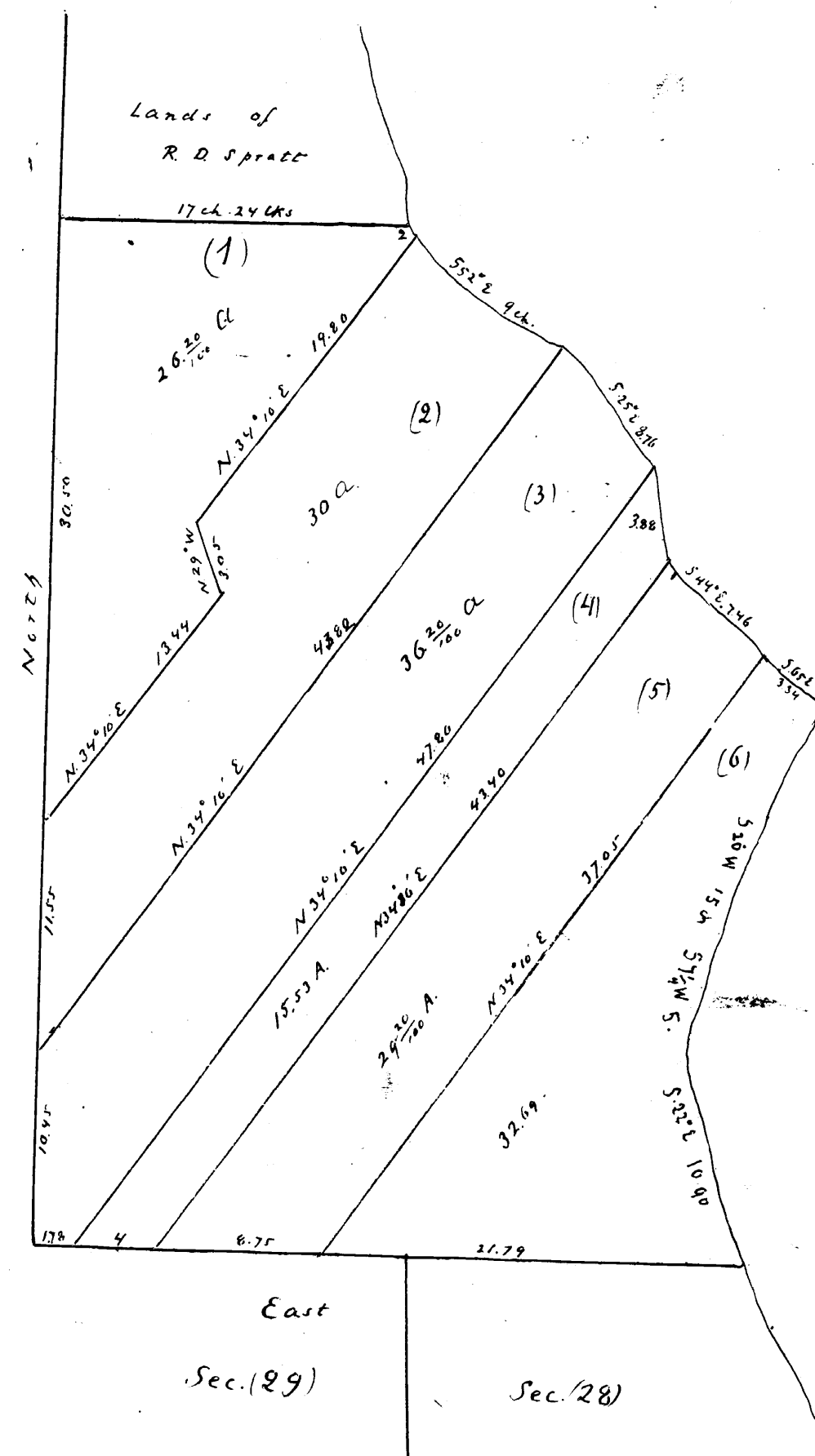
Scrub 13 1/2 Acres
Orange Grove 8 1/2 Acres
Low Hammock 14 1/2 Acres



Plat of the Land of Mrs. L.E. Gould in Secs 5, 6, 7 & 8
Township (24) South, Range (36) East.
Surveyed and plotted by R.B. Burchfield (County Surveyor) Nov 3rd 1892
Scale 5 chains = 1 inch

Filed and Recorded this January 25th 1893
A.A. Stewart
Clerk

Transcribed from plat recorded in
Deedbook V page 692 by
J.O. Fries
County Surveyor



Plat of the division
of the land of Robert Dixon

State of Florida
County of Broward } ss On this eight day of June A.D. 1887 personally appeared before me, a Notary
Public for the State of Florida at large, Nancy J. Dixon, widow of Robert Dixon, deceased, alone &
Dixon, Thomas K. Dixon, Annie Dixon, Adam S. Dixon, Robert Dixon, William F. Dixon no Attorney
Dixon, all parties to the foregoing Partition deed and each for himself and herself, acknowledged that
they fully understand the contents thereof and are satisfied therewith, and that they executed the same
for all the uses and purposes therein expressed, also upon a separate examination of Anne Dixon, the
wife of the said Thomas K. Dixon, she acknowledged and declared that she is party to and executed
the said deed for the purpose of relinquishing the dower and right of dower, interest, claim or
demand to every part and parcel of the aforesaid described lands, according to the tenor and meaning
of the said deed, and that she did the same freely and voluntarily and without fear, constraint,
compulsion or apprehension for her said husband. Whereupon it is prayed by all the parties to this
instrument that the same be recorded.

In witness whereof I have set my hand and seal the day and year before written
J.F. Travis Notary Public
State of Florida at large

State of Florida
Broward County } ss J. A. A. Stewart, Clerk of the Circuit Court in and for said County, do hereby
certify that John M. Dixon and his wife Mary E. Dixon, both to me well known as two of the parties who
executed the foregoing instrument of Partition and acknowledged that they were acquainted with the contents
thereof and signed the same for the purpose therein expressed and further that I examined Mrs. Mary E. Dixon
separately and apart from her husband and she acknowledged that she executed the same freely and voluntarily
without any fear, compulsion or constraint from her said husband

Witness my hand and seal this June 13th 1887

A.A. Stewart
Clerk of Circuit Court

Filed and recorded June 13th 1887
A.A. Stewart, Clerk

Transcribed from Deedbook I, pages 115, 120
by J.O. Fries
County Surveyor

Мат № 3.

W. D. Wells' Subdivision of Melbourne, Brevard Co., Florida.

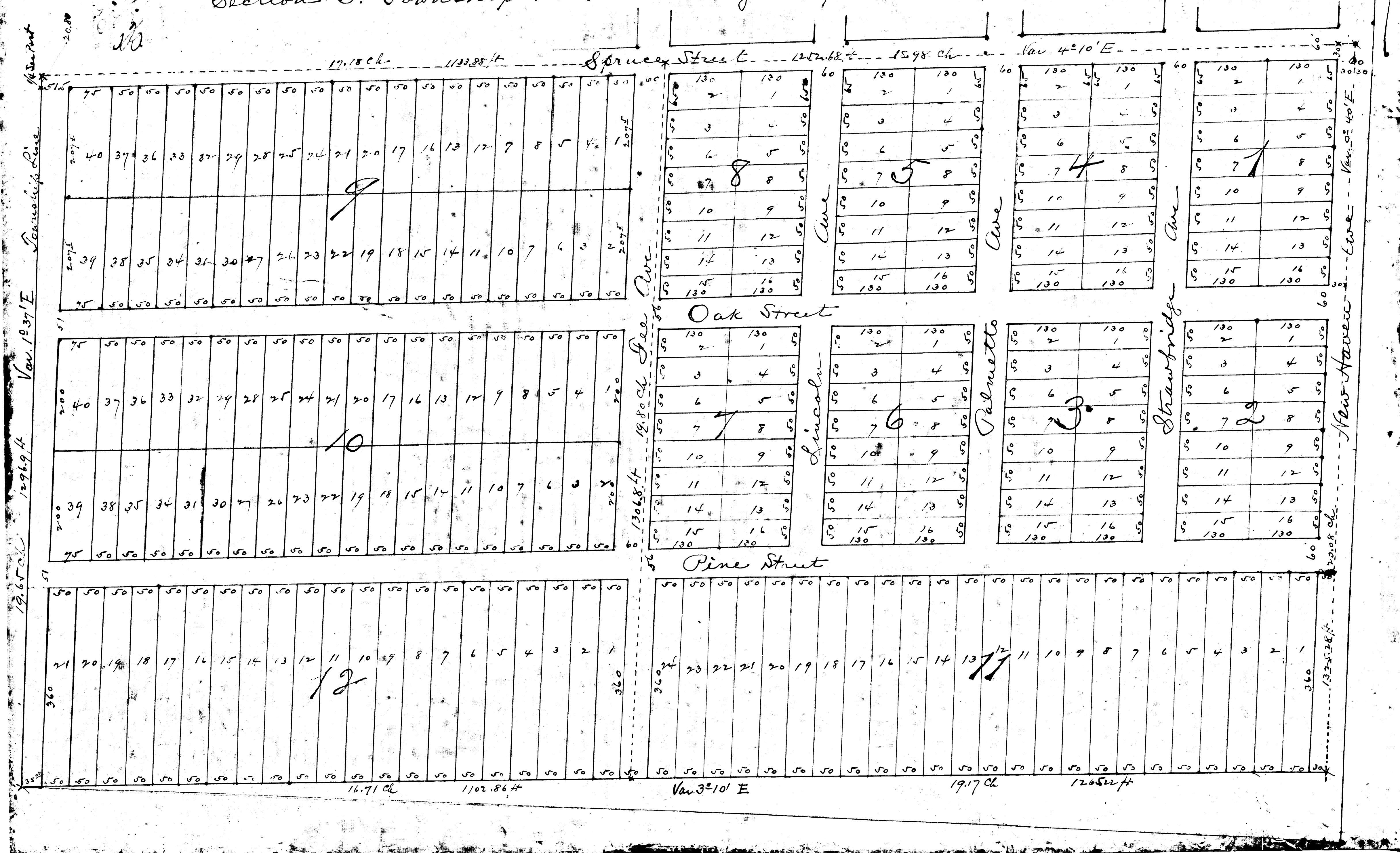
Section 3. Township 28. South. Range 37 East

Recorded July 17-1912

Plat Book No! page 158

I R Paxton
Co. Bureau

Scale $1'' = 100'$



DE 9. 01. 38

SCALE:- 1 IN TO 100 FT.

SEPT. 1945.

DESCRIPTION:-

[illegible]

DEDICATION:-

KNOW ALL MEN BY THESE PRESENTS, that Nath B. Barth and Reuelia A. Barth his wife have granted, sold, aliened, conveyed, confirmed, released, quitclaimed, and otherwise conveyed unto the said Cauden, his heirs and assigns forever, all that certain lot or parcel of land situate, lying and being in the City and Parish of Cocoon, Baidoo, on this the _____ day of _____, A.D. 1945.

Witness my hand and seal, at Cocoon, Baidoo, on this the _____ day of _____, A.D. 1945.

200-5

F.E.C.R.R.

WITNESSES:

Noah S. Butt
 Paradise a Butt
 (1861)

STATE OF FLORIDA
COUNTY OF BREVARD

COUNTY OF BREWSTER
I, the undersigned, being a duly qualified juror in the County of Brewster, State of Alaska, do hereby certify that I have read the foregoing declaration of the said Basilie A. Buth, his wife, to be the persons who made the foregoing declaration, who severally acknowledged the same before me, and that the same were made voluntarily, and that the same are true and correct, for the purposes herein set expressed.

I further certify that said Basilie A. Buth wife et al said husband, did acknowledge that she made heretofore said husband, did acknowledge that she signed same as a party to the declaration, and that she signed same in apprehension of death as from her said husband, in whose presence I signed my hand and official seal, in whose presence I signed my hand and official seal,

J. F. Macmillan
Notary Public, State of
Florida at large.
Comm. Expires JAN 10 1948

STATE OF FLORIDA
COUNTY OF BREVARD
CITY OF COCOA

City of Cocoa hereby certifies that the attached has been examined and approved for file upon the 13th of the city on this the 28th day of August, A.D. 1945.

Attest *W. J. Johnson*
Chairman of Council.

STATE OF FLORIDA
COUNTY OF BREVARD

UNIT OF BREYARD
I hereby certify that the attached plat has been exam-
ined and approved for file upon the records of this
city, on this the fourth day of October, A.D. 1945.
J. M. Simmons

Clerk of the Board of
County Commissioners

SURVEYOR'S CERTIFICATE:
I hereby certify that the attached

[illegible]

STATE OF FLORIDA {
24770

STATE OF FLORIDA }
CITY OF MIAMI }
Filed for record in the office of Clerk of Circuit
Court, Dade County, Florida.

Count for Request Category: Special
OCT 4 1945 25 11:20 L.V.

and located in Plot 38
Block 9 Page 38

Block Page 30
.....
.....
.....

South District Court

8155 212-8210
Cable Oregon Court

24. 25.

10

1

Page 26 of 293

ZONING ORDINANCE
CITY OF COCOA, FLORIDA

ORDINANCE NO. 1250

An Ordinance to regulate and restrict the height, number of stories, and size of buildings and other structures; to regulate the size, depth and width of yards, courts and other open spaces; to regulate the percentage of lot that may be occupied and regulate the density of population; to regulate and restrict the location and use of buildings, structures, land and water for trade, industry, residence and other purposes; and for such purposes to divide the City of Cocoa into districts of such number, shape and area as may be best suited to carry out these regulations, and within such districts to regulate and restrict the erection, construction, alteration, repair or use of building, structures, land and water; to provide for the administration of said regulations; to provide a method for amendment, supplement, change, modification and repeal of regulations, restrictions and boundaries; to provide a Board of Adjustment and prescribe its powers and duties and to prescribe penalties for the violation of its provisions and also provide for its enforcement.

PURPOSES AND ENACTING CLAUSE

WHEREAS, by the provisions of Chapter 19,539, No. 544, Laws of Florida, 1939, authority is conferred upon the City of Cocoa to establish districts, or zones, within its corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open spaces surrounding buildings, and density of population; and

WHEREAS, the City Council of Cocoa deems it necessary in order to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage,

schools, parks and other public requirements, to make and promulgate such regulations with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout said City in accordance with a comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA:

SECTION 1. DEFINITIONS. For the purpose of this Ordinance, certain terms and words are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular number; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "shall" is mandatory, and not directory; the word "lot" includes the words "plot" and "tract".

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building.

ADVERTISING STRUCTURE: Any sign, billboard or other object or structure serving primarily for advertising purposes.

ALLEY: A Roadway dedicated to public use which affords only a secondary means of access to abutting property.

BARBECUE STANDS, BARBECUE PITS OR PIG STANDS: Refreshment places where space is provided or allowance is made for automobiles to congregate for the purpose of serving occupants with refreshments.

BAS BASEMENT: A story partly underground but having less than one-half ($\frac{1}{2}$) its clear height below the grade.

BOARDING HOUSE: A building other than a hotel, where lodging and meals, are served for compensation.

BUILDING: Building is used to include a building, shed, garage, stable, greenhouse or other accessory building.

BUILDING AREA: Building area is the aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting

not more than eighteen inches, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than five feet, balconies and terraces.

BUILDING, HEIGHT OF: The height of a building is the vertical distance measured from the curb level to the mean level of the slope of the main roof. The height of a wall is the vertical distance from the curb level to the mean level of the top of the wall, including any dormers or gables on the wall.

BUNGALOW COURTS (HOUSE COURT): Two or more buildings used or intended for use as dwellings occupying a single lot or parcel of land, any portion of which is used or intended for use in common by the inhabitants of such dwellings. Such dwellings are usually in opposing rows separated by a walkway, drive or court.

COURT: A court is a required open, unoccupied space on the same lot, and fully enclosed on at least three adjacent sides by walls of the building. An outer court is any court facing for its full required width on a street, or on any other required open space not a court. An inner court is any other required court.

DWELLING, ONE OR SINGLE FAMILY: A detached building designed for or occupied exclusively by one family.

DWELLING, TWO FAMILY (DUPLEX): A detached building, divided horizontally or vertically and designed for or occupied by two single-family housekeeping units; contained entirely under one roof, and having one dividing partition common to each unit, or having the ceiling structure of the lower unit the floor structure of the unit above.

DWELLING, MULTIPLE FAMILY (APARTMENT): Multiple family dwelling is a building used or intended to be used or occupied as a residence by two or more families.

FAMILY: Any number of individuals living together as a single house-keeping unit and doing their cooking on the premises.

GARAGE, COMMUNITY (STORAGE): A group of private garages, either detached or under one roof, arranged in a row or around a common means of access and erected for the use of residents in the immediate vicinity. *AK BY*

GARAGE, PRIVATE: A building or space used as an accessory to a main building permitted in any residence district, and providing for the storage of motor vehicles, and in which no business, occupation or service for profit is in any way conducted.

GARAGE, PUBLIC: Any premises, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GASOLINE AND OIL FILLING STATIONS: A structure or place where gasoline, oil or grease are supplied and dispensed to the motor vehicle trade.

GRADE, ESTABLISHED: The curb line grade at the front lot line as established by the City.

GUEST HOUSE (TOURIST HOME): Any dwelling in which rooms are rented for the temporary care or lodging of transients and travelers for compensation.

HOTEL: A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten or more rooms are furnished for the accommodation of such guests; and having or not having one or more dining rooms, restaurants or cafes where meals or lunches are served to such transient or permanent guests, such sleeping accommodations and dining rooms, restaurants or cafes, if existing, being conducted in the same building or buildings in connection therewith.

LODGING (ROOMING) HOUSE: Any house, or other structure, or any place or location kept, used, maintained, advertised or held out to the public to be a place where living quarters, sleeping or house-keeping accommodations are supplied for pay to transient or permanent guests or tenants, whether in one or adjoining buildings.

LOT: A parcel of ground which is or may be occupied by a building and accessory building, including the open spaces required under this Ordinance.

LOT OF RECORD: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Brevard County.

LOT, DEPTH: The depth of a lot, for the purpose of this Ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT, THROUGH: An interior lot having frontage on two streets.

MOTOR CAMP: Any multiple dwelling or group of dwellings, other than bungalow courts, hotels or apartment houses, which is designed or intended for the temporary residence of motorists or travelers. This term shall include "Cabin Camps", "Auto Courts", "Tourist Camps".

NON-CONFORMING USE: A building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

PARKING LOT: An area or plot of ground used for the storage or parking of motor vehicles.

SERVICE STATION: A building where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, also where battery, tire and other similar services are rendered.

SET BACK: The minimum horizontal distance between the street wall of a building and the street line, excluding open, unenclosed porches.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF: A story under a gabled, hipped or gambrel roof the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the finished floor of such story.

STREET LINE: The line between the street and abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the land, or attached to something having a permanent location on the land.

STRUCTURAL ALTERATIONS: Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

TOURIST HOME: See GUEST HOUSE.

TRAILER: Any unit used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting said unit from place to place, whether by motive power or other means.

TRAILER CAMP: Any lot, piece or parcel of land set aside and offered by any person, firm, corporation or municipality to the transient public for the parking and accomodation of one or more automobile trailers which are to be occupied for sleeping or eating.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT: A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps and unenclosed porches.

YARD, SIDE: An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required.

SECTION 2. DISTRICTS. In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to regulate and determine the areas of open spaces within and surrounding buildings; to classify, regulate and restrict the location of trades and industries; and the location of buildings designed for specified industrial, business, residential and other uses the City of Cocoa, Florida, is hereby divided into districts of which there shall be nine (9) known as:

R-1 AA, R-1 A, R-1, One (Single) Family Districts

R-2, R-3, Multiple Family Districts

C-1, Commercial District (Retail)

C-2, Commercial District

C-3, Commercial District (Wholesale)

M-1, Industrial District.

The aforesaid districts and the boundaries thereof are shown upon the map prepared by Simons-Sheldrick Company and filed with the city clerk; said map being designated as the "Zoning Map". The map and all the notations, references, and other information shown thereon shall be as much a part of this ordinance as if such information set forth on such map were all fully described and set out herein.

The R-1 AA one (single) family district shall comprise the following lands located in the City of Cocoa, to-wit:

All of sections 20, 21, and 28, lying east of the Dixie Highway, extending from the south line of the subdivision known as Broadview Manor, south to the north line of the Bodefield Subdivision, and the north line of block 6, Park Hill Subdivision, excepting therefrom that part of section 20, lying in the southwest quarter of the northeast quarter thereof, and excepting therefrom the lands in section 28, lying east of the Dixie Highway and located in C-2 commercial district, hereinafter described, and except the lands of Lester R. and Ruth C. Kershaw known as Magnolia Point, and described in the deed, recorded in Deed Book 244, page 456: public records of Brevard County, Florida

The R-1 A one (single) family district shall comprise the following lands located in the City of Cocoa, to-wit:

All of the lands contained in the Carleton Terrace and Broadview Manor Subdivisions, and all of the lands contained in the subdivision known as Virginia Park, the said lands contained in the Virginia Park Subdivision being otherwise described as being bounded on the north by Ohio Street, on the east by Fiske Boulevard, on the south by Oak Street, and on the west by the city limits.

The R-1 one (single) family district is comprised of all lands located within the City of Cocoa which are not herein described as contained in another district.

The R-2 multiple family district shall comprise the following lands located within the City of Cocoa, to-wit:

Lots numbered 7, 8, 9, 10, and 38, of Highland Park Subdivision, the unnumbered lot lying west of lot 6 and east of lot 7 in Highland Park Subdivision; also lots numbered 9 to 22, both inclusive, and lots numbered 25, 26, and 27, of Sunset Park Addition; also a tract of land beginning at a point 99.6 feet west of the intersection of Olive Street and Indian River Drive on the south side of Olive Street; thence running the south line of Olive Street west to the center line of the old right of way of the Florida East Coast Railway; thence run the said right of way in a southeasterly direction to the south line of the property owned by the Brevard County Board of Public Instruction, known as the school property; thence run east to the west line of the school property; thence run south to the south line of section 28; thence run east to the northwest corner of lot 1, Dixon's Addition; thence run south to the southwest corner of lot 1, Dixon's Addition; thence run east to Forrest Avenue; thence run north to the northeast corner of lot 1, Dixon's Addition; thence run east to the east side of Forest Avenue; thence run the east line of Forest Avenue south and south-

easterly to its intersection with Willard Street; thence run the north line of Willard Street east to the alley dividing lots 2 and 3 of Sanders' Addition; thence run north to the northwest corner of lot 2, Sanders' Addition; thence run east to the east line of Brevard Avenue; thence run north to the Indian River; thence run the Indian River northwesterly to the south line of Peachtree Street projected east; thence run the said Peachtree Street west to a point opposite the east line of lot 1, Jones' Subdivision; thence run the east line of lot 1 of Jones' Subdivision to the northeast corner thereof; thence run the north line of Jones' Subdivision west to lands owned by Anita Travis, described in deed book 89, page 162, public records of Brevard County, Florida; thence run north to the south line of lot 1 of Shaw's Subdivision; thence run the south line of lot 1, Shaw's Subdivision, east to the southeast corner thereof; thence run the east line of lot 1, Shaw's Subdivision north to the south line of lot 5 of Counts' Subdivision; thence run the south line of Counts' Subdivision east to the southeast corner of lot 3 thereof; thence run the east line of lot 3 of Counts' Subdivision north to Mulberry Street; thence run the said Mulberry Street west to a point opposite the east line of lot C, Dixon's Subdivision; thence run the east line of lot C, Dixon's Subdivision, north to the northeast corner thereof; thence run west on the north side of Dixon's Subdivision to the dividing line between the lands now owned by J. F. Weathers and the lands now owned by Frank Y. Byrd; thence run the dividing line between the said Weathers and Byrd lands north, and said line projected north to the lands of Mrs. Ollie M. Holmes; thence run the south line of the lands of Ollie M. Holmes, west to a point which is coincident with the east line of lot 23 of Chittenden and Mitchell's Subdivision projected south; thence run the said line projected south, and the east line of lot 23, Chittenden and Mitchell's Subdivision, north to the north line of Mitchell Street; thence run the north line of Mitchell Street west to the southeast corner of lot 4 of Chittenden and Mitchell's Subdivision; thence run the east line of said lot 4 north to the northeast corner thereof; thence run the north line of said lot 4 west to the southeast corner of lot 1 of Snyder's Subdivision; thence run the east line of said lot 1 north to the north line of Parkway Street; thence run the north line of Parkway Street west to Snyder Drive; thence run the said Snyder Drive north to Carmalt Place; thence run Carmalt Place east to the southeast corner of lot 3, Hatter-McGlaun Subdivision; thence run the east line of said lot 3, Hatter-McGlaun Subdivision north to the northeast corner thereof; thence run west to a point due south of the point of beginning; thence run north to the point of beginning; also the property occupied by the Methodist Church, bounded on the east by Brevard Avenue and on the south by Factory Street, extending 147 feet on Brevard Avenue and 124 feet on Factory Street; also a tract of land bounded on the north by Factory Street, on the east by Brevard Avenue, on the south by Poinsett Drive, and on the west by the old right of way of the Florida East Coast Railway; also all of that tract of land bounded on the north by Maryland Avenue, on the east by Delannoy Avenue, on the south by Derby Street, and on the west by Brevard Avenue, excepting therefrom lot numbered 7 of the Jacques Subdivision; also lots numbered 2, 3, 4, 5, and 6 of the Jacques Subdivision, and lots numbered 4 and 5 of the Hardee-Ronald Subdivision; also the property occupied by the Brevard Hotel and shown on the city map as Oleander Point.

The R-3 multiple family district shall comprise the following described lands located in the City of Cocoa, to-wit:

Begin at the intersection of the north line of Lundy Heights Subdivision with the center line of the new right of way of the Florida East Coast Railway; thence run the center line of the new right of way of the Florida East Coast Railway southeasterly to Main Street; thence run Main Street east to its intersection with First Street; thence run First Street north to the west line of the old right of way of the Florida East Coast Railway; thence run the west line of the Florida East Coast Railway right of way northwesterly to the south line of section 28, township 24 south, range 36 east; thence run east to the center line of the old right of way of the Florida East Coast Railway; thence run the center line of said right of way northwesterly to the north line of Lundy Heights Subdivision projected east; ~~thence run the north line of Lundy Heights Subdivision projected east and the north line of Lundy Heights Subdivision west to the point of beginning; also begin at the northwest corner of lot 1 of block 8, College Park Subdivision; thence run Pineapple Avenue south to its terminus; thence run the south line of College Park Subdivision east to the west line of the Henry Knight's Subdivision projected north; thence run the west line of Henry Knight's Subdivision projected~~ ^{North, and the West Line of Henry Knight's Sub-Division South} to Knight Avenue; thence run Knight Avenue east to Avocado Street; thence run Avocado Street south to the south line of block 5, Johnson's Subdivision; thence run the south line of block 5 and block 6 of Johnson's Subdivision to the southeast corner of block 6; thence run the east lines of block 6, 4, and 2 of Johnson's Subdivision to the northeast corner of block 2, thence run east to Loquat Street; thence run Loquat Street north to the south line of lot 8, in block 12A, College Park Subdivision; thence run the south line of lot 8, block 12A, and lots 4 and 5 in block 12C of College Park Subdivision to Pawpaw Street; thence run across Pawpaw Street to the northwest corner of block 12E, College Park Subdivision; thence run the north line of block 12E east to Washington Avenue; thence run Washington Avenue north to the north line of lots 5, 6, 7, and 8, in block 12, College Park Subdivision projected east; thence run the said projected line and the north line of lots 5, 6, 7, and 8, of block 12 and the north line of lot 2 in block 12A of College Park Subdivision to Loquat Street; thence run the north line of Satsuma Street west to Avocado Avenue; thence run Avocado Avenue north to the northeast corner of lot 4 in block 3, College Park Subdivision; thence run the north line of lots 1, 2, 3, and 4, in block 3, and the north line of block 8, and the north line of block 7 to the point of beginning; also the south half of lots 1 to 18, both inclusive, in block D of Lapham's Subdivision; also the south half of lots 19 and 20 of Hardee's Plat of Indian River City; also all of lots numbered 1 to 24, both inclusive, of Hodges' Sunnyside Addition; also blocks numbered 29, 30, 31, and 32, of Hardee's Plat of Indian River City; also lots numbered 1, 2, 3, 4, 5, 6, and 7, of block 14, Travis' Addition; also begin at the intersection of the south line of Hodges' Sunnyside Addition, with the east line of East Railroad Avenue; thence run the south line of Hodges' Sunnyside Addition east to the west line of Hardee's Plat of Indian River City; thence run the west line of Hardee's Plat of Indian River City and the west line of Travis' Addition south to the northwest corner of lot 8, block 14, Travis' Addition; thence run west on the north line of Depot Plaza Subdivision projected east, and the north line of Depot Plaza Subdivision to East Railroad Avenue; thence run east Railroad Avenue northwesterly to the point of beginning; also the north half of lots 1, 2, and 3, in block B of Lapham's Subdivision; also the north 100 feet of lot 18 of Hardee's Plat of Indian River City, and also the north half of lot 17 of Hardee's Plat of Indian River City.

The C-1 commercial district (retail) shall comprise the following described lands located in the City of Cocoa, to-wit:

Begin at the intersection of the east line of Brevard Avenue with the Indian River; thence run the east line of said Brevard Avenue south to Church Street; thence run east to Delannoy Avenue; thence run the west line of Delannoy Avenue north to the north side of Harrison Street; thence run the north line of Harrison Street east to Indian River; thence run the Indian River a northerly direction and a westerly direction to the point of beginning; also lot number 6 of the Hardee-Ronald Subdivision, and lots 1 and 7 of the Jacques Subdivision; also lot 2, Sanders' Addition; also the east 125 feet of lot 1, Hardee's Plat of Indian River City; also the east 145 feet of the north 50 feet of lot 12, Hardee's Plat of Indian River City; also the east 120 feet of the south 100 feet of lot 12 of Hardee's Plat of Indian River City; also all of lot 13, Hardee's Plat of Indian River City; also all of lot 24, Hardee's Plat of Indian River City, and also Davis Resubdivision of lots 24 and 25 of Hardee's Plat of Indian River City; also the east 124 feet of lot 36 of Hardee's Plat of Indian River City.

The C-2 commercial district shall embrace the following land lying in the City of Cocoa, to-wit:

All that tract of land lying between the west line of the Dixie Highway and the east line of the Florida East Coast Railway right of way from the northern city limits to the south line of the property owned by Crestview of Cocoa, Inc., which is the north line of the lands formerly owned by Fairview Land Company, now owned by James B. Scales; also all that portion of the southwest quarter of the northeast quarter of section 20, lying east of the Dixie Highway and bounded on the north and east by the Broadview Manor Subdivision and by the lands of N. L. Wolf, and on the southwest by the Dixie Highway; also begin at the intersection of the south line of the lands of George B. Dowley and the Dixie Highway, the said south line being the north line of the property of Gertrude B. Provost; thence run the east line of the Dixie Highway a southeasterly direction to the north line of Highland Street; thence run east to the east line of lot 13, Highland Park Subdivision; thence run the east line of lot 13, Highland Park Subdivision, and the said line projected north to the south line of lot 2 in block 9, Park Hill Subdivision; thence run to the southwest corner of said lot 2 in block 9; thence run the west line of said lot 2 to the north side of Sunrise Street; thence run west to the southeast corner of lot 1 in block 6, Park Hill Subdivision; thence run the east line of said lot 1 north to the northeast corner thereof; from said northeast corner, run northwesterly and parallel to the Dixie Highway and distant 100 feet east therefrom to the north line of the lands of Gertrude B. Provost, which is the south line of the lands of George B. Dowley; thence run west to the point of beginning; also begin at the intersection of the north line of the land of Gertrude B. Provost, and the south line of the lands of James B. Scales, with the west line of the Dixie Highway; thence run the said line west to the lands of James B. Scales; thence run south to the lands formerly owned by A. F. Skinner; thence run east on the south line of the Provost land to a point 100 feet west of the west line of the Dixie Highway; thence run southeasterly and parallel to and 100 feet distant west from the west line of the Dixie Highway to the north line of Park Hill Subdivision; thence run east

to the west line of the Dixie Highway; thence run the west line of the said Dixie Highway north to the point of beginning; also lots numbered 12 in block 2, 12 and 13 in block 5, and 12 and 13 in block 8, of the Park Hill Subdivision, and lot numbered 13 of Fay's First Addition.

The C-3 commercial district (wholesale) shall comprise the following described lands located in the city of Cocoa, to-wit:

Begin at the intersection of the south line of the lands of Crestview of Cocoa, Inc., and the north line of the lands of James B. Scales, with the center line of the right of way of the Florida East Coast Railway; thence run the center line of said right of way and the center line of the new Florida East Coast Railway right of way a southerly direction to the north line of the Lundy Heights Subdivision; thence run the north line of the Lundy Heights Subdivision east to the center of the old Florida East Coast Railway right of way; thence run the center line of the old railway right of way a northwesterly direction to the south line of Olive Street; thence run the west line of Fay Street, according to the original plat of Park Hill Subdivision, north and northwesterly to the north line of Park Hill Subdivision, as originally platted; thence from the north line of said Park Hill Subdivision run a line coincident with the north line of Fay Street projected north and parallel and equidistant from the center line of the old Florida East Coast Railway right of way to the north line of the lands of James B. Scales, and being the south line of the lands of Crestview of Cocoa, Inc.; thence run the said line west to the point of beginning; also the lands owned by Florida East Coast Railway Company, lying west and south of the school property and bounded on the south by the south line of section 28; also lots 2, 16, 17, 32, 33, 34, 31, 18, 15, and those portions of lots numbered 3, 4, and 14, lying east of the old Florida East Coast Railway right of way, all located in Dixon's Addition; also that tract of land bounded on the north by Peachtree Street, on the east by the old Florida East Coast Railway right of way, on the south by Willard Street, and on the west by Ridgeway Avenue; also all of lots numbered 1, 2, 3, 4, 9, 10, 11, 12, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35, and 36, in Hardee's Plat of Indian River City, except those portions of said lots which are included in C-1 commercial district; also blocks 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of the Travis' Addition; also that tract of land owned by Andrew D. Owens, known as the Owens' land, bounded on the north by Poinsett Drive, on the east by an alley which is the western boundary of block 23, Travis' Addition, on the south by the city limits, and on the west by Hughlett Avenue; also lots 1, 10, 11, 9, 8, 7, and 6, of Singleton's First Addition; also lots 8, 9, 10, and 11, of Singleton's Second Addition; also lots 1 to 8, both inclusive, in block 4, all of block 11, lots 1 and 3, in block 12A, lots 4 and 5 in block 4C, lots 24, 25, and 9 to 12, both inclusive, in block 6, and also lots 17 to 20, both inclusive, in block 6, and lots 4, 2, 1, and 3, in block 12, all according to the College Park Subdivision; also the north 100 feet of the property known as the Colored Ball Park, being bounded on the north by Magnolia Street, on the east by Washington Avenue, and on the west by lot 3, block 12, College Park; also the north half of lots 1 to 18, both inclusive, in block D of Lapham's Subdivision; also the north half of blocks 19 and 20 of Hardee's Plat of Indian River City; also the south half of block 17, and the south 50 feet of block 18 of Hardee's Plat of Indian River City; also the south half of lots 1, 2, and 3, in block B, of Lapham's Subdivision; also lots 1 to 8, both inclusive, of the re-subdivision of lot 4, block A, of Lapham's Subdivision;

and also all of block C, Lapham's Subdivision; also all of the City Dock, extending from the east end of the fill.

The M-1 industrial district shall comprise the following described lands located in the City of Cocoa, to-wit:

Begin at the west side of East Railroad Avenue on the south line of Hodges' Sunnyside Addition; thence run the south line of said Hodges' Sunnyside Addition west to Washington Avenue; thence run the east line of Washington Avenue south to the north line of lot 2, block 12E, of College Park Subdivision projected east; thence run the said projected line and the north line of block 12E of College Park Subdivision and the north line of lots 6 to 9, both inclusive, of block 12C of College Park Subdivision, and the north line of lot 9 in block 12A of College Park Subdivision to Loquat Street; thence run the east line of Loquat Street south to its terminus, which is the north line of the lands formerly owned by E. C. Johnson; thence run the north line of the said Johnson lands west to the east line of Johnson's Subdivision; thence run the east line of the Johnson Subdivision south to the south line of lot 4 in block 6 of said Johnson's Subdivision; thence run east to the south line of block D of Depot Plaza Subdivision, and run the south line of blocks D, C, and B, of the Depot Plaza Subdivision to East Railroad Avenue; thence run the west line of East Railroad Avenue northwesterly to the point of beginning.

Except as hereinafter provided:

1. No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used for any purpose, other than is permitted in the district in which such building or land is located.
2. No building shall be erected, reconstructed, or structurally altered to exceed the height or size provisions herein established for the district in which such building is located.
3. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereinafter defined.
4. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building; provided, further, that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
5. Every Building hereafter erected shall be located on a lot as herein defined; and in no case shall there be more than one building on one lot except as hereinafter provided.

SECTION 3. USE REGULATIONS, R-1 AA; R-1 A; R-1 ONE (SINGLE) FAMILY DISTRICTS. In the R-1 AA, R-1 A and R-1 One (Single) Family Districts no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed, or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. One or single family dwellings.
2. Schools, elementary, high and private, except correctional institutions.
3. Libraries, community centers and buildings used exclusively by the Federal, State, County or City government for public purposes.
4. Farms, nurseries, truck gardens and citrus groves and non-commercial greenhouses.
5. Churches and other places of worship, including Sunday School buildings.
6. Parks, playgrounds and playfields.
7. Non-commercial piers, boat houses and landing places, owned by adjoining property owners.
8. An accessory building located in the rear of the principal building, and with no immediate street frontage, and used for residence purposes only. This use shall be limited to servants quarters and a garage apartment occupied by not more than one family.
9. Private garages, detached, or combined with principal building or accessory building.
10. Uses customarily incident to any of the above uses when situated in the same dwelling, including home occupations, such as the office of a physician, surgeon, dentist, musician, artist or any other similar use. Also that no name plate exceeding one square foot in area, nor bulletin board, nor sign exceeding eight square feet in area, appertaining to the lease, hire or sale of a building or premises, nor advertising structure of any other character, shall be permitted; and where a lot is vacant said sign

or bulletin board must be placed back of the building line. A driveway or walk used for access to a commercial or industrial use shall in no case be permitted as an accessory use.

11. Railway rights of way not including railway yards.
12. The taking of boarders or the renting of rooms by a resident family, provided however that no signs advertising such use is displayed.

SECTION 4. USE REGULATIONS, R-2 AND R-3 MULTIPLE FAMILY DISTRICTS. In The R-2 and R-3 Multiple Family Districts, no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered, unless otherwise provided for in this Ordinance, except for one or more of the following uses:

1. Any use permitted in the R-1 AA, R-1 A and R-1 One (Single) Family Districts.
2. Multiple Family dwellings.
3. Hotels, in which retail business may be conducted for the principal conveniences of the occupants of the building, provided, however, there shall be no entrance to such place of business except from the inside of the building.
4. Boarding and lodging houses.
5. Hospitals, clinics and sanitariums.
6. Private clubs and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
7. Accessory buildings and uses customarily incident to any of the above uses, when located on the same lot and not involving the conduct of a business, including private and storage garages.
8. Name plates not exceeding one square foot in area, signs not exceeding twelve square feet in area, appertaining to the lease, hire or sale of a building or premises, provided, however, that no advertising structure of any other character nor bulletin board shall be permitted.

9. Guest houses, tourist homes.

10. Bungalow or House Courts.

SECTION 5. USE REGULATIONS, C-1 COMMERCIAL DISTRICT. In the C-1 Commercial District any building or land, except as otherwise provided in this Ordinance, may be used for any use permitted in the R-2 Multiple Family District, or for any other use except the following:

1. Bakeries, other than those whose products are made and sold at retail only on the premises.
2. Barbecue stands.
3. Bottling works.
4. Building material storage yard, including lumber yard.
5. Canning plants.
6. Carpet, rug or bag cleaning establishment.
7. Carousel, roller coasters, skating rinks, whirligigs, merry-go-rounds, ferris wheels, or similar amusement devices.
8. Carting, express, hauling or storage yard.
9. Contractors' plants and storage yards.
10. Dyeing or cleaning establishments (employing more than five people on the premises and/or utilizing steam pressure or power).
11. Fertilizer storage and sales warehouses.
12. Filling stations.
13. Fuel storage yards, coal, coke or wood yards.
14. Ice cream factory (employing more than five persons on the premises).
15. Ice plants or ice storage of more than five tons capacity.
16. Laundry (employing more than five people on premises).
17. Mattress factory.
18. Metal or wood working shop employing more than five people.
19. Milk depot other than a retail business conducted on the premises.
20. Machine shop.
21. Packing houses.
22. Jook joints.

23. Motor Camps.
24. Public Garages.
25. Second hand automobile storage and sales yards (used car lots).
26. Service stations.
27. Stone yard or monument works.
28. Storage warehouses.
29. Storage and sale of live poultry or poultry killing or dressing for sale at retail on the premises; except as clearly incidental to a regularly conducted grocery, market or feed store.
30. Trailer camps.
31. Wholesale warehouses and storage.
32. Any kind of manufacture, processing or treatment other than manufacture, processing or treatment of products clearly incidental to the conduct of the retail business conducted on the premises.
33. Any use excluded from C-3 Commercial District.

In the C-1 Commercial District a public garage, however, shall be permitted which is purely incidental to an automobile sales room, where the major business is the display and sale of new automobiles by an authorized agency; and, provided, that the area allowed for repair and storage of cars shall not be nearer the street than thirty feet (30') to the front line of the building. No use permitted in Residential Districts R-1 AA, R-1 A or R-1 shall be excluded from the C-1 Commercial District.

Any business permitted in the C-1 Commercial District pursuant to the provisions of this Ordinance may have not more than forty per cent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use; provided, however, that not more than five (5) employees shall be engaged at any time on the premises in any such incidental use..

SECTION 6. USE REGULATIONS, C-2 COMMERCIAL DISTRICT. In the C-2 Commercial District, no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or

structurally altered, unless otherwise provided for in this Ordinance, except for one or more of the following uses:

1. Any use permitted in the C-1 Commercial District.
2. Motor camps and such businesses as are incidental to their operation, excluding, however, jook joints.
3. Barbecue stands, barbeque pits or pig stands.

SECTION 7. USE REGULATIONS, C-3 COMMERCIAL DISTRICT. In the C-3 Commercial District any building and land, except as otherwise provided in this Ordinance, may be used for any use permitted in the C-2 Commercial District or for any other use except the following.:

1. Abattoir and meat packing plants.
2. Acid manufacture.
3. Asphalt manufacturing and refining.
4. Automobile grave yards.
5. Central mixing plant for cement, mortar, plaster or paving materials.
6. Distillation of bones, coal or wood.
7. Fertilizer manufacture.
8. Foundry or forge plant.
9. Gas manufacture (heating or illuminating).
10. Glue, sizing or gelatin manufacture.
11. Incineration or reduction of dead animals, offal or garbage.
12. Storage or baling of rags, paper, iron or junk.
13. Paper or pulp manufacture.
14. Sausage or meat manufacture.
15. Saw mills.
16. Sewage disposal plants.
17. Soap manufacture.
18. Stock yards.
19. Tanning, curing, storage of hides and skins;
and in general those uses which may be obnoxious or
offensive by reason of emission of odor, dust, smoke,
gas or noise.

20. Any use excluded from the M-1 Industrial District.

SECTION 8. USE REGULATIONS, M-1 INDUSTRIAL DISTRICT. In the M-1 Industrial District any building or land may be used for any purpose whatsoever not in conflict with any ordinance of the City of Cocoa regulating nuisances; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the Board of Adjustment.

1. Abattoir and meat packing plants.
2. Acid manufacture.
3. Distillation of bones, coal or wood.
4. Fertilizer manufacture.
5. Garbage, offal or dead animal reduction or dumping.
6. Glue, sizing or gelatin manufacture.
7. Paper or pulp manufacture.
8. Rendering plant.
9. Soap manufacture.
10. Stock yards or slaughter of animals.
11. Tanning, curing, storage of hides or skins.

and in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

SECTION 9. USE EXCEPTIONS. The lawful use of premises existing at the time of the passage of this Ordinance for exhibition purposes, amusements, athletic training or other athletic purposes, and municipal airport, including their incidental uses, may be continued or structurally altered or added to, but whenever such a use is discontinued any future use shall conform with the regulations of the District in which the property is situated as indicated on the Zoning Map.

SECTION 10. NON-CONFORMING USES. The lawful use of a building or land existing at the time of the passage of this Ordinance or an amendment thereto may be continued, altho such use does not conform to the provisions hereof; but if such non-conforming use is discontinued, any further use of said building or land shall be in conformity with the provisions of this Ordinance.

The lawful use of a building existing at the time of the passage of this Ordinance may be continued, altho such use does not conform to the provisions of this Ordinance; and such use may be extended thruout the building, provided no structural alterations, except those required by law or ordinance, or ordered by an authorized officer to assure the safety of the building, are made therein.

A non-conforming use may be changed to a use of the same or higher classification according to the provisions of this Ordinance. When a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification; provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a non-conforming use of a lower classification.

Nothing in this Ordinance shall be taken to prevent the restoration of a building destroyed to the extent of not more than fifty per cent (50%) of its building structure by fire, explosion or other casualty, or act of God, or the public enemy, nor the continued occupancy or use of such building after restoration.

SECTION 11. HEIGHT, AREA AND BULK REGULATIONS, R-1 AA, R-1 A AND R-1 ONE (SINGLE) FAMILY DISTRICTS. In the R-1 AA, R-1 A and R-1 One (Single) Family Districts the height of buildings, the minimum dimensions of yards, the minimum lot area per family, the minimum percentage of lot coverage, and the minimum square feet of first floor area shall be as follows:

HEIGHT: No building hereafter erected or structurally altered shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five feet (35'), except as hereinafter provided in Section 15 hereof.

REAR YARD: There shall be a rear yard having a depth of not less than twenty per cent (20%) of the depth of the lot, provided however that such rear yard need not exceed thirty feet (30').

SIDE YARD: On interior lots there shall be a side yard on each side of a building, having a width of not less than fifteen per cent (15%) of the width of the lot, provided, however, that each of such side yards need not exceed eight feet (8') in width. On a lot having a width of less than fifty feet (50'), as shown by the last conveyance of record at the time of the passage of this Ordinance, each side yard shall have a width equal to at least one-third ($1/3$) of the height of the adjoining wall of the building, measured to the eaves' line.

On corner lots the side yard regulation shall be the same as for interior lots, except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty per cent (50%) of the front yard requirement on the lot in the rear of such corner lot and no accessory building on said corner lot shall project beyond the front yard line of the lots in the rear; provided, however, that this regulation shall not be interpreted to reduce the buildable width, after providing the required interior side yard, of a corner lot facing an intersecting street, and of record, at the time of the passage of this Ordinance, to less than twenty-five feet (25'), nor to prohibit the erection of an accessory building where this regulation cannot be reasonably complied with.

FRONT YARD: There shall be a front yard having a depth of not less than sixty feet (60') in the R-1 AA District, twenty-five feet (25') in the R-1 A District and twenty feet (20') in the R-1 District, measured to the front line of the main building. Where lots comprising forty per cent (40%) or more of the frontage within the block are developed with buildings having an average front yard with a variation in depth of not more than six feet (6'), no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

LOT AREA PER FAMILY: In the One (Single) Family Districts every building hereafter erected or structurally altered shall provide an area of lot per family of not less than the following amounts:

R-1 AA - 20,000 square feet of lot area per family

R-1 A - 6,000 square feet of lot area per family

R-1 - 5,000 square feet of lot area per family

Where a lot has an area less than the above required minimum and was of record at the time of the passage of this Ordinance, said lot may be occupied by one family; provided, however, that the minimum side and front yard requirements herein before stipulated are conformed with.

PER CENT OF LOT COVERAGE: No building shall cover more than thirty per cent (30%) of the lot area in the R-1 AA, R-1 A and R-1 Districts, if an interior lot, nor more than forty per cent (40%) of the lot area if a corner lot. In computing the percentage of the area of the lot for the purpose of this Section, any part of the area of any corner lot in excess of six thousand (6,000) square feet in an R-1 A and five thousand (5,000) square feet in an R-1 District shall be considered an interior lot. And, further, a one-story accessory building not more than fifteen feet (15') in height covering up to ten per cent (10%) in an R-1 A and R-1 District shall be excluded, in computing such percentage of the area of the lot built upon for the purpose of this Section.

In the R-1 AA, R-1 A and R-1 One (Single) Family Districts minimum requirements for first floor area per dwelling or living unit shall conform to the following schedule:

MINIMUM SQUARE FEET OF THE FIRST FLOOR

AREA REQUIRED PER FAMILY OR LIVING UNIT

	<u>R-1 AA</u>	<u>R-1A</u>	<u>R-1</u>
Two story and two story and one-half	900	800	600
One story and one-half	1,000	900	700
One story	1,200	1,000	750

SECTION 12. HEIGHT AND AREA REGULATIONS, R-2 MULTIPLE FAMILY DISTRICT. In the R-2 Multiple Family District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows.

HEIGHT: No building hereafter erected or structurally altered shall exceed three (3) stories or forty-five feet (45'), except as hereinafter provided.

REAR YARD: There shall be a rear yard having a depth of not less than twenty per cent (20%) of the depth of the lot, provided however that such rear yard need not exceed twenty-five feet (25') for interior lots nor fifteen feet (15') for corner lots, unless otherwise provided for.

SIDE YARDS: For buildings not exceeding two and one-half ($2\frac{1}{2}$) stories in height the side yard requirements shall be the same as required in the R-1 A and R-1 One (Single) Family Districts.

For buildings more than two and one-half ($2\frac{1}{2}$) stories in height the side yard shall have a width of at least one-third ($1/3$) of the height of the building wall adjoining such side yard, the height of the building wall to be measured to the eaves.

FRONT YARD: There shall be a front yard of not less than fifteen feet (15') measured to the front line of the building.

1. Where lots comprising forty per cent (40%) or more *and 48.* of the frontage are developed with buildings having an average front yard with a variation of not more than six feet (6') no building hereafter erected, structurally altered or repaired shall extend beyond the average front yard line so established.

2. On corner lots the side yard regulations shall apply to the street side of the lot except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty per cent (50%) of the front yard required on lots in the rear of such corner lot, and no accessory building on said corner lot, shall extend beyond the front yard line of the lots in the rear; provided further that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot facing an intersecting street and as of record at the time of the passage of this ordinance to less than twenty-five feet (25'), nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

LOT AREA PER FAMILY: Every building hereafter erected or structurally altered shall provide a lot area of not less than the following:

1 family	5,000 Square feet
2 families	3,000 square feet per family
4 families	1,500 square feet per family
6 families	1,000 square feet per family
8 families	750 square feet per family
10 families	650 square feet per family

Bungalow courts or house courts hereafter erected, constructed, reconstructed or structurally altered shall provide an area of not less than twelve hundred (1,200) square feet of ground area per family, and further, a distance of at least ten feet (10') at its least dimension shall be provided between building walls, and at least twenty-five per cent (25%) of the gross lot area shall be devoted to an outer court for safe ingress and egress.

SECTION 13. HEIGHT AND AREA REGULATIONS, R-3 MULTIPLE FAMILY DISTRICT. In the R-3 Multiple Family District the height of buildings, the minimum dimensions of side yards and the minimum lot area per family shall be as follows:

HEIGHT: No building hereafter erected, or structurally altered shall exceed two (2) stories or thirty-five feet (35') except as hereinafter provided.

SIDE YARDS: No side yard requirements shall be specified but in no case shall the distance between the outside walls of adjoining buildings be less than fifteen feet (15'), measured at the point of least dimension.

LOT AREA PER FAMILY: Every building hereafter erected or structurally altered shall provide a lot area of not less than twenty-five hundred square feet (2500) for one (single) family dwellings and not less than twelve hundred (1,200) square feet per family for multiple family dwellings.

SECTION 14. HEIGHT AND AREA REGULATIONS, C-1 C-2 AND C-3 COMMERCIAL DISTRICTS AND M-1 INDUSTRIAL DISTRICT. In the C-1, C-2 and C-3 Commercial Districts and M-1 Industrial District, the height of buildings and the minimum dimensions of yards, shall be as follows, provided, however that buildings erected for dwelling purposes exclusively and located in the C-1, C-2 and C-3 Commercial Districts

shall comply with the front and side yard and area regulations as defined for the R-2 Multiple Family District with such exceptions as are provided hereinafter. Buildings erected for dwelling purposes exclusively and located in the M-1 Industrial District shall comply with the side yard and area regulations as defined for the R-3 Multiple Family District.

HEIGHT: No building hereafter erected or structurally altered shall exceed three (3) stories or forty-five feet (45') in height, unless otherwise provided for hereinafter.

REAR YARD: There shall be a rear yard having a depth of not less than twenty feet (20') from the center of alley or division line of block.

FRONT YARD: No front yard shall be required in the C-1, C-2 or C-3 Commercial District or M-1 Industrial District except as hereinafter provided.

In that portion of the C-3 Commercial District abutting on and facing both sides of Magnolia Street, from a point one hundred feet (100') west of the west line of Florida Avenue to the intersection of Magnolia and Avacado Streets, buildings erected for dwelling purposes exclusively shall comply with the area and side yard regulations as defined for the R-3 Multiple Family District.

SECTION 15. HEIGHT AND AREA EXCEPTIONS: The provisions of the preceding Sections shall not apply to or restrict the height of a church spire or dome, memorial or monument, belfry, wireless tower, chimney flue, water tank, or tower, elevator bulkhead, scenery loft, air conditioning or mechanical equipment, standpipes, false mansards or parapet walls.

Nothing in this Ordinance shall prevent the erection above the height limit of a parapet wall or cornice solely for ornament and without windows, extending above such height limit not more than five and one-half feet (5½').

The provisions of the preceding Section shall not apply to prevent the extension of any building existing in the C-1 Commercial District at the time of the adoption of this Ordinance, to the height which the walls, foundation and framework of such existing buildings originally were intended, designed or constructed to carry; nor to prevent the construction and extension in height of

any building to the height specified in and required by the terms of any lease executed in good faith, and filed of record in the office of the Clerk of the Circuit Court of Brevard County, Florida, at the time of the adoption of this Ordinance; provided, however, that the actual construction of the extensions in height permitted by this paragraph shall have been duly commenced within five years from the date of the adoption of this Ordinance.

In an R-2 Multiple Family District, where an apartment building is constructed with the basement story partially above ground, such story, if not occupied for living purposes by other than the janitor or caretaker and his family, shall not be included in computing the height requirements, unless herein otherwise provided.

SECTION 16. AREA EXCEPTIONS.

(a) For the purpose of side yard regulations a duplex (two-family) dwelling or a double duplex (four-family) dwelling shall be considered as one building occupying one lot.

(b) In the case of group houses or court apartments, buildings may rear upon the required side yard; provided:

1. For group houses the required side yard shall be increased by one foot (1') for each building abutting thereon.

2. For apartment houses the required side yard shall be increased by one foot (1') for each stairway opening onto or served by such side yard.

3. The width of the court shall not be less than three (3) times the width of the side yard as required in this provision; provided, that open, unenclosed porches may project into a required court not more than twenty per cent (20%) of the width of such court.

4. Where a roadway is provided in the court the width allowed for such roadway shall be in addition to that required above.

5. All other requirements, including front, side and rear yards, shall be complied with in accordance with the district in which such group houses or court apartments are located.

(e) The side yard requirements for dwellings shall be waived where dwellings are erected above stores or shops.

(d) In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half of such alley may be assumed to be a portion of the rear yard.

(e) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum court more than six inches (6"), nor into a minimum side yard more than twenty-four inches (24").

(f) No cornices shall project over the street line more than five per cent (5%) of the width of such street, and shall in no case project more than four feet (4').

(g) Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half feet (3½') and the ordinary projections of chimneys and flues, may be permitted, where the same are so placed as not to obstruct the light and ventilation.

(h) This Ordinance shall not be construed to prevent the construction of a building on any lot of record at the time of passage of this Ordinance, notwithstanding the fact that such lot may have less area than is required in the particular area district in which it is situated.

SECTION 17. BOUNDARIES OF DISTRICTS. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Ordinance, the following rules shall apply:

(a) The district boundaries are either streets or alleys, unless otherwise shown; and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.

(b) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided

into blocks and lots, the district boundaries shall be construed to be the lot lines; and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.

(e) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Ordinance shall be determined by use of the scale contained on such map.

SECTION 18. ADMINISTRATION. It shall be the duty of the Superintendent of Public Works to enforce this Ordinance.

PLATS. Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the building to be erected, the set back of existing buildings in the block, and all other information that may be necessary to provide for the enforcement of this Ordinance. A record of such applications and plans shall be kept in the office of the Superintendent of Public Works. Where application is made to enlarge an existing non-conforming use, the application shall be accompanied by an affidavit giving the description of the premises owned at the date of the passage of this Ordinance.

SECTION 19. CERTIFICATE OF OCCUPANCY. No vacant land shall be occupied or used, except for agricultural, grove, pasturage or aviation purposes, and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Superintendent of Public Works.

CERTIFICATE OF OCCUPANCY FOR A BUILDING. Certificate of Occupancy for a new building, or for the alteration of an existing building, shall be applied for coincident with the application for a building permit; and said certificate shall be issued within three days after the requests for same shall have been made in writing to the Superintendent of Public Works after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these

regulations. Pending the issuance of a regular certificate a temporary certificate of occupancy may be issued by the Superintendent of Public Works for a period of not exceeding six months, during the completion of alterations or during the partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises, or any other matter covered by this Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

CERTIFICATE OF OCCUPANCY FOR LAND. Certificate of Occupancy for the use of vacant land, or the change in the character of the use of land, as herein provided, shall be applied for before any such land shall be occupied or used; and a Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

Certificate of Occupancy shall state that the buildings or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Superintendent of Public Works and copies shall be furnished on request, to any person having a proprietary, or tenancy, interest in the building affected (no fee shall be charged for a Certificate of Occupancy).

No permit for excavation for any building shall be issued before application has been made for Certificate of Occupancy.

SECTION 20. INTERPRETATION, PURPOSE AND CONFLICT. In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the health, safety, morals or general welfare of the community. It is not intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between

parties; provided, however, that where this Ordinance imposes a higher standard upon the use of buildings or premises, or requires larger open spaces, than are imposed or required by other Ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this Ordinance shall control. If, because of error or omission in the Zoning Map, any property in the City of Cocoa is not shown as being in a Zoning District, the classification of such property shall be R-1 Residence, unless changed by amendment to the Zoning Ordinance.

SECTION 21. CHANGES AND AMENDMENTS. The City Council may from time to time, and after hearing, and public notice of such hearing as required in Section 22 hereof, by ordinance, amend, supplement, change or repeal the regulations and districts herein or subsequently established. Whenever the owners of fifty per cent (50%) or more of the area of all the property within a radius of five hundred feet (500') of any area proposed to be changed, provided however, that in no case shall the lots facing on the opposite side of the next parallel street be included in the area, shall present to the City Council a petition, giving lot, block and addition, duly signed and acknowledged by them, requesting any such amendment, supplement or change, the Council shall act upon such petition, either granting or denying it, within thirty (30) days after the filing thereof or as soon thereafter as four-fifths of the full membership of the Council shall be present. In case however of a protest against such change, signed by the owners of twenty per cent (20%) or more either of the area of the lots included in such change, or of those immediately abutting either side of the territory included in such proposed change, or of those immediately adjacent in the rear thereof extending five hundred feet therefrom, or of those directly opposite thereto extending five hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of four-fifths of all the members of the City Council.

SECTION 22. PUBLIC NOTICE OF HEARING. Public notice of any hearing shall be deemed to have been given when a notice setting forth the general purpose of any such hearing and the time and place thereof shall have been published at least (15) days before the date set for such hearing, in a paper of general circulation in the City of Cocoa. Public notice of one or more hearings may be included within the same notice.

In addition to the published notice required above, a proper notice shall be required to be posted conspicuously within the area proposed to be changed for the same period of time.

SECTION 23. APPEALS, PURPOSE, JURISDICTION AND APPROVAL. A Board of Adjustment is hereby established. The word "Board" when used in this Ordinance shall be construed to mean the Board of Adjustment.

The Board shall consist of five (5) members appointed by the City Council, each for a term of three (3) years.

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power to vary or modify any regulations or provisions of such Ordinance relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt its own rules of procedure, and keep minutes of its proceedings showing its action on each question considered. All records of the Board and its official actions shall be filed in the office of the Board and shall be a public record.

An appeal from the decision of the Superintendent of Public Works may be taken to the Board of Adjustment by any person

aggrieved, or by any officer, department or board of the City affected by such decision. The Board shall also hear and decide all matters referred to it, or upon which it is required to pass.

The Board shall prescribe by general rule, a reasonable time within which a notice of appeal shall be filed with the Board specifying the grounds thereof; and a copy of such notice shall be served on the officer from whose decision the appeal is taken; and the officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the copy of the notice shall have been served upon him, that by reason of facts stated in the Certificate, a stay would, in his opinion, cause imminent peril to life or property, in case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal taken within the time specified by its rules, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person may appear in person or by agent or by attorney.

SECTION 24. VALIDITY AND PENALTY. Should any section, clause or provision of this Ordinance be declared by the court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid. Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this Ordinance shall be punished by a fine of not less than Five Dollars (\$5.00), nor more than Fifty dollars (\$50.00), or be imprisoned in the City Jail for not more than thirty (30)

days, or both, in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

All ordinances or parts of ordinances in conflict herewith, or inconsistent with the provisions of this Ordinance, are hereby repealed.

The method of publication of this Ordinance shall be by posting a copy of the same at two public places in the City of Cocoa, viz., in the City Clerk's office and in the Chamber of Commerce office.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its final passage.

Adopted at a regular meeting of the City Council held on the 10th day of December, A. D. 1940.

Mayo Hill (Signed)

CHAIRMAN

ATTEST:

H. G. Brunson (Signed)

CITY CLERK

APPROVED BY ME THIS 11th DAY OF DECEMBER, A. D. 1940.

Wm. G. Akridge (Signed)

MAYOR

(Original copy of this Ordinance is in the file)

ORDS # 1478

AN ORDINANCE ABOLISHING ORDINANCE NO. 1250 OF THE CITY OF COCOA, FLORIDA, AS AMENDED AND KNOWN AS THE ZONING ORDINANCE, AND ADOPTING A NEW ZONING ORDINANCE REGULATING THE NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES, LAND AND WATER AREAS FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; FOR SUCH PURPOSES CREATING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; ESTABLISHING A BOARD OF ADJUSTMENT AND DEFINING THE POWERS AND DUTIES THEREOF; PROVIDING PENALTIES FOR VIOLATION; REPEALING CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 176, FLORIDA STATUTES:

WHEREAS, for the purposes of promoting health, safety, morals and welfare of the inhabitants of the City of Cocoa, Florida, including among other things the lessening of congestion in streets, securing safety from fire and other dangers; providing adequate light and air; promoting such distribution of the population and such classifications of land uses and utilization and distribution of land development as will tend to facilitate and conserve adequate provisions for transportation, water supply, sewerage, drainage, sanitation, recreation and other purposes, there is hereby adopted and established an official zoning ordinance for the City of Cocoa, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COCOA, FLORIDA:

ARTICLE I

Ordinance No. 1250 of the City of Cocoa, Florida, as amended, and known as the Zoning Ordinance, be, and the same is hereby abolished and repealed.

ARTICLE II. SHORT TITLE

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Cocoa, Florida."

ARTICLE III. DEFINITIONS

SECTION 1. For the purpose of this ordinance, certain words and terms are hereby defined. Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural include the singular. The word "person" includes a firm, partnership or corporation. The word "lot" includes the word "plot" or "parcel". The word "building" includes the word "structure".

The word "shall" is always mandatory and not merely directive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed to be used or occupied".

ACCESSORY BUILDINGS AND USES. A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land including accessory signs, bona fide servant's quarters, and green houses operated on a non-profit basis. An accessory use is one that is incidental to the main use of the premises, and shall include swimming pools.
— See Article XVIII, Section 5.

ALLEY. A public or private way which affords only a secondary means of access to property abutting thereon.

APARTMENT HOUSE. See Dwelling, Multiple.

BOARDING HOUSE. A building other than a hotel, where, for compensation and by prearrangement for a definite period, meals or lodging and meals are provided for three (3) or more persons.

BUILDING. Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

BUILDING, MAIN. A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean

height level between eaves and ridge for gable, hip or gambrel roofs. Where no grade has been established the height of the building may be measured from the mean elevation of the finished lot grade at the front of the building.

BUNGALOW COURT. A group of two or more detached buildings under one ownership and management and being serviced as a group by public utilities, each individual building consisting of complete living accommodations for one family.

CLINIC. A clinic is an establishment where patients, who are not lodged over night, are admitted for examination and treatment by one person or a group of persons practicing any form of healing or health building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chropodists, naturopaths, optometrists, dentists, or any such profession the practice of which is lawful in the State of Florida.

CLUB. Building and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit nor to render a service which is customarily carried on as a business.

DORMITORIES. A room, apartment or building containing sleeping accommodations which facility is operated for the use of students or instructors enrolled in the sponsoring educational institution.

DWELLING. Any building or portion thereof which is designed for or used for residential purposes, but does not include Trailer Coach, or a converted trailer, hotels, motels, lodging houses and boarding house.

DWELLING, ONE (SINGLE) FAMILY. A building designed for or occupied exclusively by one family.

DWELLING, TWO FAMILY. A building designed for or occupied by two families.

DWELLING, MULTIPLE. A building designed for or occupied exclusively by three or more families.

EFFICIENCY APARTMENT. A dwelling unit in which the kitchen, living, sleeping and dining facilities are located within one room.

FAMILY. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house or hotel, as herein defined.

FILLING STATION. See Service Station.

FLOOR AREA, MINIMUM. The enclosed liveable floor area within the dwelling exclusive of open and screened porches, carports and garage.

GARAGE APARTMENT. An accessory or subordinate building, not a part of or attached to the main building, containing living facilities for not more than one family, which living facilities shall not occupy more than fifty per cent of the total floor area of said garage apartment.

GARAGE, PRIVATE. An accessory building or a portion of the principal building, used for the storage of automobiles of the occupants of the principal building. A carport is a private garage.

GARAGE, PUBLIC. A building or portion thereof, other than a private or storage garage, designed or used for the sale, storage, servicing, repairing, equipping and hiring of motor driven vehicles.

GARAGE, STORAGE. A building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, other than storage at such storage garage shall be limited to refueling, lubrication, washing, waxing, and polishing.

GUEST COTTAGE. Living quarters within a detached accessory building located on the same lot or parcel of land as the principal building, to be used exclusively for housing members of the family occupying the principal building and their non-paying guests; such quarters shall not be rented or otherwise used as a separate dwelling.

GUEST (TOURIST) HOME. A private dwelling in which transient sleeping accommodations are provided for compensation, especially

motor tourists or travelers.

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; and provided, that all of the following conditions are met;

Only such commodities as are made on the premises may be sold on the premises. However, all such sales of home occupation work or products shall be conducted within a building and there shall be no outdoor display of merchandise or products, nor shall there be any indoor display visible from the outside of the building. No person shall be engaged in any such home occupation other than two members of the immediate family residing on the premises. No mechanical equipment shall be used or stored on the premises in connection with the home occupation, except such that is normally used for purely domestic or household purposes. Not over twenty-five per cent (25%) of the floor area of any one-story shall be used for home occupation purposes. No sign shall be used other than one non-illuminated name plate attached to the building entrance, which plate shall not exceed two (2) square feet in area.

— Each location shall be approved by the Board of Zoning Adjustment. Fabrication of articles such as are commonly classified under the term "arts" and Handicrafts" may be deemed a home occupation, subject to the other terms and conditions of this definition. Home occupations shall not be construed to include barber shops, beauty parlors, tearooms, food processing, restaurants, sale of antiques, commercial kennels, real estate offices or insurance offices.

HOTEL. Any building or group of buildings containing sleeping room accommodations for twenty-five (25) or more guests and providing service generally provided by a hotel and recognized as a hotel in the community in which it is situated, or by the industry.

JUNK YARD. An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and

other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard.

LAUNDRY, SELF SERVICE. A business that provides home type washing, drying and /or ironing machines for hire to be used by customers on the premises.

LOADING SPACE. A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks or other motor vehicles.

LODGING HOUSE. A building other than a hotel or boarding house where lodging for three (3) but not more than twenty (20) persons is provided for definite periods for compensation pursuant to previous arrangements.

LOT. A parcel of land occupied or intended for occupancy by use permitted in this Ordinance including one principal building together with its necessary buildings, the yard areas and parking spaces required by this Ordinance and having its principal frontage upon a publicly owned or maintained street or upon an approved place. When a bungalow court is being considered, a lot shall refer to a parcel of land devoted to the individual buildings in such bungalow court.

LOT, CORNER. A lot abutting upon two or more streets at their intersection.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Brevard County, or a parcel of land the deed of which was recorded in the Circuit Court of Brevard County.

LOT WIDTH. The mean horizontal distance between the side lot lines, measured at right angles to the depth.

LOT DEPTH. The depth of a lot is the distance measured in a mean direction of the side lines of the lot from the middle point of the front line to the middle point of the opposite rear line of the lot.

LOT REVERSED CORNER. A corner lot the street side lot line of which is substantially the continuation of the front lot line of the first lot to its rear.

MOTEL. A building or groups of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers, and providing for accessory off street parking facilities adjacent to each unit and having individual unit entrances, opening to the outside. The term "MOTEL" includes buildings designated as auto courts, tourist courts, motor lodges and similar appellations.

NON-CONFORMING USE. The use of a building, or portion thereof, or land, or portion thereof, which does not conform with the use regulations of the district in which it is located.

NURSING (CONVALESCENT) HOME. A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

SERVICE STATION. Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories and in connection with which is performed general automotive servicing as distinguished from automotive repairs.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property. This includes lane, place, way or other means of ingress or egress regardless of the term used to describe it.

STREET RIGHT-OF-WAY LINE. The dividing line between a lot, tract or parcel of land and contiguous street.

STRUCTURE. Anything constructed, erected or placed, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground and shall include tents, lunch wagons, dining cars, camp cars, or other structures on wheels or other supports and used or intended for business or living quarters, excluding fences not over six (6) feet above the natural grade.

STRUCTURAL ALTERATION. Any change except for repair or replacement in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

SWIMMING POOL. Any constructed pool used for swimming or bathing over twenty-four (24) inches in depth or with a surface area exceeding two hundred fifty (250) square feet.

TRAILER COACH. Any vehicle used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensible as such and which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons.

TRAILER PARK OR COURT. A park or court, licensed and approved by the State Board of Health and established to carry on the business of parking trailer coaches.

YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

YARD, FRONT. A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the principal building or any

projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the principal building or any projection thereof other than the projections of uncovered steps, balconies or porches. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

YARD, SIDE. A yard between the principal building and the side line of the lot and extending from the front line to the rear yard and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection thereto.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS AND REGULATING THE USES OF LAND AND BUILDING THEREIN

SECTION 1. ESTABLISHMENT OF DISTRICTS

(a) In order to classify, regulate and restrict the uses of land, water, buildings and structures, and to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings, the corporate area of the City of Cocoa, Florida, is divided into eleven (11) districts as follows:

R-1 A one (Single) Family Dwelling District

R-1 One (Single) Family Dwelling District

R-2 One and Two Family Dwelling District

R-3 Multiple Family Dwelling District

R-4 Multiple Family District

C-1 Neighborhood Commercial District

C-1 A Neighborhood Commercial District

C-2 General Commercial District

C-2 A Central Business District

C-3 Wholesale Commercial District

M-1 Industrial District

(b) The boundaries of the various districts are shown upon a map entitled "ZONING MAP OF THE CITY OF COCOA, FLORIDA", which map is a part of this ordinance and has the same force and effect as if the map and all the references and symbols shown thereon were all fully set forth or described herein. On said map shall appear the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Zoning Map referred to in Article 4, Section 1. No. 1478 of the City of Cocoa, Florida, adopted 28 July, 1959, the ordinance number, and the date the ordinance was adopted shall be inserted thereon and the map shall be filed with the City Clerk.

(c) Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply.

1. Where district boundary lines are indicated as approximately following street and alley lines, lot lines, city limit lines, section lines, such lines shall be construed to be such boundaries.
2. In unsubdivided property or tracts of land, where a district boundary divides a lot, the location of such boundary, unless indicated by dimensions, shall be determined by use of the scale appearing on such map.
3. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned street or alley.
4. Where district boundaries are indicated as approximately parallel to the center line of a street or alley, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as is indicated on the Zoning Map. If no distance is shown, such dimension shall be determined by the use of the scale shown on the map

5. Boundaries indicated as following shore lines shall be construed to follow such shore line, and in the event of change the shore line shall be construed as moving with the actual shore line.

6. All areas within the corporate limits of the City of Cocoa, which are under water and not shown as included within any district, shall be subject to all the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a stright line until they meet the other district.

SECTION 2. RESTRICTIONS UPON LANDS, BUILDINGS AND STRUCTURES

(a) USE. No building or structure shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than use designated in this ordinance, or amendments thereto, as permitted in the district in which such land, building, structure or premises is or are located.

(b) HEIGHT. No structure or building shall be erected, nor shall any existing building be moved, reconditioned or structurally altered so as to exceed in height the limit established in this ordinance, or amendments thereto, for the district in which such building or structure is located.

(c) PERCENTAGE OF LOT OCCUPANCY. No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area and parking space and yard regulations established by this ordinance or amendments thereto, for the district in which such building or structure is located.

(d) DENSITY OF POPULATION. No building, structure or premises shall be erected or occupied or used so as to provide a greater density of population than is allowed under the terms of this ordinance for the district in which such building, structure or premises is or are located.

(e) OPEN SPACE USE LIMITATION. No yard or other open space provided about any building or structure for the purpose of complying with the regulations of this ordinance, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.

(f) REQUIRED LOT AND OCCUPANCY. Every building or structure hereafter erected shall be located on a lot or tract as defined herein; and in no case shall there be more than one building on one lot except as hereinafter provided.

ARTICLE V. R-1 A ONE (SINGLE) FAMILY DWELLING DISTRICT

The lands included within this district are developed predominantly with single family dwellings. The lot areas are large and the district is designated to preserve and protect the characteristics of single family uses.

SECTION 1. USES PERMITTED

Within any R-1 A One (Single) Family Dwelling District, no building, structures, land or water shall be used except for one or more of the following uses:

1. Single family dwellings and their customary accessory uses.
2. Non-commercial piers, boat houses and landing places, owned by adjoining property owners.

SECTION 2. CONDITIONAL USES

(1) When, after review of an application and plans appertenant thereto and hearing thereon, the Board of Adjustment finds as a fact that the proposed use or uses are consistent with the general zoning plat and with the public interest, the following may be recommended to the City Council as permitted uses:

- (a) Churches with their attendant Educational buildings and Recreational facilities.

- (b) Public Utility and Service structures.
- (c) Schools, but no correctional Institutions.
- (d) Public Recreation area and facilities.
- (e) The moving of existing structures.

(2) Any review of an application or plan shall consider the characteristic of the neighborhood in which the property use is to be located and its effect on the value of surrounding lands, and further, the area of the site as it relates particularly to the required open spaces and off street parking facilities, and further whether or not the moving of an existing structure shall be harmonious to the area.

SECTION 3. BUILDING HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet or two and one-half stories in height.

SECTION 4. BUILDING SITE AREA REGULATIONS

Each single family dwelling shall be located on a lot or parcel of land having an area of not less than twenty thousand (20,000) square feet and having a minimum width of one hundred (100) feet.

SECTION 5. FRONT, REAR AND SIDE YARD REGULATIONS

1. FRONT YARD. There shall be a front yard of not less than fifty (50) feet in depth.

2. REAR YARD. There shall be a rear yard of not less than thirty-five (35) feet in depth.

3. SIDE YARD. Side yards shall be provided on each side of every dwelling of not less than fifteen (15) feet.

SECTION 6. LOT COVERAGE

Thirty (30) per cent of the lot area is the maximum amount of land that may be covered by the principal and accessory buildings or structures located thereon.

SECTION 7. MINIMUM FLOOR AREA REQUIREMENTS

In the R-1 A One (Single) Family Dwelling District minimum requirements for first floor area per dwelling unit shall be : for

a two story and two and one-half story dwelling, nine hundred (900) square feet; for a one and one-half story dwelling, one thousand (1,000) square feet and for a one story dwelling, twelve hundred (1,200) square feet.

SECTION 8. USE, HEIGHT, AREA AND YARD EXCEPTIONS

See Article XVIII

SECTION 9. OFF STREET PARKING REGULATIONS

See Article XVI

ARTICLE VI R-1 ONE (SINGLE) FAMILY DWELLING DISTRICT

The lands in this district are developed predominantly with single family dwelling, however the prevailing lot areas are less than those of the R-1 A District. Then, too, in this district there is found a greater variety of uses.

SECTION 1. USES PERMITTED

Within any R-1 One (Single) Family Dwelling District, no building, structure, land or water, shall be used except for one or more of the following uses:

1. Any use permitted in the R-1 A District.
2. Home occupations.
3. Libraries, non-commercial community centers.
4. Parks, playgrounds owned and operated by the city.

SECTION 2. CONDITIONAL USES.

(1) When, after review of an application for plans pertinent thereto and hearing thereon, the Board of Adjustment finds as a fact that the proposed use or uses are consistent with the general zoning plan and with the public interest, the following may be recommended to the City Council as permitted uses.

- (a) Same as for the R-1 A Single Family Dwelling District.
- (b) Nurseries, including Day Nurseries, Kindergardens, with or without private playgrounds.
- (c) Hospitals, but no animal Hospitals or Mental Institutions.
- (d) Libraries, Art Galleries, Childs Museum and non-community Commercial Community Centers.

(e) Nursing and Convalescent Homes.

(f) Private Clubs or Lodges.

(g) Dormitories.

(2) Any review of an application or plan shall consider the character of the neighborhood in which the property would be used is to be located and its effect on the value of surrounding lands, and further, the area of the site as relates particularly to the required open spaces and off street parking facilities, and further, whether or not, the moving of an existing structure shall be harmonious to the area.

SECTION 3. BUILDING HEIGHT REGULATIONS

Same as for the R-1 A One (Single) Family Dwelling District.

SECTION 4. BUILDING SITE AREA REGULATIONS

Each single family dwelling shall be located on a lot or parcel of land having an area of not less than seven thousand five hundred (7,500) square feet and having an average width of seventy-five (75) feet.

SECTION 5. FRONT, REAR AND SIDE YARD REGULATIONS

1. FRONT YARD. There shall be a front yard of not less than twenty-five (25) feet in depth.

2. REAR YARD. There shall be a rear yard of not less than thirty (30) feet in depth.

3. SIDE YARD. Side yards shall be provided on each side of every dwelling of not less than eight (8) feet.

SECTION 6. LOT COVERAGE

Thirty (30) per cent of the lot area is the maximum amount of land that may be covered by the principal and accessory buildings or structures located thereon.

SECTION 7. MINIMUM FLOOR AREA REQUIREMENTS

In the R-1 One (Single) Family Dwelling District minimum requirements for first floor area per dwelling shall be : for a two story and two and one-half story dwelling, six hundred (600) square feet; for a one and one-half story dwelling, seven hundred (700) square feet and for a one story dwelling, eight hundred fifty

(850) square feet.

SECTION 8. USE, HEIGHT, AREA AND YARD EXCEPTIONS

See Article XVII

SECTION 8. OFF STREET PARKING REGULATIONS

See Article ~~XVII~~ XVI

ARTICLE VII. R-2 ONE AND TWO FAMILY DWELLING DISTRICT

Although the lands within this district are developed predominantly with single family dwellings, there is a substantial number of two family units.

SECTION 1. USES PERMITTED.

Within any R-2 One and Two Family Dwelling District, no building, structure, land or water shall be used except for one or more of the following uses:

1. Any use permitted in the R-1 District.
2. One and two family dwellings including their customary accessory uses.

SECTION 2. CONDITIONAL USES:

1. When, after review of an application for plans pertinent thereto and hearing thereon, the Board of Adjustment finds as a fact that the proposed use or uses are consistent with the general zoning plan and with the public interest, the following may be recommended to the City Council as permitted uses:

- (a) Same as for the R-1 One (Single) Family Dwelling District.
2. Any review of an application or plan shall consider the character of the neighborhood in which the property to be used, is to be located and its effect on the value of surrounding lands, and further, the area of the site as relates particularly to the required open spaces and off street parking facilities, and further, whether or not, the moving of an existing structure shall be harmonious to the area.

SECTION 3. BUILDING HEIGHT REGULATIONS

Same as for the R-1 A and R-1 Districts.

SECTION 4. BUILDING SITE AREA REGULATIONS

1. Each single family dwelling shall be located on a lot or parcel of land having an area of not less than six thousand

(6,000) square feet and having an average width of sixty (60) feet.

2. Each two family dwelling shall be located on a lot or parcel of land having an area of not less than seven thousand five hundred (7,500) square feet and a width of not less than seventy-five (75) feet..

SECTION 5. FRONT, REAR AND SIDE YARD REGULATIONS

Same as for the R-1 One (Single) Family Dwelling District.

SECTION 6. LOT COVERAGE

Same as for the R-1 One (Single) Family Dwelling District.

SECTION 7. MINIMUM FLOOR AREA REQUIREMENTS

The minimum floor area for a one family dwelling shall be seven hundred fifty (750) square feet and for a two family dwelling five hundred (500) square feet for each dwelling unit.

SECTION 8. USE, HEIGHT AREA AND YARD EXCEPTIONS

See Article XVIII

SECTION 9. OFF STREET PARKING REGULATIONS

See Article XVI

ARTICLE VIII R-3 MULTIPLE FAMILY DWELLING DISTRICT

The lands within this district have already been developed with multiple family structures or by their location or trend of development, are appropriate to such uses.

SECTION 1. USES PERMITTED.

Within any R-3 Multiple Family Dwelling District, no building, structure, land or water shall be used except for one or more of the following uses:

1. Any use permitted, or any conditional use, which may be recommended to the City Council as permitted uses, in the R-2 One and Two Family Dwelling Districts.

2. Multiple Family Dwellings (Apartments) and their customary accessory uses.

3. Apartment buildings and Hotels.

4. Restaurants, lounges and shops in structures of more than thirty-five (35) dwelling units however, entrances to said

facilities shall be only from the lobby within the structures. There shall be no outside entrances.

5. Boarding and lodging houses.
6. Guest or tourist homes.
7. Bungalow Courts.
8. Motels when located on Federal or State Highways.
9. Hospitals, but no animal hospitals or mental institutions.
10. Private clubs or lodges.

SECTION 2. BUILDING HEIGHT REGULATIONS

No building or structure shall exceed six and one-half stories in height unless otherwise permitted in Article XVIII hereof.

SECTION 3. BUILDING SITE AREA REGULATIONS.

1. For one and two family dwellings, same as for the R-2 One and Two Family Dwelling Districts.
2. For each dwelling unit in excess of two (2) added to the structure on the first and second floor, one thousand (1,000) additional square feet of lot area shall be added for each of such dwelling units added.
3. For each dwelling unit added to the structure above the second floor, three hundred (300) square feet of lot for each of such dwelling units added. For structures accomodating in excess of four dwelling units, the minimum width of lot or parcel of land shall be eighty (80) feet.

SECTION 4. FRONT, REAR AND SIDE YARD REGULATIONS

1. For one and two family dwellings, the same as for the R-2 One and Two Family Dwelling Districts.
2. For multiple family dwellings the following front, rear and side yards shall be observed.
 - (a) There shall be a front yard of not less than Twenty-five (25) feet in depth.
 - (b) A side yard on each side of the wall of the principal structure of not less than Seven and one-half ($7\frac{1}{2}$) feet however, for a structure of more than two and one-half stories (35)(feet), one foot shall be added for each s tory above two.
 - (c) A rear yard shall be provided of twenty-five (25)

feet however for structures in excess of two and one-half ($2\frac{1}{2}$) stories two feet shall be added to the rear yard for each story added.

SECTION 5. LOT COVERAGE

Fifty (50) per cent of the lot area is the maximum which may be covered by the principal and accessory buildings or structures located thereon.

SECTION 6. MINIMUM FLOOR AREA REQUIREMENTS

The minimum floor areas for one and two family dwellings shall be the same as for the R-2 District and for multiple family dwellings shall be at least two hundred fifty (250) square feet per dwelling unit.

SECTION 7. USE, HEIGHT, AREA AND YARD EXCEPTIONS

See Article XVIII

SECTION 8. OFF STREET PARKING REGULATIONS

See Article XVI

ARTICLE IX. R-4 MULTIPLE FAMILY DISTRICT

SECTION 1. USES PERMITTED

Within any R-4 Multiple Family District, no buildings, structures, land or water shall be used except for one or more of the following uses:

1. Any use permitted in the R-2 One and Two Family Dwelling District.
2. Motels, Apartment houses, Hotels, or Bungalow Courts containing a minimum of eight (8) rental units having conformed to the following minimum requirements as to their location, construction and use, to-wit:
 - (a) The minimum lot areas per rental unit shall conform to the minimum lot area per family for the R-3 multiple family dwelling districts.
 - (b) Each individual rental unit shall consist of a minimum of one sleeping room and one private connecting bath.

(d) Each building unit shall provide not less than the following floor areas for each of the following living spaces, to-wit:

<u>LIVING SPACE</u>	<u>MINIMUM AREA SQUARE FEET</u>
Single sleeping rooms	115
Bath rooms	40
Additional sleeping rooms of living units of two or more sleeping rooms	100
Living room	150
Living-dining combination	160
Living-dining-sleeping combination (separate kitchenette)	220
Living-dining combination (separate kitchenette)	210
Living-sleeping combination	190
Kitchen-dining combination	90
Kitchen in living unit of one bedroom	50
Kitchen in living unit of more than one bedroom	60
Kitchenette only with the living-dining-sleeping, or living-dining combination above, (least dimension three feet)	15
Dining room	70
Dining alcove	45

3. Restaurants, lunch rooms, or fruit stands when operated only in connection with and on the same lot as hotels, apartment houses, motels or bungalow Courts permitted hereunder and containing a minimum of eight (8) or more rental units, provided that such restaurants, lunch room, or fruit stand, if erected separately from the hotel, apartment house, motel, or bungalow court, shall conform to the architectural and structural requirements, of the buildings to which it is accessory.

SECTION 2. HEIGHT REGULATIONS

No building or structure shall exceed six and one-half ($6\frac{1}{2}$) stories in height except as provided in Article XVIII.

SECTION 3. FRONT, REAR AND SIDE REGULATIONS

Same as for C-1 Neighborhood Commercial District.

SECTION 4. OFF STREET PARKING REGULATIONS

See Article XVI

SECTION 5. LOT COVERAGE

Fifty (50) per cent of the lot area is the maximum which may be covered by any buildings or structures, located thereon.

ARTICLE X. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

The lands in this District abut certain principal streets, the frontage of which are adaptable to selected commercial uses which serve primarily residential areas adjacent and tributary thereto.

SECTION 1. USES PERMITTED

Within any C-1 Neighborhood District no building, structure, land or water shall be used except for one or more of the following uses:

1. Any use permitted in the R-3 and R-4 Multiple Family Dwelling Districts.
2. Apparel shops for men, women and children.
3. Automobile service stations but no major repairs, tire recapping or body work.
4. Bakery, the products of which are sold only at retail on the premises.
5. Banks and office buildings.
6. Beauty salons and barber shops.
7. Department stores; drug, variety and sundries stores.
8. Florists; interior decorating; gift shops; antiques; china; luggage; jewelry and watch repair.
9. Grocery stores; meat markets; Retail gift fruit stands with packing house as accessory; super markets.
10. Hardware, paint, wall paper, appliance, radio and television, furniture stores.
11. Laundromats; laundry and dry cleaning pick up stations.

12. Motels.
13. Office supplies, books, news stands.
14. Photographic supplies and studios.
15. Public and private automobile parking lots.
16. Restaurants.
17. Shoe repairing, hat cleaning.

18. Any other retail store or service establishment that in the judgment of the Board of Adjustment are consistent with those included above, and further, that will be in harmony with the spirit of this Ordinance.

SECTION 2. BUILDING HEIGHT REGULATIONS

No building or structure shall exceed three and one-half ($3\frac{1}{2}$) stories or fortyfive (45) feet in height except as provided in Article XVIII hereof.

SECTION 3. BUILDING SITE AREA REGULATIONS

None

SECTION 4. FRONT, REAR AND SIDE YARD REGULATIONS

1. FRONT YARD. None required, except when the frontage in one block is located partly in the C-1 Neighborhood Commercial District and partly in a Residential District, then the front yard requirements of the residential district shall apply to the C-1 District.

2. SIDE YARDS. None except that when the side of a lot in a Neighborhood Commercial District abuts upon the side of a lot in a Residential District, there shall be a side yard of not less than ten (10) feet.

3. REAR YARD. There shall be a rear yard of a least ten (10) feet.

4. MASONRY WALL. When a lot in a C-1 Neighborhood Commercial District abuts a lot, either to a side or to the rear, in a Residential District, there shall be a masonry wall, a minimum of four (4) feet in height built and maintained along the Commercial line of abutment opposite the Commercial Building.

SECTION 5. OFF STREET PARKING REGULATIONS

See Article XVI

ARTICLE XI. C-1 A NEIGHBORHOOD COMMERCIAL DISTRICT.

All of the requirements of the C-1 Neighborhood Commercial District as they pertain to uses, building regulations, building sites area regulations and yard regulations shall apply to the C-1 A District, except those pertaining to off street parking requirements.

ARTICLE XII. C-2 GENERAL COMMERCIAL DISTRICT

The lands in this district are developed with various types of general commercial servicing enterprises.

SECTION 1. USES PERMITTED

Within any C-2 General Commercial District no buildings, structures, land or water shall be used except for one or more of the following uses:

1. Any use permitted in the C-1 Neighborhood Commercial District.
2. Advertising signs, panels and structures.
3. Automobile laundry or quick wash.
4. Automobile sales rooms and incidental servicing departments.
5. Bowling alleys, billiard and pool halls, when enclosed and air conditioned.
6. Business colleges, vocational, trade and private schools operated as a commercial enterprise.
7. Drive-in restaurants and small food shops.
8. Liquor stores (retail) and cocktail lounges.
9. Mortuaries.
10. Plumbing sales rooms and services within the building and yard storage as an accessory.
11. Printing, book binding, lithography and publishing establishments; blue printing, photostating.
12. Storage garage, public or private automobile parking.
13. Theatre, but no drive-in theatre.

14. Used car lot.

15. Any other retail store or service establishment that in the judgment of the Board of Adjustment are consistent with those included above, and further, that will be in harmony with the spirit of this Ordinance.

SECTION 2. BUILDING HEIGHT REGULATIONS

No building or structure shall exceed six and one-half stories in height except as provided in Article XVIII hereof.

SECTION 3. BUILDING SITE AREA REGULATIONS

None.

SECTION 4. FRONT, REAR AND SIDE YARD REGULATIONS

Same as for the C-1 Neighborhood Commercial District.

SECTION 5. OFF STREET PARKING REGULATIONS

See Article XVI.

ARTICLE XIII. C-2 A CENTRAL BUSINESS DISTRICT

The lands in this district comprise that within the present Central Retail Business District ; it is already largely developed and has within it considerable public parking facilities. All requirements of the C-2 General Commercial District as they pertain to uses, height and yard regulations shall apply to the C-2 A District, except those pertaining to off street parking requirements.

ARTICLE XIV. C-3 WHOLESALE COMMERCIAL DISTRICT

The lands in this district are currently used by a variety of commercial and semi-industrial enterprises or by location are peculiarly adapted to such uses. The district is characterized principally by wholesale distribution businesses, storage yards and facilities and various allied uses.

SECTION 1. USES PERMITTED.

Within any C-3 Wholesale Commercial District no buildings, structure, land or water shall be used except for one or more of the following uses:

1. Any use permitted in the C-2 General Commercial District.
2. Bakeries.
3. Bottling works.

4. Building material storage and sale, contractors storage yard.
5. Bus, car, truck repair, storage and terminals.
6. Carting, express, hauling and storage yard.
7. Coal, coke or wood yard.
8. Cold storage and frozen food lockers; ice plant.
9. Confectionary manufacture.
10. Drive-in theatre.
11. Dyeing, dry cleaning, laundry.
12. Garment manufacture.
13. Laboratories for testing materials, chemical analysis.
14. Machinery sales and storage.
15. Machine shop.
16. Manufacture and assembly of scientific, electrical, optical and precision instruments or equipment.
17. Manufacture of novelties and souvenirs.
18. Mechanical garage.
19. Milk bottling and distribution plants; wholesale ice cream manufacture.
20. Recreation facilities as amusement parks, shooting galleries, skating rinks, dance halls, billard and pool parlors, bowling alleys.
21. Storage and wholesale distribution warehouses.
22. Storage and sale of poultry; wholesale meat and produce distribution.
23. Trade shops including tin smith, cabinet maker, rug and carpet cleaning, upholstering, mattress renovation, electrical, roofing and plumbing.
24. Veterinary hospital and kennels.
25. Mobile Homes parks (Trailer Courts) installed and operated pursuant to regulations of the City of Cocoa, and the Florida State Board of Health.
26. Any other establishment that does not unduly contribute to the congestion of traffic, nor create possible dangerous or objectional conditions, in the judgment of the Board of Adjustment.

SECTION 2. BUILDING HEIGHT REGULATIONS.

Same as for the C-2 General Commercial District.

SECTION 3. BUILDING SITE AREA REGULATIONS

None.

SECTION 4. FRONT, REAR AND SIDE YARD REGULATIONS

Same as for the C-1 Neighborhood Commercial District.

SECTION 5. OFF STREET PARKING REGULATIONS

See Article XVI.

ARTICLE XV. M-1 INDUSTRIAL DISTRICT

The lands in this district are used by a variety of commercial, storage and industrial operations. The purpose of this district is to permit the normal operation of the majority of industrial uses under such conditions of operation as will protect the abutting residential and commercial uses.

SECTION 1. USES PERMITTED.

Within any M-1 Industrial District no building, structure land or water shall be used except for one or more of the following uses:

1. Any use permitted in the C-3 Wholesale Commercial District.
2. Concrete pipe and block manufacture and storage.
3. Cement mixing plants.
4. Fertilizer storage.
5. Foundry casting light weight non-ferrous metal not causing noxious fumes or gases.
6. Manufacture of pottery or other similar ceramic products.
7. Manufacturing, processing, fabrication, repair and servicing of any commodity or product that does not create possible dangerous or objectionable conditions, in the judgment of the Board of Adjustment.
8. Petroleum storage, but subject to the specific approval of the Board of Adjustment.
9. Public Utility plants.
10. Sheet metal working shop.
11. Steel storage and fabrication.
12. Storage of junk when site is enclosed with a six foot wall or wire mesh fence.

SECTION 2. BUILDING SITE AREA REGULATIONS

None.

SECTION 3. FRONT, REAR AND SIDE YARD REGULATIONS

None.

SECTION 4. OFF STREET PARKING REGULATIONS

See Article XVI.

ARTICLE XVI. OFF STREET PARKING AND ^{LOADING} REGULATIONS

SECTION 1. DEFINITION

For the purposes of this Ordinance, the term "off street parking space" shall consist of a minimum net area of two hundred (200) square feet of appropriate dimensions for parking an automobile, exclusive of access drives or aisles thereto.

SECTION 2. OFF STREET PARKING REGULATIONS

There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, minimum off street automobile parking space with adequate provisions for ingress or egress in accordance with the following requirements:

- (a) Auditorium, theatres or other places of assembly - one space for each five persons or seats.
- (b) Business or commercial buildings - one space for each three hundred square feet of gross floor area or fraction thereof.
- (c) Churches, temples or places of worship - one space for each ten persons or seats.
- (d) Clubs or lodges - one space for each eight seats or persons accommodated in the assembly hall or auditorium.
- (e) Dwelling structures - one space for each dwelling unit.
- (f) Hospitals, sanitariums - one space for each four patient beds, exclusive of spaces required for doctors, attendants, nurses, and ambulances.
- (g) Hotels - one space for each three bedrooms.
- (h) Libraries, museums - a parking area equal to fifty per cent of the floor area open to the public.
- (i) Manufacturing and industrial uses - one space for each four employees on the largest working shift.
- (j) Medical or dental clinics - five spaces for each doctor or dentist.
- (k) Mortuaries - one space for every eight seats of chapel capacity, plus one additional space for each three employees.

(l) Motels - one space for each sleeping unit plus one space for the owner or manager.

(m) Nursing or convalescent homes - one space for each four beds

(n) Office and professional buildings - one space for each three hundred square feet of gross floor area.

(o) Restaurants or other eating places - one space for each four seats.

(p) Rooming, boarding houses - one space for each three beds.

(q) Schools and public buildings - one space for every eight seats in the main auditorium.

SECTION 3. LOCATION

(a) Parking spaces for all dwellings shall be located on the same property with the main building to be served where feasible.

(b) Parking spaces for other uses shall be provided on the same lot or not more than five hundred feet distant.

(c) Parking requirements for two or more uses, of the same or different types may be satisfied by the allocation of the required number of spaces of each use in a common parking facility.

SECTION 4. OFF STREET LOADING REGULATIONS

The following spaces shall be provided for the uses indicated.

(a) Every hospital, institution, hotel, single occupancy commercial or industrial building or similar use having a floor area in excess of ten thousand (10,000) square feet requiring the receipt or distribution by vehicles of materials and merchandise shall have at least one permanently maintained off street loading space for the first ten thousand (10,000) square feet and one additional space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof, over and above the first ten thousand (10,000) square feet.

(b) Single occupancy retail operations, wholesale and industrial operations with a gross floor area of less than ten thousand (10,000) square feet shall provide sufficient receiving space on the property so as not to hinder the free movement of vehicles and

pedestrians over a side walk, street or alley.

(c) Each space shall have direct access to an alley or street and shall have the following minimum dimensions: length, twenty-five feet; width, twelve feet; height, fourteen feet.

SECTION 5. PERMANENT RESERVATIONS

Area reserved for off street parking or loading in accordance with the requirements of this section shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified except where equivalent parking or loading space is provided to the satisfaction of the Board of Adjustment.

ARTICLE XVII. NON-CONFORMING USES

The lawful use of any building, structure or land existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the provisions thereof, provided however, the following conditions are met.

1. UNSAFE BUILDING OR STRUCTURES. Any structure or building or portion thereof declared unsafe may be restored to a safe condition.
2. CONSTRUCTION APPROVED PRIOR TO ORDINANCE. Nothing herein shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently carried on within six months of the date of such permit.
3. ALTERATION. A non-conforming building may be maintained and repairs and alterations may be made, except that in a building which is non-conforming as to use regulations, no structural alterations shall be made except those required by law including eminent domain proceedings. Repairs as plumbing or changing of partitions or other interior alterations are permitted.
4. EXTENSION. Building or structures or uses of land which are non-conforming shall not be extended or enlarged.
5. NON-CONFORMING USE OF LAND. When a non-conforming use of land has been discontinued for a period of six months its future use shall revert to the uses permitted in the district in which said land is located.
6. CHANGE TO ANOTHER USE. A non-conforming use now existing

may be changed to another non-conforming use of equal or improved character when approved by the Board of Adjustment.

7. ABANDONMENT. A non-conforming use of land or of a building which has been vacated or abandoned for six (6) months shall not thereafter be occupied by any non-conforming use.

ARTICLE XVIII. GENERAL PROVISIONS AND EXCEPTIONS

The foregoing regulations shall be subject to the following general provisions and exceptions.

SECTION 1. FRONT YARD EXCEPTIONS IN DWELLING DISTRICTS

Where lots comprising forty per cent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this Ordinance, the average alignment of the existing building along such frontage shall be the front yard line of said side block and no building hereafter erected or structurally altered shall project beyond it, provided however that no front yards shall be less than twenty feet in depth.

SECTION 2. EFFECT OF ESTABLISHED SET BACK LINES FOR STREET WIDENING.

Where set back lines have been established on streets, roads or highways the front yard and side yard of corner lots shall be measured from said set back lines.

SECTION 3. SUBSTANDARD LOTS OF RECORD

Where a lot or parcel of land has an area or frontage which does conform with the requirements of the district in which it is located, but was a lot of record in Brevard County, Florida, at the effective date of this Ordinance, such lot or parcel of land may be used for a single family dwelling in any residential district, providing the minimum yard requirements and percentage of lot coverage are maintained.

SECTION 4. AUTOMOBILE SERVICE STATION REQUIREMENTS

(a) All pumps and all gas storage tanks shall be set back at least fifteen feet from the right-of-way line, or an established set back line.

(b) The number of curb breaks for one establishment shall not exceed two for each one hundred (100) feet of street frontage each having a width of not more than thirty (30) feet and located not closer than fifteen (15) feet from a street intersection.

(c) No gasoline and oil filling stations and no service station (which shall mean the main building) shall be erected or located in a C-1 Neighborhood Commercial District, within one hundred and fifty (150) feet of the property of any existing church, hospital, or public or parochial school or playgrounds; provided, however, that nothing herein shall prohibit:

1. The operation of existing gasoline and oil filling stations or service stations.

2. The improvements, alteration or reconstruction of any existing gasoline and oil filling stations or service stations.

SECTION 5. LOCATION OF ACCESSORY BUILDINGS AND USES IN RESIDENTIAL AREAS

(a) Accessory buildings must be constructed simultaneously with, or following, the construction of the main building.

(b) When an accessory building is attached to a principal structure by a breezeway, roofed passage or otherwise, it shall comply with the dimensional requirements of the principal building.

(c) A detached accessory building, also a garage apartment, shall not be closer than ten (10) feet to the principal building, nor closer than five feet to a lot line, nor closer than six feet to any other accessory building on the same lot.

(d) No detached accessory building shall be located on the front half of a lot.

(e) An accessory building not exceeding twelve feet in height may occupy not more than thirty-five per cent of a required rear yard. This provision shall not apply to Swimming Pools.

SECTION 6. SWIMMING POOL REGULATIONS

(1) No swimming pool shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining swimming pool.

(2) SWIMMING POOLS. Shall be considered as accessory buildings and conform to the requirements of an accessory building.

(3) SETBACKS. Same as required for accessory buildings. If the swimming pool is not part of the main residence, it shall be located not less than ten (10) feet from the main structure.

(4) Lights used to illuminate any swimming pool shall be

so arranged or shaded as to reflect light away from adjoining premises.

(5) All setbacks to be measured from the part of the pool nearest the property line in question. Such as concrete walkway, terrace or diving board area as shown on plans being part of the swimming pool.

(6) All swimming pools shall be enclosed by a fence, wall or equivalent barrier.

(7) Pools screening or enclosures shall conform to the required setbacks of accessory buildings.

SECTION 7. YARDS

(a) Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, chimneys, flues, and eaves however no such projection shall exceed thirty inches in width.

(b) On double frontage through lots, the required front yard shall be provided on each street.

(c) Whenever a lot abuts upon an alley, one-half of the alley width may be considered as a portion of the required rear yard however such width shall not exceed ten (10) feet.

(d) An open, paved terrace may project into a required front yard for a distance of not exceeding ten (10) feet.

(e) The narrow width of a corner lot shall determine its front for purposes of meeting the requirements of front and side yards. In cases of reversed frontages the determination of front and side yard depths shall be made by the Board of Adjustment.

SECTION 8. HEIGHT

Chimneys, water, fire, radio and television towers; church spires; domes; cupolas, stage towers and scenery lofts, cooling towers, elevators and stair bulkheads, smoke stacks, flag poles, parapet walls, and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established.

SECTION 9. PUBLIC UTILITIES

Structures or uses required for such public utilities as gas, water, electric, sewerage and telephone can be located within any district upon recommendation of the Planning Board and approval of the City Council.

SECTION 10. LOCATION

(a) In any residence district, no fence, hedge, or structure over three feet high shall be maintained within twenty-five feet of any corner street intersection nor beyond the front building line. No fence or wall shall be erected to exceed six feet in height.

(b) No dwelling shall be erected on a lot or portion of a lot which does not abut on at least one street for at least twenty-five feet.

(c) On any corner lot adjoining the side of another lot which is in a residential district, no part of any structure within twenty-five feet of the common lot line shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along such side street.

ARTICLE XIX. BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established which shall consist of five (5) members to be appointed for a term of three years.

The organization and procedures under which the Board operates, its arrangement of meeting, adoption of rules and its method of handling appeals, variances or any other related matters shall be in conformity with the provisions of Chapter 176, Florida Statutes of 1941, and any amendments thereto.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, appeals to the Board may be taken by any person aggrieved or by any department of the governing body of the City of Cocoa affected by any decision of the administrative official.

The Board shall have the following duties and powers.

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made

by the administrative official in the enforcement of this ordinance.

2. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers, the Board by the concurring vote of four members may reverse or affirm, wholly or partly, or modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken.

In considering all proposed variations to this ordinance the Board shall, before making any finding in a specific case, first determine that the proposed variation will not constitute any change in the Districts shown on the Zoning Map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals, and general welfare of the City of Cocoa.

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department of the City Council of the City of Cocoa may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board, otherwise the decision of the Board will be final.

The Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to in and give notice

to the parties and decide the same within a reasonable time. At the hearing any party may appear in person or be represented by agent or attorney.

A fee of twenty (\$20.00) Dollars shall be paid to the Building Inspector at the time of notice of appeal is filed, which fee shall be used to defray the cost of advertising the hearing.

ARTICLE XX., PLATS

Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this ordinance. A record of such applications and plats shall be kept in the office of the Building Inspector. Where application is made to enlarge an existing non-conforming use, the application shall be accompanied by an affidavit giving the description of the premises owned at the date of the passage of this ordinance.

ARTICLE XXI. INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall control; and provided further that this ordinance shall not be construed as superceding any Special Act of the Legislature relative to the subject matter of this ordinance. If, because of error or omission in the Zoning Map, any property in the City of Cocoa is not shown as being in a Zoning District, the

classification of such property shall be R-1 Single Family, unless changed by amendment to the Zoning Ordinance.

ARTICLE XXII CHANGES AND AMENDMENTS

The City Council may from time to time amend, supplement, change or repeal the regulations, restrictions or district boundaries as set out in this ordinance in the manner prescribed by law.

The procedure for applications for any future change in the Zoning Ordinance by the Cocoa City Council, for the holding of a public hearing thereon, for the publishing of a legal notice of said hearing and all other matters pertaining to such requested change shall be:

A petition for such change shall be submitted in duplicate, giving the lot, block and addition of the lands desired to be re-zoned; the names and addresses of all of the owners of said land; the new zone classification desired and the reasons for such zone change. This petition shall be signed and acknowledged by each and every owner of said lands. A fee of twenty (\$20.00) Dollars shall be paid to the City by the petitioners at the time said petition is made.

Promptly upon receipt of said petition, the Council will refer it to the Board of Adjustment for its study and recommendations, which shall be submitted to the Council by said Board within fifteen (15) days of its receipt by said Board.

Meanwhile the Council shall set a date for a public hearing on said petition and publish a legal notice of said hearing, giving the time and place of it, at least fifteen (15) days prior to the date of said public hearing. This legal notice shall be published in a newspaper of general circulation in the City of Cocoa.

Following the publication of said legal notice, the City will mail copies of same to all owners of property whose land is within three hundred (300) feet of the periphery of the lands which the petitioners desire to have re-zoned. This legal notice will be mailed to the last known address of said surrounding owners.

Following said public hearing the Council, by Ordinance, may

amend, modify, or change the existing zone requirements for the lands of said petitioners or it may deny said petition.

ARTICLE XXIII GRANTING CONDITIONAL USES

The procedure for application for additional uses shall be:

A petition for such conditional use shall be submitted, in duplicate, giving the lot, block, and addition, of the lands desired for such conditional use; the names and addresses of all of the owners of said land; the conditional use desired and the reason for requesting the conditional use. The petition shall be signed and acknowledged by each and every owner of said lands.

Promptly upon the receipt of said Petition, the Council will refer it to the Board of Adjustment for its study and recommendation, which shall be submitted to the Council by said Board within Fifteen (15) days of its receipt by said Board. Thereafter, the City Council shall as soon as practicable, either deny or accept said application by Resolution.

ARTICLE XXIV. PENALTY

It shall be unlawful for any person to violate any of the provisions of this ordinance. Any person who violates any of the provisions of this ordinance shall upon conviction thereof in the municipal court of the City be punished by fine not to exceed one hundred dollars, or by imprisonment for not more than ten days, or both, in the discretion of the municipal judge. Said judge may allow the violator a reasonable length of time to rectify or correct the violation and each day that the violation remains unrectified or uncorrected after the expiration of said allowed time, shall constitute an additional separate offense.

ARTICLE XXV. ENFORCEMENT

The Building Inspector is hereby designated and authorized to enforce this ordinance, except as otherwise herein specifically provided.

ARTICLE XXVI VALIDITY

Should any section, clause or provision of this ordinance be declared by the court to be invalid, the same shall not affect

The validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE XXVII

All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

ARTICLE XXVIII

This ordinance shall become effective immediately upon its adoption and approval by the Mayor.

ARTICLE XXIX

The method of publication of this ordinance shall be by posting a copy of the same in two public places in the City of Cocoa, To-wit: In the Clerk's office and in the Chamber of Commerce office.

ADOPTED at a Regular meeting of the City Council held on the 28 day of July, 1959.


Chairman City Council

ATTEST: _____
City Clerk

APPROVED by me this _____ day of _____ 1959.


Mayor, City of Cocoa,

LOT (over) BLK S/D Dixons Homestead

PERMIT #	DATE ISSUED	DATE COMPLETED	WORK DESCRIPTION
2452	11/62	8/63	Frame to Residence
8260	12/5/44	3/19/46	Extending living room
10311	7/18/78	6/19/79	garage - stone work added
4895	9-12-84	11/84	sewer - replace same height
1029	4-24-89	3/7/90	sewer - string 3/2 pits
00-0001	1-4-2000	1/06/2000	sewer line from house to street

ORDINANCE NO. 1618

AN ORDINANCE OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, REPEALING ORDINANCE 1478, AS AMENDED AND KNOWN AS THE ZONING ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND THE USE OF BUILDINGS, STRUCTURES, LAND AND WATER AREAS FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES: REGULATING THE NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES: THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES CREATING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF, PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; ESTABLISHING A BOARD OF ADJUSTMENT AND DEFINING THE POWERS AND DUTIES THEREOF; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER PURPOSES, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 176, FLORIDA STATUTES.

WHEREAS, the City Council of the City of Cocoa has appointed a Planning and Zoning Board to recommend the boundaries of the various districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning and Zoning Board has divided the City into Districts and has prepared regulations pertaining to such districts in accordance with the comparative growth patterns, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote healthy and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the City Council has employed the professional services of the Brevard County Planning Department to assist the Planning and Zoning Board in their study and recommendations, and

WHEREAS, the Planning and Zoning Board has made a preliminary report to the City Council and held public hearings

thereon and submitted its final report to the City Council, and

WHEREAS, the City Council has heretofore given due public notice of public hearings held for the purpose of examining and reviewing the zoning ordinance.

ARTICLE I

Repeal of Conflicting Ordinances

Ordinance No.1478 of the City of Cocoa, as amended, is hereby abolished and repealed, and all other City Ordinances, resolutions, or general laws, or any part thereof, in conflict with any provisions of this Ordinance are hereby abolished and repealed.

ARTICLE II

Short Title

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Cocoa."

ARTICLE III

Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.

ARTICLE IV

Scope

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provision of other laws, ordinances, except those specifically repealed by this ordinance, or with private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Ordinance imposes a greater restriction upon land, buildings or

structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of the ordinance shall control.

ARTICLE V

Definitions

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

1. Accessory Use of Structure - A "customary accessory structure or use" is one which: (Refer to Article XIII, Section 6.)
 - (a) is subordinate to and serves the principal structure or principal use, and
 - (b) is subordinate in area, extent, or purpose to the principal structure or principal use served, and
 - (c) contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served, and
 - (d) is located on the same zoning lot as the principal structure or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the structure or use served.
2. Alley- Any public or private right-of-way set aside for secondary public travel and servicing which is less than thirty (30) feet in width, which is not generally used for general traffic circulation, and is not otherwise officially designated as a street.

3. Apartment - See Dwelling, Multiple Family.
4. Automotive Laundry - A building or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with chain conveyor, blower, steam cleaning device, or other mechanical and/or non-mechanical self service devices.
5. Automotive Repair Facilities - This term shall include all mechanical engine overhaul or repair, and body work and painting of automotive vehicles.
6. Automotive Vehicle - Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance. The phrase shall include passenger cars, trucks, truck tractors, buses, motorcycles, scooters and station wagons, but shall not include tractors, construction equipment, or machinery or any device used for performing a job except as stated above.
7. Awning - A detachable, rooflike cover, supported by the walls of a building for protection from sun or weather.
(Refer to Article XIII, Section 7.)
8. Automobile and Trailer Sales Areas - An open, partially open, or enclosed area other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on or from the premises.
9. Buildable Area - The portion of a lot remaining after required yards have been provided.
10. Building Official - The official charged with the administration and enforcement of this Ordinance as provided for in Article XV.

11. Building or Structure - Any structure constructed or used for residence, business, industry or other private or public purposes or accessory thereto, including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels.
12. Building, height of - The vertical distance from the established average sidewalk or street grade or finished grade at the building line, whichever is the highest, to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; or (c) the peak of bagle, hip, or gambrel roofs.
13. Canopy (Marquee) - A roof-like structure serving the purpose of protecting pedestrians from rain, snow, sun, or hail, which structure projects from a building. Such structure shall be open on three (3) sides and, if ground supported, supports shall be confined in number and cross section area to the minimum necessary for actual support of the canopy.
14. Child Care Center - Any building wherein care for more than four children is rendered. The term includes nursery schools and kindergartens.
15. Clinic, Animal - A building used by a group of professional medical persons for the healing arts or treatment of small animals on an out-patient or non-boarding basis only, without runs.
16. Clinic, Persons - A building used by a group of professional medical persons for the healing arts or treatment of persons on an out-patient or non-boarding basis only.
17. Clubhouse - A building owned or rented by a non-profit association made up of bona fide members paying dues, the use of which is restricted to said members and their guests.
18. Court - An unoccupied open space on the same lot with the principal building and fully enclosed on at least three adjacent sides by walls of the principal building.

19. Courtesy Notice - A notice of a public hearing, not required by law, mailed at the city's discretion to property owners within 300 feet of property which is the subject of said public hearing.
20. District - A zone within the City so designated on the Official Zoning Map. (Synonymous with "Zone".)
21. Dwelling, Single-Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.
22. Dwelling, Mobile Home - A detached residential dwelling unit, over eight (8) feet in width designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
23. Dwelling, Two-Family (Duplex) - A detached residential building designed, arranged, or used exclusively by two (2) families, living independently of each other.
24. Dwelling, Multiple-Family - A residential building designed for three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
25. Dwelling Unit or Living Unit - A building or portion thereof providing complete housekeeping facilities for one (1) person or one (1) family.
26. Easement - A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to sewer lines, water lines and transmission lines, or the right,

distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

27. Efficiency Apartment - A dwelling unit in which the kitchen, living, sleeping and dining facilities are located within one room.
28. Family - Family is a single individual, doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body or persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond, as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.
29. Floor Area - Living Area - The sum of the gross horizontal area of the several floors of a dwelling unit or units exclusive of porches, balconies and garages measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.
- For uses other than residential, the gross floor area shall be measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- The gross floor area shall not include floors used for parking space when such parking appertains to a residential, commercial, or office used in the same structure.
30. Front Building Line - A line extending from side lot line to side lot line and commencing at the front most portion of the lot's principal structure, not necessarily coinciding with the front yard setback where an irregular lot requires greater setback than minimum to meet the lot width requirements.
31. Garage (Private) - An enclosed structure accessory to a

main structure secure from intrusion, protected from the elements, for the purpose of storing automotive vehicles and in which no occupation or business for profit is carried on.

32. Garage (Public) - A building or portion thereof designed, intended and used exclusively for the care, repair or equipment of self-propelled motor vehicles or other vehicles. This definition shall not include private garage.
33. Hedge - A row of bushes or small trees planted close together in such a manner as to form a boundary or barrier.
34. Hospital, Persons - A building used by a group of professional medical persons for the healing arts or treatment of persons on a, generally, in-patient or boarding basis.
35. Hospital, Animal - A building used by a group of professional medical persons for the healing arts or treatment of animals primarily on an in-patient or boarding basis and shall have outside runs.
36. Junk Yard - An open area where any waste, used or second hand materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes an auto wrecking yard or the storage or keeping of one (1) or more inoperative motor vehicles unless where otherwise specifically permitted does not include uses established entirely within enclosed buildings.
37. Living Area - (See Floor Area).
38. Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. (Refer to Article XII.)

39. Lot - For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on an improved public street, or on an approved private street, and may consist of:
- (a) A Single lot of record;
 - (b) A portion of a lot of record;
 - (c) A combination of complete lots of record, and portions of lots of record, or of portions of lots of record.
 - (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
40. Lot Coverage - The area of a lot that is covered by an enclosed structure. This is normally the principal and accessory structures, and, any other structure that blocks sun light and the breezeway.
41. Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.
42. Lot Measurements -
- (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lots in the rear.
 - (b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear

of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 per cent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80 per cent requirement shall not apply. There must be a minimum of 50 feet on the turning circle of cul-de-sacs.

43. Lot of Record - A lot which is part of a subdivision recorded in the office of the County Clerk, County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
44. Lot Types - The diagram (Figure 1) which follows illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots:

In the diagram, A = corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A (1) in the diagram.

B = interior lot, defined as a lot other than a corner lot with only one frontage on a street.

C = through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

D = reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.

A reversed frontage lot may also be a corner lot (A-D in the diagram), or a through lot (C).

45. Living Unit - (See Dwelling Unit).
46. Major Recreational Equipment - Boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. (Refer to Article XII, Section 14.)
47. Marina - A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, and provision of food, beverages, and entertainment as accessory uses. A yacht club shall be considered as a marina, but a hotel, motel or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, or boat docks accessory to a multiple dwelling where no boat-related services are rendered.
48. Minimum Building Set Back Line - A line parallel to the front, side and/or rear lot line and set-back from the lot line a sufficient distance as specified in this Ordinance, to provide the required minimum yard space.

49. Non-Conformity - Any lot, use of land, use of structure, use of structure and premises or characteristics of any use which was lawful at the time of enactment of this Ordinance but which does not conform with the provisions of the district in which it is located. (Refer to Article X.)
50. Nursing (convalescent) Home - A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick and injured.
51. Occupied - The use of a structure or land for any purpose, including occupancy for residential, business, industrial, manufacturing, storage, and public use.
52. Patio or Terrace - An open unoccupied space adjacent to the principal building on one or two sides, prepared with a hard, semi-hard, or improved surface, and unenclosed for the purpose of outdoor living.
53. Permittee - The person in possession or having beneficial use of property.
54. Premise - A tract of land with a structure thereon.
55. Principal Use of Structure - A building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport, shed, garage, or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building shall comprise a part of the principal building and be subject to all regulations applied to the principal building. A detached and structurally in-

dependent carpots, garage, or other structure shall conform to the requirements of an accessory building. A detached and structurally independent garage, carport or other structure conforming as an accessory building may be attached to the principal building by an open breezeway.

56. Private Club - The term "Private Club" shall pertain to and include associations and organizations of fraternal or social character.
57. Public Use - Any use of land or structures owned and operated by a municipality, county, state or the federal government or any agency thereof and for a public service or purpose.
58. Restaurant - Any building or structure or portion thereof, in which food is prepared and served for pay to any person not residing on the premises.
59. Screened Structure or Screened Enclosure - A structural frame designed to be covered with metal, fiberglass or other approved insect screening. The insect screening shall have at least 50 per cent open area per square inch. The framing and overhead supports of such screened structure or screened enclosure shall be solely for the purpose of supporting such screening.
60. Semi-Public Use - Any use of land or buildings owned and operated by an individual, firm, corporation, lodge, or club, either as a profit or non-profit activity, for a public service or purpose. This shall include privately owned utilities, transportation, recreation, and cultural activities and services.
61. Service Stations or Filling Stations - Buildings and premises where gasoline, oil, grease, batteries, tires, and automotive accessories may be supplied and dispensed at retail, and where in addition the following services may

be rendered and sales made, and no other:

- a. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- d. Radiator cleaning and flushing;
- e. Washing and polishing, and sale of automotive washing and polishing materials;
- f. Greasing and lubrications;
- g. Providing and repairing, fuel pumps, oil punps, and lines;
- h. Minor servicing and repair of carburetors;
- i. Emergency wiring repairs;
- j. Adjusting and repairing brakes;
- k. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for service stations customers, as accessory and incidental to principal operation;
- l. Provision of road maps and other aforementioned material to customers; provision of restroom facilities;
- m. The rental of motor bikes and moving or travel trailers provided, however, that no more than two such vehicles be placed on display and that the remainder be stored out of the public view.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating

condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage nor a body shop.

62. Special Exception - A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhoods would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions. (Refer to Article XVII, Section 2.)
63. Street - A street, for the purposes of this section, shall be a public or private right-of-way set aside for public travel which is thirty (30) feet or more in width.
- a. Street right-of-way line: The property line which bounds the right-of-way set aside for use as a street.
 - b. Street centerline: The midpoint between the street right-of-way lines.
64. Structural Alteration - Any change except for repair or replacement in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
65. Swimming Pools - Any portable pool or permanent structure containing a body of water 18 inches or more in depth and 250 square feet or more of water surface area, intended for recreational purposed, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool regardless of size, unless it is located and designed so as to create a hazard or be

used for swimming or wading. (Refer to Article XIII, Section 15.)

66. Terrace - (See Patio)

67. Tourist and Transient Living Accomodations - Any place where tourists, transients, travelers, or persons desiring temporary residence may be provided with sleeping, sanitary, or cooking facilities.

a. Hotel and Motel - A building designed or used to provide lodging or boarding and lodging to the public for transients, tourists or persons of short-term residence in which there are six (6) or more guest rooms with limited or no kitchen facilities offered. Said building being open to the general traveling public as opposed to the customary purpose and use of a boarding or lodging house, apartment building or multiple family dwelling.

68. Townhouse - A one family dwelling unit of a group of three or more such units separated by adjoining fire walls, or fire walls separated by a space of not more than six (6) inches.

69. Total Floor Area or Gross Floor Area - The areas of all floors of a building, including finished attics, finished basements and all covered areas, including porches, sheds, carports, and garages.

70. Used - The word "used" shall include the words "arranged", "designed", and "intended to be used".

71. Vacant - A building or parcel of land which is neither occupied nor used or is in a non-operative state for a period of six months.

72. Variance - A variance is a realization of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar

to the property or lot of record and not the result of the actions of the applicant, prior to filing of application, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district. No variance is allowed for financial or self-imposed hardship. (Refer to Article XVII, Section 3.)

73. Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessoried, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.
74. Yard, Front - A yard extending between side lot lines across the front of a lot adjoining a public street. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent

lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:

- (1) At least one front yard shall be provided having the full depth required generally in the district;
- (2) No other front yard on such lot shall have less than half the full depth required generally.

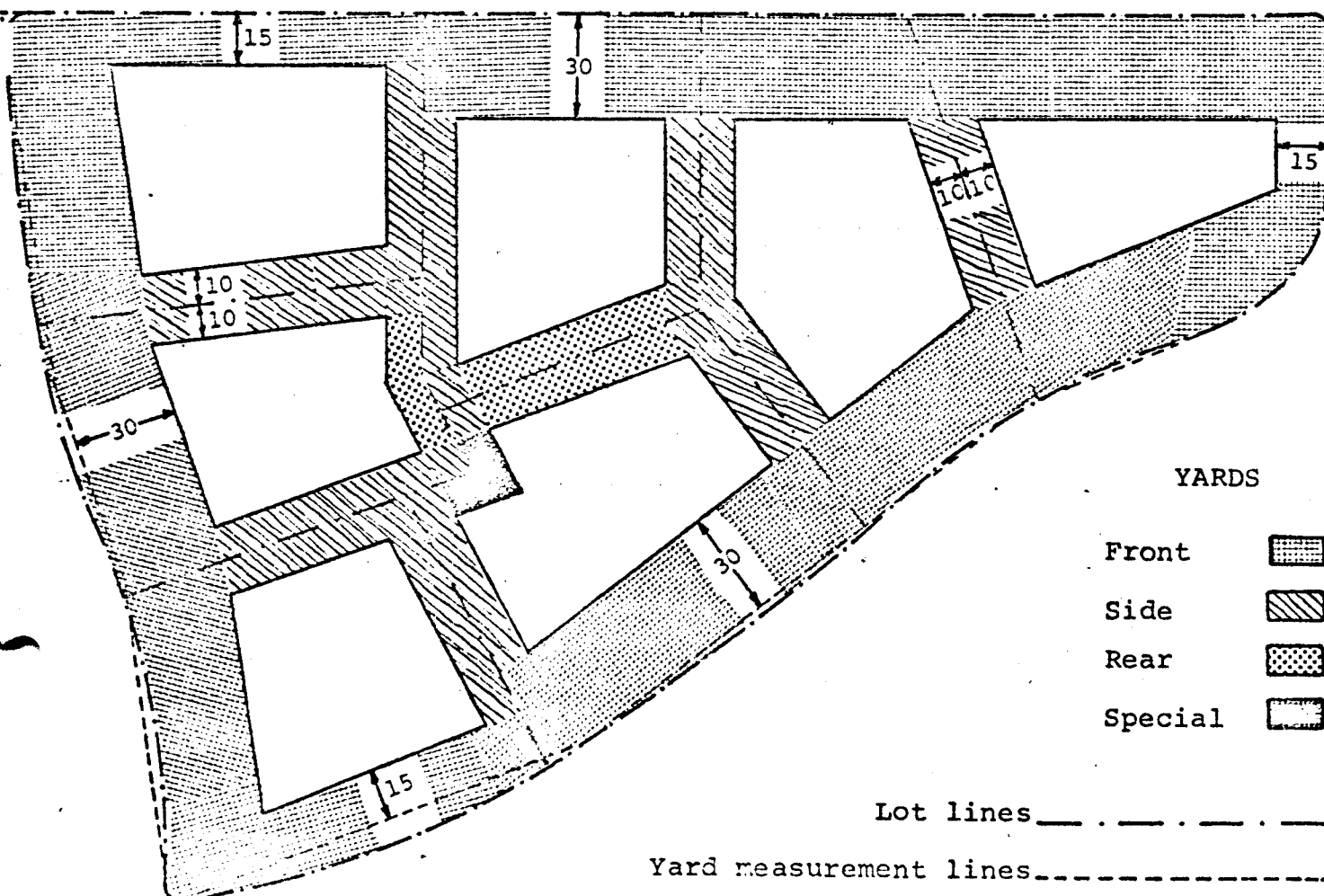
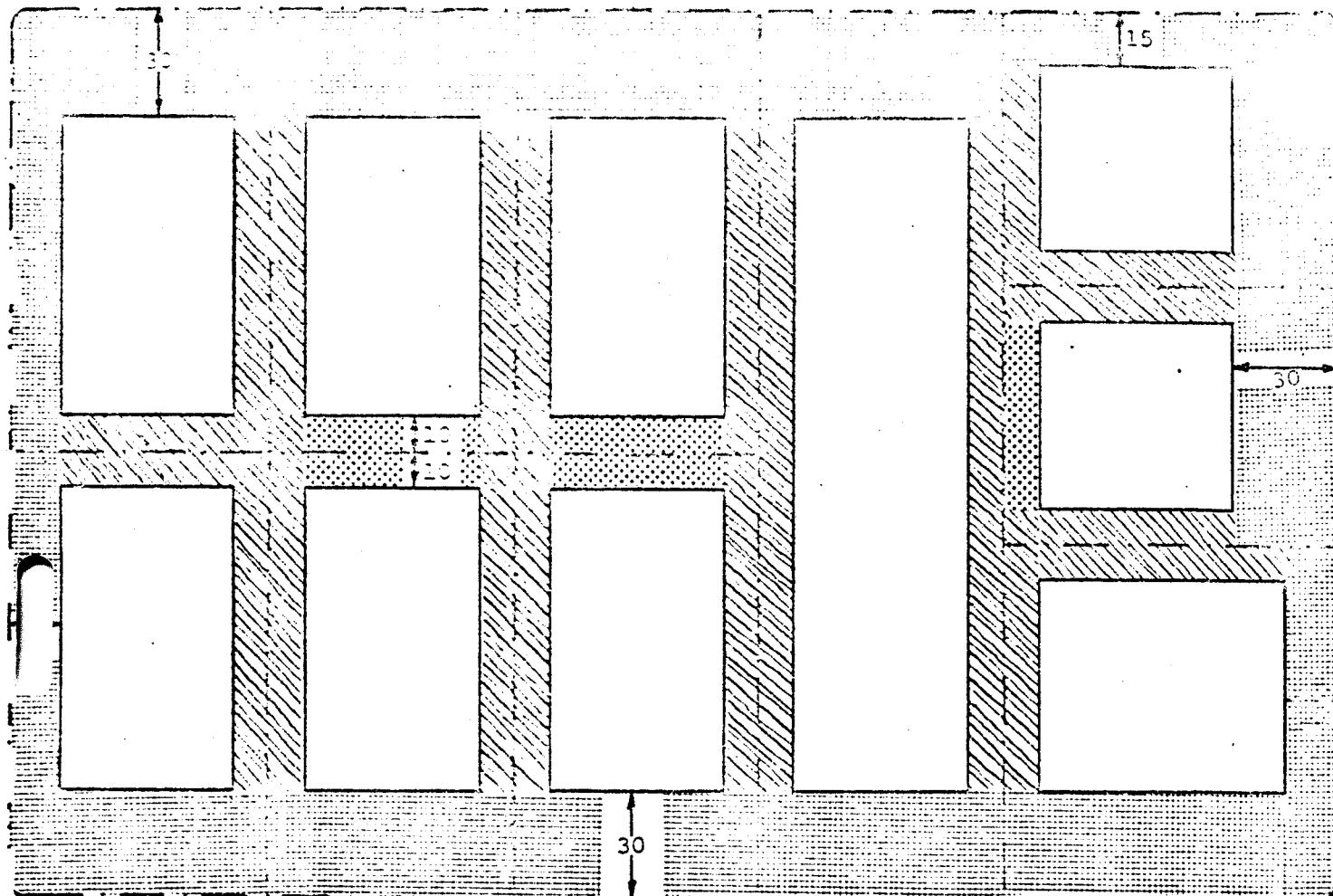
Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

75. Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case

of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half-depth front yards have been established shall be considered side yards.

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

76. Yard, Rear - A yard extending across the rear of the lot between inner side yard lines, In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by districts regulations with its inner edge parallel with the rear lot line.
77. Yard, Special - A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon. The diagram (Figure 2) on the next page illustrates location and methods of measuring yards on rectangular and non-rectangular lots.



The illustration here assumes front yard depths required at 30 ft. (half-depth front yards 15') side yard widths 10 ft., and rear yard depths 10 ft. Note that at A, a special yard is shown, indicating treatment where usual side or rear yard terminology would be difficult to apply but purpose of the yard is clear.

Figure 2

ARTICLE VI

Annexed Territory

All territory which may be hereafter annexed to the City of Cocoa shall be reviewed by the Planning and Zoning Board previous to the annexation and a classification recommendation should be the same as followed for a zoning change or amendment.

ARTICLE VII

Vacations - Built-Up Land

Whenever any street, alley or other public way is vacated by official action of the council of the City of Cocoa, the use district and area regulations governing the property abutting upon each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included within the vacation shall thereafter be subject to all appropriate regulations of the extended use districts.

In all cases where land is built-up by fill upon areas formerly under water, the use district and area regulations applying to the land immediately adjoining such built-up land shall be automatically extended thereto.

ARTICLE VIII

Establishment of Districts: Provision for Official Zoning Map

Section 1 - Official Zoning Map

- a. Use and Area Districts Established - For the purpose of this Ordinance, the City of Cocoa is hereby divided into use districts as provided hereafter.
- b. Maps and Boundaries - The boundaries of these districts are hereby established as shown on a map entitled "The Zoning Map of the City of Cocoa" on file in the Office of the City Clerk, which map, with all explanatory matter thereon, shall be deemed to accompany be, and is hereby made a part of this Ordinance.
- c. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk; and bearing the seal of the

under the following words: "This is to certify that this is the Official Zoning Map referred to in Article VIII of Ordinance Number 1618 of the City of Cocoa, Florida" together with the date of the adoption of this Ordinance.

- d. If, in accordance with the provisions of this Ordinance and Chapter 176, Florida Statutes, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Council. A Zoning number and an ordinance number shall be given to each change and a file of such changes kept by the Engineering and Planning Department. The amending Ordinance shall provide that such changes or amendments shall not become effective until they have been duly recorded upon the Official Zoning Map.
- e. No zoning changes shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under this Ordinance.
- f. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning which shall be stored in the vault in City Hall when not in use and readily available to the public, shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the city.

Section 2 - Replacement of Official Zoning Map - in the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map

which shall supersede the prior Official Zoning map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. 1618 of the City of Cocoa, Florida." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 3 - Rules of Interpretation of District Boundaries - Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- c. Boundaries indicated as approximately following city limits shall be construed as following city limits;
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- e. Boundaries indicated as following shore lines shall be construed to follow the high water mark and in the event of change in the shore line shall be construed as moving within the high water mark; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center line;

- f. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the use of the scale shown on said Zoning Map;
- g. In cases where the actual location of physical features varies from those shown on the Official Zoning Map, or in other circumstances not covered by sub-sections (a) through (f) above, the City Council shall interpret the district boundaries.
- h. All areas within the corporate limits of the City which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area joins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

ARTICLE IX

Application of Districe Regulations

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind or structure or land, except as hereinafter provided:

Section 1 - No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Section 2 - No building or other structure shall hereafter be erected or altered:

- a. To exceed the heights;
- b. To accommodate or house a greater number of families;
- c. To occupy a greater percentage of lot areas;

d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in any other manner contrary to the provisions of this ordinance.

Section 3 - No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

Section 4 - No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet the minimum requirements established by this ordinance.

Section 5 - Within each district, the regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure, land, or water.

Section 6 - Every building or structure hereafter erected shall be located on a lot as defined herein. Every building hereafter erected or structurally altered shall be on a lot adjacent to a public street, or with access to a public street.

ARTICLE X

Non-Conformities

Section 1 - Intent - Within the districts established by this ordinance, or amendments that may later be adopted, there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their continuation. Such uses are declared by this ordinance to be incompatible with per-

mitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 2 - Extension and Enlargement - A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved. In no event shall the time of such construction exceed a period of two years except for a demonstrated cause approved by the Board of Adjustment.

Section 3 - Non-Conforming Lots of Record - In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage

with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for this district in which such lot is located. Variance of area, width, or yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, unless the portion which is in excess of the lot width requirements is sold in order to create a lot meeting the requirements of the ordinance or as an addition to the zoning parcel, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements of this ordinance.

Section 4 - Non-Conforming Uses of Land - Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended. Such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance; unless such use is changed to a use permitted in the district in which such use is located;

- b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
- c. If any such non-conforming use of land ceases for any reason for a period of more than 90 consecutive days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- d. NO additional structure which does not conform to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

Section 5 - Non-Conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increases its non-conformity;
- b. Any structure or portion thereof may be altered to decrease its non-conformity;
- c. Should such structure be destroyed by any means to any extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- d. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

Section 6 - Non-Conforming Uses of Structures or of Structures and Premises in Combination - If a lawful use involving individual structures, or of structure and premises in combination, exists at the

effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
- c. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed;
- d. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this ordinance is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.
- e. All non-conforming use of structures or of structures and premises in combination, except for residential uses, shall be discontinued according to the following provisions: for each five hundred dollars (\$500.00) of its assessed value of land and building on date of issuance of a certificate of non-conforming use

such non-conformity shall be permitted to continue for a period of one year. In no event, however, shall any such non-conformity involving a structure be required to discontinue before a period of three (3) years; nor shall any non-conformity be permitted to continue for a period longer than fifty (50) years, regardless of its assessed value.

Non-conformities not involving the use of a principal structure, e.g., open storage, building supplies, vehicle, mobile home, implement and machinery storage, junk yards, commercial animal yards, and the like, shall be discontinued within two (2) years of the effective date of this ordinance or amendment.

Section 7 - Abandonment - A non-conforming use of a building or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:

- a. When the intent of the owner to discontinue the use is apparent, or,
- b. When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months, unless other facts show intention to resume the non-conforming use, or when it has been replaced by a conforming use, or where the use is discontinued or abandoned six (6) consecutive months or for eighteen (18) months during any three (3) year period.

Section 8 - Repairs and Maintenance - On any building devoted in whole or in part to any non-conforming use, ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be done provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public

safety, upon order of such official.

Section 9 - Special Exception - Not Non-Conforming Uses - Any special exception provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district provided, however, that such conditional use shall not be extended or expanded unless and until a special ordinance granting permission for such expansion or extension has been passed and adopted by the City Council as required by the terms of this ordinance in connection with the special exception procedure.

Section 10 - Temporary Uses - The casual, intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a non-conforming use. Such use shall not be validated by the adoption of this ordinance unless it complies with the terms of this ordinance.

Section 11 - Certificate of Non-Conforming Use - The Building Official shall issue a "Certificate of Non-Conforming Use" to all owners of property, the use of which does not conform to the provisions to the use zone in which the property is located.

- a. In accordance with the provisions of this section, no use of land, buildings or structures shall be made other than that specified on the "Certificate of Non-Conforming Use", unless said use shall be in conformity with the provisions of the use zone in which the property is located.
- b. A copy of each "Certificate of Non-Conforming Use" shall be filed with the office of the City Clerk. No permit or license shall be issued to any property for which a "Certificate of Non-Conforming Use" has been issued unless said permit or license has been approved by the Building Official.

Section 12 - Change in Boundaries - Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provision

shall also apply to any non-conforming uses existing therein.

ARTICLE XI

Schedule of District Regulations

For the purpose of classifying, regulating and restricting the location of trades and industries, and the location of buildings designed for industry, business residence and other uses, the City of Cocoa hereby is divided into use districts as follows:

- Section 1 - District and Intent: RE
Residential Estate
- Section 3 - District and Intent: RU-1-7
Single Family Residential
- Section 4 - District and Intent: RU-1-10
Single Family Residential
- Section 2 - District and Intent: RR-1
Rural Residential
- Section 5 - District and Intent: RU-2-15
Multiple Family Residential
- Section 6 - District and Intent: RU-2-25
Multiple Family Residential
- Section 7 - District and Intent: RM-3
Planned Residential Mobile Home Parks
- Section 8 - District and Intent: RM-4
Single Family Mobile Home Cooperative
- Section 9 - District and Intent: R-P
Residential Professional
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Professional Offices and Services
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Neighborhood Commercial
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General Commercial
- Section 13- District and Intent: CBD
Central Business
- Section 14- District and Intent: C-P
Commercial Parkway
- Section 15- District and Intent: C-W
Wholesale Commercial
- Section 16- District and Intent: M-1
Light Industrial and Warehouse

Section 17- District and Intent: PUD
Planned Unit Development

The use districts hereinabove referred to are designated upon the Official Zoning Map and expressly made a part of this Ordinance.

No building shall be erected, nor shall buildings or premises be used for any purpose other than a purpose permitted by this Ordinance in the use district in which such building or premises is or are located. The designation of use districts and uses by letter symbols as set forth herein, when throughout this Ordinance and upon the Zoning Map shall have the same effect as if the full description of said districts was stated.

Section 1. District and Intent - RE, Residential Estate District:

The provisions of this district are intended to apply to an area of estate density single family residential development. Large lot sizes and other restrictions are intended to promote and protect the highest quality residential development:

A. Principal Uses and Structures:

- (1) One single family dwelling

B. Accessory Uses and Structures:

- (1) Structures clearly incidental and subordinate to the principal use such as: patio, swimming pool, tool house, garage, play house, carport and similar uses in keeping with the the residential character of the district.
- (2) Non-commercial nurseries and green-houses.
- (3) Non-commercial piers, boat houses and loading places owned by and intended solely for the use of the adjoining residences, providing that the following conditions are met:
 - (a) It shall in all respects comply with the rules and regulations of the Corps of Engineers and/or the Trustees of the Internal Improvement Fund or such other board or agency having jurisdiction.

- C. Special Exception:
- (1) Public parks and playgrounds
 - (2) Sewer lift stations
- D. Prohibited Uses and Structures:

(1) All other uses not specifically or provisionally permitted herein.

(2) Home occupations.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM LIVING AREA	MAXIMUM HEIGHT
20,000 sq. ft.	100 ft.	150 ft.	20%	1,600 sq.ft.	35

MINIMUM YARD REQUIREMENTS

Front setback - 50 feet or average depth of existing front yards of developed lots within 100 feet of each side but not less than 25 feet.

Side Interior Lot Setback - 15 feet

Side Corner Lot Setback - 25 feet

Rear Setback - 35 feet

Section 2. District and Intent - RR-1, Rural Residential District:

The provisions of this district are intended to apply to an area of single family residential development of a spacious character. Large lot sizes and other restrictions are intended to promote and protect quality residential development while at the same time, permitting limited agricultural uses which are conducted in such a way as to minimize possible offense to residential development.

A. Principal Uses and Structures:

- (1) One Single Family Dwelling

B. Accessory Uses and Structures:

- (1) Structures clearly incidental and subordinate to the principal use such as: private garage, carport, patio, swimming pool, toolhouse, playhouse, and similar uses in keeping with a residential character.
- (2) Horses are permitted for the use of the occupant of the property, provided there is a minimum of 20,000 square feet of land for each animal. Structures for housing such animals,

such as barns and stalls, shall not be permitted closer than 100 feet to any residence, and shall be located to the rear of the principal building.

- (3) Non-commercial nurseries and greenhouses

C. Special Exceptions:

- (1) Playgrounds, parks and golf courses.
- (2) Sewer lift stations

D. Prohibited Uses and Structures:

- (1) All other uses not specifically or provisionally permitted herein.
- (2) Home occupations.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM LIVING AREA	MAXIMUM HEIGHT
1 Acre (43,560 sq. ft.)	125 ft.	200 ft.	30%	1200 sq.ft.	35ft.

MINIMUM YARD REQUIREMENTS

A. Principal Building:

- (1) Front setback: Not less than 50 feet.
- (2) Side interior lot setback: Not less than 10 feet
- (3) Side corner lot setback: Not less than 15 feet.
- (4) Rear setback: Not less than 20 feet.

B.- Accessory Structures:

- (1) Barns and Stalls
 - a. Front setback: 125 feet from front lot line
 - b. Side setback: 25 feet from side lot line
 - c. Rear setback: 30 feet from rear lot line

Section 3. District and Intent - RU-1-7, Single Family Residential District:

The provisions of this district are intended to apply to an area of medium density single family residential development. Lot sizes and other restrictions are intended to promote high quality residential development.

A. Principal Uses and Structures:

- (1) One single family dwelling

B. Accessory Uses and Structures:

- (1) Structures clearly incidental and subordinate to the principal use such as: patio, swimming pool, tool,house, garage, play house, carport and similar uses.
- (2) Non-commercial piers, boat houses and loading spaces as regulated in Section 1.-B-(3) herein.

C. Special Exceptions:

- (1) Temporary subdivision sales office during active construction of a Subdivision.
- (2) Sewer lift stations.
- (3) Public parks and playgrounds.
- (4) Home occupations.

D. Prohibited Uses and Structures:

- (1) All uses not specifically or provisionally permitted herein.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM LIVING AREA	MAXIMUM HEIGHT
7,500 sq. ft.	75ft.	100 ft.	30%	1200 sq. ft.	35 ft.

MINIMUM YARD REQUIREMENTS

Front Setback - 25 feet

Side Interior Lot Setback - 8 feet

Side Corner Lot Setback - 15 feet

Rear Setback - 15 feet

Section 4. District and Intent - RU-1-10, Single Family Residential

District:

The provisions of this district are intended to apply to any area of low density single family residential development. Lot sizes and other restrictions are intended to protect and promote high quality residential development.

A. Principal Uses and Structures:

- (1) One single family dwelling.

B. Accessory uses and Structures:

- (1) Structures clearly incidental and subordinate to the principal use such as: patio, swimming pool, garage, tool house, carport, play house, and similar uses.

C. Special Exceptions:

- (1) Public parks and playgrounds.
- (2) Sewer lift stations.

D. Prohibited Uses and Structures:

- (1) All uses not specifically or provisionally permitted herein.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM LIVING AREA	MAXIMUM HEIGHT
10,000 sq. ft.	100 ft.	100 ft.	30%	1,400 sq.ft.	35ft.

MINIMUM YARD REQUIREMENTS

Front Setback - 25 feet

Side Interior Lot Setback - 15 feet

Side Corner Lot Setback - 25 feet

Rear Setback - 25 feet

Section 5. District and Intent - RU-2-15, Multiple Family Dwelling

District:

The provisions of this district are intended to apply to any area of medium density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect medium density residential development, maintaining an adequate amount of open space for such development.

A. Principal Uses and Structures:

- (1) Multiple family dwellings not more than 15 dwelling units per gross residential acre or 2,900 square feet of lot area per dwelling unit. For the purpose of computing density allowed, property divided by a public road shall be considered as separate parcels. Refer to Article XIII, Supplementary District Regulations, Section 2, Designation of Lesser Maximum Density.

(2) Single family dwellings as regulated by Section 3, RU-1-7.

B. Accessory Uses and Structures:

(1) Custome accessory uses clearly incidental and subordinate to the principal use and in keeping with the intent and purpose of the district.

C. Special Exceptions:

- (1) Public parks and playgrounds.
- (2) Non-commercial cultural centers, social service centers, museums, galleries, community centers.
- (3) Private clubs and lodges.
- (4) Home occupations.
- (5) Sewer lift stations.

D. Prohibited Uses and Structures:

(1) All uses not specifically or provisionally permitted herein.

<u>MINIMUM LOT AREA</u>	<u>MINIMUM LOT WIDTH</u>	<u>MINIMUM LOT DEPTH</u>	<u>MAXIMUM LOT COVERAGE</u>	<u>MAXIMUM HEIGHT</u>
7,500 sq. ft.	75 ft.	100 ft.	40%	35ft.

MINIMUM LIVING AREA

Duplex - 750 sq. ft. each unit

Efficiency Apts. - 450 sq. ft.

1 Bedroom Apts. - 550 sq. ft.

2 Bedroom Apts. - 750 sq. ft., plus 100 sq. ft. for each additional bedroom

Hotels and motels - 300 sq. ft.

MINIMUM YARD REQUIREMENTS

Front setback - 25 feet

Side Interior Lot Setback - 10 feet

Side Corner Lot Setback - 15 feet

Rear Setback - 20 feet

Section 6. District and Intent - RU-2-25, Multiple Family Dwelling District.

The provisions of this district are intended to apply to an area of high density residential development. Lot sizes, height of building, and other building restrictions are intended to accomodate an intense degree of development, maintaining an adequate amount of open space for residential uses. Zones should be adjacent to major commercial centers and major collector or arterial streets.

A. Principal Uses and Structures:

- (1) Multiple family dwellings except there shall be no more than 25 dwelling units per gross residential acre of 1740 square feet of lot area per dwelling unit. For the purpose of computing density allowed, property divided by a public road shall be considered as separate parcels. (Refer to Article XIII, Supplementary District Regulations, Section 2, Designation of Maximum Density.)
- (2) Single family dwellings as regulated by Section 3 - RU-1-7.

B. Accessory Uses and Structures:

- (1) Customary accessory uses clearly incidental and subordinate to the principal use and in keeping with the intent and purpose of the district.
- (2) Limited retail and service establishments according to the following provisions:
 - (a) The building complex must contain at least 60 units.
 - (b) Private marinas to serve the residents of the principal structure, however, no water craft shall be used for dwelling purposes.

C. Special Exceptions:

- (1) Hotels and motels except there shall be no more than 40 dwelling units per gross residential acre.
- (2) Principal uses and structures exceeding 45 feet in height.
- (3) Public parks and playgrounds.
- (4) Non-commercial cultural centers, social service centers,

museums, galleries, community centers.

- (5) Private clubs and lodges.
- (6) Home Occupations
- (7) Sewer lift stations.

D. Prohibited Uses and Structures:

- (1) All uses not specifically or provisionally permitted herein.
- (2) Commercial establishments not specifically allowed in B-(2).

<u>MINIMUM LOT AREA</u>	<u>MINIMUM LOT WIDTH</u>	<u>MINIMUM LOT DEPTH</u>	<u>MAXIMUM LOT COVERAGE</u>	<u>MINIMUM LIVING AREA</u>	<u>MAXIMUM HEIGHT</u>
12,000 sq. ft.	120 ft.	100 ft.	40%	Same as RU- 2-15	45, except as provid- ed under special exceptions

MINIMUM YARD REQUIREMENTS

Front Setback - 30 feet plus 4 feet for every 10 feet of building height over 40 feet.

Side Interior Lot Setback - 10 feet plus 4 feet for every 10 feet of building height over 40 feet.

Side Corner Lot Setback - 25 feet plus 4 feet for every 10 feet of building height over 40 feet.

Rear Setback - 25 feet plus 4 feet for every 10 feet of building height over 40 feet.

Section 7. District and Intent - RM-3, Planned Residential Development for Mobile Home Parks.

The Provisions of this district are intended to apply to mobile home parks developed in such a manner as to make efficient economical and esthetically pleasing use of the land, so restricted that the same will be continually maintained by the owner.

A. Principal Uses and Structures:

- (1) Mobile homes, exclusive of travel trailers and recreational vehicles.

B. Accessory Uses:

- (1) Cabanas, carports, porches or awnings, and other customary accessory buildings and uses provided the same can be dis-

mantled and stored within four (4) hours in the event of hurricane, storm, fire or other emergency.

- (2) Structures and uses related to and for the exclusive use of residents of the mobile home park as follows: excluding commercial operations:

- (a) Recreational facilities and areas.
- (b) Community Center.
- (c) Washing facilities.
- (d) Storage of travel trailers and recreational vehicles provided such units are stored in a separate area, landscaped and maintained. Storage of these units shall not be permitted on individual lots.

C. Special Exceptions:

- (1) Sewer lift stations.

D. Prohibited Uses and Structures:

- (1) All other uses not specifically or provisionally permitted herein.

E. Land Use Regulations:

- (1) Minimum site for a mobile home park - an area not less than ten (10) acres, having a minimum width of 300 feet measured along a public right-of-way.
- (2) Minimum site size - An area not less than 5000 square feet and having a minimum width of not less than 60 feet.
- (3) Setbacks - Mobile homes and structures shall be set back not less than 50 feet from all property lines unless such line is contiguous to property zoned RM-3, RM-4, or any industrial, commercial or professional classification, in which case the setback shall be 15 feet. Individual structures within the park shall set back not less than 20 feet from all public rights-of-way or pavement edges of private streets.
- (4) Minimum distance between structures - 15 feet

- (5) Minimum floor area - 500 square feet.
- (6) Maximum height of structures 35 feet.
- (7) Off-street parking - 2 spaces for each mobile home space.
Each mobile home site shall have both paved spaces located on the site (20' x 20' area).
- (8) Patio - Each mobile home space shall have a concrete patio of not less than ten (10) feet by twenty-four (24) feet, conveniently located at the entrance of each mobile home.
- (9) Recreation area- There shall be required that not less than fifteen (15) percent of the gross area of the mobile home park to be set aside, designed, constructed and equipped as a recreational area. This 15% shall be provided in land area unless the total area of development exceeds 25 acres. In which case, water areas may comprise one-half of the 15% requirement. All lakes shall be permanent water bodies and shall be improved with docks and piers, 5:1 minimum sloped edge extending at least 20 feet into the lake and slanted with grass and maintained around the sides so as not to harbor mosquitoes, insects and rodents.
- (10) Signs - A sign shall be permitted identifying the mobile home park, and shall be set back not less than fifteen (15) feet. "For Rent" signs, for the mobile home spaces, shall be permitted but not to exceed thirty-two (32) square feet.
- (11) Mobile home foundation and anchorage - All mobile homes shall be located on a masonry foundation and securly anchored and tied down according to the requirements of the Mobile Home Manufacturer's Association.
- (12) Development standards - The minimum construction and design requirements for sewer facilities, street lights, utilities and drainage shall be compliance with the requirements of the Cocoa Subdivision Regulations.

- (13) Streets and roads - All streets within the park shall have a 22' minimum paved width. Minimum public rights-of-way shall be in accordance with the Subdivision Regulations of Cocoa, Curbs and gutters shall be required along all streets.
- (14) Screening - Where this zone abuts any residential zone, a fifteen (15) foot wide freeze resistant planted screening area shall be required and continuously maintained.
- (15) Underground Utilities - Within the development, all utilities including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service to the site of the development may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide freeze resistant landscaping with shrubs and plants to screen all utility facilities permitted above ground. The City Council may require that substations be screened by trees and shrubs or walls resembling a structure which is compatible with the design of the building within the development.
- (16) Addition Regulations:
- (a) Water, sanitary sewerage and refuse disposal shall comply with applicable Florida State Board of Health regulations.
 - (b) A mobile home park shall be subject to one ownership and no one shall be permitted partial ownership thereof without complying with the provisions applicable to the RM-4 zoning classification.
 - (c) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed metal containers.

- (d) No motor vehicle which is inoperable or an unoccupied mobile home which is usable or unusable shall be stored or used for storage of any items therein on any lot or parcel of ground storage of any items therein on any lot or parcel of ground in this zone unless it is within a completely enclosed building.
- (e) Expansion of existing mobile home parks shall be treated in the same manner as plans for new mobile home parks. Improvement of substandard conditions in existing parks may be required as a precedent to expansion of such parks.

F. Site Plan Approval:

- (1) A site plan shall be required in accordance with Article XIII supplementary District Regulations, Section I, and, in addition a statement defining the manner in which the City of Cocoa is to be assured that all improvements and protective devices are to be installed and maintained shall accompany the request for a planned mobile home development. The City Council may require the posting of a performance bond not to exceed 110% of the cost of providing:

- (a) The public services customarily supplied by the City of Cocoa to fill respective needs for storm, water and sanitary sewage disposal, water supply and so forth;
- (b) The public improvements necessary to insure proper ingress and egress for the site.

Section 8. District and Intent - RM-4, Single Family Mobile Home Cooperative.

This zone classification encompasses lands devoted to single family mobile home development of high density, together with such public buildings, schools, churches, public recreation facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The higher density or compacted lot size is permitted

where there are cooperative agreements to insure upkeep and where maintenance of the overall development shall be perpetually maintained in a satisfactory manner, without expense to City of Cocoa. Approval is to be predicated on the site plan of development. If the project is to be developed in phases, the area and location of common open space that will be provided at each stage must be designated. Provisions for all common open space and the construction of cultural and recreational facilities which are shown on the site plan shall proceed at an equivalent, or greater, rate as the rate of lot sales.

A. Principal Uses and Structures:

- (1) The parking, storage, or residential uses of single family mobile homes;
- (2) Recreation facilities;
- (3) Administrative building.

B. Accessory Uses and Structures:

- (1) Cabanas, or screened porches, so long as the same are attached to the mobile home. Such accessory buildings shall have no sanitary plumbing or kitchen facilities, and shall be limited to a total not exceeding 50 per cent of the total square footage of the mobile home unit. Other accessory uses shall not exceed a total of 500 square feet;
- (2) Schools and churches;
- (3) Travel trailers, campers and boats placed off-site in common storage areas, and maintained.

C. Special Exceptions:

- (1) Sewer plant; lift stations; water plant; power substation - all with approved landscaping.

D. Prohibited Uses and Structures:

- (1) All other uses not specifically or provisionally permitted herein.

E. Land Use Regulations:

- (1) Minimum size - Ten (10) acres.

- (2) Minimum lot size - An area not less than 6,000 square feet and having a width of not less than 75 feet and a depth of not less than 80 feet.
- (3) Setbacks: Principal and accessory structures shall be set back not less than 20 feet from the front lot line, and not less than 7½ feet from the side lot lines and not less than 15 feet from the rear lot line. On a corner lot the side street setback shall be not less than 20 feet. Swimming pools and screened enclosures thereof shall be set back not less than 5 feet from the side and rear lot lines and shall be located to the rear of the principal building.

- (4) Minimum common recreation and open space:

Lot sizes may be increased above the minimum 6,000 square foot requirement according to the following schedule for open space provision:

Square Footage	% of Common Open Space	or	In the event the developer chooses to mix the lot size in any phase or unit, the following square footage shall be provided per lot in common open space:
6,000	20%		1,500
6,500	13%		1,000
7,000	7%		500

"Common Recreation and Open Space" shall be defined as the total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as recreational or open space for use by residents of the development. Such usable space may be in the form of active or passive recreational areas including but not limited to playgrounds, golf courses, and nature trails. Common open space shall be improved to the extent necessary to compliment the residential uses and may contain compatible and complimentary structures for the benefit and enjoyment of the residents of the development. Easements, parking area, road rights-of-way or minimum

yards and spacings between dwelling units may not be included in determining usable open space. If golf courses are used to partially fulfill open space requirements, calculations for such may not exceed one-half ($\frac{1}{2}$) of the required open space. Recreational and open space shall be improved at a rate equal to or in excess of the development and occupancy within the cooperative. If the development exceeds 25 acres in size, water bodies may be used to partially fulfill minimum open space requirements. Such areas may not exceed one-half ($\frac{1}{2}$) of the total minimum open space required. All lakes shall be permanent water bodies and shall be improved with docks and piers, 5:1 minimum sloped edge extending at least 20 feet into the lake (for borrow pits), and planted with grass and maintained around all sides so as not to harbor mosquitoes, insects, and rodents.

- (5) Minimum living area - 600 square feet.
- (6) Maximum height of structures - 25 feet for residential and all accessory uses; 35 feet for all other permitted uses.
- (7) Off-street-parking - 2 spaces per unit located on site in a paved area. (20' x 20').
- (8) Access to development - At least two entrances from a public street shall be provided for any development. Entrances shall be a minimum of 60 feet in width with 13 feet lanes and a raised and planted median separating the lanes.
- (9) Property access: Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a public dedicated road. The city shall be allowed access on privately owned roads, easements, and common open space

to insure the police and fire protection of the area to meet emergency needs, to conduct city services and to generally insure the health and safety of the residents of the development.

- (10) Underground utilities - Within the development, all utilities including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service to the site of the development may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures, or vaults. The developer must provide landscaping with shrubs and plants to screen all utility facilities permitted above ground. The city may require that substations be screened and maintained by freeze-resistant trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the development.
- (11) Streets and Roads - Street widths and rights-of-way shall be provided in accordance with the subdivision regulations of Cocoa. Curbs and gutters shall be required along all streets
- (12) Development standards - The minimum construction and design requirements for sewer facilities, street lights, utilities and drainage shall be in compliance with the requirements of the City of Cocoa Subidvision Regulations.
- (13) Signs - Real estate signs "For Sale" or "For Rent" shall not exceed six (6) square feet. Temporary signs for construction only and shall not exceed sixteen (16) square feet. Setbacks shall be not less than ten (10) feet from the property line.
- (14) Mobile home foundation and anchorage - All mobile homes shall be located on a masonry foundation and securely anchored and tied down according to the requirements of the Mobile Home Manufacturer's Association. Each unit shall be skirted with masonry construction from the ground to the first floor and approved by the Building Inspector.

- (15) Screening - A 25' wide buffer zone shall be required around the perimeter of the development. This buffer area may be utilized toward satisfying the open space requirement. The area shall be composed of freeze resistant and continuously maintained landscaping material which will adequately screen the park from adjacent residential uses providing an adequate buffer between said uses.

F. Site Plan Approval:

- (1) A site plan shall be required in accordance with Article XIII Supplementary District Regulations Section I and in addition a statement defining the manner in which the City of Cocoa is to be assured that all improvements and protective devices are to be installed and maintained shall accompany the request for single family mobile home cooperative development. The City may require the posting of a performance bond not to exceed 110% of the cost of providing:
- (a) The public services customarily supplied by the City of Cocoa to fulfill respective needs for storm water, and sanitary sewage disposal, water supply and so forth.
- (b) The public improvements necessary to insure proper ingress and egress for the site.

The property shall be platted in accordance with the City of Cocoa Subdivision Plat requirements and the requirements set forth herein.

Section 9. District and Intent - R-P, Residential Professional

District:

The provisions of this district are intended to apply to area between commercial and residential uses. Principal uses and restrictions of the district are intended to promote and protect medium density residential development in combination with low density commercial development to provide a buffer area between residential and non-residential areas as well as to facilitate cohesive grouping of more intensely developed

commercial activities with high traffic generating capabilities.

A. Principal Uses and Structures:

- (1) Professional offices, general offices and similar uses.
- (2) Medical and dental clinics and laboratories.
- (3) Multiple family dwellings as regulated by Section 5-RU-2-15.
- (4) Pharmacy, apothecary and optical services

B. Accessory Uses and Structures:

- (1) Customary accessory uses clearly incidental and subordinate to the principal use.

C. Special Exceptions:

- (1) Parking facilities provided that a suitable landscaped plan is approved and maintained at all times.
- (2) Personal service establishments.
- (3) Retail sales directly associated with a profession.
- (4) Uses in keeping with the intent of the district.

D. Prohibited Uses and Structures:

- (1) Retail shops, repair shops and other commercial establishments not specifically or provisionally herein.
- (2) Hotels and motels.
- (3) All other uses not specifically or provisionally permitted herein; any use not in keeping with the transitional character of this district.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA	MAXIMUM HEIGHT
7,500 sq. ft.	75 ft.	100 feet	40%	300 sq. ft.	35 ft.

MINIMUM YARD REQUIREMENTS

Front Setback - 25 feet

Side Interior Lot Setback - 8 feet

Side Corner Lot Setback - 15 feet

Rear Setback - 20 feet, 15 when abutting an alley

Section 10. District and Intent - P-s, Professional, Offices and Services District:

The provisions of this district are intended to apply to an area adjacent to major streets and convenient and complementary to major commercial uses. The types of uses permitted and other restrictions are intended to provide an amenable environment for the development of professional offices and services separate from the intensive development of commercial and industrial facilities.

A. Principal Uses and Structures:

- (1) Professional offices and services and studies such as medical, dental, legal, engineering, real estate insurance, technical management consultant.
- (2) Business services such as secretarial services, drafting reproduction services.
- (3) Book and stationery stores; business supply retail stores;
- (4) Medical and dental clinics and laboratories;
- (5) Financial institutions;
- (6) Pharmacy, apothecary and optical services.
- (7) Nursing and convalescent homes.

B. Accessory Uses and Structures:

- (1) Customary accessory uses of one or more of the principal uses clearly incidental and subordinate to the principal use, in keeping with the professional character of the district.

C. Special Exceptions:

- (1) Uses in keeping with the intent of the district.
- (2) Technical schools - not with an industrial nature.
- (3) Sewer lift stations.

D. Prohibited Uses and Structures:

- (1) Retail stores and other commercial activities except as specifically permitted herein.
- (2) Manufacturing activities, storage, warehousing and other activities of a similar nature.
- (3) All uses not specifically or provisionally permitted herein; any use not in keeping with the professional character of the district.

<u>MINIMUM LOT AREA</u>	<u>MINIMUM LOT WIDTH</u>	<u>MINIMUM LOT DEPTH</u>	<u>MAXIMUM LOT COVERAGE</u>	<u>MINIMUM LIVING AREA</u>	<u>MAXIMUM HEIGHT</u>
7,500 sq. ft.	75 ft.	100 ft.	40%	300 sq.ft.	35 ft.

MINIMUM YARD REQUIREMENTS

Front Setback - 25 feet

Side Interior Lot Setback - Non except where use borders a district requiring setbacks, said shall also apply in this district.

Side Corner Lot Setback - 20 feet

Rear Setback - 20 feet, 15 feet when abutting an alley

Section 11. District and Intent - C-N, Neighborhood Commercial District:

The provisions of this district and intended to apply to an area adjacent to major arterial streets and convenient to major residential.

The types of use permitted are intended to serve the consumer needs of nearby residential neighborhoods as well as the commercial needs of the motorist. Lot sizes and other restrictions are intended to reduce conflicts with adjacent residential uses to minimize the interruption of traffic along thoroughfares.

A. Principal Uses and Structures:

The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

- (1) Retail stores, sales and display rooms (except automotive) and similar uses, including places such as bakeries in which goods are produced and sold at retail upon the premises.
- (2) Personal service establishments such as beauty and barber shops, laundry and dry cleaning pick up stations, tailor shops, and similar uses.
- (3) Professional offices, studios, clinics, laboratories, general offices and similar uses.
- (4) Restaurants
- (5) Multiple family and single family residences an regulated in

Section 5 - RU-2-15.

- (6) Financial institutions.
- (7) Pharmacy, apothecary and optical services.

B. Accessory Uses and Structures:

- (1) Customary accessory uses clearly incidental and subordinate to the principal uses and in keeping with the intent of the district.

C. Special Exceptions:

- (1) Any other use in keeping with the (neighborhood commercial) intent of the district.
- (2) Commercial radio and television broadcasting, transmitters, towers and antennnae.
- (3) Commercial recreation structures such as theaters, driving ranges, and bowling alleys, except drive-in theaters.
(Enclosed structures shall be air conditioned.)
- (4) Sewer lift stations.
- (5) Public parks and playgrounds.

D. Prohibited Uses and Structures:

- (1) Outdoor sales and display areas such as fruit and gorcery stands.
- (2) Automotive sales and display.
- (3) Service stations.
- (4) Manufacturing activities, transportation terminals, storage warehousing and other activities of a similar nature.
- (5) All uses not specifically or provisionally permitted herein.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA	MAXIMUM HEIGHT
7,500 sq. ft.	75 ft.	100 ft.	50%	300 sq. ft.	35 ft.

MINIMUM YARD REQUIREMENTS

Front Setback - 25 feet

Side Interior Lot Setback - None, except where a use borders a district

requiring setbacks, said setbacks shall also apply along the abutting property line.

Side corner Lot Seback - 20 feet

Rear Setback - 20 feet, 15 when abutting an alley

Section 12. District and Intent - C-G, General Commercial District:

The provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and region. The type of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other non-commercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

A. Principal Uses and Structures:

The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared incommon:

- (1) All principal uses and structures allowed Section 10, P-S professional services district and Section 11 C-N, neighborhood commercial district except residential uses.
- (2) Any other retail sales outlet of products sold directly to the consumer.
- (3) Wholesaling from sample stocks.
- (4) Dry clean establishments using non-inflammable solvents and cleaning fluids as determined by the fire chief.
- (5) Business service establishments.
- (6) Commercial recreation structures such as theaters, driving ranges, bowling alleys, and similar uses except drive-inn theaters. (Enclosed structures shall be air conditioned.)
- (7) Automobile laundry or quick wash.
- (8) Liquor stores (retail) and cocktail lounges.
- (9) Storage garage, public and private automobile parking.
- (10) Repair service establishments such as household appliances, radio and T. V. and similar uses.

- (11) New and used motor vehicles and agricultural equipment and mobile home sales and/or rentals with accessory services subject to the following restrictions:
- (a) All outside areas where merchandise is displayed shall be paved.
 - (b) All servicing and repair facilities except gasoline pumps shall be located in an enclosed structure.
 - (c) There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. (Vehicles shall have an affixed current licensed plate.)
 - (d) Ingress and egress points shall be placed so as to cause minimum interference with the movement of pedestrian traffic on the public sidewalks.
- (12) Professional business schools, vocational and trade schools, not involving operations of an industrial nature.
- (13) Printing, bookbinding, lithography and publishing establishments, blueprinting photostating.

B. Accessory Uses and Structures:

- (1) Customary accessory uses clearly incidental and subordinate to the principal use and in keeping with the intense commercial character of the district.

C. Special Exception:

- (1) Automotive repair establishments when conducted entirely within an enclosed structure.
- (2) Service stations and car wash establishments, subject to the following provisions:
 - (a) Minimum lot size: 10,000 square feet.
 - (b) Minimum floor area: 300 square feet exclusive of interior servicing area.

- (c) Height: 25 feet.
 - (d) Setbacks other than required elsewhere in this district:
 - (1) Gasoline pumps and other service islands equipment: 20 feet from property line;
 - (2) Building or other structure: 15 feet each side.
 - (e) Tank Storage: Underground storage required for all receptacles for combustible materials in excess of 200 gallons.
 - (f) A visual screen meeting the specifications of Article XIII, Section 5, Visual Screens Supplementary District Regulations shall be provided along the rear and the length of the sides of the site.
 - (3) Commercial recreation structures such as theaters, driving ranges, and bowling alleys, except drive-in theaters.
 - (4) Commercial radio and television broadcasting, transmitters, towers, and antennae.
 - (5) Passenger transportation terminals with subordinate freight facilities.
 - (6) Sewer lift stations.
 - (7) Any other use in keeping with the intent of the district.
- D. Prohibited Uses and Structures:
- (1) Manufacturing activities, freight transportation terminals, storage warehousing and other activities of a similar nature.
 - (2) All uses not specifically or provisionally permitted herein; any use not in keeping with the commercial character of the district.

<u>MINIMUM LOT AREA</u>	<u>MINIMUM LOT WIDTH</u>	<u>MINIMUM LOT DEPTH</u>	<u>MAXIMUM LOT COVERAGE</u>	<u>MINIMUM FLOOR AREA</u>	<u>MAXIMUM HEIGHT</u>
7,500 sq. ft.	75 ft.	100 ft.	50%	300 sq.ft.	65ft.

MINIMUM YARD REOUIREMENTS

Front Setback - 25 feet

Side Interior Lot Setback - None, except where the use borders a district requiring setbacks, said setbacks shall also apply in this district along the abutting property line.

Side Corner Lot Setback - 20 feet

Rear Setback- 20 feet, 15 feet when abutting an alley.

Section 13. District and Intent - CBD, Central Business District: This district is intended to apply to the central commercial, professional, financial, governmental and civic core of the city. Lot and building regulations are intended to permit intensive development of an area and to discourage uses not requiring a central location and which create friction with performance of central functions:

A. Principal Uses and Structures:

- (1) All principal uses and structures allowed in Section 12 C-G General Commercial District.
- (2) Hotels as regulated by Section 5.
- (3) Commercial recreation structures such as theaters and bowling alleys, completely enclosed and air conditioned.

B. Accessory Uses and Structures:

- (1) Customary accessory uses of one or more of the principal uses clearly incidental and subordinate to the principal use, in keeping with the intensive commercial character of this district.
- (2) Incidental manufacturing is permitted only for production of goods for sale at retail on the premises.

C. Special Exceptions:

- (1) Light manufacturing uses, provided that such use is compatible with surrounding uses and off-street parking and loading spaces are provided in accordance with Article off-street parking and loading regulations.
- (2) Public and private marinas.
- (3) Any other commercial use which is in keeping with the high intense commercial character of the district.

D. Prohibited Uses and Structures:

- (1) Manufacturing activities, freight transportation terminals, warehousing and other activities of a similar nature not specifically or provisionally permitted herein.
- (2) All uses not specifically or provisionally permitted herein, any use not in keeping with the intensive commercial character of the district.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA	MAXIMUM HEIGHT
4,000 sq. ft.	40 ft.	100 ft.	100% except for required yards	300 sq. ft.	NONE

MINIMUM YARD REOUIREMENTS

Front Setback - None

Side Setback - None, except the use borders a district requiring setbacks, said setbacks shall also apply in this district along abutting property lines.

Rear Setback - 10 feet.

Section 14. District and Intent - C-P, Commercial Parkway District:

The provisions of this district are intended to apply to areas located adjacent to a main highway approach to the city. The types of uses permitted and restrictions are intended to serve the needs of the motorist and provide an amenable impression of the city. Large lots sizes and other restrictions are intended to minimize frequest ingress and egress to the highway from abutting uses, thereby allowing the thoroughfare to serve its primary function of carrying an uninterrupted flow of traffic.

A. Principal Uses and Structures:

The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

- (1) Retail stores, sales and display rooms, including places in which goods are produced and sold at retail on premises;
- (2) Personal service establishments such as florist shops, laundry

and dry cleaning pick-up stations, tailor shops, and similar uses;

- (3) Professional offices, studios, clinics, laboratories, general offices, business schools and similar uses, eating and drinking establishments;
- (4) Commercial recreation such as theaters, driving ranges, bowling alleys, and similar uses except drive-in theaters; (enclosed structures shall be air conditioned)
- (5) Research, design and development activities and accessory laboratories:
 - (a) Where the use does not involve (1) operation of heavy machinery or equipment; or (2) creation of noise, fumes, dirt; or (3) damage to or interference with other properties.
 - (b) Where all work is done within the building.
 - (c) Where no product is manufactured except purely incidental results of such research, design and development activities only and not for sale.
- (6) Hotels and motels except there shall be no more than 50 units per gross residential acre;
 - (a) Minimum living area per dwelling unit shall be 300 sq. ft.
- (7) Plant nurseries and greenhouses, providing that no outside display of merchandise shall be contained in the required setbacks;
- (8) Retail stores using outside display areas providing the following provisions are met;
 - (a) The area outside shall not exceed in size one-third the enclosed area of the principal structure.
 - (b) The outside display area shall be surfaced with concrete or asphalt or other suitable materials.
 - (c) The outside display area may be open along the front of

the lot but shall be effectively screened on the sides in order to avoid any deleterious effect on adjacent properties.

- (d) The outside display area shall be considered the same as the floor area for the purpose of calculating off-street parking requirements.

- (9) Public and private clubs and lodges

B. Accessory Uses and Structures:

- (1) Customary accessory uses clearly incidental and subordinate to the principal use, and in keeping with the highway approach character of the district.

C. Special Exceptions:

- (1) Multiple family dwellings as regulated by Section 5, RU-2-25 multiple family district.
- (2) New and used motor vehicles and agricultural equipment, major recreational equipment and mobile home sales or rentals with accessory uses; subject to the following restrictions:
 - (a) All outside areas where merchandise is displayed shall be hard surfaced with concrete or asphalt or other suitable materials.
 - (b) All servicing and repair facilities except gasoline pumps shall be located in an enclosed structure.
 - (c) There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property
 - (d) Ingress and egress points shall be placed so as to cause minimum interference with the movement of pedestrian traffic on public sidewalks.
- (3) Veterinary hospitals and clinics providing that the following conditions are met:
 - (a) All areas used for boarding or temporary housing of animals shall be completely enclosed unless appropriate

safeguards are constructed to control objectionable odors and/or noises, as determined by the Board of Adjustment.

(b) Any area used for boarding or temporary housing of animals shall be buffered from all adjacent properties by a visual and aural screen, meeting the specifications of Article XIII, Section 5, Supplementary District Regulations and any other conditions required by the Board of Adjustment

(4) Service Stations - as regulated in Section 12-C-2, C-G General Commercial District.

(5) Sewer lift stations.

D. Prohibited Uses and Structures:

(1) Residential uses except those specifically or provisionally permitted herein.

(2) Outdoor sales and/or display except those specifically or provisionally allowed herein.

(3) Manufacturing activities, transportation terminals, storage warehousing and other activities of a similar nature.

(4) Any other use not specifically or provisionally permitted herein.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM LIVING AREA	MAXIMUM HEIGHT
10,000 sq. ft.	100 ft.	100 ft.	40%	300 sq. ft.	45 ft.

MINIMUM YARD REQUIREMENTS

Front Setback - 30 feet

Side Interior Lot Setback - 10 feet

Side Corner Lot Setback - 20 feet

Rear Setback - 15 feet, 10 feet abutting an alley

Section 15. District and Intent - C-W, Wholesale Commercial District:

The provisions of this district are intended to apply to an area in close proximity to transportation facilities and which can serve ware-

housing, distribution, wholesaling and other related functions of the City and region.

A. Principal Uses and Structures:

- (1) All uses allowed in Section II, General Commercial District except uses specifically prohibited.
- (2) Warehousing and wholesaling in enclosed structures, enclosed refrigerated storage;
- (3) Service and repair establishments, dry cleaning and laundry plants, business services, printing plants, welding shops, taxidermists and similar uses;
- (4) Building materials supply and storage; contractor's storage yard except scrap materials. Outside storage areas shall be effectively walled on all sides to avoid any deleterious effect on adjacent properties;
- (5) Automotive, major recreational equipment and mobile home sales, marine sales, storage and repair establishments, such as body shops, tire recapping, paint shops, and the like;
- (6) Freight handling facilities; transportation terminals;
- (7) Vocational and trade schools, including those of an industrial nature;
- (8) Veterinary hospitals and clinics;
- (9) Commercial radio and television broadcasting transmitters, towers and antennae.

B. Accessory Uses and Structures:

- (1) Customary accessory uses clearly incidental and subordinate to the principal use and in keeping with the character of the district.

C. Special Exceptions:

- (1) Planned industrial development on a minimum sized parcel of five (5) acres, subject to the conditions set forth in Article XIII, Section 3, Supplementary District Regulations;
- (2) Any other use in keeping the character of the district.

D. Prohibited Uses and Structures:

- (1) Residential uses including hotels and motels;
- (2) Automobile wrecking yards, junk yards, scrap and salvage yards for second hand building material;
- (3) Retail establishments except as specifically or provisionally permitted herein;
- (4) Any use deemed objectionable by the standards established in Article XIV Performance Standards;
- (5) Any other use not specifically or provisionally permitted herein.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM LIVING AREA	MAXIMUM HEIGHT
6,000 sq. ft.	60 ft.	100 ft.	100% except for required yards parking and loading space	300 sq. ft.	40 ft.

MINIMUM YARD REQUIREMENTS

Front Setback - 20 Feet

Side Interior Setback - None

Side Corner Lot Setback - None except where a use borders a district requiring setbacks, said setbacks shall also apply in this district along the abutting property line.

Rear Setback - 10 feet when abutting an alley

Section 16. District and Intent - M-I, Light Industrial and Warehouse District:

The provisions of this district are intended to apply to an area located in close proximity to transportation facilities and which can serve the industrial and related functions of the City and region. Restrictions herein are intended to minimize adverse influences of the industrial activities on nearby non-industrial areas and to eliminate unnecessary industrial traffic through non-industrial area.

A. Principal Uses and Structures:

The following uses and structures are permitted for any use or

group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

- (1) All uses allowed in Section 15 C-W Wholesale Commercial District;
- (2) Light manufacturing, processing and assembly, such as precision manufacturing, electrical machinery, instrumentation, bottling plants, dairy products, plants, fruit packing and similar uses.

B. Accessory Uses and Structures:

- (1) Customary accessory uses clearly incidental and subordinate to the principal use and in keeping with the light industrial character of the district.

C. Special Exceptions:

- (1) Sewer lift stations

D. Prohibited Uses and Structures:

- (1) All uses not specifically or provisionally permitted herein.

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MAXIMUM LOT COVERAGE	MINIMUM LIVING AREA	MAXIMUM HEIGHT
7,500 sq. ft.	75 ft.	100 ft.	100% Except for required yards and off- street parking and loading re- quirements	300 sq. ft.	40 ft.

MINIMUM YARD REQUIREMENTS

Front Setback - 20 feet

Side Interior Lot Setback - None

Side Corner Lot Setback - None, except where a use borders a district requiring setbacks, said setbacks shall also apply in this district along the abutting property lines.

Rear Setback - 20 feet, 15 feet when abutting an alley.

Section 17. - (PUD) Planned Unit Development District:

A. Definitions:

For the purpose of this section, certain words and terms used herein shall be defined as follows:

Words used in the present tense shall include the future tense words used in the singular number shall include the plural number, and the words used in the plural number shall include the singular number; and the word "shall" is mandatory, not directive. The word "person" includes any individual, group of persons, firm, corporation, association, organization, and any legal public entity.

1. Planned unit development or PUD: "Planned unit development" or "PUD" is an area of land developed as a single entity, or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential and compatible uses and common open space.
 - A. Common open space: "Common open space" is a parcel or parcels of land, or a combination of land and water within the site designated as a planned unit development, and designed for the use or enjoyment of residents of the planned unit development. All common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.
3. Development Plan: A "development plan" is a total site plan of a planned unit development drawn in conformity with the requirements of this section. Said development plan shall specify and clearly illustrate the location, relationship, design, nature and character of all primary and secondary uses, public and private easements, structures, parking areas, public and private roads, and common open space.
4. Preliminary development plan: "Preliminary development plan" is the development plan approved by the City Council of the City of Cocoa and filed with approval by the City of a planned unit development zone.

5. Final development plan: "Final development plan" is the development plan approved by the City Council of the City of Cocoa and recorded with the Clerk of the Circuit Court of Brevard County according to the provisions in this chapter.
6. Preliminary development plan application: "Preliminary development plan application" is the application for approval of the use of a site as a planned unit development and for approval of the required exhibits as specified in this chapter.
7. Final development plan application: "Final development plan application" is the application for approval of the final development plan and for approval of the required exhibits as specified in this chapter.
8. Developer: A "developer" is a person, firm, association, syndicate, partnership or corporation, who owns land which is developed into a planned unit development and who is actually involved in the construction and creation of a planned unit development.
9. Stage: A "stage" is a specified portion of a planned unit development that may be developed as an independent entity that is delineated in the preliminary development plan and the final development plan, and specified within the development schedule.
10. Site: "Site" is the actual physical area to be developed as a planned unit development, including the natural and created characteristics of said area.
11. Development schedule: "Development schedule" is a comprehensive statement showing the type and extent of development to be completed within the various practicable time limits and the order in which development is to undertaken. A development schedule shall contain an exact description of a specific building, facilities, common open space, and other improvements to be developed at the end of each time period.

B. District and Intent:

The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwellings, density, lot coverage, and open space from that required in any one residential land use classification under the Zoning Regulations of the City of Cocoa. The purpose of a planned unit development is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types as well as commercial uses designed to serve the inhabitants of the planned unit development. It is recognized that only through ingenuity, imagination and flexibility can residential developments be produced which are in keeping with the intent of this section while departing from the strict application of conventional use and dimension requirements of other zoning districts and subdivision regulations.

This section is intended to establish procedures and standards for planned unit developments within the incorporated areas of the City of Cocoa, in order that the following objectives may be attained:

1. Accumulation of large areas of usable open spaces for recreation and preservation of natural amenities.
2. Flexibility in design to take the greatest advantage of natural land, trees, historical, and other features.
3. Creation of a variety of housing types and compatible neighborhood arrangements that give the home buyer greater choice in selecting types of environment and living units.
4. Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of Cocoa.

5. Efficient use of land which may result in smaller street and utility networks and reduce development costs.
6. Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.
7. Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the City of proposed land use, site consideration, lot and setback considerations, public needs and requirements, and health and safety factors.
8. Economical and efficient use of land, utilities and streets with resulting lower housing costs.

C. Permitted Uses:

Uses permitted in the planned unit development may include and shall be limited to the following:

1. Primary residential uses: Single family detached and multi-family residential dwelling units (including apartments) in semi-detached, attached, and multi-storied structures.
2. Secondary non-residential uses: Non-residential uses of a religious, public or semi-public, cultural, recreational or commercial character and personal service centers, offices and professional centers providing services to residents of the planned unit development. Said non-residential uses shall be compatible with the secondary to the primary residential use. No building devoted primarily to a commercial use shall be built or established prior to the primary residential buildings or uses it is designed or intended to serve
3. Hotels, motels and restaruants: Hotels, motels, and restaurants may be permitted upon a consideration of the following criteria:

- a. The site of the planned unit development shall contain a minimum of twenty (20) acres.
- b. The total acreage used for said hotel, motel, and restaurant, including necessary parking, support buildings, grounds and appurtenances shall not be considered common open space and shall be included within the maximum total acreage percentage permitted under this section for commercial uses.
- c. The proposed streets and traffic flow and the streets, thoroughfares and traffic plan in the area adjacent to the site plan shall be adequate to support the anticipated traffic to be generated by the proposed hotel, motel, and restaurant.
- d. Said proposed hotel, motel, and restaurant use is compatible with the proposed primary residential uses, secondary non-residential uses, and common open space within the planned unit development.
- e. Said proposed hotel, motel, and restaurant use is compatible with the existing land use classifications in the surrounding vicinity.
- f. The area of said use shall be calculated as part of the total commercial acreage permitted, and the density shall not exceed 40 units per gross acre as per specific area delineated on the development plan.

D. Unified Ownership or Control:

The title to all land within a proposed site for a planned unit development shall be owned or controlled by the developer submitting the applications provided for under this section. The term "controlled by" shall be interpreted to mean that said developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer.

Said consent shall contain a statement that said developer is authorized to represent said owners in the submission of an application under the provisions of this section and that said owners shall agree to be bound by the decision of the City Council in the event said application is approved.

E. Common Open Space:

1. All common open space shall be preserved for its intended purpose as expressed in the final development plan. The developer shall choose one or a combination of the following three (3) methods of administering common open space:
 - a. Public dedication to the City of the common open space. This method is subject to formal acceptance by the City in its sole discretion.
 - b. Establishment of an association or non-profit corporation of all individuals or corporations owning property within the planned unit development to insure the maintenance of all common open space.
 - c. Retention of ownership, control and maintenance of all common open space by the developer.
2. All privately owned common space shall continue to conform to its intended use and remain as expressed in the final development plan through the inclusion in all deeds of appropriate restrictions to insure that the common open space is permanently preserved according to the final development plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.
3. All common open space as well as public and recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction

of residential structures.

4. If the developer elects to administer common open space through an association or non-profit corporation, said organization shall conform to the following requirements:
 - a. The developer must establish the association or non-profit corporation prior to the sale of any lots.
 - b. Membership in the association or non-profit corporation shall be mandatory for all residential property owners within the planned unit development and said association or corporation shall not discriminate in its members or shareholders.
 - c. The association or non-profit corporation shall manage all common space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of said land and any other land within the planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land.
 - d. If the developer elects an association or non-profit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space.

F. Land Use Regulations:

1. Minimum size: Ten (10) acres.

Minimum size of commercial uses: There shall be at least twenty (20) acres and at least two hundred (200) dwelling units of primary residential use.

2. Maximum density: The average density permitted in each PUD shall be established by the City Council upon recommendation of the Planning and Zoning Board. The criteria for establishing an average density includes existing zoning, adequacy

of existing and proposed public facilities and services, site characteristics, and the recommended density of any land use plan involving the area in question. In no case shall maximum density permitted exceed twelve (12) dwelling units per acre and in no case shall the overall number of dwelling units permitted in the PUD be inordinately allocated to any particular portion of the total site area.

3. Minimum common recreation and open space: Twenty-five per cent (25%) of gross site acreage. "Common recreation and open space" shall be defined as the total amount of improved usable area, including outdoor space, permanently set aside and designated on the site plan as recreational or open space for use by residents of the PUD. Such usable space may be in the form of active or passive recreation areas including but not limited to playground, golf courses, beach frontage, nature trails, and lakes. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the PUD. Easements, parking areas, road rights-of-way or minimum yards and spacings between dwelling units may not be included in determining usable space requirements. If golf courses and/or water areas are used to partially fulfill open space requirements, calculations for such may not exceed one-half ($\frac{1}{2}$) of the required open space. All water areas included as part of the open space requirement shall be permanent water bodies and shall be improved with docks or piers; 5:1 minimum sloped edge extending at least 20 feet into the lake, and planted with grass and maintained around all sides so as not to harbor mosquitoes, insects, and rodents.
4. Minimum lot area, frontage and setbacks:
 - a. No minimum lot size shall be required within a PUD

district.

- b. Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via an approach private road, pedestrian way, court or other area dedicated to public or private use or common easement guaranteeing access. Permitted uses are not required to front on a public dedicated road. The City shall be allowed access on privately owned roads, easements and common open space to insure the policy and fire protection of the area to meet emergency needs, to conduct city services, and to generally insure the health and safety of the residents of the PUD.
- c. Minimum distances between structures shall be:
 - Between structures of 2 stories or less - 15 feet.
 - Between structures of 3 stories - 20 feet.
 - Between structures of 4 stories - 25 feet.
 - Between structures over 4 stories - 5 feet for each additional story.
 - Between structures of varying heights, the larger distance separation shall be required.
- d. A minimum of twenty-five feet (25') setback shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street. A minimum twenty-five feet (25') setback shall be maintained between the walls of all structures and the perimeter of the PUD.

5. Maximum length of structures:

Two hundred feet (200') unless an excess is specifically authorized by the Planning and Zoning Board.

6. Maximum commercial uses area:

The maximum commercial area permitted within a PUD shall be five per cent (5%) of the total gross acreage of the site.

If the PUD contains more than five hundred (500) dwelling units, the maximum commercial area may be increased to seven per cent (7%) of the total gross acreage. Said areas shall be situated and buffered so as not to create any detrimental effect on residential uses.

7. Minimum floor area per unit:

Single family dwellings - 1100 square feet

Multi-family dwellings -

Efficiency - 400 square feet

One bedroom - 500 square feet

Two bedrooms - 750 square feet

Three bedrooms - 900 square feet

Hotel and motel units (where permitted) - 300 square feet.

8. Off-street parking:

a. Primary residential uses: A minimum of two (2) parking spaces per dwelling unit shall be provided. Each space must contain at least two hundred (200) square feet of area and be convenient to residential use. Parking areas shall not be separated from structures to be served by any public right-of-way.

b. Secondary non-residential uses: Within commercial areas one space shall be provided for each two hundred (200) square feet of floor area. Each space must contain at least two hundred (200) square feet of area.

c. Landscaping: Within all common parking areas, appropriate landscaped areas shall be provided and such landscaped areas shall be distributed throughout the parking area.

9. Underground utilities:

Within the PUD, all utilities distribution systems including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service.

to the site of the PUD may be exempted from this requirement. Large transformers shall be placed on the ground and contained within pad mounts, enclosures or vaults. The developer must provide landscaping with shrubs and plants to screen all facilities permitted above ground. The Planning and Zoning Board may require that substations be screened by trees and shrubs or walls resembling a structure which is compatible with the design of the buildings within the PUD.

10. Development standards:

The minimum construction requirements for streets or roads, sidewalks, sewer facilities, utilities and drainage shall be in compliance with the requirements with respect to streets, sidewalks and drainage may be waived by the City Council on the recommendation of the Planning Department and the Division of Public Works.

11. Preservation of Trees:

In planned unit developments where woods or scattered living trees occur, all trees of four (4) inches diameter or larger shall be preserved unless they exist within:

- a. proposed public or private easement or drainage facility
- b. proposed structure dimensions
- c. five (5) feet of a proposed structure
- d. proposed driveway
- e. proposed golf course or active recreational areas

G. Procedure for Receiving Approval of a Preliminary Development Plan and Tentative Zoning:

The following procedures, applications and exhibits shall be required when applying for tentative zoning and approval of a preliminary development plan.

1. Tentative development plan: Before submission of a preliminary application for approval as a planned unit development

zone, the developer and his registered engineer, architect, and site planner are encouraged to meet with Planning and Building Departments and Director of the Public Works and such other personnel as necessary to determine the feasibility and suitability of his application. This step is encouraged so that the developer may obtain information and guidance from city personnel before entering into any binding commitment or incurring substantial expenses of site and plan preparation.

2. Preliminary development plan application:

- a. Preliminary application: A preliminary application shall be submitted to the City of Cocoa Building Department by the developer requesting approval of the site as a planned unit development zone. Said preliminary application shall contain the name of the developer, surveyor and engineer who prepared the development plan topographic data map, and the name of the proposed planned unit development.
- b. Exhibits: The following exhibits shall be attached to the preliminary application:
 - (1) Vicinity map indicating the relationship between the planned unit development and its surrounding area including adjacent streets and thoroughfares.
 - (2) Development plan that shall contain, but not be limited to the following information:
 - (a) Proposed name or title of project, the name of the engineer, architect, and developer.
 - (b) North arrow, scale (1" = 200' or larger) date and legal description of the proposed site.
 - (c) Boundaries of tract shown with bearings, distances and closures and bulkhead lines. All existing easements, section lines, and all existing streets and physical features in and adjoining the project, and the existing zoning.

- (d) Names and locations of adjoining developments, and subdivisions.
- (e) Proposed parks, school sites, or other public or private open space.
- (f) Vehicular and pedestrian circulation systems including off-street parking and loading areas, driveways, and access points.
- (g) Site data including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of primary residential and secondary non-residential uses, and the total number of dwelling units.
- (h) Proposed common open space, including the proposed improvements and any complementary structures and the tabulation of the percent of the total area devoted to common open space. Areas qualifying for common open space shall be specifically designated on the site plan.
- (i) Delineation of specific areas designated as a proposed stage.
- (j) General statement indicating proposed means of drainage for the site to insure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.
- (k) General location within site of each primary residential and secondary non-residential use, and the proposed amount of land to be devoted to individual ownership.

- (1) Schematic drawings of the elevation and architectural construction of the proposed primary and secondary non-residential structures.
- (m) The proposed method of dedication and administration of proposed common open space.
- (3) Topographic map drawn to a scale of two hundred feet (200') to one inch (1") or larger by a registered surveyor and/or engineer showing:
 - (a) The location of existing property lines both for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, and any public utility easements.
 - (b) Wooded areas, streams, lakes, marshes, and any physical conditions affecting the site.
 - (c) Existing contours based on U.S. Coast and Geodetic data with a contour interval of two feet (2') and proposed finished elevations.

c. Submittal:

- (1) The PUD Zoning Application and preliminary development plan shall be submitted to the City of Cocoa Building Department at least 30 days prior to any scheduled meetings of the Planning and Zoning Board of the City of Cocoa.
- (2) A fee of \$100.00 shall accompany the PUD application for the purposes of administration.
- (3) The application shall include five (5) black-or blue line prints of the development plan of the proposed planned unit development and the minimum of two (2) copies of the required exhibits.

- d. Application review: The preliminary development plan shall be reviewed formally by the Planning and Building

Departments as necessary to determine the feasibility and suitability of the plan prior to the submission of the PUD zoning application to the Planning and Zoning Board of the City of Cocoa. The planning and Zoning Board of the City of Cocoa shall then review said preliminary development plan to determine its conformity with the official plans and policies of the City of Cocoa and the requirements of this section.

Upon completion of its review, the Planning and Zoning Board of the City of Cocoa shall recommend to the City Council, the approval, approval subject to conditions, or disapproval of the preliminary development plan application.

e. Review criteria: The decision of the Planning and Zoning Board of the City of Cocoa on the preliminary development application shall include the findings of fact that serve as a basis for its recommendation. In making its recommendation, the Planning and Zoning Board of the City of Cocoa shall consider the following facts:

- (1) Degree of departure of proposed planned unit development from surrounding residential areas in terms of character and density.
- (2) Compatibility within the planned unit development and relationship with surrounding neighborhoods.
- (3) Prevention of erosion and degrading of surrounding area.
- (4) Provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and soil conservation as shown in the preliminary development plan.

- (5) The nature, intent and compatibility of common open space, including the proposed method for the maintenance and conservation of said common open space.
 - (6) The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.
 - (7) The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed plan unit development.
 - (8) The availability and adequacy of water and sewer service to support the proposed planned unit development.
 - (9) The benefits within the proposed development and to the general public to justify the requested departure from standard land use requirements inherent to a planned unit development classification.
 - (10) The conformity and compatibility of the planned unit development with any adopted development plan of the City of Cocoa.
 - (11) The conformity and compatibility of the proposed common open space, primary residential and secondary non-residential uses within the proposed planned unit development.
- f. Review by the City Council: Upon receiving the recommendation of the Planning and Zoning Board of the City of Cocoa, the City Council shall, at a regular scheduled public meeting, review said recommendation and preliminary development plan and either approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the PUD zoning subject to acceptance of the final development plan. The decision of the Council shall be based upon consideration

of the fact specified as review criteria for the Planning and Zoning Board in subsection "e" of this subsection.

g. Recordation of preliminary application: In the event the primary development plan application is approved by the City Council, a copy of said application and required exhibits shall be certified and approved by the City Clerk and said certified copy shall be filed with City of Cocoa as a permanent record. A notice of said approval and filing containing a legal description of the site, shall be recorded in the Official Records of the City of Cocoa, Florida.

3. In the event that any PUD application is in excess of one thousand (1000) acres, the City Council may approve Planned Unit Development zoning based on the requirements in Section "G" above on a revised or general basis. Specifically, the exact requirements of "G" 2 (b) (2) subsections (b) (c) (k) and "G" 2 (b) (3) may be revised in terms of map scale and detail required. Following this, the developer shall have six (6) months to present a preliminary development plan for any minimum stage of the (10) acres. At the request of the developer, and for good cause shown, the City Council may extend said period required for the filing of said plan for a time certain not to exceed six months. Said plan shall be reviewed by the Planning and Zoning Board and the procedure of Section "G" would specifically then apply to any stage or the total development. Provided however, approval of a preliminary development plan of a minimal stage or the total development shall be a condition precedent to the filing of an application for the approval of a final development plan under section "H" of this district regulation.

H. Procedure for securing Approval of a Final Development Plan:

The developer shall have one (1) year from the approval of the

preliminary development plan for a planned unit development zone in which to file a final development plan application. At the request of the developer, and for good cause show, the Cocoa City Council may extend said period required for the filing of said application for a time certain not to exceed (1) year. The final development plan application may request approval for the entire planned unit development plan or any stage (minimum ten (10) acres). If approval is not requested for the entire planned unit development, the developer shall have one (1) year for approval of the final development plan application to file another final development plan application for approval of any or all of the remaining stages specified in the preliminary development plan. At the request of the developer, and for good cause shown, the Cocoa City Council may extend for a time certain not to exceed one (1) year the period for the filing of said application.

1. Required exhibits: The following exhibits shall be attached to the final development plan application:

a. Engineering plans showing:

- (1) Existing ground surfaces and proposed elevations in the planned unit development.
- (2) If deemed necessary by the City, subsurface conditions on the tract, including the location and results of tests made to ascertain the conditions of subsurface soil, rock, and groundwaters, and the existing depth of groundwater.
- (3) Typical cross-sections of proposed grading, streets and sidewalks, canals and waterways.
- (4) Proposed type of pavement in accordance with City specifications.
- (5) Layout of water distribution, sanitary sewers and storm drainage system, with grades and sizes indicated.

- (6) Final engineering drawing of water, sanitary sewer and storm drainage systems and sidewalks, streets, bulkheads, street name signs, and adequate lighting.

Said engineering plans shall be in conformity with the requirements and specifications of the City of Cocoa Subdivision Regulations as required in subsection "F" 10.

- b. A final development plan containing, in addition to those items specified in subsection "G" 2.b (2) the following information:

- (1) Dedication by owner and completion of certificate of surveyor.
- (2) The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary non-residential areas and structures, recreational areas and structures, and common open space areas.
- (3) Proposed lot lines (if any), lot and block numbers and dimensions of all primary non-residential uses, and secondary uses proposed.
- (4) The proposed architectural and landscape design of all structures and common open space that clearly reflects the compatibility of the variety of primary and secondary uses proposed.
- (5) Location and width of canals and waterways.
- (6) Reservations, easements, alleys and any areas to be dedicated to public uses or sited for other than residential use with notes stating their purpose and any limitations.
- (7) Sufficient data to determine readily and reproduce on the site the location, bearing and length of

every street, line lot line, boundary line and block line, whether curved or straight.

- (8) The radius, central angle, point of tangent, tangent distance and arcs and chords of all curved property lines.
- (9) A legal description of the planned unit development boundaries with bearings, distances and tie point.
- (10) Accurate location and descriptions of all monuments and markers.

An original of the final development plan shall be filed plus five (5) black - or blue line prints. All dimensions should be to the nearest one two hundredth (1-200) of a foot, and angles to the nearest second.

The final development shall meet the platting requirements of Florida Statutes, Chapter 177. In case of require two or more sheets are to be indicated on the first sheet below the title.

- c. Development schedule: The development schedule shall contain the following information:

- (1) In order of construction of the proposed stages delineated in the development plan.
- (2) The proposed date for the beginning of construction of said stages.
- (3) The proposed date for the completion of construction on said stages.
- (4) The proposed schedule for the construction and improvement of common open space within said stages, including any complementary buildings.

- d. Deed restrictions: Deed restriction proposals to preserve the character of the common open space as set forth in subsection "c". Said deed restrictions shall include a prohibition against partition by any residentail pro-

perty owner,

- e. Association or non-profit corporation: If the developer elects this method of administering common open space, the proposed by laws of the association or the certificate of incorporation and corporate by laws of the non-profit corporation shall be submitted for approval by the City.
- f. Instruments: Instruments dedicating all rights-of-way, easements and other public lands shown on the final development plan from all persons having any interest in said land.
- g. Bill of sale: A bill of sale, conveying to the City water and sewer utility lines, mains, lift stations, and other personal property required to be installed by this chapter and accepted by the City.
- h. Instruments: Indicating that all necessary off-site easements of dedications have been acquired. In lieu of originals, "certified true copies" will be accepted if the recording information from the public records of Brevard County, Florida is included thereon.
- i. Title opinion: A title opinion from an attorney showing the status of the title to the site encompassed by the final development plan and all liens, encumbrances and defects, if any.
- j. Tax receipts: Paid receipts indicating ad valorem taxes have been paid in full up to and including the current period.

2. Procedure:

- a. A fee of \$50.00 shall accompany the final development plan application for the purpose of administration.
- b. The Planning Department upon consultation with the Engineering Department, shall recommend the approval, approval subject to conditions, or disapproval of

the final development plan with the preliminary development plan, the sufficiency and accurateness of the required exhibits, and the requirements and purpose of this section and ordinances and regulations of the City of Cocoa. If the Planning Department determines that the Final Development Plan is not substantially in conformance with the approved Preliminary Development Plan, the Planning and Zoning Board shall review the Final Development and determine the acceptability of said plan in view of the preliminary concept as approved and recorded. The Planning and Zoning Board shall recommend the approval, approval subject to change, or denial of the Final Development Plan.

- c. The City Council shall review the recommendations of the Planning Department and Engineering Department at the regular public meeting of the City Council and shall approve, approve subject to conditions, or deny the final development plan application.

3. Recording of a final development plan:

- a. After approval by the City Council of the City of Cocoa of the final development plan application, the Clerk of the City shall see that all requirements of Florida Statutes, chapter 177, have been complied with before the final development plan is recorded in the public records of Brevard County, Florida. No final development plan of a planned unit development within the Cocoa shall be recorded unless it shall have the approval of the City Council of the City of Cocoa inscribed thereon.
- b. The transfer of, sale of, agreement to sell, or, negotiation to sell land by reference to or exhibition of, or other use of final development plan of a planned unit

Development, or portion thereof, that has not been given final approval of the City Council of Cocoa and recorded in the Official Records of Brevard County, Florida is prohibited. The description by meets and bounds in the instrument of transfer or other documents shall not exempt the transaction from such prohibition.

I. PHYSICAL REVIEW:

The City shall have the right to evaluate the physical layout, architectural characteristics, and amenities of the planned unit development and to suggest changes or modifications designed to create compatibility and conformity in the variety of uses within the development to insure, protect and promote the health, safety and general welfare of the property owners of the planned development and the residents of the City of Cocoa.

J. Building Permit:

No building permit shall be issued by the City of Cocoa until the final development plan has been approved and duly recorded as provided in this section.

K. Bonding:

Prior to the commencement of construction within the site of a planned unit development, the developer shall file with the city the following contracts and bonds for the appropriate stage of development:

- (1) A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the final development plan within one year from the date of commencement of construction.
- (2) A performance, labor and material payment bond for the completion of the construction of all common open areas designated in the final development plan within one

year from the date of commencement of construction.

- (3) A maintenance warranty bond in the amount of ten percent (10%) of the total cost of the construction of all public improvements to be in force for a period of two (2) years following acceptance by the city of the final construction of said public improvements.

All such bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department, as rated A: AAA in Best's Insurance Guide. Upon acceptance of all improvements described in subsections 1 and 2 above, said performance and payment bonds shall be released. All of the provisions relating to bonding contained in the Subdivision Regulations of the City of Cocoa shall be fully applicable to the bonds required under this section.

L. Termination of PUD Zone:

- (1) Any owner of all or a portion of land that has been designated a planned unit development under the provisions of this section can apply to the city for the termination of that portion of a stage within an approved final development plan within which his property is located if construction has not been commenced pursuant to said final development plan. The procedure for said termination shall be that applicable to the land use classification change under the zoning regulations of the City of Cocoa.
- (2) Failure of the developer to file a final development plan application within the time periods specified in subsection "H" shall automatically revoke approval of the preliminary development plan filed under subsection "G" 2.g. and the site shall revert to the zoning classifications for which the property was zoned prior to the approval of said preliminary plan. A notice of said revocation, containing a legal description of the site, shall be recorded in the Official Records of Cocoa, Florida.

M. Enforcement:

In addition to any other method of enforcement, the City shall have the power to enforce the provisions of this section by an appropriate suit in equity.

ARTICLE XII

Off-Street Parking and Loading regulations

Section 1 - Off-Street Parking and Loading Regulations

A. Definition of Off-Street Parking Space:

For the purposes of this ordinance, the term "off-street parking space" shall consist of a minimum rectangular parking area measuring 10' x 20', exclusive of access drives or aisles.

B. Requirements for Off-Street Parking:

There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, minimum off-street automobile parking space with adequate provisions for ingress or egress in accordance with the following requirements:

- (1) Auditorium, theaters, or other places of assembly - one space for each three (3) seats, or seating places or one space for every 120 square feet of floor area of the main assembly hall, whichever requirement is greater.
- (2) Business or commercial buildings (excluding the central business district) one space for each 300 square feet of gross floor area or fraction thereof.
- (3) Churches, temples or places of worship - one space for each four (4) seats or seating places, or one space for each 150 square feet of floor area of the main assembly hall, whichever is greater.

- (4) Clubs or lodges - one space for each five (5) seats or seating places or one space for each 150 square feet of floor area of the main assembly hall.
- (5) Colleges and universities
 - (a) Dormitories, fraternity houses, sororities - one space for each two (2) sleeping spaces
 - (b) Classrooms, planetarium - one space for each three (3) seats or seating places
 - (c) Gymnasium, natatorium, auditorium, theatre, amphitheatre, and other places of public assembly - one space for each three (3) seats or seating spaces
 - (d) Stadium - one space for each two (2) seats, minimum campus parking required elsewhere except parking required for dormitories, fraternities or sororities may not be substituted
 - (e) Field sports other than stadium - no new parking required
 - (f) Infirmary - one-half space for each bed or one space for each 300 square feet if there are not beds
 - (g) Libraries, museums - one space for each 300 square feet of floor area
 - (h) Computer center, laboratories, greenhouses, radio/television stations - one space for each 300 square feet of floor area
 - (i) Student, union, cafeteria, restaurant, automats, other eating facilities, book store, retail facilities, post office - one space for each 300 square feet of floor area
 - (k) Power plant, other mechanical equipment structures - one space for each 1,000 square feet of floor area
 - (l) Administrative offices, teacher's offices, etc. - one space for each 300 square feet of floor area

- (6) Hospitals and sanitariums - one space for each four (4) patient beds, plus one space for every two (2) employees on the largest working shift, exclusive of spaces required for doctors, one space for each doctor
- (7) Libraries, museums - off-street parking spaces equal in area to fifty percent (50%) of the floor area open to the public
- (8) Manufacturing and industrial uses - one space for each two (2) employees on the largest working shift and one space for each company vehicle
- (9) Medical and dental clinics - six (6) spaces for each doctor or dentist
- (10) Mortuaries - one space for each three (3) seats or seating places, exclusive of areas needed for funeral vehicles
- (11) Nursing or convalescent homes and sanitariums - one space for each three (3) patient beds
- (12) Office and professional buildings - one space for each 300 square feet of gross floor area
- (13) Residential uses (including single, two (2) and multi-family dwellings, townhouses and mobile homes - two (2) spaces for each living unit
- (14) Restaurants or other eating places - one space for each three (3) seats or seating places, plus one space for each employee on the largest shift
- (15) Rooming, boarding houses - one space for each two (2) beds
- (16) Junior high and elementary schools - one space per classroom and one space for each administrative office
High school - one space for each four (4) students
- (17) Transient lodging facilities - one and two-tenths (1.2) space for each sleeping unit plus one space for the owner or manager, and one space for each three (3) employees

- (18) For any and all uses or structures not specifically provided for in the foregoing enumeration, such parking space as the City Engineer shall determine to be necessary, considering all the parking generating factors involved

C. Location of Off-Street Parking Spaces:

- (1) In all commercial districts (except the central business district), professional districts, industrial districts and multiple family districts, required off-street parking spaces may be located in the required front yard, rear yard and side yard in accordance with the following provisions:
- (a) Thirty percent (30%) of the required front yard must be provided for green area that shall be planted and maintained at all times.
- (b) No parking spaces shall be arranged so as to permit a vehicle to back onto a publically dedicated right-of-way
- (2) In no case shall any parking space in any district be located within three (3) feet of any property line.
- (3) Accessory parking may be located in a required front yard, rear or side yard for single family dwellings
- (4) Other than listed above in (1), and (2) and (3), no required setback area shall be used for any parking space, drive or backout area, except that access drives may cross the setback areas.
- (5) Parking spaces for all dwellings shall be located on the same property with the main building to be served where feasible, unless otherwise stipulated elsewhere in this ordinance, except that one-half the total number of required spaces for multiple family dwellings, townhouses, and mobile homes may be located in a common parking facility not

more than 200 feet distant from the nearest boundary of the site, When off-site parking is allowed the owner shall submit to the City Clerk a restrictive covenant in recordable form reserving the off-street parking site for off-street parking for the building for as long as the parking shall be required.

- (6) Off-street parking requirements for commercial and industrially zoned buildings or facilities shall be located on site. When and if by exception allowed, parking is off-site for commercial and industrially zoned areas, such parking facilities shall be as follows:

- (a) It must conform essentially with all provisions of this section pertaining to on-site parking where applicable.
- (b) It must commence within 500 feet of the building site
- (c) The owner shall submit to the City Clerk a restrictive covenant in recordable form, reserving the off-street parking site for off-street parking for the building for as long as the parking shall be required.

- (7) Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated in such a manner that no parking or maneuvering incidental to parking shall be on any area, public street, walk or alley, and so that any automobile may be parked and unparked without moving another.

Section 2 - Design Standards

- (1) A plan showing off-street parking shall be submitted and approved by the Engineering and Planning Depart-

ments of the City of Cocoa, before a permit is issued for the construction of, or use of the building, structure or facility being considered. This plan shall show the location and accurately designate the number of required spaces, their size, access aisles, driveways and their relation to the plan.

- (2) Each parking space shall be directly accessible from the street, or an alley, or from an aisle or driveway leading to a street or alley. Access aisles and/or driveways shall be of sufficient size (twenty-four (24) feet for two-way traffic, twenty (20) feet for one-way traffic) to permit convenient ingress and egress. Each space shall be accessible without driving over or through any other parking space. No parking space or loading space shall be located in such a manner as to block entry or exit to a building, and in this respect a clearance shall be provided adjacent to an entrance or exit door equal to the width of the door or three (3) feet, whichever is the greater.
- (3) Said parking areas shall be paved with an asphaltic or concrete surfacing, afford adequate drainage and shall have bumper guards where needed.
- (4) Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind.
- (5) If lighting is provided, it shall be arranged to reflect away from the residential area, also from any public street or highway.
- (6) All off-street parking spaces shall comply with the off-street parking standards as set forth in this ordinance.

Section 3 - Parking Lots in Residential Districts: When in its opinion the best interests of the community will be served, thereby, the City Council may permit temporarily or permanently the use of

land in a residence district for a parking lot where the land abuts or is across the street from a district other than a residence district, provided that:

- (1) The lot is to be used only for the parking of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance.
- (2) No charges to be made for parking on the lot.
- (3) The lot is not to be used for sales, repair work, or servicing of any kind.
- (4) Entrance to an exit from the lot are to be located so as to do the least harm to the residence district.
- (5) No advertising sign or material is to be located on the lot.
- (6) All parking is to be kept back of the setback building line by barrier unless otherwise specifically authorized by the City Council.
- (7) The parking lot and that portion of the driveway back of the building line is to be adequately screened from the street and from adjoining property in a residence district by an opaque screen not less than six (6) feet high and not more than ten (10) feet high, located back of the setback building line; all lighting is to be arranged so that there will be no glare there from annoying to the occupants of adjoining property in the residence district, and the surface of the parking lot is to be smoothly graded, hard surfaced, and adequately drained..
- (8) Such other conditions as may be deemed necessary by the City Council to protect the character of the residence district.

ARTICLE XIII

Supplementary District Regulations

Section 1 - Site plan approval for multiple family, hotel-motel, mobile home parks, single family mobile home cooperatives, planned industrial and planned commercial development:

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 traffic 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:

No permit for building or building expansion shall be issued on any building site on which there is to be located one of the following:

- (1) Five (5) or more multiple family units or in which the building site on which multiple family units are to be located in excess of one and one-half ($1\frac{1}{2}$) gross acres
- (2) A commercial unit except in the central business district
- (3) An industrial unit
- (4) A mobile home park
- (5) A single family mobile home cooperative

Until a reproducible scaled and dimensioned site plan has been submitted and approved according to the provisions of this section, the definitions for the types of development for the purpose of this section are as follows:

- (1) Multiple family living units are multiple family dwellings or structures under multiple family zones (RU-2-15 and RU-a-25) included within such definitions are the terms duplex, medium and high density multiple family dwellings, apartments, hotels and motels.

(2) A commercial unit is a business or professional structure under the following zones:

- (a) R-P residential professional district
- (b) C-P professional, offices and services
- (c) C-N neighborhood commercial district
- (d) C-G general commercial district
- (e) C-P commercial parkway district
- (f) C-W wholesale commercial district

(3) An industrial unit is an industrial use under the following zones:

- (a) M-1 light industrial district
- (b) C-W whooesale commercial district

(4) A mobile home unit is a mobile home dwelling under the following zones:

- (a) RM-3 planned residential development for mobile home parks district
- (b) RM-4 single family mobile home cooperatives district

Site plans that are required herein for the construction of units to be constructed on a building site in excess of three

(3) acres shall contain the seal of a Florida registered engineer or Florida registered architect as prescribed by Florida State Statutes 467 (Relating to Architects).

Commercial or industrial site plans for construction of units on less than three (3) acres shall not require approval by the City council of the City of Cocoa. Said commercial or industrial plans shall be approved by the Building Official, upon recommendation of the Planning Director and City Engineer of the City of Cocoa, based upon a consideration of the standards and requirements of this section. Appeal from any decision of said officials may be madw within thirty (30) days from the decision of said officials to the City Council and shall be initiated by the applicant.

C, Conditions and General Considerations on Issuance of Site Plan Approval for Multiple Family, Industrial, Mobile Home and Commercial Development - The site plan submitted for such development as defined in this section shall provide that the proposed lot sizes, lot coverage, density, setback provisions and other factors are in conformity with the requirements of the City of Cocoa Zoning Regulations and other applicable ordinances and laws and that such plan and use is in harmony with adjacent and surrounding land use and with the land use character in the proposed area. In addition to such general considerations, said plan shall be approved only after a consideration of the following factors which are deemed to be additional conditions upon the use of land for purposes for which a site plan is required as provided in this section under the City of Cocoa's Zoning Regulations.

- (1) The ingress and egress to the property and proposed structure, both pedestrian and vehicular, shall be so controlled to provide safe traffic control and flow within the property and between adjoining property and existing public roads and rights-of-way.
- (2) The drainage of the property shall be in conformity with the established plan of drainage within the surrounding area and must not alter said established drainage so as to adversely affect the public land or adjoining property.
- (3) All methods of utility connection shall be indicated and shall be in conformity with the standards and requirements to connection to utility companies proposed to serve whether said utility companies are public or private.
- (4) All off-street parking shall be indicated and shall provide safe traffic control and flow to the property and between the property, adjoining property and existing public roads and rights-of-ways.

- (5) The proposed use of the property shall be in conformity with and compatible to the character of the surrounding property; and shall not substantially interfere with the safety, light, air and convenience of the surrounding private and public property.
- (6) All recreational areas, open space, setbacks, parking areas and accessory structures shall be so landscaped, located and constructed so as not to interfere with the use of the surrounding property and shall be compatible with the established and potential use of surrounding property both public and private.

D. Procedures for Obtaining Site Plan Approval:

- (1) Pre-Application Conference: The applicant is encouraged to meet with the Planning Department and the Building Official of Cocoa to discuss basic site plan requirements and consider preliminary features of the site and the proposed development.
- (2) Site Plan: Four (4) copies of a site plan, showing the proposed general layout in conformity with the requirements of this section and the appropriate land use zone and a vicinity map showing the location of abutting streets, existing and proposed utilities and storm drainage system shall be submitted to the Building Department for forwarding to other departments for their review.
- (3) General Statement: A statement describing the general character of the intended development shall accompany the four (4) copies of the preliminary site plan.
- (4) Review and Recommendation: Applications for site plan approval shall first be submitted to the Building Department which shall forward copies of the proposed plans to the Planning Department and the Engineering

Department for their review and written recommendations.

The Planning and Engineering Departments shall review said site plan and submit their written recommendations to the Planning Director within two (2) weeks after the receipt of said plans. The Planning Director shall then review the recommendations of the departments and after all required changes have been made, present the plan to the City Council for their approval or disapproval of the site plan based on the recommendations of applicable departments, requirements of this section and the appropriate land use zone. Said action shall be taken no later than the next regular Council meeting following the receipt of written recommendations from all applicable departments.

E. Site Plan Requirements:

The following information shall be provided by the developer:

- (1) Vicinity Map: Indicating general location of the site, abutting streets and utilities, complete legal description of the property in question and adjacent land use
- (2) Site Plan: Including but not limited to the following:
 - (a) Name, location, owner and designer of the proposed development
 - (b) Present zoning and special exception (if any) for subject site
 - (c) Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties
 - (d) Date, north arrow and graphic scale (not less than one inch equals fifty (50) feet)
 - (e) Location of all property lines, existing rights-of-way and utility drainage easements.
 - (f) Location of all existing and proposed pavement driveway approaches, sidewalks, curbs and gutters

- (g) Location and dimensions of all existing and proposed utility poles and guylines, fire hydrants, meters, water and sewer lines
- (h) Location and dimensions of all existing and proposed parking areas and loading areas
- (i) Location, size and design of landscaped areas (including any existing trees)
- (j) Location and size of any lakes, ponds, canals, etc.
- (k) All structures and major features fully dimensioned including setbacks, distances between structures, floor area, width of driveways, parking spaces, property or lot lines, and percent of property covered by structures.
- (1) For multi-family, hotel or motel and mobile home site plans:
 - (1) Tabulation of gross acreage
 - (2) Tabulation of density
 - (3) Number of units proposed
 - (4) Location and acreage of open space and recreational areas
 - (5) Percent of lot covered by structures
 - (6) Floor area of dwelling units by type
 - (7) Number of proposed parking spaces with derivation formula
 - (8) Height of structures
- (m) Location of all trash receptacles and related screening
- (3) Drainage Plan: Indicating the following:
 - (a) One foot interval contours based upon coast and geodetic data
 - (b) Proposed finished elevation of each building site

and first floor level

- (c) All existing and proposed drainage facilities with size and grade
- (d) Proposed orderly disposal of surface water runoff
- (e) Center line elevations along adjacent streets

F. Qualification for Review:

No site plan shall be accepted for review which does not contain all information stated in Section E (Site Plan Requirements),

G. Final Approval:

Upon the site plan being approved and a building permit being issued, the development shall be built substantially in accordance with the site plan and the plans and specifications. If after such approval, should the owner/applicant or his successors desire to make any changes to said site plan, such changes shall first be submitted to the Building Department.

If the department deems that there is a substantial change or deviation from that which is shown on the approved site plan, the owner/applicant or his successors shall be required to return to the City Council. A further public hearing may be conducted by the City Council where it is determined that the public interest warrants same.

Upon final approval of a site plan, a designation of such approval shall be incorporated on the zoning map of Cocoa, and said approval shall become a binding condition on the use of the land encompassed by the approved site plan under the applicable land use classification. Any conveyance of any portion of such land encompassed by the approved site plan prior to completion of construction shall automatically revoke said approved site plan unless prior approval of such conveyance is obtained from the City Council to insure that such conveyance does not result in substantial deviation from

the terms, conditions and objectives of the approved site plan. Subsequent to construction, if a conveyance does result in substantial deviation from the terms, conditions and objectives of the approved site plan, no permit for building shall be issued on the conveyed portion of the site plan.

Section 2 - Designation of Lesser Maximum Density

- A. Purpose: To allow the designation of a maximum density limitation less than the maximum density limitations, specified in Article XI, Schedule of District Regulations, Section 5 - RU-2-15 or Section 6 - RU-2-25, in certain cases in the best interest of the general public health, safety and welfare and minimizes the impact of proposed land use on surrounding property and community facilities or is in accordance with the density established by an adopted land use plan.
- B. Procedure: Any person, firm or corporation owning an interest in real property that files an application for a change in land use classification to RU-2-15 or RU-2-25 or other land use classification permitting multi-family dwellings may, at his option, request such change with a maximum density limitation in terms of a specified number of dwelling units per gross acre. Said request may be specified in the application for the change in land use classification or at any time prior to final action by the City Council of the City of Cocoa on said application including site plan approval.
- C. Final Approval: Upon final approval by the City Council of a change in land use classification with a request designation of a lesser maximum density limitation, such a designation shall become a binding condition on the use of said land and the designation shall be noted on the official zoning map of Cocoa.

In such an event, the maximum density specified in the specific district involved shall be rendered inapplicable to said land and the lesser maximum density limitation designation shall control.

Section 3. Transitional Zoning

- A. Lots in Two Districts - Where a district boundary line as established in this ordinance or as shown on the zoning map divided a lot which was in single ownership and of record at the time of this Ordinance, the use thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within 75 feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.
- B. Lots in Residence Zone Abutting to Business or Industrial Zone- The first residentially zoned lot having a side yard adjacent to any commercial or industrial district may be utilized in accordance with the use requirements of the next least restricted residential zone provided that the area, height, and other restrictions of the zone district in which it is located are met.

Section 4. Access Control - In order to promote the safety of motorist and the pedestrian and to minimize traffic congestion and conflict by reducing the magnitude of and the points of contact, the following regulations shall apply:

- A. A point of access, that is, a driveway or other opening for vehicles onto a public street, shall not exceed 26 feet in width, except as otherwise provided in this section.
- B. The maximum number of points of access permitted onto any one street shall be as follows:

<u>Lot Width Abutting Street</u>	<u>Number of Points of Access</u>
Less than 65 feet	1

65 feet -- 200 feet

2

Over 200 feet

2, plus 1 for each
addition 200 feet
or fraction thereof

- C. In lieu of any two openings permitted on any one street there may be permitted a single point of access up to 35 feet in width however, service stations shall be permitted two openings not to exceed 35 feet each in width, along any abutting public street, provided that such property abuts such a street for a distance of not less than 120 feet.
- D. Except in single family residential districts, there shall be minimum distance of 12 feet between any two openings onto the same street. In single family residential districts, no one shall be permitted to have an opening onto a street within two feet of his property line.
- E. No point of access shall be allowed within 35 feet of the intersection of the right-of-way lines of any public street.
- F. No curbs shall be cut or altered, and no point of access or opening for vehicles onto a public street shall be established without a permit issued by the City Engineer.
- G. Projects for which a site plan is required, such as plaza developments, compound uses and shopping centers, shall be considered on an individual basis and may deviate from these requirements in the interest of traffic safety after recommendation by the Planning Department.

Section 5. Visual Screens (Fences, Walls, Hedges)

The following shall be the classification of fences and walls for this Ordinance:

- a. Masonry walls
- b. Ornamental iron (80% open)
- c. Woven wire (80% open)
- d. Wood or other materials (more than 50% open)

e. Solid fences - wood or other materials (less than 50% open)

f. Hedges

A. Residential limitations and restriction: All walls, fences or hedges hereafter constructed, reconstructed or altered which are situated in residential areas of the City of Cocoa, Florida, shall meet the following requirements: Height and location of fences, walls and hedges, fences may be erected to a height of up to four feet within or along their perimeter of any residential lot. Said fence, wall or hedge may be extended to a height of up to six feet providing same is not located forward of the required front setback line situated on the said residential lot. The height of said fences, walls, hedges may be measured from the highest general ground elevation.

B. Commercial, Business Area and Industrial Area Restrictions: Where rear or side lots of commercial, business or industrial areas abut residential areas, there shall be a solid visual screen meeting the following specifications:

- (1) Such visual screen shall be provided along the entire length of the commercial or industrial zoning district boundary which abuts any residential zoning district. Such a screen shall be at least six feet high.
- (2) Such visual screen shall consist of decorative or ornamental fencing. Hedges are not allowed except for decorative purposes incidental to the primary solid visual screen.
- (3) Such walls shall be erected by the occupant or owner of the business, commercial or industrial property.
- (4) In no event shall the visual screen extending forward of the front building line, be greater than four (4) feet in height.
- (5) The visual screen shall be maintained in good condition by the property owner.

C. Vision Clearance at Corner, Curb cuts, and Railroad Crossings -

Notwithstanding any part of this Ordinance or any permit granted, or any variance granted by the Board of Adjustment, no type of structure, vehicle, tree, planting, vegetation, sign or fence or any type of obstacle or any portion thereof, shall be placed or retained in such manner which would create a traffic hazard (within 35 feet of the intersection of the right-of-way lines) or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

- D. Submission of Plans and Building Permits - Plans showing exact location of all walls, fences and hedges, and proposed height construction and materials to be used, shall be submitted to the Building Official for approval and the issuance of permit for same upon payment of \$5.00 for said permit. Termite and rot resistant durable wood or rust and corrosion resistant material (or finish) shall be used.
- E. Fencing of Easements, Rights-of-way and Sidewalks - In the event a lot owner does fence, or enclose any utility easement, said lot owner shall hold harmless any public official or utility company employee if the fence or enclosure is removed or destroyed in the act of repairing or maintaining the utility line. At no time shall a dedicated right-of-way or public sidewalk be fenced or enclosed.

Section 6. Accessory Structures

- A. No accessory structure shall be erected in any required front or side yard, and shall not cover more than 30% of any required rear yard. No separate accessory structures shall be erected within 10 feet of any building on the same lot or within five feet of any lot line and shall not exceed 24 feet in height. Accessory buildings must be constructed simultaneously with, Or following, the construction of the main buildings, and shall not be used until after the

principal structure has been fully erected. Erection of tents as accessory structures is prohibited. No occupation or business may be conducted in an accessory building. No accessory building which contains living quarters shall be built on any lot in any residential district except servants quarters for persons, other than the immediate family, employed on the premises.

- B. Accessory buildings erected on lots fronting on two streets shall conform to main structure setbacks for rear yard.

Section 7. Yard Encroachments - Every part of a required yard shall be open and unobstructed from the ground to the sky except as herein-after provided or an otherwise permitted in this Ordinance.

- A. Sills or belt courses may project not over 18 inches into a required yard.
- B. Movable awnings may not project over five feet into a required yard and where the yard is less than 10 feet in width, The projection shall not exceed more than one-half the width of the yard.
- C. Chimneys, fireplaces or pilaster may not project over two feet into a required yard.
- D. Fire escapes, stairways, and balconies which are unroofed and unenclosed may project not over five feet into a required yard, or not over three feet into a required side yard of a multiple dwelling, hotel or motel.
- E. Hoods, canopies, eaves or marquees may not project over four feet into a required yard. There are no required front or side yards in the central business district where said structures may extend over side walks.
- F. Fences, walls and hedges shall be permitted in required yards subject to the provisions established herein.
- G. Parking spaces shall be permitted in required yards subject to the off-street parking provisions established herein.

Section 8. Erection of More than One Principal Structure on a Lot - In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 9. Air Conditioning Units in Residential Districts - In all residential districts, the exhaust or mechanical part of any air-conditioning or heating unit, other than window units, shall be subject to side yard requirements except if such unit faces a street or an alley and is located 15 feet or more from an adjoining property.

Section 10. Utility Poles -

In residential or multi-family use districts, utility poles and lines shall be placed in rear yard areas reserved for utility uses by easements granted for that purpose. However, in any use district having alleys, the utility poles shall be placed in the alley.

Section 11. Exceptions to Heights Regulations -

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 12. Structures to Have Access -

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. All lots upon which structures are built have a minimum width of 25 feet facing a public right-of-way or an approved private right-of-way.

Section 13. Minimum Width of Courts -

The minimum width of a court shall be 30 feet for one-story buildings, 40 feet for two-story buildings, 50 feet for three-story buildings, and 60 feet for four-story buildings. For every 5 feet of height over 60 feet the width of such a court shall be increased by two feet, provided that open unenclosed porches may project into required court not more than 25% of the width of such court. Where a roadway is provided in the court, the width allowed for such roadway shall be in addition to that required hereby.

Section 14. Parking, Storage, or Use of Major Recreational Equipment -

No major recreational equipment shall be parked or stored in a residential district except in accordance with the following provisions:

- A. Such recreational equipment shall not be stored forward of the front building line or within the required side setbacks.
- B. However, such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading.
- C. No equipment shall be used for living, sleeping, or housekeeping purposed when parked or stored on a residential lot, or any any lot for living purposes other than in established trailer parks.
- D. Major recreational equipment may be stored in a carport or enclosed building or in the rear yard meeting all setback requirements or in the rear yard meeting all setback requirements for accessory buildings with 75% opaque planting or fencing on two sides.
- E. No travel trailer or camper trailer shall be stored on any lot or parcel of land as permitted above until the owner of such trailer shall first obtain a permit from the City of Cocoa, Said permit shall not be issued until the owner of such trailer files an application which shows and authorizes the following:

- (1) The name of the owner of the trailer.
- (2) The description and serial number of the trailer.
- (3) The description of the real property where such trailer shall be located,
- (4) The name of the real property owner and the interest of the trailer owner in such property, whether owner or lessee.
- (5) A certification that such travel trailer shall not be used for living, eating, sleeping or business purposes or any occupancy while so stored.
- (6) Authorizing and consenting to the inspection of the travel trailer and the premises upon which same is located by building or health officials of the City of Cocoa, Florida.

Section 15. Vehicular Use Areas -

All areas within commercial and industrial districts used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to drives, parking, service and display areas, shall be paved according to city specifications.

Section 16. Swimming Pools -

Swimming pools shall not be considered as an accessory use but shall conform to the requirements of an accessory structure, if not otherwise exempted. All such pools shall be installed to City requirements and a city permit shall be required and approved by the Building Inspector prior to construction or installation. Commercial swimming pools are prohibited in residential districts. Swimming pools may be built adjacent to or within the principal structure if it is determined through analysis by a certified engineer that such construction shall not be harmful to the principal structure.

In the rear yard, a seven and one-half foot setback from the rear lot line is required except on waterfront lots, the vertical wall of any swimming pool may not be built closer than 15 feet to the rear lot line unless it is determined through analysis by a certified engineer that such construction shall not be harmful to the seawall. The analysis to determine swimming pool setbacks on a waterfront lot shall consist of an engineering report containing, but not limited to, a soils investigation, a scaled reproducible drawing of all lot lines, pool boundaries and location of seawall, and calculations concerning inter-relationship of pool and seawall such as stress, structural ties, etc. Also included shall be a certified statement declaring that all construction and required maintenance shall be at the expense of the owner and will create no damage to adjacent property owners or existing construction of structures. With respect to any portion of a swimming pool to which access may be obtained from outside a residence, building or similar structure, there shall always be an enclosure of a permanent nature, not less than four feet high, said enclosure to be so constructed so as to prevent access by persons through such enclosure; and if any part of the enclosure be constructed to permit access through a gate or door or similar entranceway, said gate, door or similar entranceway shall be provided with a means of locking the same to prevent access to the same extent as the remainder of the enclosure. This provision for enclosure may include walls, fencing of a mesh type or of wood, or of screen wire or of any other material of like nature, but said enclosure shall not be constructed so as to provide foot-holds that would permit the enclosure easily to be climbed over.

Mesh type or woven type swimming pool enclosures shall conform to the setbacks established above. These provisions for swimming pool enclosures and for mesh type or woven wire enclosures are exceptions to the general requirements as to fences and walls.

Anything to the contrary notwithstanding, no construction shall be permitted upon any public easement or easement reserved for utility purposes.

Section 17. Home Occupations -

Home occupations may be allowed in residential districts where specified as a special exception under the following conditions:

- A. No persons other than members of the family residing on the premises shall be engaged in such operation in connection with which there is no group instruction, assembly or activities.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, no signs or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit.
- D. No home occupation shall be conducted in any accessory building nor shall there be any exterior storage of any materials on the premises.
- E. There shall be no commodity sold upon the premises in connection with such home occupation.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and not located in any required yard except as herein provided.

G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In that case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radion or television receivers off the premises, or causes, fluctuations in line voltage off the premises.

Home occupations shall include the use of the premises for such things as:

- (1) Professional offices where the service rendered is by other than direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and customer is contacted in other than that location).
- (2) Also would be inclusive of persons engaged in the preparation of a commodity (such as certain clothing items by a seamstress, certain candy items or bakery items, etc.) to be sold at locations other than on the premises.

Home occupations shall include the use of the premises by a physician, surgeon, dentish, lawyer, clergyman or other professional persons for consultation or emergency treatment, but not for the general practice of his profession.

ARTICLE XIV

PERFORMANCE STANDARDS

Section 1. - Application of Performance Standards -

- A. After the effective date of this Ordinance, any use established or changed to, and any building, structure or land developed, constructed or used for any permitted principle use, or any use permissible as a special exception, or any accessory use shall comply with all of the performace standards herein set forth for the district involved.

- B. If any existing use of building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged or reconstructed portion or portions of such use, building, or other structure.
- C. Within 12 months, after the effective date of this Ordinance all existing uses, buildings, or other structure shall comply with the performance standards herein set forth for the district involved, provided, however, that if the City Council finds that because of the nature of the corrective action required, the 12 month period is inadequate, it may, as a special exception, grant no more than one extension for a period of not more than six months. All new installations shall comply when put into operation.

Section 2. Administration and Enforcement of Performance Standards.

- A. Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:

- (1) Where determination can be made by the Police Chief, using normally available to the City, or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
- (2) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, and the City must utilize consultants. The cost of the required test shall rest with those

responsible for the violation, if a violation has actually occurred.

- B. Applicable performance standards - If the Police Chief, after making determinations in the manner set forth in this Ordinance, that there is a violation of performance standards, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards.

Section 3. Performance Standards -

All uses within the City shall conform to the performance standards set forth herein:

A. Noise standards:

- (1) Method of measurement: Sound levels shall be measured with a sound meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds Z24.3-1944, American Standards Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, New York, or the latest edition of such standards shall be used).
- (2) Locational requirement for measurement: Sound levels shall be measured along the boundaries of the site.
- (3) In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. Maximum permissible sound-pressure level at specified points of measurement for noise radiated continuously from a facility are as follows:

Octave (Cycles Per Second)			Along Residential District Boundaries	Maximum Sound Pressure Level (In decibels (0.002 dynes per sq. centimeter) Along Commercial & Industrial Dist. Boundaries
0	-	75	69	79
75	-	150	54	74
150	-	300	47	66
300	-	600	41	59
600	-	1200	37	53
1200	-	2400	34	47
2400	-	4800	31	41
Above		48000	28	39

These standards shall apply to noises, due to intermittence, beat frequency or shrillness.

B. Smoke and particulate matter standards:

- (1) Requirements: The amount of particulate matter resulting from smoke or other sources permitted in ambient air shall not exceed 200 milligrams per cubic meter during any 24 hour period of continuous measurement.
- (2) Method measurement: The amount of particulate matter present in ambient air shall be measured by a high-volume sampler, capable of pulling approximately 30 to 50 cubic feet of air per minute through a pre-weighed filter, and approved for use by the Florida State Board of Health, Bureau of Sanitary Engineering.
- (3) Locational requirements for measurement: The amount of particulate matter shall be measured at the property line of the use from which such particulate matter is emitted.

C. Odor Standards:

- (1) Requirements: All uses shall be controlled to prevent the emission of odorous gases or other matter in such quantities as to be readily detectable or to produce

a public nuisance or hazard at any point as measured along the lot lines. Detailed plans for the elimination of odorous matter may be required before the issuance of a building permit.

- (2) Method of measurement: A noxious concentration shall be deemed a nuisance if detectable when diluted in a ratio of one volume of odorous air to four volumes of clean air for not more than 15 minutes in any one hour period.
- (3) Locational requirement: Noxious odors shall be measured along the lot lines of the use in question.

D. Toxic gases, fumes, vapors and matter:

- (1) All uses shall be controlled to prevent the discharge of any toxic gases or matter in such quantity that may endanger the public health, safety or welfare or cause damage or injury to other property or uses.
- (2) Locational requirements: Measurement shall be made at a point of discharge into the atmosphere.

E. Vision standards:

- (1) Requirements: All uses shall be controlled to prevent the transmission of any vibration, from any source or at any time whatever, that exceeds the maximum displacement set forth in subsection four below.
- (2) Method of Measurement: The displacement of earth caused by vibration shall be measured in inches by an appropriate instrument approved by the City Council upon recommendation of the City Engineer.
- (3) Location requirement: Vibration shall be measured as specified along the boundaries of the site.

(4) Permitted vibration transmission:

Frequency (Cycles Per Second)	Maximum Permitted Displacement Along the Property Line (in inches)
0 to 10	.0008

10	to	20	.0005
20	to	30	.0003
30	to	40	.0002
Over		40	.0001

F. Glare and lighting standards: Any lighting elements or structural materials installed on the site shall be prevented from casting or reflecting glare or light beyond the boundaries of the site, unless their location precludes any hazard or nuisance arising as a consequence of such glare or light. Locations requiring some means of preventing the transmission of glare or light beyond the site's boundaries are established according to the relationship between (a) required minimum elevation of the lighting element or structural materials above the final grade established along the nearest site boundary, and (b) distance of the lighting element or structural material from the nearest site boundary. As set forth in the following table, elements or materials below the minimum elevation required of each distance shall be shielded or otherwise screened to prevent transmission of light or glare beyond the site:

<u>Distance from Property Line</u>	<u>Required Minimum Elevation (For lighting sources or elements)</u>
50 feet	20 feet
60 feet	19 feet
70 feet	18 feet
80 feet	17 feet
90 feet	16 feet
100 feet	15 feet

G. Electromagnetic radiation:

(1) Requirements: All uses shall be controlled to prevent any source of electromagnetic radiation which does not comply with the current regulations regarding such

sources of electromagnetic radiation. Further, any operation in compliance with the Federal Communications Commission regulations shall not be permitted if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation conducted energy in power or telephone systems or harmonic content.

- (2) Method of measurement: For the purposes of determining the level of radiated electromagnetic interference, standard field strength measuring techniques interference transmitted or conducted by power or telephone lines, a suitable, turntable peak reading, radion frequency voltmeter shall be used. This instrument shall be means of appropriate isolation coupling, be alternately connected from line to ground during the measurement.
- (3) Determination of electromagnetic interference: The determination of "abnormal degradation in performance," and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturers Association. In case of any conflict between the latest standards and principles of the above groups, precedence in the interpretation shall be in the following order: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Radio Manufacturers Association. For the purpose of determining the maximum allowable level of radiated electromagnetic interference and electromagnetic interference transmitted or conducted by power or telephone line, maximum allowable levels will be adopted by the

City Council upon recommendation of the City Engineer.

- H. Heat and humidity: Any use producing humidity in the form of steam or moist air, or producing heat, shall be carried on in such a manner that steam, humidity or heat is not perceptible to any lot line.
- I. Fire and explosion: Each use shall be so operated as to minimize the danger from fire and explosion and to comply with the regulations of the Public Safety Department.
- J. Radiation hazards: Applicable standards of the Florida State Board of Health Sanitary Code are hereby adopted.
- K. Waste: No waste material or refuse shall be dumped upon or permitted to remain upon any part of the property outside a building constructed thereon. All sewage and industrial wastes shall be treated and disposed of in such a manner so as to comply with the standards of the Brevard County Health Department.

ARTICLE XV

Administration and Enforcement of Building Permits and Certificates of Occupancy

Section 1. Administration and Enforcement -

The Building Official under the supervision of the City Manager or department head duly delegated and appointed by the City Manager shall administer and enforce this Ordinance. He may be provided with assistance of such other officers and employees of the City as may be necessary to enforce the provisions of this Ordinance. If the Building Official finds that any of the provisions of this Ordinance are being violated, he shall notify in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of

additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

Section 2. - Building Permits and Applications

- A. No person, firm or corporation shall commence, or cause to be commenced, the erection, construction or alteration of any building, structure, sign or canopy within the City of Cocoa, until application for a permit therefor has been previously filed with the City of Cocoa, as provided herein, the other Ordinances of the City, and until a permit therefor has first been issued by the City. No person, firm, or corporation shall commence, or cause to be commenced, any repair to any existing building, structure, sign or canopy in the City of Cocoa until an application for a permit therefor has been previously filed with the City of Cocoa as herein and by all other Ordinances of the City. No repair shall be commenced upon any building, structure or sign until a permit therefor has been issued by the City of Cocoa, in every case where such proposed repairs will exceed \$50.00 in cost. All work done on or pursuant to any building or sign permit issued by the City of Cocoa shall conform to the plans and/or specifications therefor as approved prior to the issuance of such permit, and any deviation therefrom shall constitute a violation of this Code.
- B. The issuance of a permit upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or preventing the building operations being carried on thereunder when in violation of this Ordinance, or any City Ordinance.

Section 3. - Application for Building Permit

Every application for a permit to erect a building or structure or

to materially alter a front or side elevation of any existing building or structure in the City of Cocoa shall be accompanied by two sets of detailed plans, and such detailed structural drawings thereof as the Building Official may require. If the plans submitted do not furnish sufficient information to adequately show the scope of the planned constructions for which a permit has been requested, then there shall be furnished, in addition to the two sets of detailed plans, one set of detailed specifications for each proposed work: both the plans and specifications, when required by law, shall be prepared by a registered architect or a registered engineer, qualified under the laws of the State of Florida to prepare such plans and specifications, and no permit therefor shall be issued until such plans (and specifications, when required) shall have been approved by the Building Official. All such plans and specifications for buildings or structures to be erected in Cocoa, that are governed by state laws, must have the standard approval of the proper state authority before application is made for permit. All plans shall be drawn at a scale acceptable to the Building Official and shall show the following:

- A. A plot plan which shall show the actual shape and dimensions of the lot or lots to be built upon, the exact size and location on the lot or lots or proposed and existing buildings, and the existing and intended use of each building or part of a building existing and/or proposed, driveway, provisions for off-street parking and such other information with regard to the lot as may be necessary to determine compliance with these regulations.
- B. The location and layout of the proposed sewage disposal system.
- C. When applicable, the required loading and unloading spaces, maneuvering space and openings for ingress and egress.

- D. When applicable, grading and drainage plans showing any and all cuts, fills and provisions for adequately carrying off surface water on premises, plus provisions for any surface water which would naturally flow over or through the area, such plans shall be reviewed and approved by the City Engineer.
- E. Specifications, when required, shall be full and complete as to the character of the work, structural details, strength of material and workmanship.
- F. Such other information as lawfully may be required by the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

One copy of the plans shall be returned to the applicant by the Building Official after he shall have marked such copy either as approved or disapproved and attested same by his signature on such copy. The original, similarly marked, shall be retained by the Building Official.

Section 4. - Certificate of Occupancy Required

No land or building or part thereof, hereafter erected or altered in its use or structure shall be used until the Building Official shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this chapter. Within three days after notification that a building or premises, or part thereof, is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof or, if such certificate may require such conditions and safeguards

as will protect the safety of the occupants and the public. No non-conforming structure or use shall have been issued by the Building Official. The certificate of occupancy shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses or structures shall have six months to apply for certificates of occupancy. Failure to make such application within six months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance. Failure to obtain a certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or building existed on the effective date of this Ordinance.

Section 5. - Expiration of Building Permits

If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Building Official and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the Building Official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. The Building Official may allow one or more extensions not to exceed 90 days each, for cause, if the application is made prior to the cancellation of said permit.

Section 6. Construction and Use to be as Provided in Applications, Plans, Permits and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction in variance with that authorized shall be deemed a violation of this Ordinance.

ARTICLE XVI

BOARD OF ADJUSTMENT: ESTABLISHMENT AND PROCEDURE

A Board of Adjustment is hereby established which shall consist of Five primary members and two alternative members to be appointed by the City Council, one of which shall be appointed to both the Planning and Zoning Board and the Board of Adjustment. The term of office for the first members of the Board of Adjustment shall be one year for one member, two years for two members and three years for two members. The two alternative members allowed to serve in the absence of primary members shall be appointed for two years. Members of the Board of Adjustment may be removed by the City Council for cause, after a public hearing held on written charges. Vacancies shall be filled by the City Council for the unexpired term of the members affected.

Section 1. Proceedings of the Board of Adjustment

The Board of Adjustment shall adopt rules necessary to the conduct, of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as a majority of the Board of Adjustment may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member, upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be

immediately filed in the office of the City Clerk for the Board of Adjustment.

ARTICLE XVII

BOARD OF ADJUSTMENT: POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

Section 1. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this Ordinance and the Sign Ordinance.

A. Hearings; Appeals; Notice - Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Building Official in the interpretation of any portion of these regulations. Such appeals shall be taken within a reasonable time not to exceed sixty days of the date of said decision, or such lesser period as may be provided by the rules of the Board of Adjustment, by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the grounds therefor. The Building Official shall forthwith transmit to the Board of Adjustment, all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for hearing of the appeal, give public notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

B. Stay of Proceeding - An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with

him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official charged with the enforcement of this act and from whom the appeal is taken on due cause shown.

Section 2. Special Exceptions: Conditions Governing Applications; Procedures

To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance or other applicable Ordinances; or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:

- A. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- B. All proposed special exceptions shall be submitted to the Planning and Zoning Board for study and written recommendation. The Board of Adjustment shall consider the recommendation of the Planning and Zoning Board as part of the official record when hearing an application for special exception.
- C. Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by certified mail. Notice of such hearing shall be posted on the property for

which special exception is sought, at the City Hall, and shall be published in a newspaper of regular circulation within the City of Cocoa.

- D.^o A courtesy notice may be mailed to the property owners of record within a radius of 300 feet, provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder.
- E. Any party may appear in person, or be represented by an attorney at the public hearing; the Board of Adjustment shall make such findings as it is empowered under the various sections of this Ordinance but in no case shall grant a special exception that in any way adversely affects the public interest.

Before any special exception shall be issued, the Board of Adjustment shall make written findings certifying compliance with the specific rules governing individual special exceptions, and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- B. Off-street parking and loading areas where required, with particular attention to the items in (A) above, and economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
- C. Refuse and service areas, with particular reference to the items in (A) and (B) above.
- D. Utilities, with reference to locations, availability, and compatibility,
- E. Screening and buffering with reference to type, dimensions, and character.

- F. Signs, if any, and proposed exterior lighting with references to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- G. Required yards and other open space.
- H. Height.
- I. Landscaping.
- J. Renewal and/or termination dates.
- K. That the use will be reasonably compatible with surrounding uses in its function , its hours of operation, the type and amount of traffic to be generated, and building size and setbacks, its relationship to land values, and other factors that may be used to measure compatibility.

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed to be a violation of this Ordinance and punishable as provided by this Ordinance.

Section 3. Variances; Conditions Governing Applications: Procedures To authorize upon appeal in specific cases such variance from the terms of this Ordinance and the Sign Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance shall not be granted by the Board of Adjustment unless and until:

- A. A written application for a variance is submitted demonstrating:
 - (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same district.
 - (2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under

the terms of this Ordinance.

- (3) That the special conditions and circumstances referred to in (1) above, do not result from the actions of the applicant.
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or dwellings in the same district.

No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

- B. All proposed variances shall be submitted to the Planning and Zoning Board for study and written recommendation prior to submittal to the Board of Adjustment. The Board of Adjustment shall consider the recommendation of the Planning and Zoning Board as part of the official record when hearing an application for a variance.
- C. Notice of a public hearing shall be given as specified for Special exceptions.
- D. A courtesy notice may be mailed to the property owners of record within a radius of 300 feet, provided however, that failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder.
- E. Any party may appear in person, or be represented by an agent or by an attorney at the public hearing.
- F. The Board of Adjustment shall make findings that the requirements of 3-A above have been met by the applicant for a variance.
- G. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum

variance that will make possible the reasonable use of the land, building or structure.

H. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards, in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable as provided by this Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance.

Section 4. Applicants - All hearings for special exceptions or variances before the Board of Adjustment shall be initiated by (1) the owner or owners of at least 75 percent of the property described in the application; (2) tenant or tenants, with owners sworn-to consent; (3) duly authorized agents; (4) City Council; (5) Planning and Zoning Board; (6) and department or agency of the City.

Section 5. Decisions of the Board of Adjustment - In exercising any of the above listed powers, the Board of Adjustment may, so long as the action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as should be made, and to that end shall have all of the powers of the building inspector from whom the appeal was taken.

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the building inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

ARTICLE XVIII

APPEALS FROM THE BOARD OF ADJUSTMENT

Section 1. Any person or persons, or any taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment, may, within 30 days after the filing of such decision in the office of the City Clerk, but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida, and particularly by Chapter 176, Florida Statutes.

Section 2. It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or repeal of this ordinance, as provided by law, and (2) of establishing a schedule of fees and charges.

ARTICLE XX

PLANNING AND ZONING BOARD

A Planning and Zoning Board is hereby established which shall consist of nine members who are to be appointed by the City Council, each for a term of three years, except of the nine members first appointed, three shall be appointed for one year. Three shall be appointed for two years, and three shall be appointed for three years. A member of the administrative staff

of the department of engineering and planning shall be named to act as a non-voting ex-officio member of the Board and shall be secretary of the Board.

Section 1. Organization and Members - The members of the Planning and Zoning Board shall elect one of its members to serve as chairman and one to serve as vice-chairman.

Term of the chairman named by the Board shall be for a period of one year, provided however, nothing shall prevent the Board from naming a chairman to succeed himself. Each member of the Board, at the time of his appointment, must have been a resident of the City of Cocoa or must either have had his principal place of employment in the City of Cocoa for at least five years, either one or the other, or both.

Section 2. Meetings--Records - The Planning and Zoning Board shall hold regular meetings on the second Wednesday of each month, and special meetings at such times as the Board may determine or at the call of the chairman thereof, or the planning supervisor for the consideration of business before the Board. All regular and special meetings of the Board shall be open to the public. The time and place of meetings, and the order of business and procedure to be followed at meetings, shall be prescribed by the Board. Five members of the Board shall constitute a quorum, and the affirmative vote of a majority of the members present shall be necessary for any action thereof. A written record of the proceedings of the Board shall be kept, showing its action on each question considered. Such record shall be filed with the office of the secretary of the Board and shall be open for public inspection.

Section 3. Authority and Duties of the Planning and Zoning Board - The Planning and Zoning Board shall have the following authority and duties:

A. To act in an advisory capacity to the City Council on questions

relating to zoning, and to conduct investigations on matters or proposals to change zoning regulations, and report its findings and recommendations on such proposals to the City Council.

- B. Recommend to the City Council such amendments to this Ordinance as the Board may deem proper and expedient or necessary to clarify or to carry into effect the purposes thereof.
- C. Hear applications and submit recommendations to the City Council on the following:
 - (1) Proposed change of the permitted use of any specifically designated property.
 - (2) Proposed amendments to the Zoning Code.
 - (3) Proposed subdivision plats.

ARTICLE XXI

SCHEDULE OF FEES, CHARGES AND EXPENSES

Section 1. Applicants for variance from or amendments to this Ordinance, or for a special exception shall file a written request therefor and the applicant shall be required to pay the following fee at the time of filing such application:

Application for Site Plan Approval.....	\$50.00
Application for Rezoning.....	\$50.00
Application for a Special Exception.....	\$50.00
Application for a Vairance or and Appeal of an Administrative Decision.....	\$25.00
Application for a Certificate of Occupancy.....	\$25.00
Application for a Planned Unit Developement Approval.....	\$100.00

No permit or certificate shall be issued and no inspection, public notice or other action relative to zoning, petitions for changes in zoning or appeals, until all applicable fees, charges and expenses have been paid in full. There shall be no return or rebate of any funds so received, regardless of the City's determination in the

matter involved. All fees, costs, and charges shall be, upon collection, deposited in the general fund of the City.

ARTICLE XXII

AMENDMENT

The regulations, restrictions and boundaries set forth in this Ordinance, may, from time to time, be amended, supplemented, changed, or repealed, in the manner prescribed by law.

Section 1. Procedure - The procedure for amendment of this Ordinance shall be as follows:

- A. A district boundary change may be initiated by:
 - (1) The owner or owners of at least 75 percent of the property described in the application.
 - (2) Tenant or tenants, with owner's consent.
 - (3) Duly authorized agent.
 - (4) City Council.
 - (5) Planning and Zoning Board.
 - (6) Any department or agency of the City.
- B. Any amendment to this Ordinance other than a district boundary change may be proposed by:
 - (1) City Council.
 - (2) Planning and Zoning Board.
 - (3) Any department or agency of the City.
 - (4) Any individual, corporation or agency.
- C. The application for a zoning amendment shall contain the following information.
 - (1) The name of the owner of the particular real property.
 - (2) If the applicant is other than all the owners of the particular property, written consent signed by all owners of the particular real property shall be attached.
 - (3) The legal description of the particular real property, accompanied by a certified survey or that portion of the map maintained by the Tax Assessor reflecting the

boundaries of the particular real property.

- (4) The current land use classifications, or special exception, with any specified conditions, as recorded on the Official Zoning Map.
- (5) The requested land use classification or special exception classification that constitute an amendment to the Official Zoning Map.
- (6) Names and addresses of all property owners within three hundred (300) feet, accompanied by a certified survey or that portion of the map maintained by the Tax Assessor reflecting the boundaries of the parcels affected.

D. No recommendation for change or amendment may be made by the Planning and Zoning Board until due public notice has been given at a public hearing. Public hearing notice shall be given at least 15 days in advance of the hearing by the publication in a newspaper of regular and general circulation in the City and notice shall be posted at the City Hall. No recommendation for change shall be made by the Planning and Zoning Board unless and until the public hearing has been advertised. Said notice shall contain the names of the applicant, the legal description of the affected property, the existing land use classification and special exception designation, the requested amendment to the Official Zoning Map and the time and place of the public hearing on the consideration of said application.

E. For proposed zoning changes, a notice shall be mailed to the property owners of record within a radius of 300 feet, provided, however, that failure to receive such notice shall not affect any action or proceedings taken hereunder.

F. When any proposed change of a zoning district boundary lies within 300 feet of the boundary of an incorporated or unin-

corporated areas in order to give such body an opportunity to appear at the hearing and express its opinion on the effect of said district boundary change.

G. The Planning and Zoning Board shall submit the request for change or amendment to the City Commission with written reasons for its recommendation.

(1) Nature and requirements of Planning Board report. When pertaining to the rezoning of land, the report and recommendations of the Planning Board to the governing body required above shall show that the Planning Board has studied and considered, where applicable, whether or not:

- (a) The proposed change is contrary to the established land use patter.
- (b) The proposed change would create an isolated district unrelated to adjacent and nearby districts.
- (c) The proposed change would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, streets, access, etc.
- (d) Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
- (e) The proposed change would be contrary to the Land Use Plan and would have an adverse effect on the Comprehensive Plan.
- (f) Changed or changing conditions make the passage of the proposed amendment necessary.
- (g) The proposed change will adversely influence living conditions in the neighborhood.
- (h) The proposed change will create or excwssively increase traffic congestion, or otherwise affect public safety.

- (i) The proposed change will create a drainage problem.
- (j) The proposed change will seriously reduce light and air to adjacent areas.
- (k) The proposed change will adversely affect property values in the adjacent areas.
- (l) The proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
- (m) The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
- (n) There are substantial reasons why the property cannot be used in accord with existing zoning.
- (o) Whether the change suggested is out of scale with the needs of the neighborhood of the City.
- (p) It is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use.

2. Nature and requirements of Planning Board report when pertaining to other proposed amendments of this Zoning Code, the Planning Board shall consider and study:

- (1) The need of justification for the change.
- (2) The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this Zoning Code and other codes, regulations, and actions designed to implement the Comprehensive Plan.

H. The City Council shall hold public hearings on the recommendations of the Planning and Zoning Board, giving public notice under

the same procedure specified above.

I. Amendments to the Official Zoning Map by the City Council:

- (1) Procedure for Initiation - On its own motion and without the consent of any owner of the affected property, the City Council may, by resolution, initiate a consideration of an amendment to the Official Zoning Map of any property within the City. Said resolution shall describe the property to be considered, the land use classification and special exception designation, with any specified conditions, of the property to be considered as recorded on the Official Zoning Map, the proposed land use classification or special exception designation that constitutes a proposed amendment to the Official Zoning Map and the time and place for the public hearing of the Planning and Zoning Board and the City Council for the consideration of said proposed amendment to the Official Zoning Map.
- (2) Notice: Notice of the time and place of said public hearing on said proposed amendment to the Official Zoning Map shall be published once at least 15 days prior to said public hearing in a newspaper of general circulation within the City of Cocoa. Said notice shall contain the legal description of the affected property, the existing land use classification, special exception, the proposed amendment to the Official Zoning Map and the time and place of the public hearing of the consideration of said proposed amendment by the Planning and Zoning Board and the City Council. In addition, a notice containing the aforementioned information shall be posted in the City Hall of the City of Cocoa and mailed to the owner of the affected property by regular mail, said notice to be posted and deposited in the U. S. mail at

least fifteen (15) days prior to said public hearing. For the purpose of complying with the notice provisions of this section, the owner and address of any affected property shall be deemed to be the owner and address designated on the records of the Tax Assessor of Brevard County. Prior to said public hearing, the Planning Director shall file an affidavit with the City Clerk certifying that said notice has been mailed by regular mail to the owners of the affected property as required under this section. The filing of said affidavit shall be prima facie proof of compliance with the requirements of this section. Failure to mail such notice shall not affect the validity of any such amendment to the Official Zoning Map except to the individual property affected.

In the event the resolution adopted under subsection (1) of this section includes more than five (5) separately owned parcels of property, the published notice and notice posted in the City Hall of the City of Cocoa may refer to such affected property by a general area description and said notices need not specifically designate the existing land use classification and special exception designation or the proposed amendment to the Official Zoning Map. The notice provisions contained in this subsection shall control in such an event despite the contrary language contained in paragraph (1) of this subsection.

- (3) Conduct of Public Hearing - The Public hearing before the Planning and Zoning Board on a proposed amendment to the Official Zoning Map initiated by the City Council under this section shall be conducted in the manner and based upon the considerations specified in the

the previous subsections.

Section 2. Limitations - No proposal for zoning change or amendment affecting particular property or properties shall contain conditions, limitations, or requirements not applicable to all other property in the district to which the particular property is proposed to be rezoned.

Section 3. Protest by Property Owners - In case of a protest petition against a change in zoning classification of a particular property signed by the owners of 20% or more either of the area of the lots included in the proposed change, or of those immediately adjacent thereof extending 300 feet therefrom, such amendment shall not become effective except by the favorable vote of four members of the City Council.

Section 4. Modification of District Boundary Changes - If a request for a district boundary change is for a district more liberal than the existing district, and the Planning and Zoning Board or City Council determines that said request should be denied, the Planning and Zoning Board may recommend, and/or the City Council may change the district classification for said property to any district classification that is more restrictive than the requested zoning classification.

Section 5. Reconsideration of District Boundary Changes - When a proposed change in district boundaries has been acted upon by the City Council and disapproved has been acted upon by the City Council and disapproved or failed to pass, such proposed change, in the same of substantially similar form, shall not be reconsidered by the City Council, for a period of six months. Such restriction shall not apply to the property owner if the original request was initiated by the City Council, Planning and Zoning Board, or any department or agency of the City of Cocoa.

ARTICLE XXIII

PROVISIONS OF ORDINANCES DECLARED TO BE MINIMUM REQUIREMENTS

Section 1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the protection of the public health, safety, morals and general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, Ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE XXIV

COMPLAINTS REGARDING VIOLATIONS

Section 1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully that causes and basis thereof shall be filed with the Building Official. He shall record promptly such complaint, immediately investigate, and take action thereon, as provided by this Ordinance.

ARTICLE XXV

PENALTIES, REMEDIES AND MISCELLANEOUS VIOLATION AND PENALTIES

Section 1. For any and every violation of the provisions of this Ordinance, the owner, general agent, or contractor of a building or premises where such violation has been committed or shall exist the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor, sub-contractor, or any person who commits, takes part in or assists such violation or who maintains any building or premises in which any such violation shall exist, shall for each and every violation and for each and every day or part thereof that such violation continues be subject to a fine of not more than \$500.00 or imprisonment in the City Jail for a term not exceeding 30 days or both, at the discretion of the Municipal Judge. Legal remedies for

violations shall be had and violations shall be prosecuted in the same manner as is prescribed by law or Ordinance for the prosecution of violations of other Ordinances of the City of Cocoa.

ARTICLE XXVI

SEPARABILITY CLAUSE

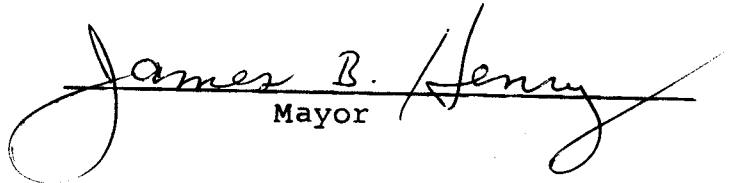
Section 1. In the event a court of competent jurisdiction holds or determines that a part of this Ordinance is invalid or unconstitutional, the remainder of said Ordinance shall not be affected thereby, and the remainder shall continue in full force and effect.

ARTICLE XXVII

EFFECTIVE DATE

Section 1. The provisions of this Ordinance shall become effective immediately upon passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA,
this the 4th day of April, 1974.


Mayor

ATTEST:


City Clerk

CITY OF COCOA
ADJUSTMENT PETITION

TO: Board of Adjustment
& Building Department
Cocoa, Florida 32922

PETITION NO. _____

SUBJECT PROPERTY: LOT (S) EIGHTEEN BLOCK(S) **

SUBDIVISION: Georgia Terrace

STREET ADDRESS: (Rear) West Side of 1198 Indian River Drive

The undersigned, as owner or agent of the above subject property, HEREBY

- PETITIONS FOR:
- a. VARIANCE ☒
 - b. SPECIAL EXCEPTION ()
 - c. INTERPRETATION FROM DECISION OF ADMIN. OFCL. ()

To permit the following: Build a one story, 30' by 40', garage outbuilding

225' West of my Indian River Drive home.

Reasons why requested: Needed to consolidate all private personal property
including yard and garden items on this very large plot convenient to my
home on the East side of Indian River Drive, which is precluded thereon.

Attach all data, plans, etc., in addition to required material, using
additional sheets if necessary.

Present Zoning Classification:

- ☒ RE Residential Estate
- () RR-1 Rural Residential
- () RU-1-7 Single Family Residential
- () RU-1-10 Single Family Residential
- () RU-2-15 Multiple Family Residential
- () RU-2-25 Multiple Family Residential
- () RM-3 Planned Residential Mobile Home
- () RM-4 Single Family Mobile Home Cooperative
- () R-P Residential Professional
- () R-S Professional Offices and Services
- () C-N Neighborhood Commercial
- () C-G General Commercial
- () C-W Wholesale Commercial
- () CBD Central Business District
- () CP Commercial Parkway
- () M-1 Light Industrial and Warehouse
- () PUD Planned Unit Development

SIGNATURE OF PROPERTY OWNER
acting in his own behalf in
regard to this petition.

SIGNATURE OF AGENT, DESIGNATED BY
OWNER to act in his behalf in re-
gard to this petition (to be ex-
ecuted when designated as agent)

Signature: [Signature] Signature: _____

Address: PO Box 1750 Address: _____

City & State: Cocoa, FLA 32922 City & State: _____

Phone: 636-6449 Phone: _____

COUNTY OF BREVARD

I hereby certify that the attached plot has been examined and approved for file upon the records of this County, on this the 13 day of October, AD 1945.

Climate of the Board of
County Commissioners

County
Seal.

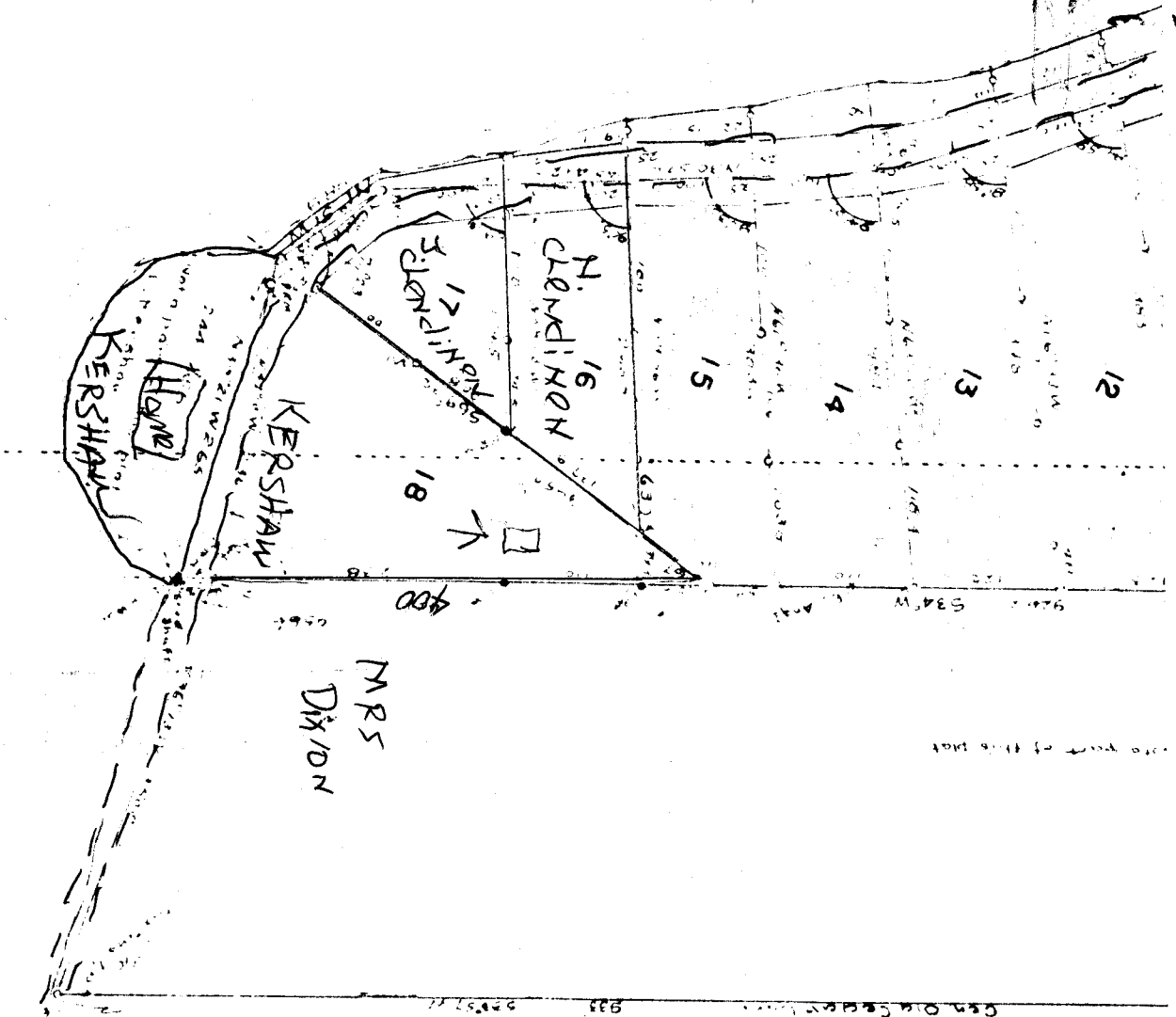
SURVEYOR'S CERTIFICATE:

I hereby certify that the attached plat is a true representation of lands platted and is correct to best of my knowledge, information and belief.

Further certify that concrete and stone markers are Permanent Reference Monuments, and comply as such, according to State Act passed, June 11, 1926; that open squares are stone and concrete posts; that open circles denote iron pipes; that solid circles denote iron rods or shafts; that double circles denote double iron pipes or steel FRP's; that dots on lines and crosslines in road denote 2nd class aluminum or copper buttons that line on lots 5 to 16 were painted red. that corners marked F were found.

David D. Hilson
Ray Survivors, Florida No. 24

Ray Surveyor, Florida No. 24





PHONE: 636-6444

KERSHAW INSURANCE AGENCY

"THE NEWEST & BEST IN INSURANCE"

600 Florida Avenue at Orange

P. O. Box 1924

Cocoa, Florida



ESTABLISHED IN 1924

12-16-77

Attn; Mr. P. L. Smith, Zoning Dept.

SUPPLEMENTARY FACTS TO BOARD OF ADJUSTMENT APPLICATION OF
LESTER R. KERSHAW, 1198 Indian River Drive, Cocoa, Florida

This permit is needed to consolidate all in this one out-
building items of antique and family heirloom value now
stored;

1. In rear of our insurance office building at 600 Fla. and

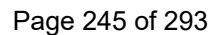
Orange Street, downtown Cocoa.

2. In my vacant storage dwelling, #36 Mulberry Street, Cocoa,

Lester R. Kershaw for over ten years as TODAY Newspaper desires land for its
parking. 1924 - OVER A HALF CENTURY OF SERVICE IN COCOA - 1976 House to be demolished

NOTICE OF PUBLIC HEARING

PETITIONER: L. R. Kershaw



SHIP 24 RANGE 36

46-20D/21C
R 2

SCALE 1" = 200'

LOT 3 E. OF R.R.
EX.
426-216, 432-117,
412/52, 452/670,
538/1095, U.S. NO. 1

DIXON HOMESTEAD S/D
P.B. 1-24

PUBLIC RD. OLD R/W 20' WIDE
AVERAGE 20' FROM BLUFF
CCM-BK 3-70 TO 97

LOT 4 E. OF R.R.
EX
S105' OF E 210,
412/52, 492/
670, 538/1095,
RD. R/W

LOT 5 E. OF RR.
EX
S105' OF N 205' OF
E 210, 248/345, 4
260/572, 267/
425, RD. R/W

248/345
EX.
396/43,
402/285,
RD. R/W

492/670
EX.
692/310,
RD. R/W

260/572
EX.
417/7,
486/486

GEORGIA TERRACE S/D
P.B. 9-38

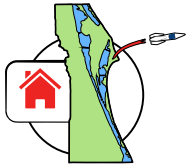
INDIAN RIVER DRIVE

D&U. ES. (EX. SHOWN)

P.B.	1-24	NONE
"	8-47	"
"	9-37	"
"	9-38	"
"	11-26	"
"	11-38	SIDE 5' REAR 5'
"	NOD. ES.	"
"	13-88	" YES " YES BUT NO DIS. GIVEN

CRESTVIEW ACRES

CRESTVIEW S/D
P.B. 8-47

**REAL PROPERTY DETAILS**
Account 2416885 - Roll Year 2025

Owners	QUIGLEY, TIMOTHY S; QUIGLEY, CARLA V
Mailing Address	1198 N INDIAN RIVER DR COCOA FL 32922
Site Address	1198 N INDIAN RIVER DR COCOA FL 32922
Parcel ID	24-36-21-BM-*6
Taxing District	23D0 - COCOA
Exemptions	HEX1 - HOMESTEAD FIRST HEX2 - HOMESTEAD ADDITIONAL
Property Use	0110 - SINGLE FAMILY RESIDENCE
Total Acres	0.48
Site Code	0110 - RIVER FRONT
Plat Book/Page	0001/0024
Subdivision	DIXONS SUBD
Land Description	DIXONS SUBD PART OF LOT 6 AS DES IN DB 244 PG 456 SUBD OF S 1/2 OF LOT 1 & E 1/2 OF SE 1/4 OF SEC 20 & LOTS 1,2 SEC 21

**VALUE SUMMARY**

Category	2025	2024	2023
Market Value	\$524,320	\$526,920	\$413,680
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$189,790	\$185,050	\$199,320
Assessed Value School	\$189,790	\$185,050	\$199,320
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,722	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$139,068	\$135,050	\$149,320
Taxable Value School	\$164,790	\$160,050	\$174,320

SALES / TRANSFERS

Date	Price	Type	Instrument
07/03/2023	\$765,000	WD	9830/1528
07/27/2012	--	WD	6655/2440
01/01/1900	--	NN	0244/0456

BUILDINGS**PROPERTY DATA CARD #1****Building Use:** 0110 - SINGLE FAMILY RESIDENCE

Materials		Details	
Exterior Wall:	PLYWD/T111 , PAINTED EXTERIOR	Year Built	1962
Frame:	WOOD FRAME , MASNRYCONC	Story Height	9
Roof:	ENAMEL METAL	Floors	2
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	1,177	Wood Deck	239
Base Area (2nd)	736	Patio - Concrete	66
Garage	660		
Open Porch	312		
Total Base Area	1,913		
Total Sub Area	2,885		

File #:

Order #: 275438

LEGAL DESCRIPTION OF: 1198 INDIAN RIVER DR, COCOA, FLORIDA, 32922

A PARCEL OF LAND BEING A PORTION OF LOT 6, OF THE "PLAT OF DIVISION OF LANDS OF ROBERT DIXON", RECORDED IN PLAT BOOK 1, PAGE 24, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE "MEAN WATER LEVEL" OF THE INDIAN RIVER WITH THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 18, OF THE PLAT OF GEORGIA TERRACE, RECORDED IN PLAT BOOK 9, PAGE 38, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THENCE FOR A FIRST COURSE, RUN S 34°00'00" W, ALONG SAID NORTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 18, A DISTANCE OF 8 FEET MORE OR LESS TO THE NORTHEASTERLY RIGHT OF WAY LINE OF NORTH INDIAN RIVER DRIVE (AS DEFINED BY SAID "GEORGIA TERRACE"); THENCE FOR A SECOND COURSE, RUN S 39°21'00" E, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 265 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 18; THENCE FOR A THIRD COURSE RUN N 69°32'00" E, ALONG SAID NORTHERLY EXTENSION OF SAID SOUTHERLY LINE OF LOT 18, A DISTANCE OF 35 FEET, MORE OR LESS TO A POINT ON THE AFORESAID "MEAN WATER LEVEL" OF THE INDIAN RIVER; THENCE FOR A FOURTH AND FINAL COURSE, RUN NORTHERLY, MEANDERING SAID "MEAN WATER LEVEL", TO THE POINT OF BEGINNING; ALL FOUND IN SECTION 21, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

CERTIFIED TO:

TIMOTHY S. QUIGLEY

FLOOD ZONE:

12009C0340H

ZONE: AE

ELEV: 04 FT

EFF: 01/29/2021

SURVEY NOTES:

- DRIVEWAY CROSSES THE BOUNDARY LINE ON SOUTHERN SIDE OF LOT AS SHOWN.
- FENCES LIE NEAR BOUNDARY LINES AS SHOWN, OWNERSHIP NOT DETERMINED.
- FENCES CROSS THE BOUNDARY LINES ON EASTERN AND WESTERN SIDES OF LOT AS SHOWN.
- WOOD DOCK CROSSES THE BOUNDARY LINE ON NORTHERN SIDE OF LOT AS SHOWN.
- I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

LEGEND

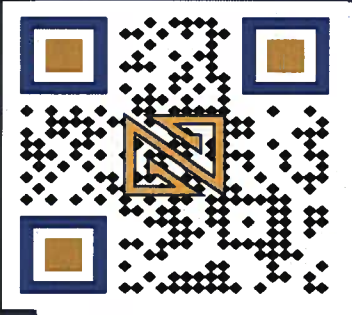
A/C	-AIR CONDITIONER
WM	-WATER MEATER
AL	-ARC LENGTH
(C)	-CALCULATED
(M)	-MEASURED
P.O.B	-POINT OF BEGINNING
P.O.C	-POINT OF COMMENCEMENT
&	-AND
P.B	-PLAT BOOK
PG	-PAGE
U.E.	-UTILITY EASEMENT
D.E.	-DRAINAGE EASEMENT
P.U.E	-PUBLIC UTILITY EASEMENT
L.A.E.	-LIMITED ACCESS EASEMENT
L.M.E	-LAKE MAINTENANCE EASEMENT
O.H.E	-OVERHEAD EASEMENT
R	-RADIUS
(R)	-RECORD
O.R.B.	-OFFICIAL RECORDS BOOK
Sq.Ft.	-SQUARE FEET
Ac	-ACRES
DB	-DEED BOOK
(D)	-DEED
(P)	-PLAT
EOW	-EDGE OF WATER
TOB	-TOP OF BANK
OHL	-OVERHEAD LINE
C/O	-CLEAN OUT
ELEV	-ELEVATION
FF	-FINISHED FLOOR
LS	-LICENSED SURVEYOR
LB	-LICENSED BUSINESS
PSM	-PROFESSIONAL SURVEYOR & MAPPER
-x-	-FENCE
#	-NUMBER
+	-PLUS OR MINUS
■	-ASPHALT
■	-CONCRETE
■	-PAVER/BRINCK
■	-WOOD
⊙	-LIGHT POLE
⊙	-WELL
⊗	-WATER VALVE
⬇	-CENTER LINE
□	-CATCH BASIN
⊥	-FIRE HYDRANT
⊥	-UTILITY POLE
⊙	-MANHOLE
⬆	-ELEVATION

SOME ITEMS IN LEGEND MAY NOT
APPEAR ON DRAWING.

GENERAL NOTES:

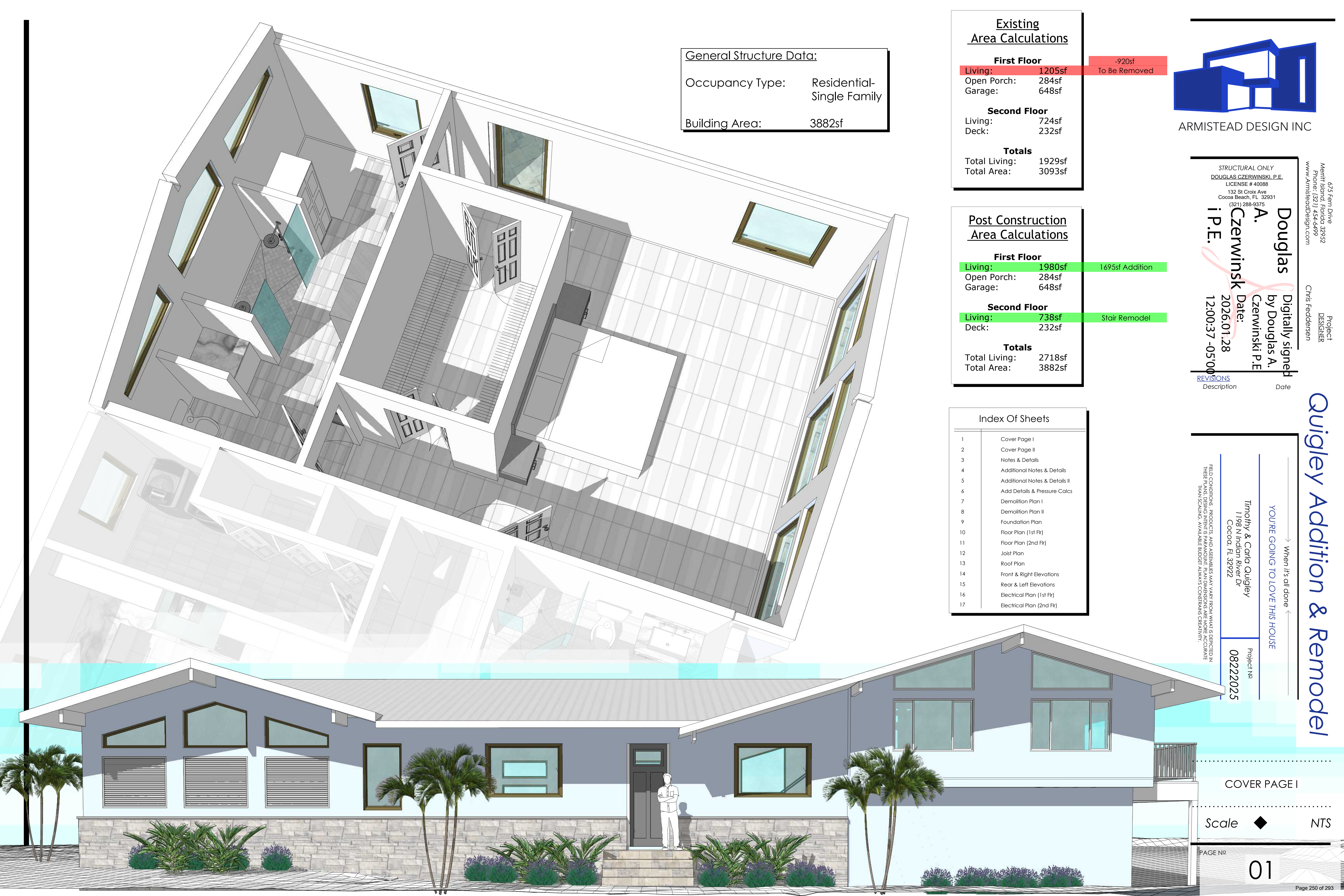
1) THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND. 2) NO UNDERGROUND IMPROVEMENTS, INCLUDING BUILDING FOUNDATIONS, HAVE BEEN LOCATED EXCEPT AS SHOWN. 3) ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. 4) THIS SURVEYOR DID NOT REVIEW THE COVENANTS AND RESTRICTIONS OF THE PLAT NAMED IN THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY. 5) OWNERSHIP OF FENCES SHOWN HEREON, IF ANY, WAS NOT DETERMINED BY THIS SURVEY; SAID FENCES WERE LOCATED ONLY WHERE DIMENSIONED AND MAY NOT RUN STRAIGHT. 6) SYMBOLS SHOWN HEREON ARE NOT TO SCALE AND ARE FOR INFORMATIONAL PURPOSES ONLY. 7) THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORD AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR OR SHOWN ON THIS SURVEY THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE SUBJECT PROPERTY. 8) UNLESS OTHERWISE NOTED, THIS SURVEY SHOWN HEREON WAS CONDUCTED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. A TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THIS PROPERTY. 9) SEPTIC TANKS AND SEPTIC DRAINFIELDS SHOWN ON THIS SURVEY, IF ANY, ARE APPROXIMATE AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. A UTILITY COMPANY SHOULD BE CONTACTED FOR PROPER LOCATION. 10) BUILDING TIES SHOWN HEREON SHOULD NOT BE USED TO REESTABLISH BOUNDARY LINES. 11) THE BEARINGS SHOWN HEREON ARE BASED ON THE BOUNDARY, SECTION OR RIGHT OF WAY LINE LABELED "BASIS OF BEARING".

Info@Nexgenlogix.com



561-508-6272

1547 Prosperity Farms Lake
Park FL 33403



General Structure Data:

Occupancy Type: Residential-Single Family

Building Area: 3882sf

Existing Area Calculations

First Floor
Living: 1205sf
Open Porch: 284sf
Garage: 648sf

Second Floor
Living: 724sf
Deck: 232sf

Totals
Total Living: 1929sf
Total Area: 3093sf

-920sf
To Be Removed

Post Construction Area Calculations

First Floor
Living: 1980sf
Open Porch: 284sf
Garage: 648sf

Second Floor
Living: 738sf
Deck: 232sf

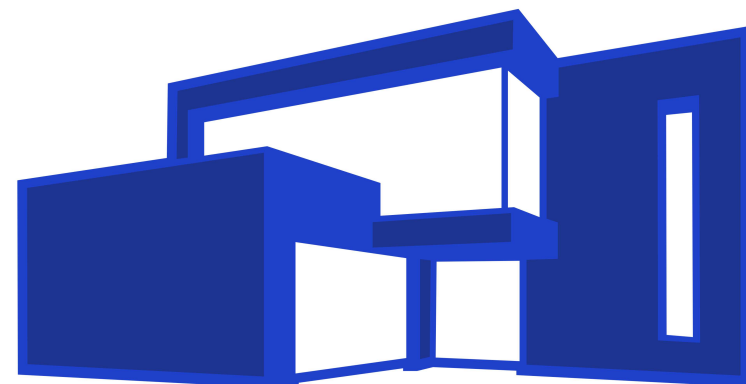
Totals
Total Living: 2718sf
Total Area: 3882sf

1695sf Addition

Stair Remodel

Index Of Sheets

1	Cover Page I
2	Cover Page II
3	Notes & Details
4	Additional Notes & Details
5	Additional Notes & Details II
6	Add Details & Pressure Calcs
7	Demolition Plan I
8	Demolition Plan II
9	Foundation Plan
10	Floor Plan (1st Flr)
11	Floor Plan (2nd Flr)
12	Joist Plan
13	Roof Plan
14	Front & Right Elevations
15	Rear & Left Elevations
16	Electrical Plan (1st Flr)
17	Electrical Plan (2nd Flr)



ARMISTEAD DESIGN INC

STRUCTURAL ONLY
DOUGLAS CZERWINSKI, P.E.
LICENSE # 40088
132 St Croix Ave
Cocoa Beach, FL 32931
(321) 288-9375

Douglas A. Czerwinski
i.P.E.
2026.01.28
12:00:37 -05'00"

Digitally signed
by Douglas A. Czerwinski P.E.

REVISIONS

Description

Date

675 Fern Drive
Meritt Island, Florida 32952
Phone: (321) 454-6459
www.armisteadesign.com

Project
DESIGNER
Chris Feddersen

Quigley Addition & Remodel

When it's all done

←

YOU'RE GOING TO LOVE THIS HOUSE

Timothy & Carla Quigley
1198 N Indian River Dr
Cocoa, FL 32922

Project No
08322025

FIELD CONDITIONS, PRODUCTS AND ASSEMBLIES MAY VARY FROM WHAT IS DEPICTED IN THESE PLANS. DESIGN INTENTS PARAMOUNT. PLAN DIMENSIONS ARE MORE ACCURATE THAN SCALING. AVAILABLE BUDGET ALWAYS CONSTRAINTS CREATIVITY.

COVER PAGE I

Scale

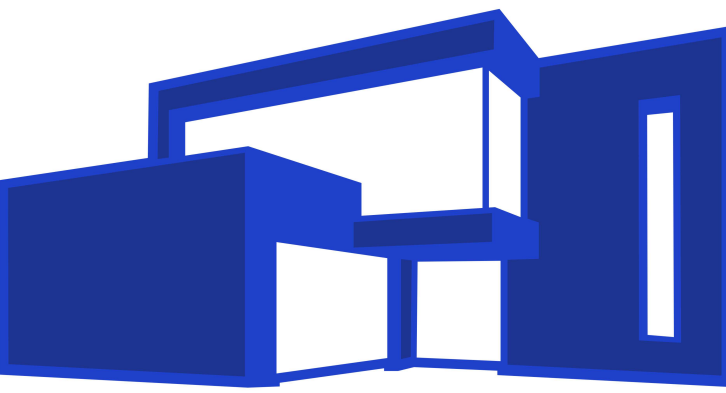


NTS

PAGE NO

01

Codes In Effect:
Florida Building Code Residential 2023 (8th Ed.)
Florida Building Code Energy Conservation 2023 (8th Ed.)
National Electric Code 2020 (NFPA 70)



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COVER PAGE II

Scale

NTS

PAGE NO

02

General Notes

- The intent of these documents is to include all work and items necessary for the completion of the work. Therefore, it does not matter whether the item is shown or not, all items necessary for the intended result must be provided.
- All material must be new without blemishes or defects of any kind.
- All work should be of the highest quality for the trade involved.
- Unless noted otherwise (uno), all work shall be guaranteed for a minimum of one year from the date of occupancy.
- General contractor and subcontractors must be currently licensed in the state of Florida to perform their trade.
- Owner must approve substitutions of any item.
- General contractor shall be responsible for the coordination and quality of workmanship by all trades. This includes proper installation of any roofing systems, flashings, sealants, secondary water proofing, and any other required resistance to water intrusion.
- General contractor must obtain and maintain liability insurance as required by contract until completion of the job.
- If any part of these documents is not clear, the general contractor or the subcontractor must ask the Engineer for clarification. Lack of understanding does not excuse improper installation or construction.
- These plans have been prepared in compliance with the latest edition of the Florida Building Code with current revisions.
- Dimensions should be used in lieu of scaling.
- All new exterior doors and windows shall be wind resistant and installed per manufacturer's specifications to ensure that they will meet wind load requirements.

Concrete

- All concrete shall be as designed to develop a compressed strength as follows: foundations 2500 psi
 - All reinforced steel shall be deformed bars conforming to ASTM A-615 Grade 40
 - All concrete reinforcement shall be detailed, fabricated, labeled, supported and spaced in forms and secured in place as per building code requirements for reinforced concrete. ACI 318-19 and the manuals of standard practice for detailing reinforced concrete structures, ACI 315 latest edition.
 - All #5 bar splices and dowels shall lap 25 inches unless noted otherwise.
 - Unless otherwise permitted or specified, the concrete shall be proportional and produced to have a slump of 3" minimum and 5" maximum immediately after depositing.
 - Welded wire fabric shall conform to ASTM-185. 1.5#/yd fibermesh may be used with or in lieu of WWF or vice versa.
 - Minimum concrete protection for reinforcing bars:
- | | |
|--|----------|
| structural part cover minimum clear footings, (concrete cast against and permanently exposed to earth) | 3 inches |
| Footing and walls (concrete cast in forms permanently exposed to earth) | 2 inches |
| slab (in contact with earth) | 2 inches |
| beams (to stirrups) | 2 inches |
| columns (to ties) above grade | 2 inches |
- Foundations and slabs on grade are designed to bear on soil with minimum safe bearing capacity of 2000 P.S.F. It is the responsibility of the contractor to provide the required capacity under all foundations and slabs.
 - Control joints shall be installed per ACI 224.3R.

Masonry

- Masonry construction shall conform to ACI 530 & 530.1, Building Code Requirements for Masonry Structures, ASN specifications. Masonry walls have been designed as reinforced masonry retaining walls.
 - Concrete blocks shall conform to ASTM C 90 (28 days strength = 2000 Psi (net area), Fm = 1800 Psi) Laid in running bond with full mortar embedment.
 - Mortar/Concrete/Grout shall be type M.
 - Reinforce masonry walls vertically as indicated on plans. Use 3000 psi concrete grout for filled cells.
 - Locate one filled cell at each side of openings, @ corners, wall intersections, high side of wall step up, within 8" of girder locations, and at internal bearing walls.
 - Fill the cell full height with grout and (1) #5 rebar.
 - All vertical reinforcing shall be provided as indicated and shall be installed as follows:
- Provide clean-out space at bottom of each reinforced cell (at location of reinforcing steel dowel in foundations or previous concrete placement) Install vertical steel tied to dowel at bottom and at top. Cover clean out opening and fill with 3000 psi grout.
- Continuous bond beams shall be provided as shown on the wall section(s).
 - All reinforcing steel shall conform to ASTM A615 Grade 40.
 - 8" deep bond beam with (1) #5 continuous.
 - Install (1) #5 below window openings.
 - Control joints shall be installed per NCMA TEK 10-02D.

Roof Notes

- The roof trusses shall be sheathed Per TYPICAL NAILING SCHEDULE.
- Contractor to provide roof vent that complies with Florida Building Code section R806
- Galv (26 ga min) or alum flashing shall be used at gutters, wall & roof intersections, roof slope changes, & roof openings. Use of weep screeds, control joints, or expansion joints shall be used to drain moisture. Only workers who understand proper installations of any water barriers, including flashings and sealants, shall be used.
- For tile roof use 30# dry in, 90# felt and hot mop w/ screw down installation per Roof Tile Institute System Two, UNO. Install tile roof system in accordance w/ FRSA/TRI per FBC 1507.3.7 & FBCR 905.3.
- Modified Bitumen roof systems shall be Florida Product Approved. System shall be non-insulated (insulation is under the deck). Self-adhering or mechanically fastened systems for use on wood deck shall be allowed.

Framing Notes

- Structural lumber shall be 2X4 SPF Grade 2 minimum. Stud spacing on interior and exterior bearing walls shall be 16"oc UNO. Walls shall be anchored with 1/2" dia. anchor bolts, 10' long spaced 48"oc UNO.
- 2X studs at 16" O.C. shall be used for interior partition walls. Stud spacing for all walls shall not exceed 16"oc.
- When manufactured wood connectors are used, framing contractor is to follow manufacturer's recommendations as to quantity and size of nails. If engineer specified connector will not work in field, please contact engineer for substitution.
- Supplier of pre-engineered trusses shall provide roof truss plans sealed by a Florida Registered Professional Engineer.

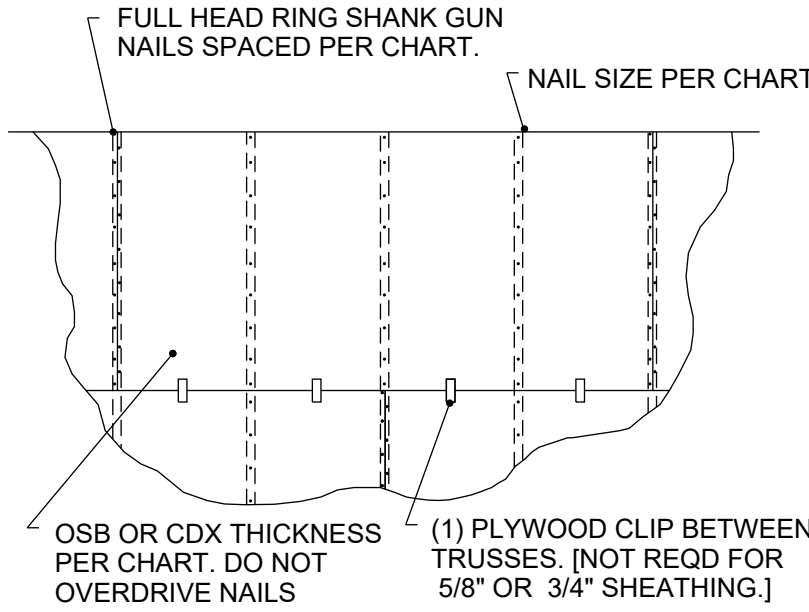
Precast Concrete Lintels

- All precast concrete lintels shall have a minimum bearing of 8" on each side.
- Lintels over openings larger than 14'-0" must be pre-stressed.
- All lintels are to have 1 #5 bar (2 #5 bars for openings over 10'-0") and concrete poured in lintel cavity, unless noted otherwise.
- Lintels to be Cast-Crete or equivalent.

Moisture Mitigation & Water Leaks

- Moisture and leaks are major concerns. Contractor shall ensure all ventilation including but not limited to roof & any crawl space (as applicable) are installed per current Code requirement.
- Contractor shall ensure all roof, wall, door, window, deck, and balcony flashings & waterproofings are installed correctly & meet all current code requirements.
- Ventilation and waterproofing shall be addressed by the contractor even if any of these were omitted in these drawings.

#2	GRADE 2 DIMENSIONAL LUMBER	DM.	DIMENSION	L.F.T.	LINEAR FEET	REV.	REVISION
A.B.	ANCHOR BOLT	DL	DEAD LOAD	LAM	LAMINATE	RM	ROOM
A.F.F.	ABOVE FINISHED FLOOR	DN.	DOWN	LAT.	LATERAL	RMV.	REMOVE
A.F.G.	ABOVE FINISH GRADE	DEG.	DEGREES	LR.	LINEAR	S.C.	SOLID CORE
A/C	AIR CONDITIONING	E.F.	EXHAUST FAN	LNO.	LINEOLEUM	S.D.	SMOKE DETECTOR
ABV.	ABOVE	E.J.	EXPANSION JOINT	LTO.	LIGHTING	SCHED.	SCHEDULE
AHU	AIR HANDLING UNIT	E.L.	END NAILING	LVL	LAMINATED VENEER LUMBER	SECT.	SECTION
AL or ALUM.	ALUMINUM	E.W.	EACH WAY	M.O.	MASONRY OPENING	SH	SHEET
ALT.	ALTERNATE	EA.	EACH	MAR.	MARBLE	SPECS	SPECIFICATIONS
ASPH.	ASPHALT	EL	ELEVATION	MAS.	MASONRY	SPKR.	SPEAKER
AVG.	AVERAGE	ELECT.	"ELECTRIC, ELECTRICAL"	MAX.	MAXIMUM	SFF.	SPRUCE PINE FIR
AWG	AMERICAN WIRE GAUGE	ELEV.	ELEVATOR	MECH.	MECHANICAL	SF	SQUARE FEET
∠	ANGLE	EQ.	EQUAL	MED.	MEDIUM	SQ. IN.	SQUARE INCHES
B.F.F.	BELOW FINISHED FLOOR	EQUIP.	EQUIPMENT	MFG.	MANUFACTURING	STD.	STANDARD
B.O.	BOTTOM OF	EST.	ESTIMATE	MFR.	MANUFACTURER	STL.	STEEL
B.O.F.	BOTTOM OF FOOTING	EXC	EXCAVATE	MNL.	MINIMUM	SUSP.	SUSPENDED
B.U.	BUILT UP	EXH.	EXHAUST	MISC.	MISCELLANEOUS	SW	SWITCH
B/C	BACK OF CURB	EXST. or E	EXISTING	MOD	MODULAR	SYM	SYMMETRICAL
BD.	BOARD	EXT.	EXTERIOR	MTL.	METAL	SYP	SOUTHERN YELLOW PINE
BDG.	BUILDING	F.O.	FACE OF	MUL	MULLION	SYS.	SYSTEM
BLK.	BLOCK	FAB.	FABRICATE	N.T.S.	NOT TO SCALE	T & G	TONGUE AND GROOVE
BLKG.	BLOCKING	FDN.	FOUNDATION	NCM	NON-CORROSIVE METAL	T.B.	THROUGH BOLT
BL.	BEAM	F.F.E.	FINISHED FLOOR ELEVATION	NFC	NOT FOR CONSTRUCTION	T.O.	TOP OF
BRG.	BEARING	FIN.	FINISH	NLR.	NAILER	T.O.B.	TOP OF BEAM
C.I.P.	CAST IN PLACE	FL	FLOOR	NO.	NUMBER	T.O.C.	TOP OF CURB
C.J.	CONTROL JOINT	FTG.	FOOTING	NDM.	NONDRAL	T.O.F.	TOP OF FOOTING
C.O.	CLEAN OUT	FURN.	FURNISH	O.C. or OIC	ON CENTER	T.O.J.	TOP OF JOIST
C.T.	CERAMIC TILE	GA.	GAUGE	O.D.	OUTSIDE DIAMETER	T.O.M.	TOP OF MASONRY
CAB	CABINET	GALV.	GALVANIZED	O.H.	OVER HANG	T.O.S.	TOP OF SLAB
CEM.	CEMENT	GAR.	GARAGE	OH	OVER HEAD	T.O.W.	TOP OF WALL
CER	CERAMIC	GFCI	GROUND FAULT CIRCUIT INTERRUPTER	OPNG.	OPENING	THD.	THREADED
CFM	CUBIC FEET PER MINUTE	GFI	GROUND FAULT INTERRUPTER	OPPO.	OPPOSITE	THK.	THICK
Ch or C	CHANNEL	GL	GLASS	P.C.	PRECAST CONCRETE	THRU	THROUGH
CKT. BKR.	CIRCUIT BREAKER	GYP.	GYPNUM	P.L. or P	PROPERTY LINE	TLT.	TOILET
CL or G or C/L	CENTERLINE	GYP. BD.	GYPNUM BOARD	PERF.	PERFORATED	TYP.	TYPICAL
CLG.	CEILING	H.V.A.C	HEATING, VENTILATING & AIR CONDITIONING	PERP. or P	PERPENDICULAR	UNE	UNFINISHED
CLKG.	CAULKING	H.C.	HOLLOW CORE	PLUMB.	PLUMBING	UNO or UNO.	UNLESS NOTED OTHERWISE
CLO.	CLOSET	H/C	HANDICAPPED	PLYWD.	PLYWOOD	UR	URNAL
CLR.	CLEAR	HGT.	HEIGHT	PREFAB.	PREFABRICATED	V.B.	VAPOR BARRIER
CMU	CONCRETE MASONRY UNIT	HOR.	HORIZONTAL	PSF	POUNDS PER SQUARE FOOT	V.J.F.	VERIFY IN FIELD
CNTRD.	CENTERED	HTR	HEATER	PSI	POUNDS PER SQUARE INCH	VA	VOLT AMPERE
COL.	COLUMN	HVAC	HEATING, VENTILATING & AIR CONDITIONING	PTN.	PARTITION	VERT	VERTICAL
COMB.	COMBINATION	HW	HOT WATER	PWR.	POWER	W/C or W.C.	WATER CLOSET
CONC.	CONCRETE	HYD.	HYDRAULIC	QTY.	QUANTITY	WDW	WINDOW
CONST.	CONSTRUCTION	ID	IDENTIFICATION	R	RADIUS	WCT	WAINSCOT
CONT.	CONTINUOUS	INS.	INSULATED CONCRETE FORMS	R.O.	ROUGH OPENING	WP	WEATHER PROOF
CONTR.	CONTRACTOR	IG	ISOLATED GROUND	R.O.W.	RIGHT OF WAY	WT.	WEIGHT
D.S.	DOWN SPOUT	INSUL.	INSULATION	REF	REFRIGERATOR	W	WITH
D.W.	DISHWASHER	INT.	INTERIOR	REF.	REFERENCE	W/O	WITHOUT
DBL.	DOUBLE	J-BOX	JUNCTION BOX	RENF.	REINFORCED	WD.	WOOD
DEMO	DEMOLITION	JCT	JUNCTION	REQD.	REQUIRED	W.I.	WROUGHT IRON
DI. or Ø	DIAMETER	JST.	JOIST	RET.	RETURN	YD.	YARD
DIAG.	DIAGONAL	L.E.D.	LIGHT EMITTING DIODE				



USE 8d GUN NAILS FOR SHEATHING 15/32\"/>

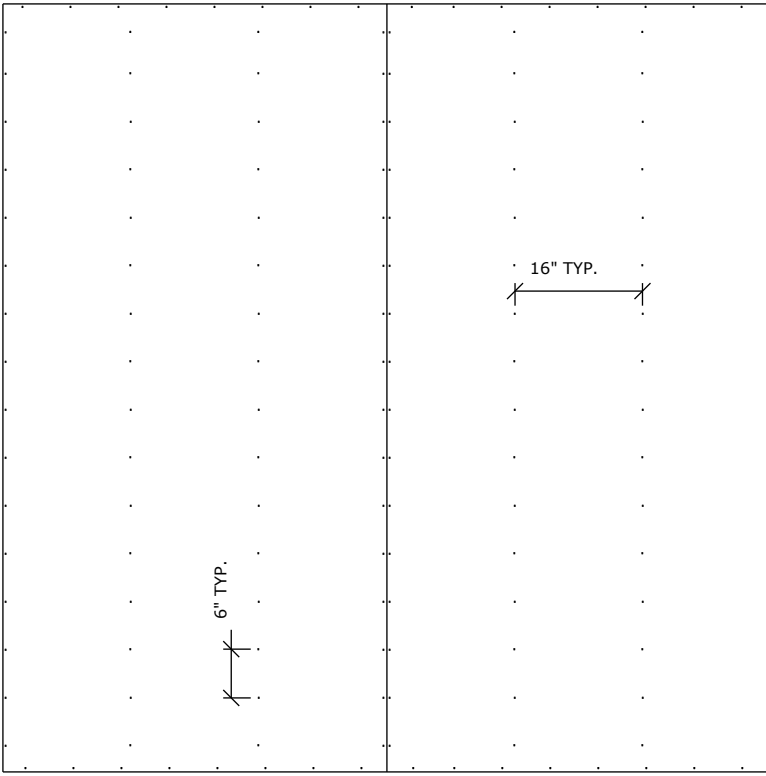
MPH	EXPOSURE B				EXPOSURE C				EXPOSURE D			
	SHEATHING THICKNESS (IN)	SPAN RATING (IN)	NAIL SPACING (IN)		SHEATHING THICKNESS (IN)	SPAN RATING (IN)	NAIL SPACING (IN)		SHEATHING THICKNESS (IN)	SPAN RATING (IN)	NAIL SPACING (IN)	
			E	F			E	F			E	F
140	7/16	24/16	6	6	19/32	40/20	6	6	19/32	40/20	6	6
150	15/32	32/16	6	6	19/32	40/20	6	6	19/32	40/20	4	4
160	19/32	40/20	6	6	19/32	40/20	6	6	19/32	40/20	4	4
170	19/32	40/20	6	6	19/32	40/20	4	4	23/32	48/24	4	4
180	19/32	40/20	6	6	23/32	48/24	4	4	23/32	48/24	4	4

TYPICAL NAILING SCHEDULE
NAILSCHEDULE.dwg 13MAY21 SEK SCALE: NTS

Wind Load Notes

These plans prepared to comply with FBC latest edition and other applicable codes. See "Codes in Effect" note (PG.2).

- Ultimate Design Wind Speed: 150mph
- Exposure Category: D
- All new structures and openings on this plan are designed as fully enclosed.
- According to ASCE 7-22, this structure occurs within the wind-bourne debris region. Protection of openings is required.
- All new exterior doors and windows must be installed per manufacturer's specifications to ensure that it will meet design wind load requirements.
- Exterior doors and windows shall comply with testing and labeling requirements of FBC.
7. ROOF LIVE LOAD (LL)=20 PSF; ROOF TOP CHORD DEAD LOAD (DL) (SHINGLE)=7 PSF; ROOF DL (TILE)=15 PSF; BOTTOM CHORD DL=10 PSF FLOOR LL=40 PSF (BALCONY LL=40 PSF FLOOR TOP CHORD DL=10 PSF, FLOOR BOTTOM CHORD DL=5 PSF.
- Internal Pressure Coefficient: +/-0.18
- Risk Category II



USE 8d GUN NAILS (2\"/>

1101 7/16\"/>

Flashing

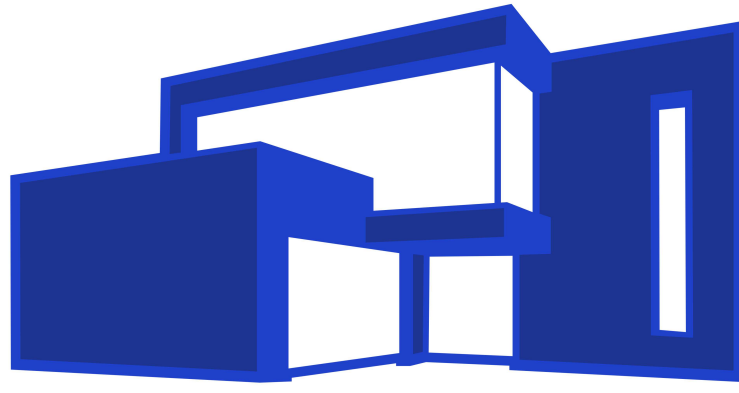
Approved metal flashing, vinyl flashing, self-adhered membranes and mechanically attached flexible flashing shall be applied shingle-fashion or in accordance with the manufacturer's instructions. Metal flashing shall be corrosion resistant. Fluid-applied membranes used as flashing shall be applied in accordance with the manufacturer's instructions. All flashing shall be applied in a manner to prevent the entry of water into the wall cavity or penetration of water to the building structural framing components. Self-adhered membranes used as flashing shall comply with AAMA 711. All exterior fenestration products shall be sealed at the juncture with the building wall with a sealant complying with AAMA 800 or ASTM C920 Class 25 Grade NS or greater for proper joint expansion and contraction, ASTM C1281, AAMA 812, or other approved standard as appropriate for the type of sealant. Fluid-applied membranes used as flashing in exterior walls shall comply with AAMA 714. The flashing shall extend to the surface of the exterior wall finish. Approved flashings shall be installed at the following locations:

- Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water-resistive barrier complying with Section 703.2 for subsequent drainage. Mechanically attached flexible flashings shall comply with AAMA 712. Flashing at exterior window and door openings shall be installed in accordance with one or more of the following:
 - The fenestration manufacturer's installation and flashing instructions, or for applications not addressed in the fenestration manufacturer's instructions, in accordance with the flashing or water-resistive barrier manufacturer's instructions. Where flashing instructions or details are not provided, pan flashing shall be installed at the sill of exterior window and door openings. Pan flashing shall be sealed or sloped in such a manner as to direct water to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage. Openings using pan flashing shall incorporate flashing or protection at the head and sides.
 - In accordance with the flashing design or method of a registered design professional.
 - In accordance with other approved methods.
 - In accordance with FMA/AAMA 100, FMA/AAMA 200, FMA/WDMA 250, FMA/AAMA/WDMA 300 or FMA/AAMA/WDMA 400, or FMA/AAMA/WDMA 2710.
- At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
- Under and at the ends of masonry, wood or metal copings and sills.
- Continuously above all projecting wood trim.
- Where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction.
- At wall and roof intersections.
- At built-in gutters.

NOTES & DETAILS

Scale

NTS



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Project
DESIGNER
Chris Feddersen

REVISIONS

Description

Date

When it's all done
YOU'RE GOING TO LOVE THIS HOUSE

Project No.

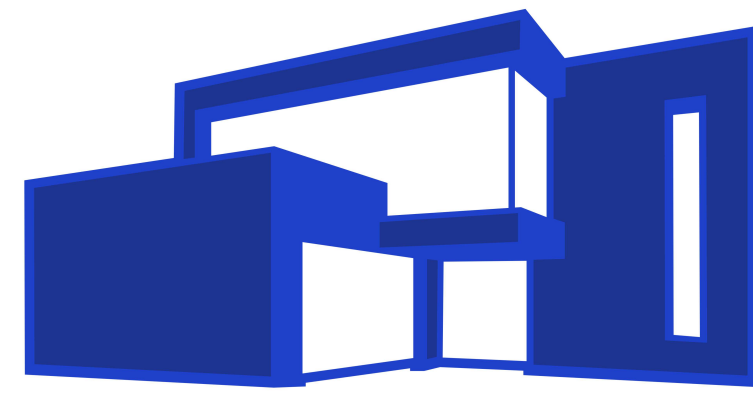
Timothy & Carla Quigley

1198 N Indian River Dr

Cocoa, FL 32922

08222025

FIELD CONDITIONS, PRODUCTS, AND ASSEMBLIES MAY VARY FROM WHAT IS DEPICTED IN THESE PLANS. DESIGN INTENT IS PARAMOUNT. PLAN DIMENSIONS ARE MORE ACCURATE THAN SCALING. AVAILABLE BUDGET ALWAYS CONSTRAINS CREATIVITY.



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Quigley Addition & Remodel

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ADDITIONAL NOTES & DETAILS

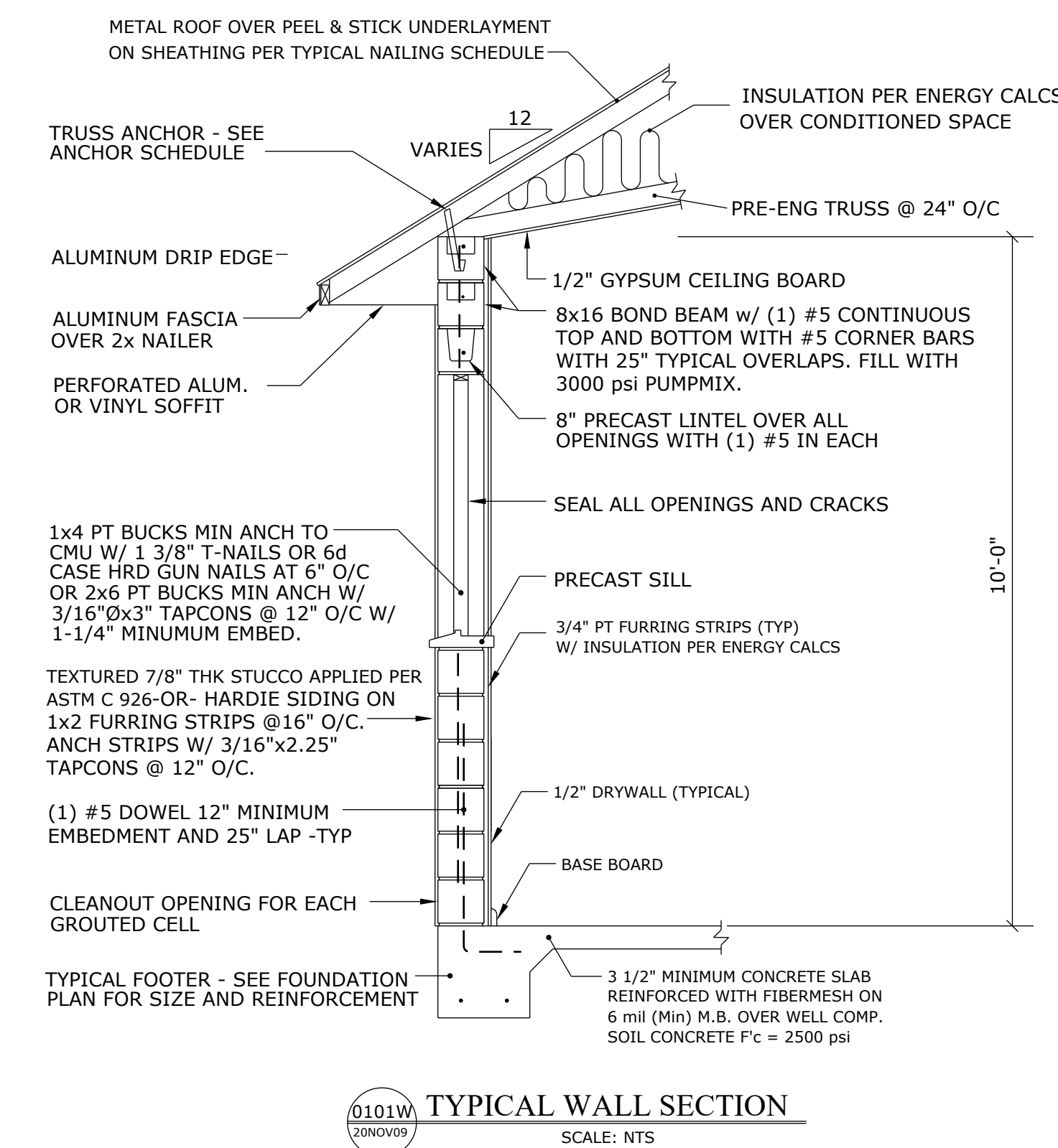
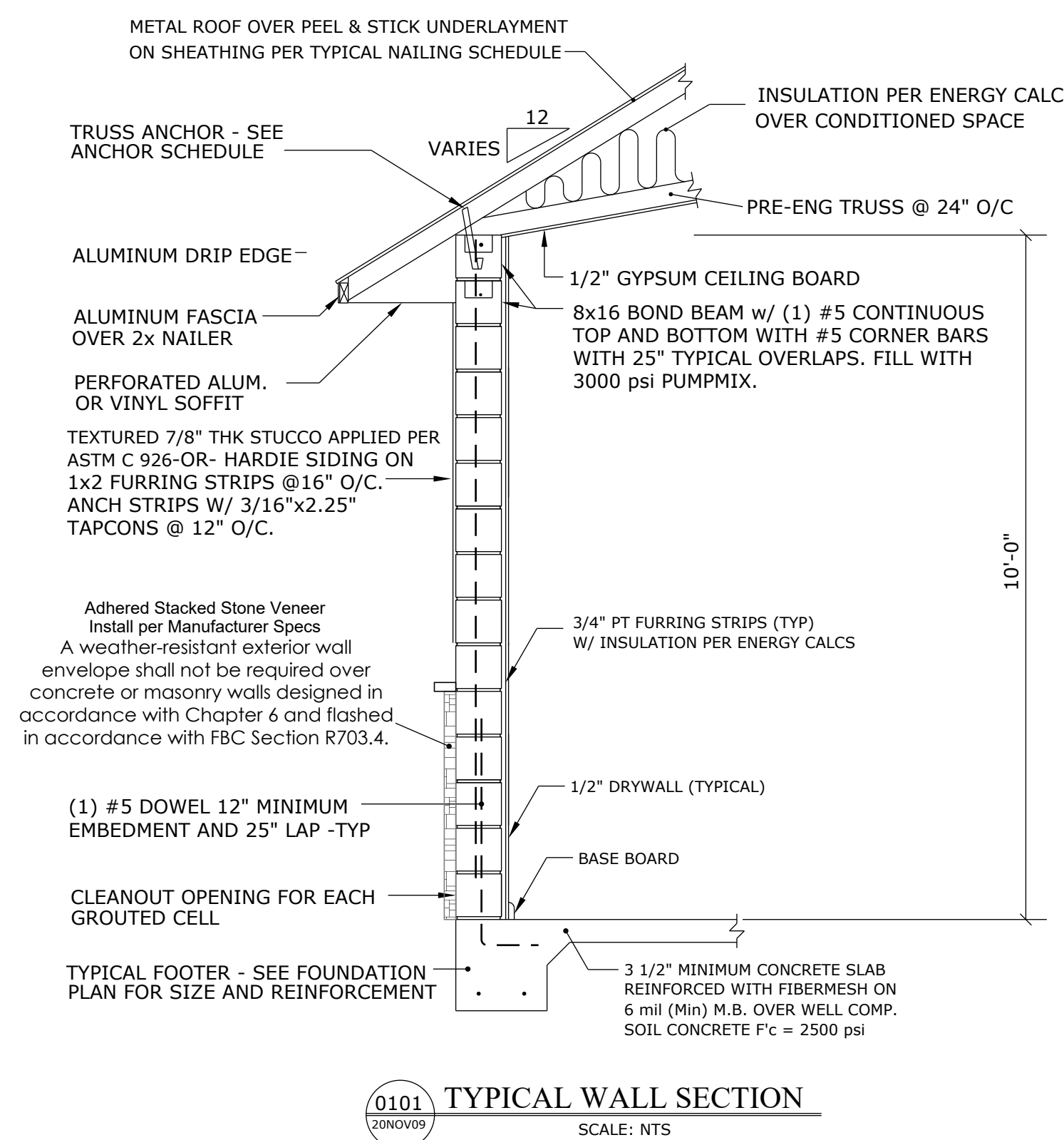
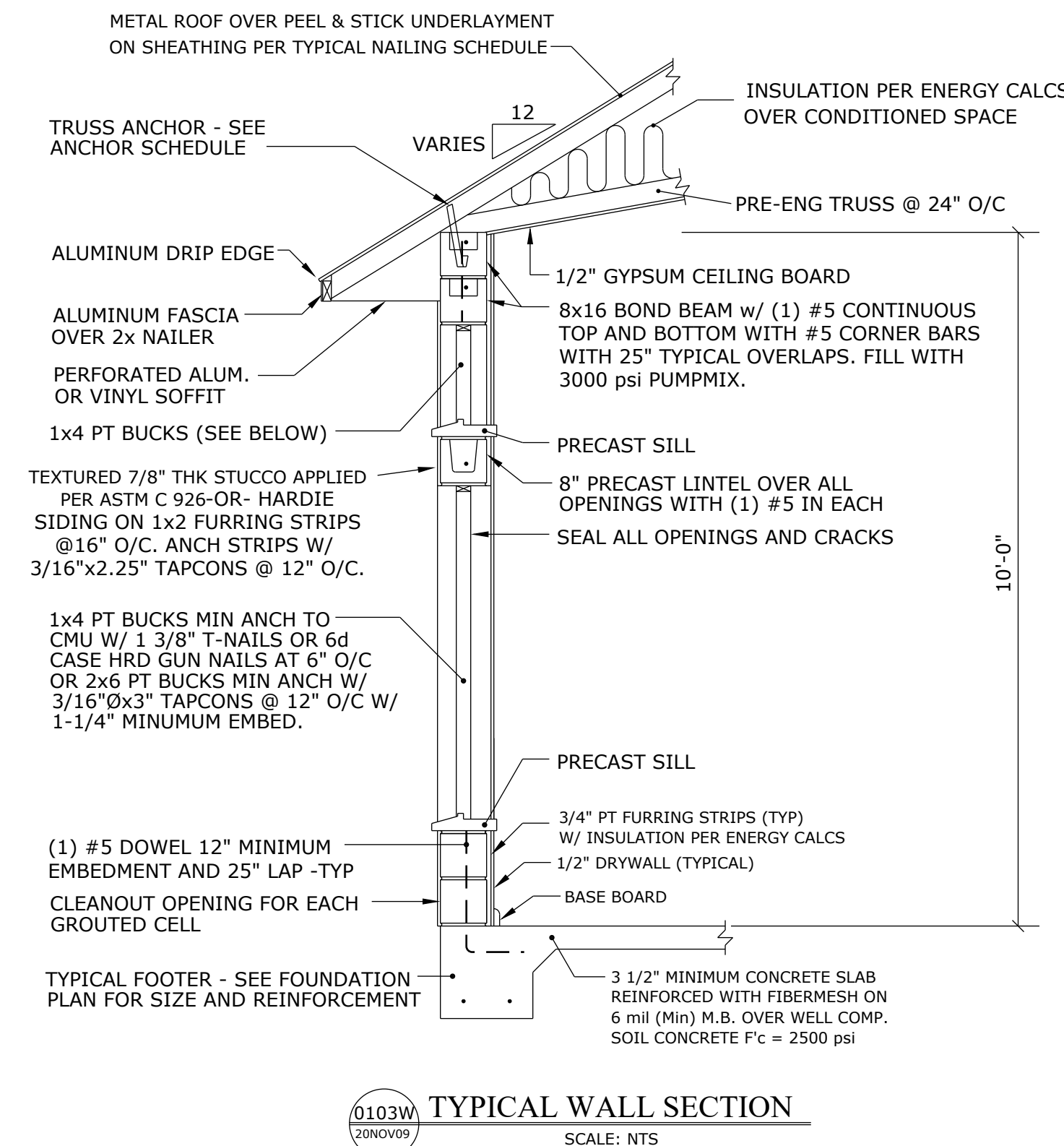
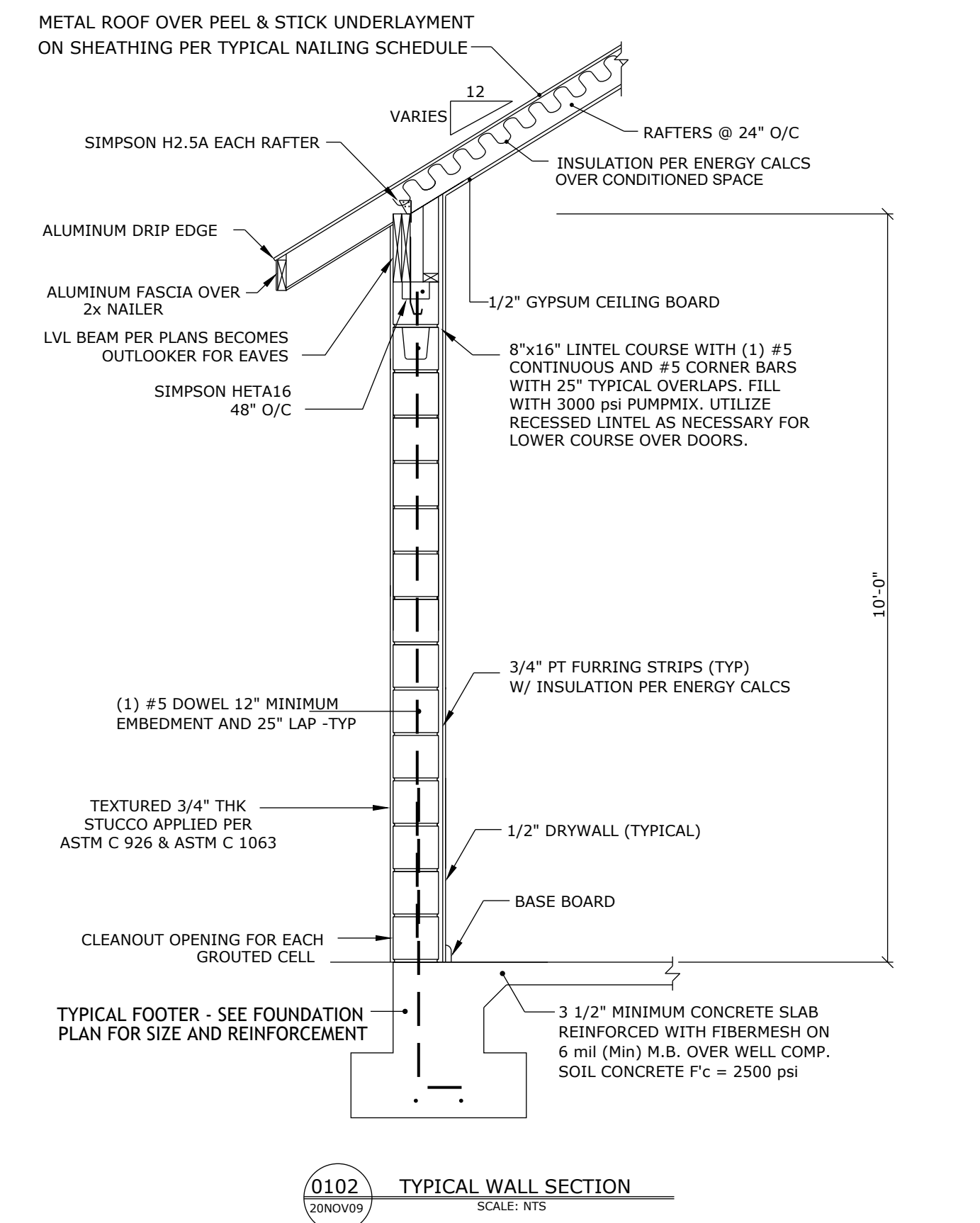
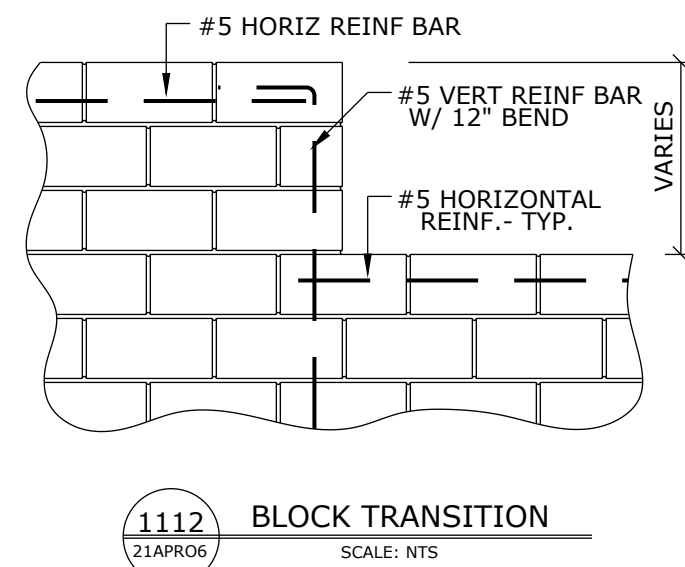
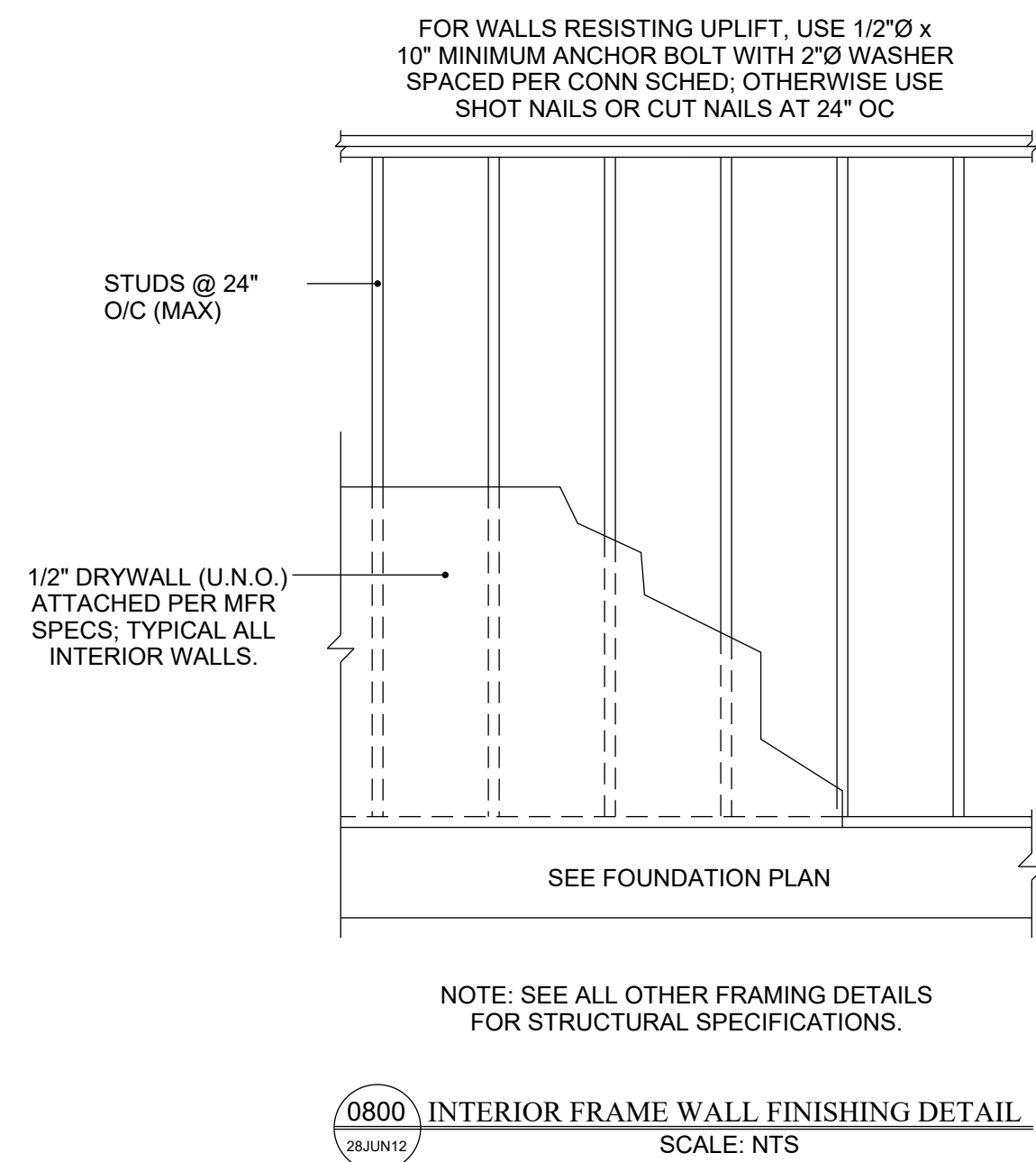
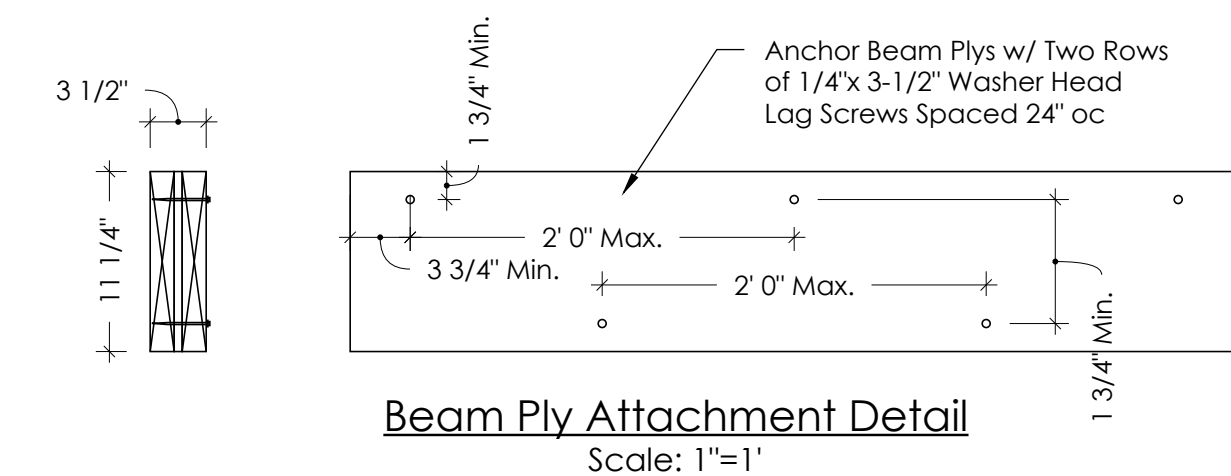
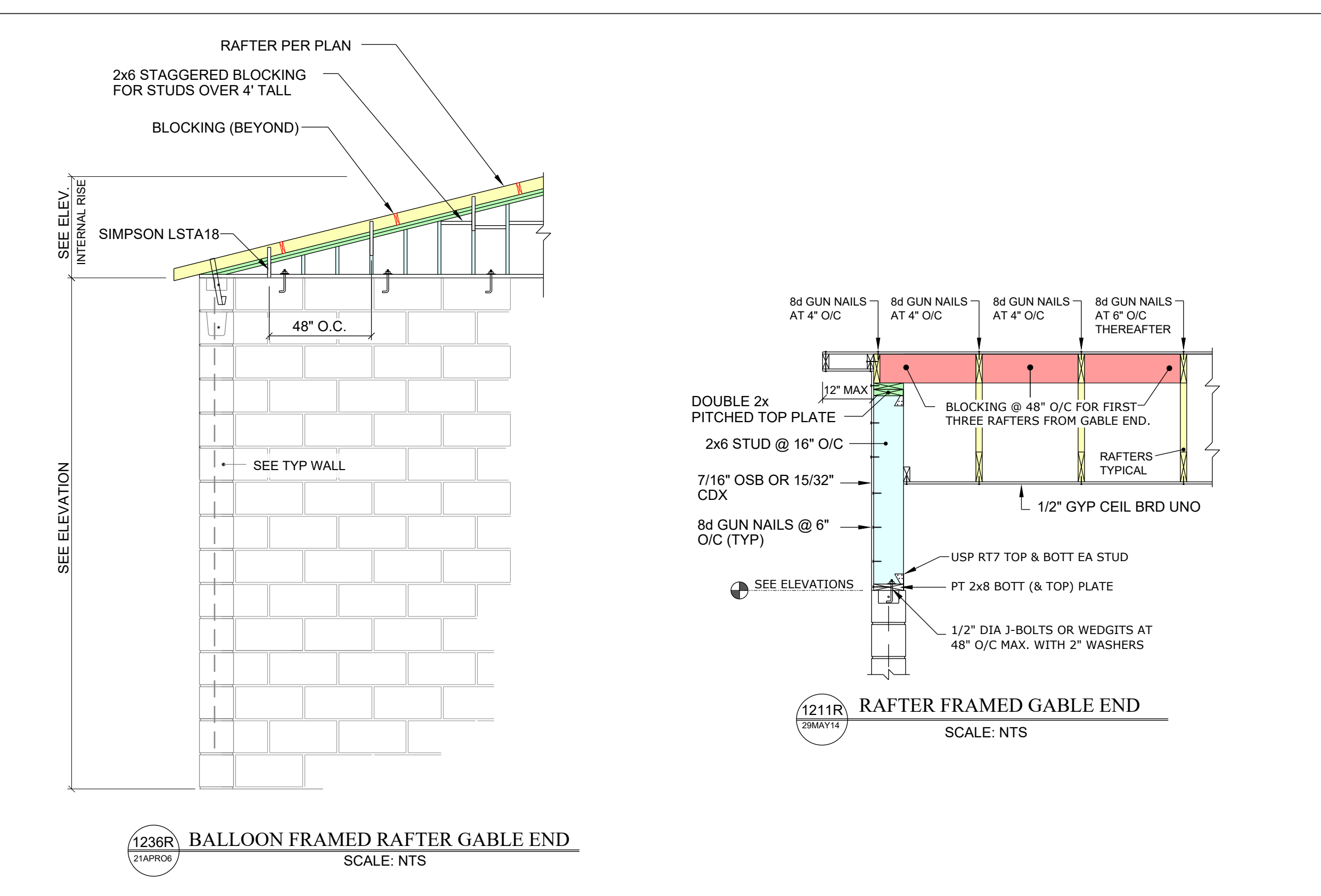
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PAGE NO

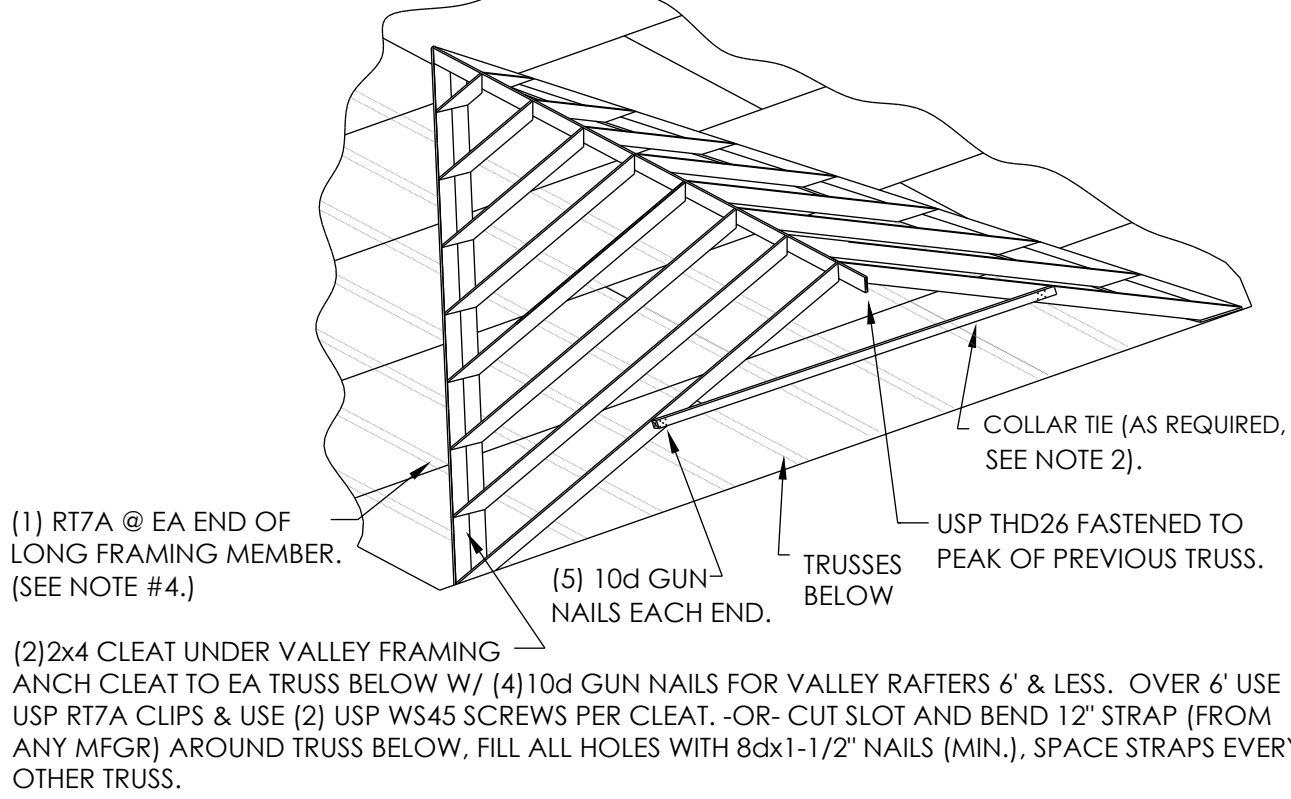
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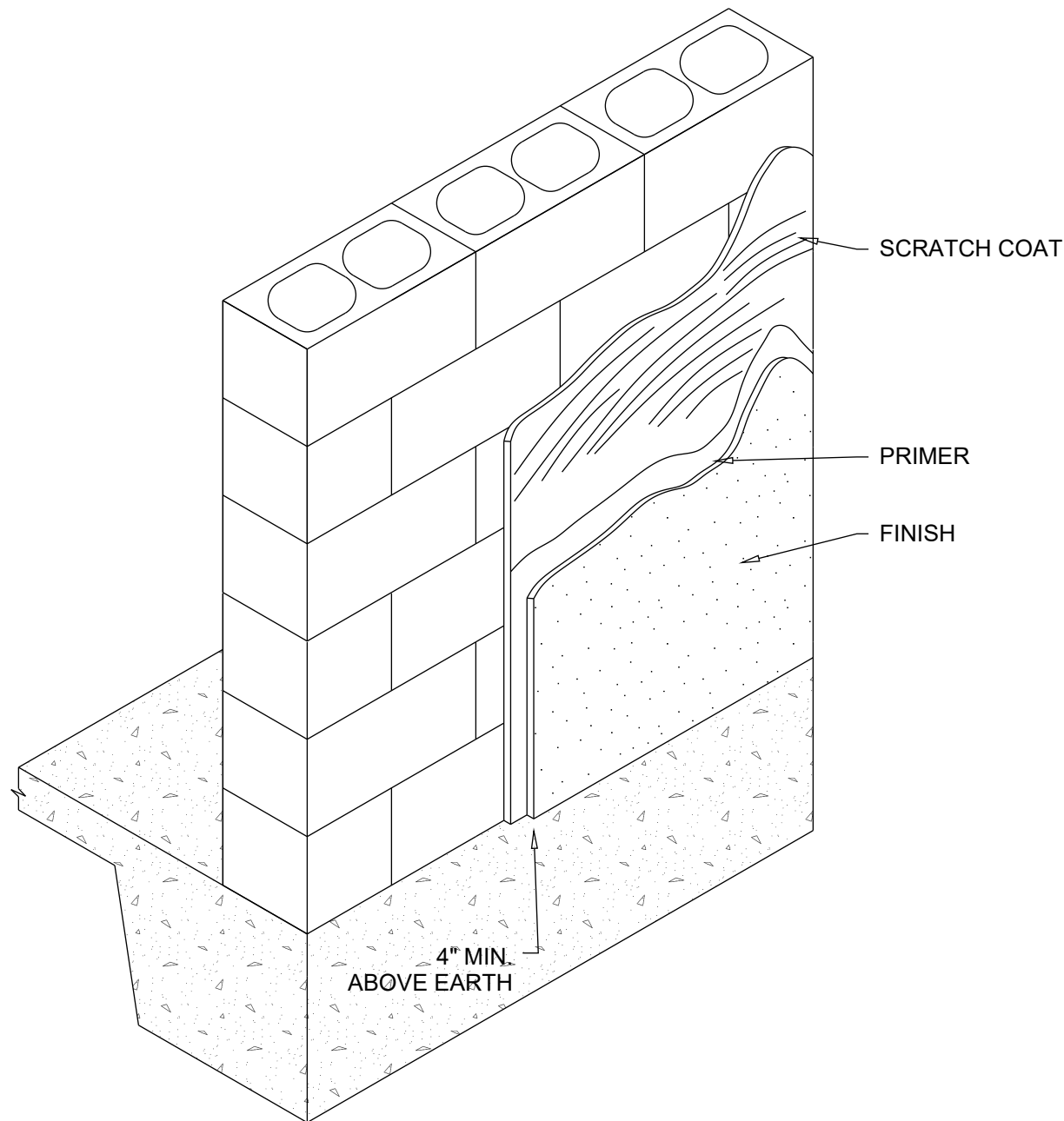


GENERAL VALLEY NOTES:

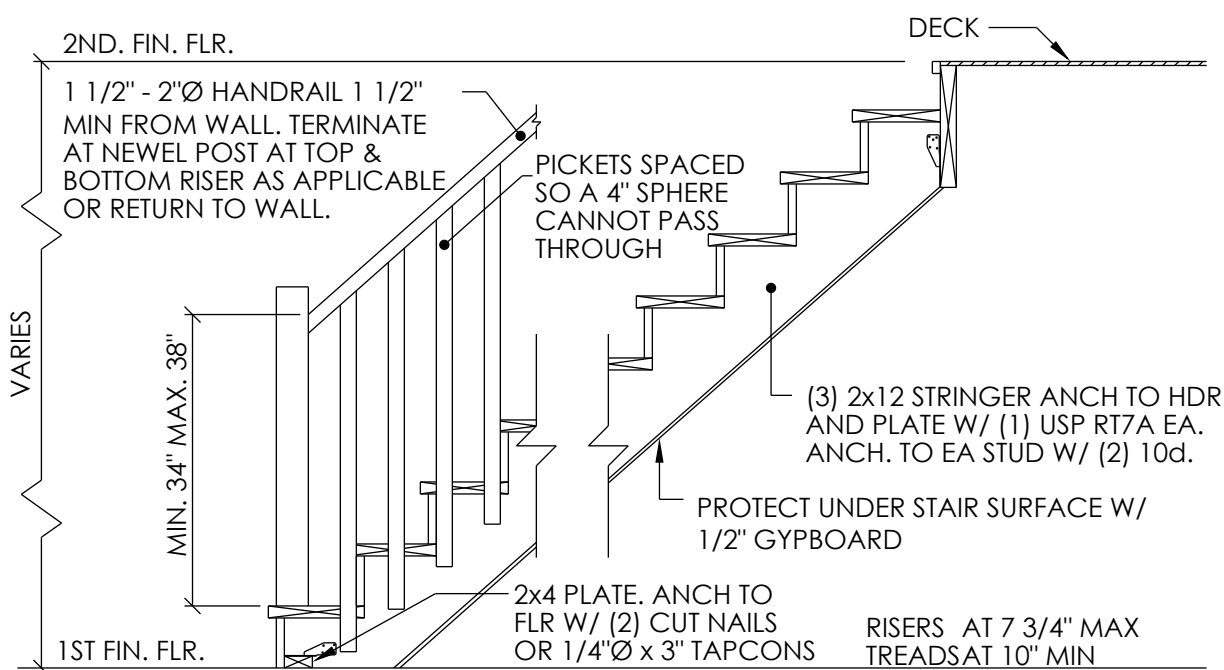
- 1) RAFTERS TO BE 2x4 SPACED 24" O.C. UP TO 8', USE 2x6 UP TO 12' LENGTH.
- 2) RAFTER LENGTHS (FROM RIDGE TO CLEAT) OVER 12'-0" TO HAVE (2x4) COLLAR TIE, OR VERTICAL KICKER, AT 1/2 RAFTER SPAN (UP TO 24'-0" MAX RAFTER LENGTH).
- 3) RIDGE BOARD SHALL BE 2x6 MIN. FOR 2x4 RAFTERS, & 2x8 MIN. FOR 2x6 RAFTERS.
- 4) ATTACH RAFTERS 4' OR LONGER TO RIDGE BOARD AND CLEAT USING (1) USP RT7A CONNECTOR, NAILED W/ (8) 8dx1-1/2" NAILS. ALL OTHERS TOE-NAIL W/ 0.131x3" GUN NAILS.
- 5) ALL CONVENTIONAL FRAMING LUMBER SHALL BE SPF STUD GRADE OR BETTER.



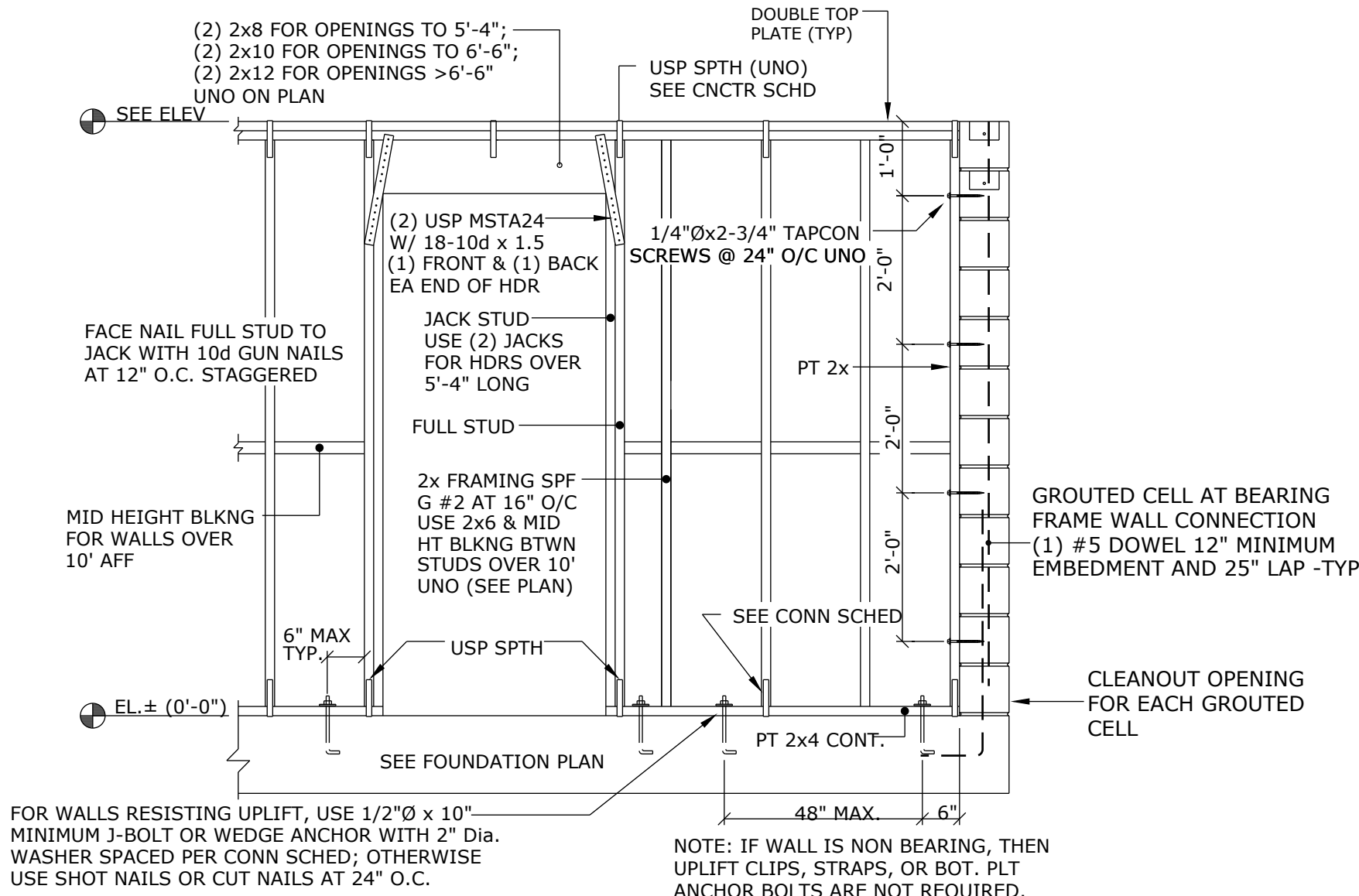
1501
08FEB15
VALLEY FRAMING DETAIL
SCALE: NTS



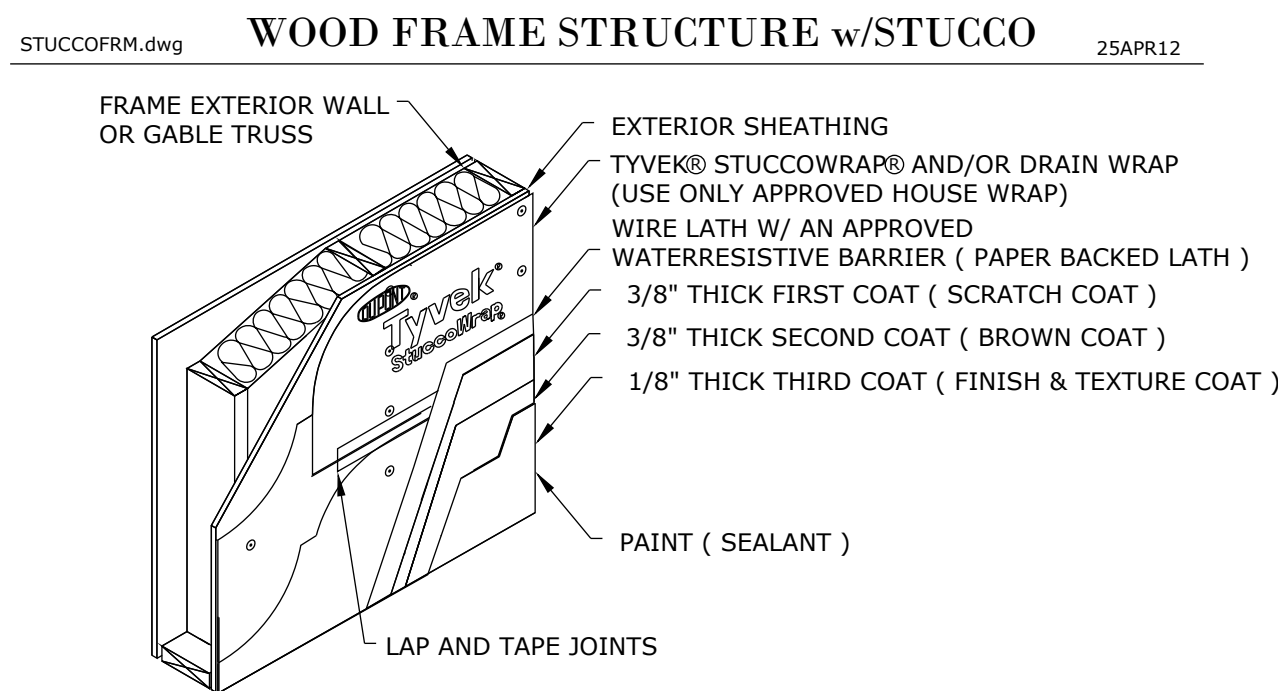
STUCCO ON CMU DETAIL
STUCCOCMU.DWG
29JUL17



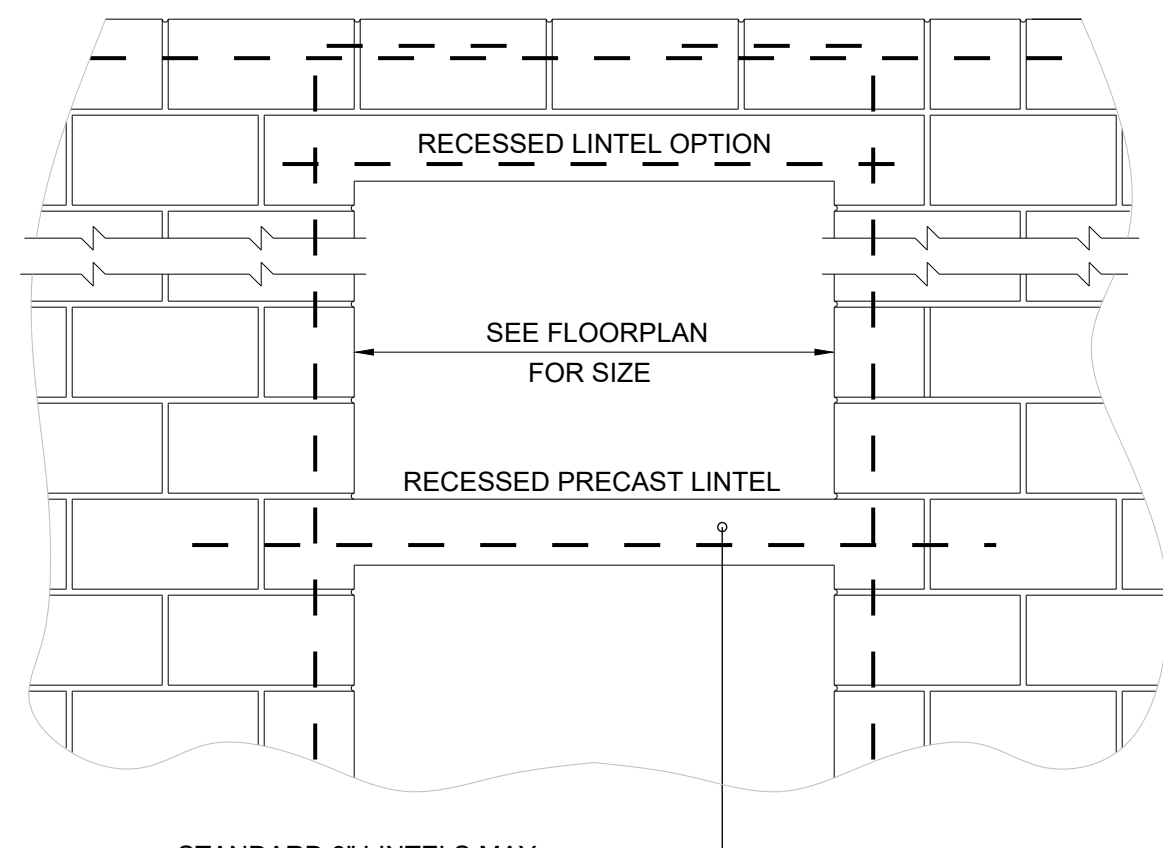
1404
02OCT14
STAIR DETAIL
SCALE: NTS



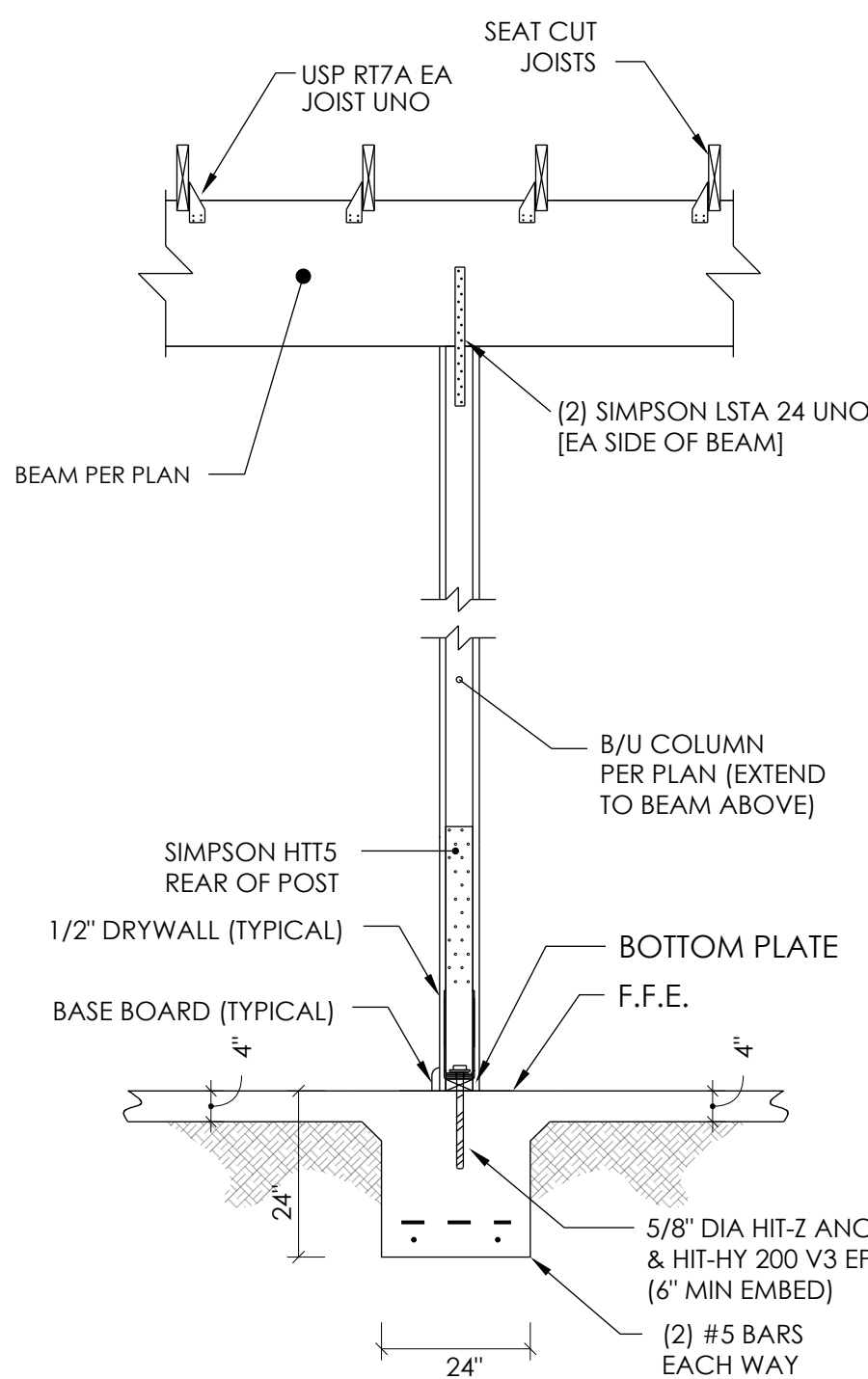
0801
20APR06
BEARING FRAME/BLOCK WALL DETAIL
SCALE: NTS



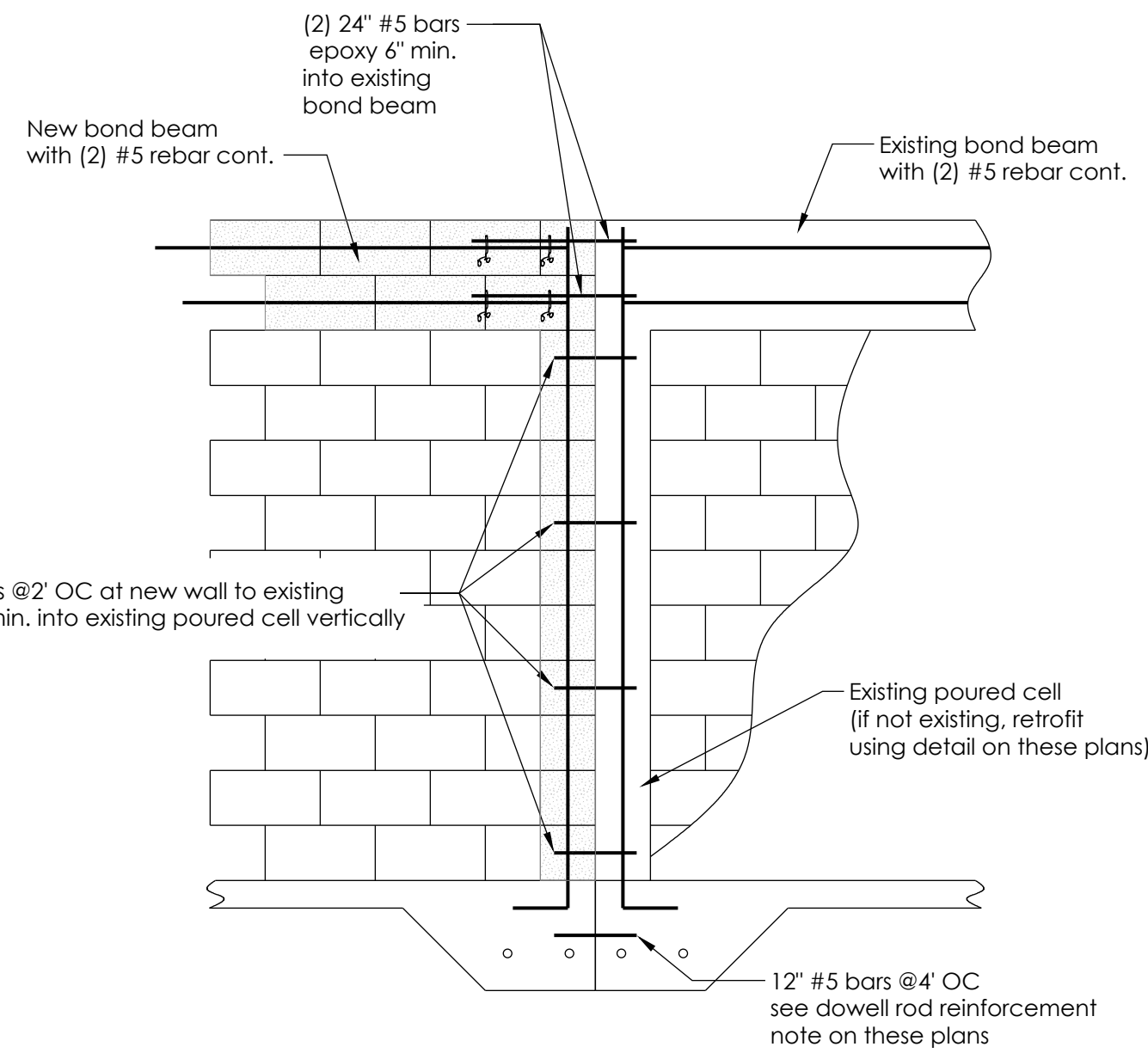
STUCCOED FRAME EXTERIOR WALLS & GABLE END TRUSSES ARE PER ASTM C 926 & ASTM C 1063. APPLY PAINT/SEALANT ON STUCCO APPLIED TO LATH OVER ONE LAYER OF A STATE APPROVED WATER RESISTANT BARRIER OVER AN APPROVED HOUSE WRAP PER FBC R703.7.3. USE OF WEEP SCREDS, CONTROL JOINTS, OR EXP. JOINTS SHALL BE USED TO DRAIN MOISTURE. ONLY WORKERS WHO UNDERSTAND PROPER INSTALLATIONS OF ANY WATER BARRIERS INCLUDING FLASHINGS & SEALANTS SHALL BE USED.



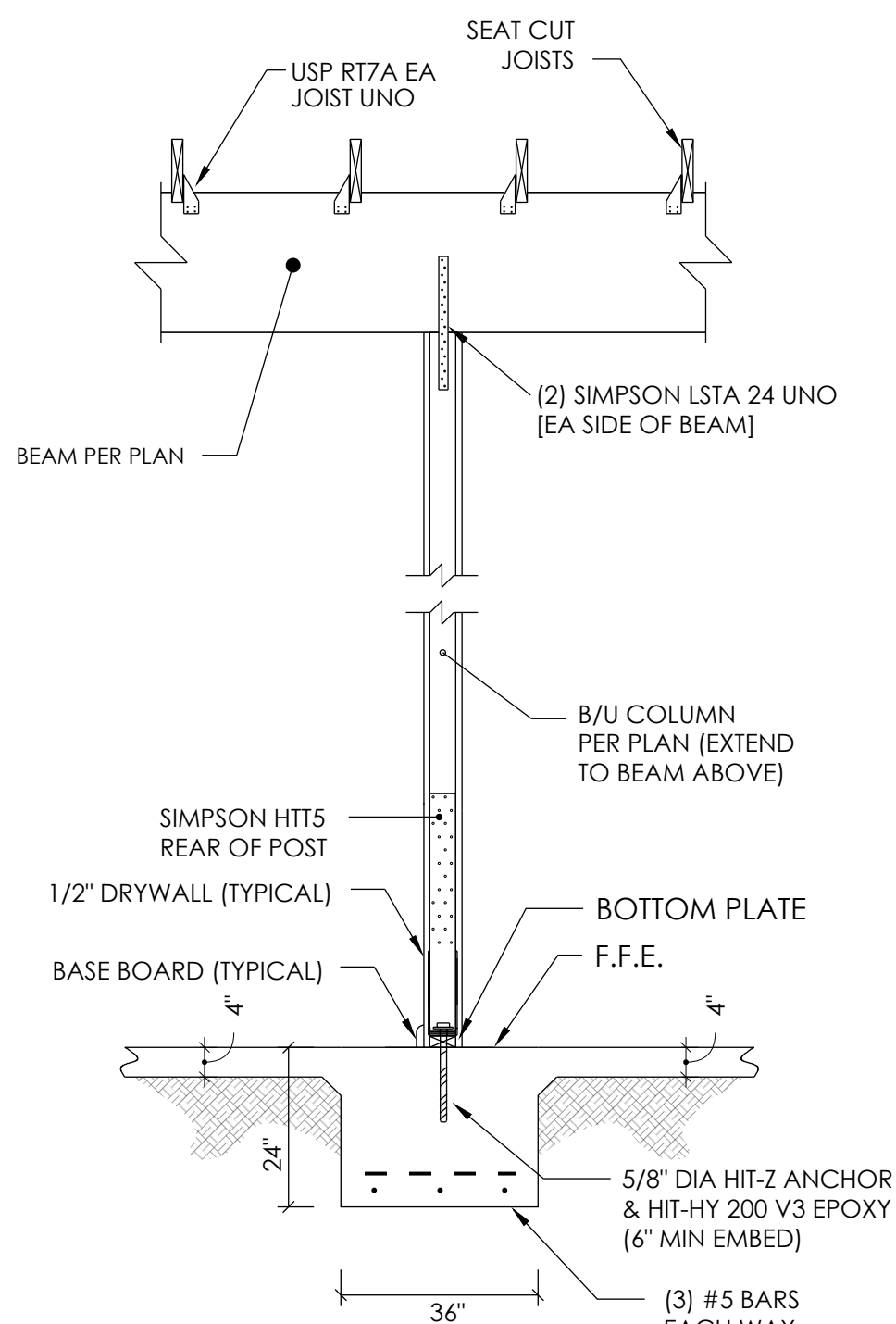
0910D
31MAY06
LINTEL DETAIL
SCALE: NTS



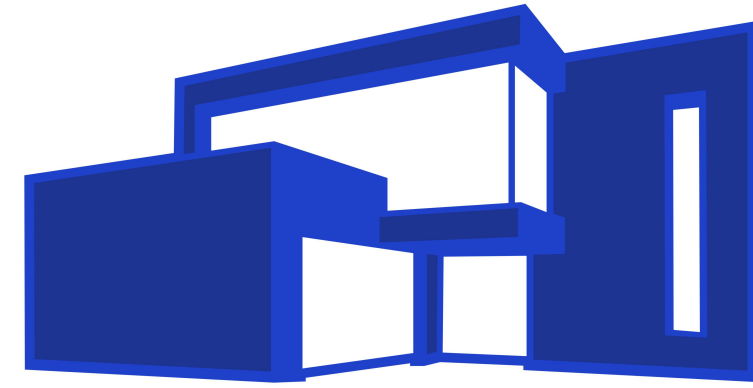
BUCT
10DEC25
BUILT UP COLUMN & PAD FOOTER SECTION
SCALE: NTS



0803
20APR06
New to Existing Block Wall Connection
Scale: NTS



BUCP
10DEC25
BUILT UP COLUMN & PAD FOOTER SECTION
SCALE: NTS



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Project Designer
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REVISIONS

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ADDITIONAL NOTES & DETAILS II

Scale

NTS

PAGE NO

05

Wind PSF® Wind Pressures on Buildings™ Main Wind Force Resisting Systems (MWFRS) and Components & Cladding (C&C) Version 1.51 MWFRS →

A) Occupancy (Highest occupational use)* B) Risk Category (I, II, III or IV based upon occupancy selected) C) Ultimate Wind Speed (Vult) (Per risk category & location, see ASCE web link below) D) Nominal Wind Speed (Vasd) (Computed based upon Vult) E) Is building within 1 mile of mean high water of a large body of open water or coastline? F) Topographic Effect (Level, hill or escarpment) G) Directionality Factor (Typical or atypical building proportions) H) Ground Elevation Factor (<1,000 ft to >6,000 feet elevation) I) Building Width (Shortest) (Bounding width enclosing building) J) Building Length (Longest) (Bounding length enclosing building) K) Ridge Height (Highest roof ridge height) L) Eave Height (Average roof eave height) M) Roof Slope (User defined average roof rise:run or slope) N) Mean Roof Height (h) (Average of ridge and eave heights) O) Exposure Category (A= Urban, B = suburban, C = rural, or D = open) P) Roof Type (Flat, gable, hip, low/high mono-slope, step, mansard) Q) Use Vult or Vasd Pressures for Main Wind Force Resisting Systems (MWFRS)? R) Use Vult or Vasd Pressures for Components & Cladding (C&C)? S) Impact protection required? (Wind Borne Debris Region 'WBDR' per ASTM E-1996) T) Skylight, if any, protection? (One- and Two-Family Dwellings only) U) Enclosure (Enclosed, partially enclosed, partially open, or open) V) Building Overhang (Average overhang width) W) Building Height/Width Ratio (Building height divided by building width) X) Fence or Monument Sign Pressure Vasd + = 49.2 PSF + Vasd - = -61.9 PSF Combined= Y) Canopy Uplift (Vult most critical ratio: canopy height to building height.) Z) Classifications & ratings Units (decimal): FT = Feet PSF = Pounds per Square Foot SF = Square Feet MPH = Miles Per Hour

04012024 FBC Classifications as per 2023 Florida Building Code (FBC) 8th Edition

Wall Window & Door Pressures (Note: Width, height, distance* and areas measured in decimal feet.)

#	Description	Width	Height	Distance*	Area	SF	Zone	+ Max¹	- Min¹
1	D24-AWNG (Dining)	6.0	4.1	24.8	25	SF	4	+ 48.0 PSF	- 51.1 PSF
2	3080 L (Front Door)	3.3	8.2	35.9	27	SF	4	+ 47.8 PSF	- 50.9 PSF
3	D24-AWNG (Kitchen)	6.0	4.1	31.3	25	SF	4	+ 48.0 PSF	- 51.1 PSF
4	5019 avg FXD Abv(M.Bath R)	5.0	1.7	14.2	9	SF	4	+ 49.2 PSF	- 52.3 PSF
5	5033 avg FXD Abv(M.Bath M)	5.0	3.3	7.9	16	SF	4	+ 48.7 PSF	- 51.8 PSF
6	5019 avg FXD Abv(M.Bath L)	5.0	1.7	1.5	9	SF	5	+ 49.2 PSF	- 61.9 PSF
7	25-CSMNT (M. Bath)	3.0	5.2	5.0	16	SF	4	+ 48.7 PSF	- 51.9 PSF
8	3080 L (M. Bedroom)	3.3	8.2	11.7	27	SF	4	+ 47.8 PSF	- 50.9 PSF
9	35-CSMNT (M. Bedroom)	4.3	5.2	2.7	23	SF	5	+ 48.2 PSF	- 60.6 PSF
10	5019 avg FXD Abv (M. Bed L)	5.0	1.7	1.5	9	SF	5	+ 49.2 PSF	- 61.9 PSF
11	5060 FXD (M. Bed L)	5.0	6.0	1.5	30	SF	5	+ 47.6 PSF	- 59.9 PSF
12	5033 avg FXD Abv(M. Bed M)	5.0	3.3	7.9	16	SF	4	+ 48.7 PSF	- 51.8 PSF
13	5060 FXD (M. Bed M)	5.0	6.0	7.9	30	SF	4	+ 47.6 PSF	- 50.7 PSF

Roof Skylights & Roof Hatch Pressures⁴ Based on ASCE 7-16 Roof Zones

#	Description	Width	Height	Distance*	Area	SF	Zone	+ Max¹	- Min¹
1	Skylight or roof hatch						Zone		

Wind PSF spreadsheet program is based on the ASCE 7-22 guidelines for buildings < 60 feet mean roof height & for areas >= 10 SF. Note: The registered design professional is ultimately responsible for verifying all designations and building wind pressure values.

*16 PSF minimum for all for wall C&C and openings. *16 PSF minimum for all roofs and overhangs. Location specific wind speeds visit: <https://ascehazardtool.org> DASMA.com Copyright © 2025 by Wind PSF®, LLC

Wall Window & Door Pressures (Note: Width, height, distance* and areas measured in decimal feet.)

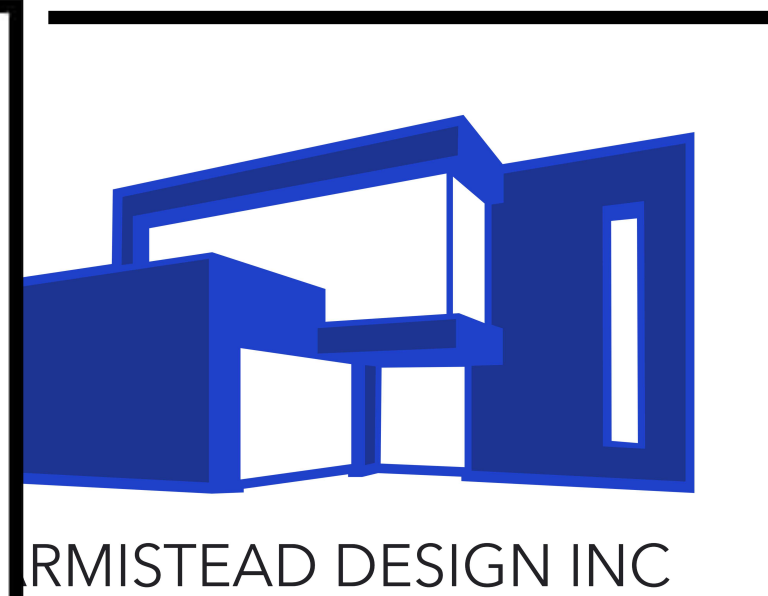
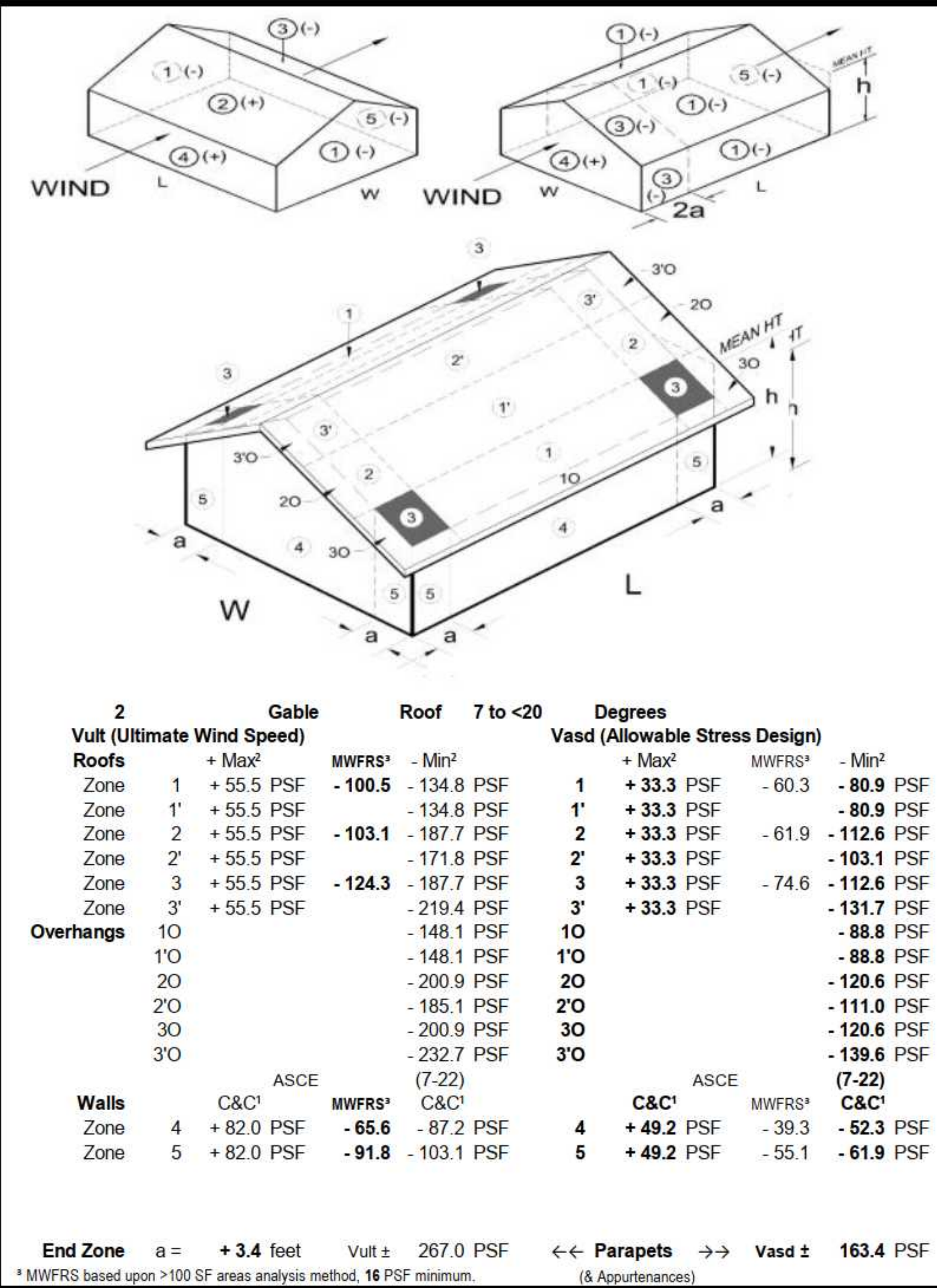
#	Description	Width	Height	Distance*	Area	SF	Zone	+ Max¹	- Min¹
1	Left Garage Door								
2	(8070 OHD) 30% zone 5	8.0	7.0	1.3	56	SF	5	+ 45.6 PSF	- 57.4 PSF
3	(8070 OHD) 70% zone 4	8.0	7.0	3.5	56	SF	4	+ 45.6 PSF	- 48.5 PSF
4	Wghtd Avg: +45.6 / - 51.17								
5									
6									
7	Middle Garage Door								
8	(8070 OHD) All zone 4	8.0	7.0	11.0	56	SF	4	+ 45.6 PSF	- 48.5 PSF
9									
10	Right Garage Door								
11	(8070 OHD) 30% zone 5	8.0	7.0	1.3	56	SF	5	+ 45.6 PSF	- 57.4 PSF
12	(8070 OHD) 70% zone 4	8.0	7.0	3.5	56	SF	4	+ 45.6 PSF	- 48.5 PSF
13	Wghtd Avg: +45.6 / - 51.17								

Roof Skylights & Roof Hatch Pressures⁴ Based on ASCE 7-16 Roof Zones

#	Description	Width	Height	Distance*	Area	SF	Zone	+ Max¹	- Min¹
1	Skylight or roof hatch						Zone		

Wind PSF spreadsheet program is based on the ASCE 7-22 guidelines for buildings < 60 feet mean roof height & for areas >= 10 SF. Note: The registered design professional is ultimately responsible for verifying all designations and building wind pressure values.

*16 PSF minimum for all for wall C&C and openings. *16 PSF minimum for all roofs and overhangs.



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Project No
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ADDITIONAL DETAILS & WIND PRESSURE CALCS

Scale NTS

PAGE NO

06

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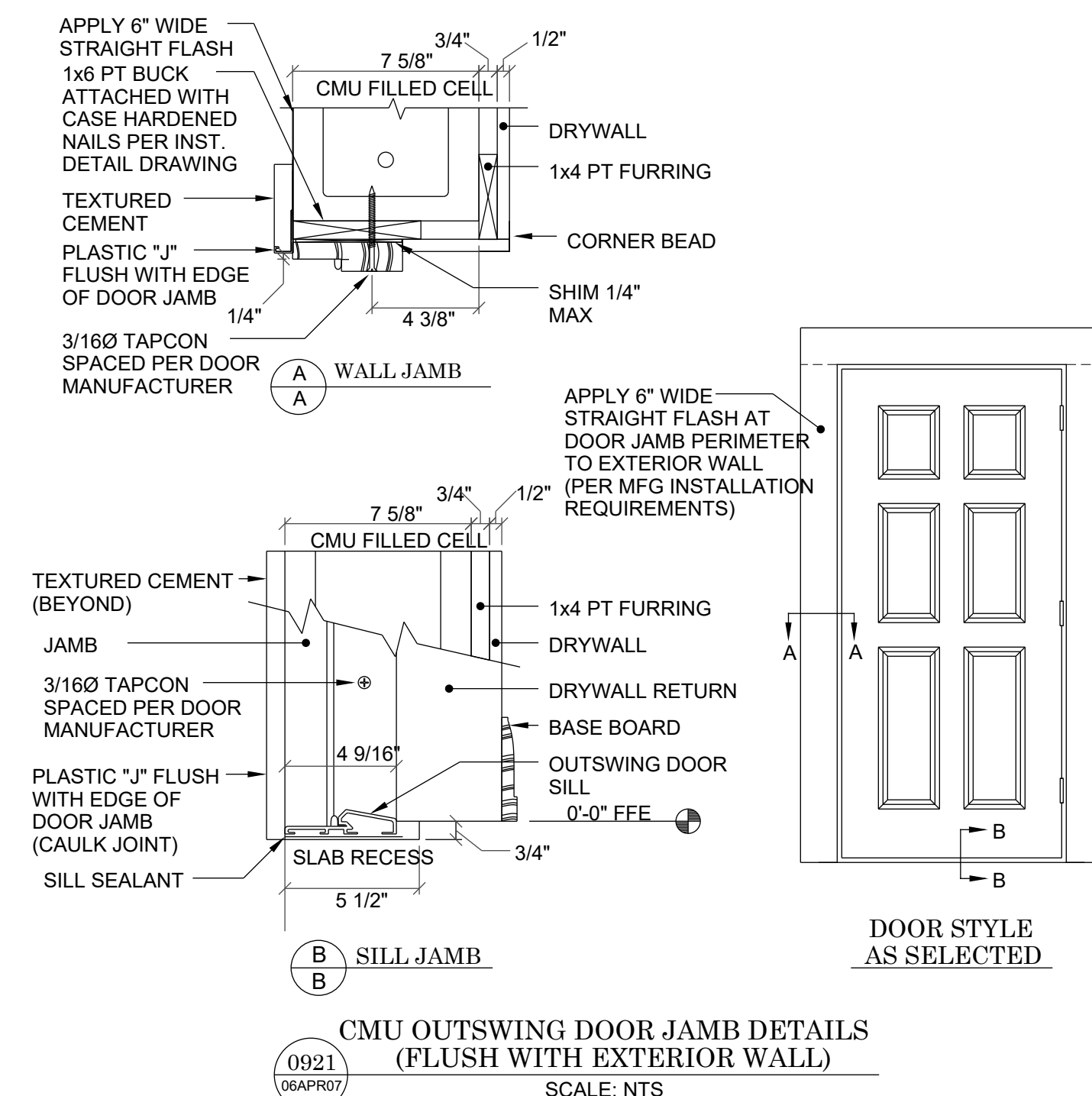
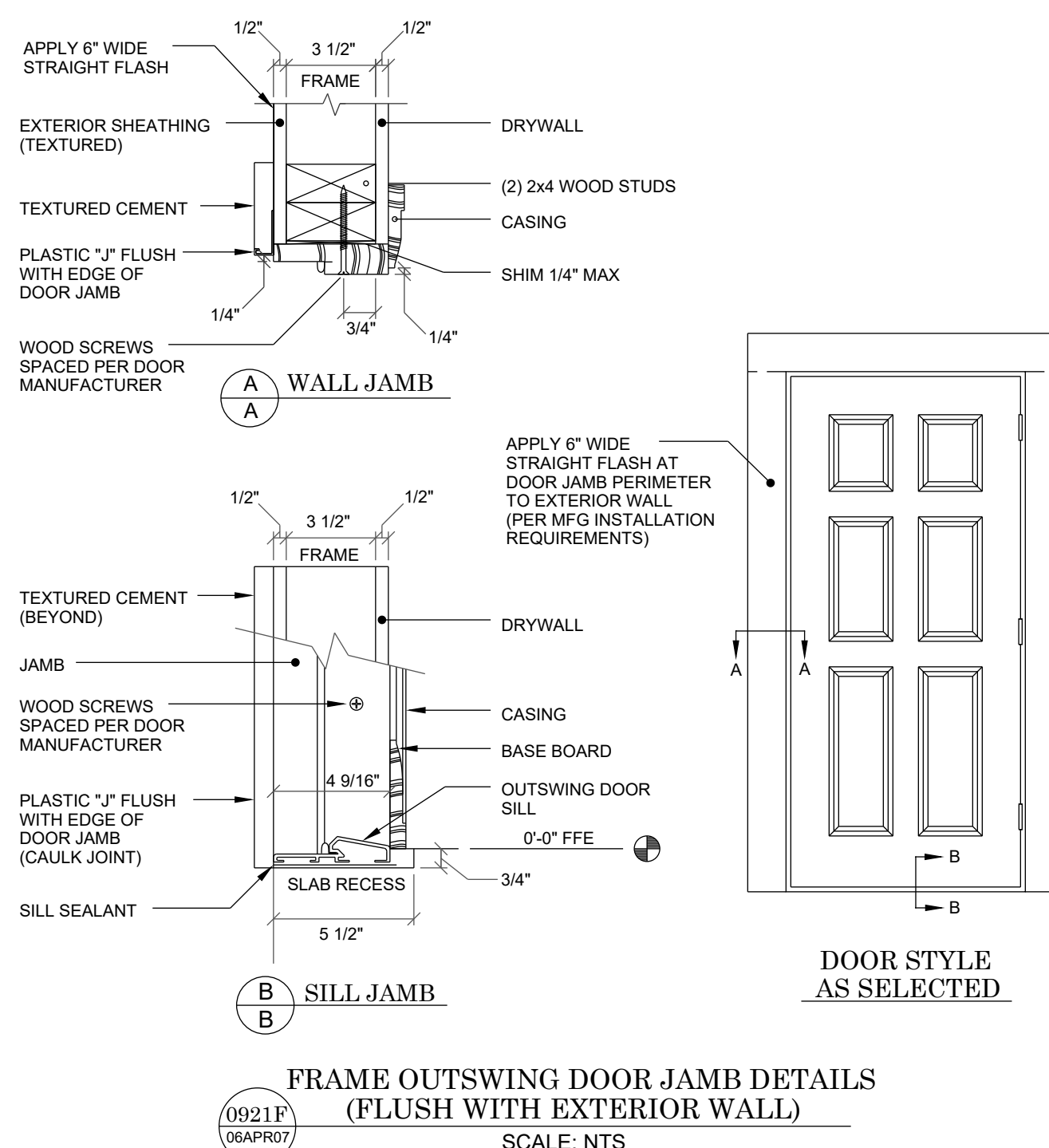
Quigley Addition & Remodel

Break block out on one side from footer to bond beam. Install rebar. Cover with plywood leaving a 6" opening at top for filling and at bottom for cleanout. Fill with concrete and allow time for curing, then remove plywood.

Epoxy into footer & bond beam (1) #5 dowel 12" minimum embedment and 25" minimum lap

Existing Block Retrofit - Poured Cells

Scale: NTS

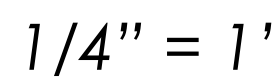




675 Fern Drive
Merritt Island, Florida 32952
Phone: (321) 454-6499

Project
DESIGNER

1. Demolish all walls shown based on legend.
2. See floor plan for dimensions of proposed openings.
3. Stability of the structure during demolition and construction is the contractors responsibility.
4. Removal of waste and destruction debris is the contractors responsibility.
5. Any unexpected conditions shall be reported to the engineer.
6. Shoring and temporary bracing shall be per engineers requirements and industry standards.
7. Safety of persons and pets in the surrounding area shall be the contractors responsibility.
8. Existing utilities not to be disturbed or damaged.
9. CONTRACTOR SHALL FIELD VERIFY ALL WALLS TO BE REMOVED ARE NON-BEARING.



→ When it's all done ←

Project No
08222

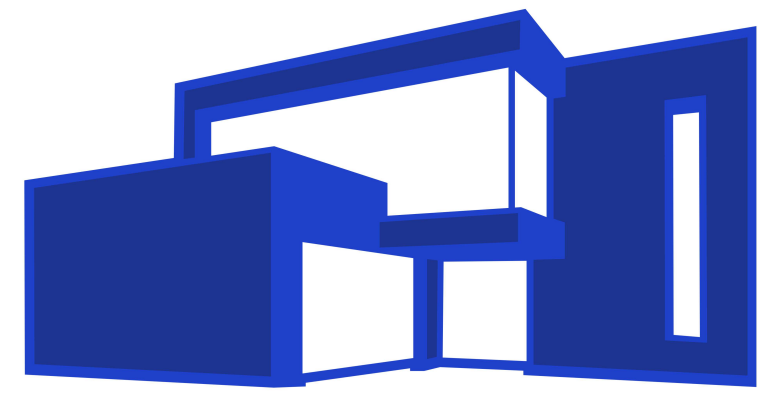
FIELD CONDITIONS, PRODUCTS, AND ASSEMBLIES MAY VARY FROM WHAT IS DEPICTED IN THESE PLANS. DESIGN INTENT IS PARAMOUNT. PLAN DIMENSIONS ARE MORE ACCURATE THAN SCALING. AVAILABLE BUDGET ALWAYS CONSTRAINS CREATIVITY.

Scale

NTS

PAGE NO.

07



ARMISTEAD DESIGN INC

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Phone: (321) 454-6459
www.armisteaddesign.com

Project
DESIGNER
Chris Feddersen

REMOVE DECK, JOISTS, BEAMS
& HANDRAILS/PICKETS TO BE
REPLACED/REPAIRED AS NECESSARY

Temp support and
leave existing mini-
split in place.

REMOVE DECK, JOISTS, BEAMS
& HANDRAILS/PICKETS TO BE
REPLACED/REPAIRED AS NECESSARY

DO NOT CUT BEAM!!!
Confirm existing continuous
Beam above, and remove frame
wall beneath for new stair well

TEMP SUPPORT
& Cut Back
Floor Joists

Remove existing stairs/well

REMOVE DECK, JOISTS, BEAMS
& HANDRAILS/PICKETS TO BE
REPLACED/REPAIRED AS NECESSARY

Existing Deck
(to be remodeled)

Existing
Bedroom
(No changes)

Exist
Bath
(No
changes)

CUT BACK JOISTS
& DECKING FOR
NEW STAIRWELL.

Remove
existing
stair well

Existing
Bedroom
(No changes)

Existing
Bedroom
(No changes)

Existing Deck
(to be remodeled)

REMOVE DECK, JOISTS, BEAMS
& HANDRAILS/PICKETS TO BE
REPLACED/REPAIRED AS NECESSARY

Confirm existing continuous
Beam above, and remove frame
wall beneath for new stair well

15' 7 3/4"

3' 2 3/4"

13' 2 1/4"

1' 8"

REVISIONS

Description

Date

YOU'RE GOING TO LOVE THIS HOUSE

Timothy & Carla Quigley
1198 N Indian River Dr
Cocoa, FL 32922

Project No
08222025

FIELD CONDITIONS, PRODUCTS, AND ASSEMBLIES MAY VARY FROM WHAT IS DEPICTED
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DEMO PLAN II

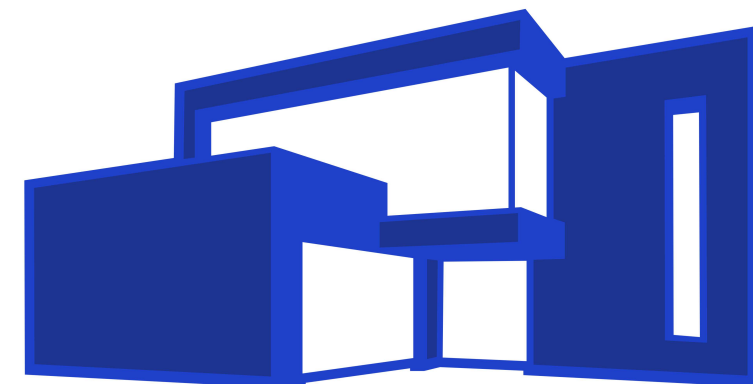
Scale



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Chris Feddersen
Project Designer

Quigley Addition & Remodel
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Project No. 08222025
Timothy & Carla Quigley
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Cocoa, FL 32922

FOUNDATION PLAN

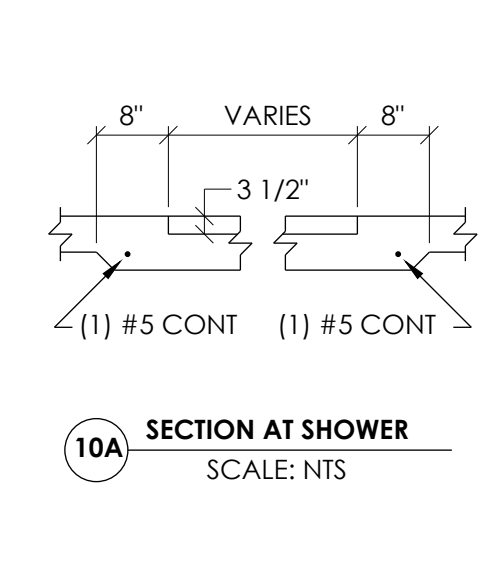
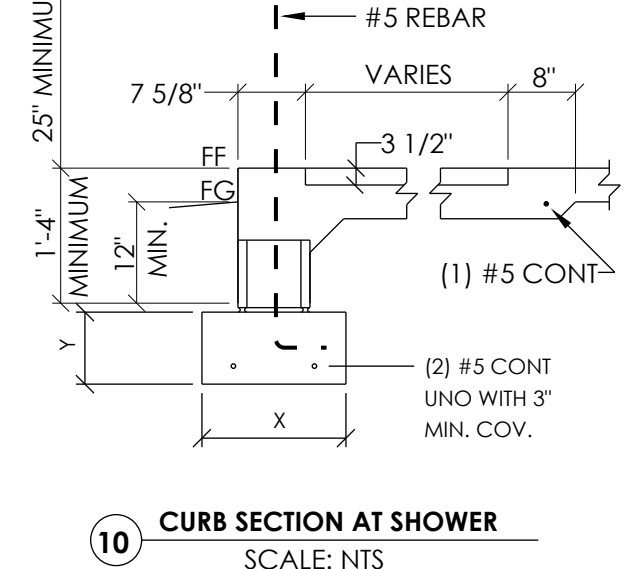
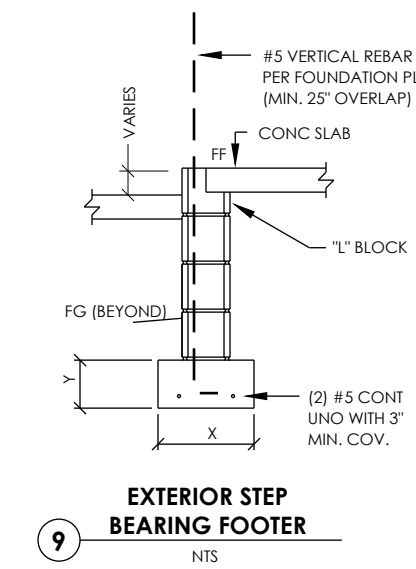
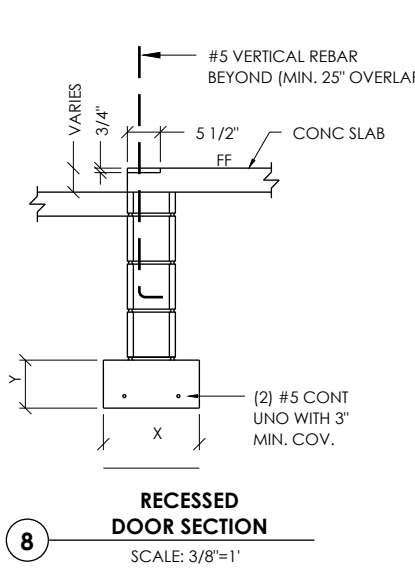
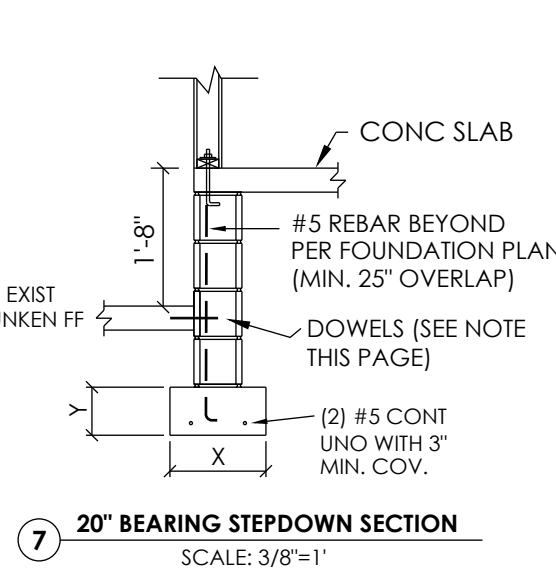
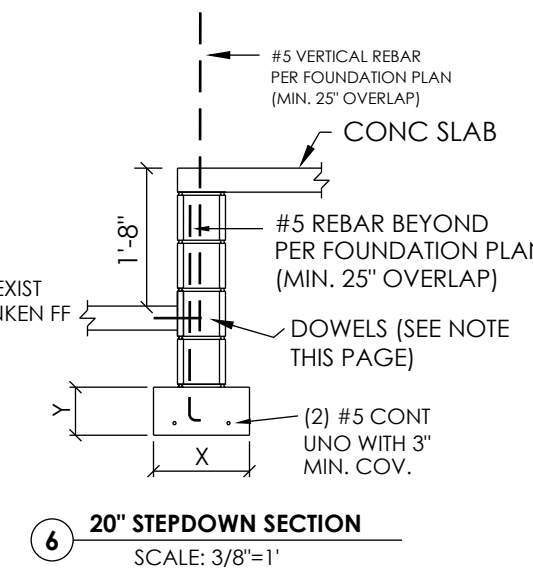
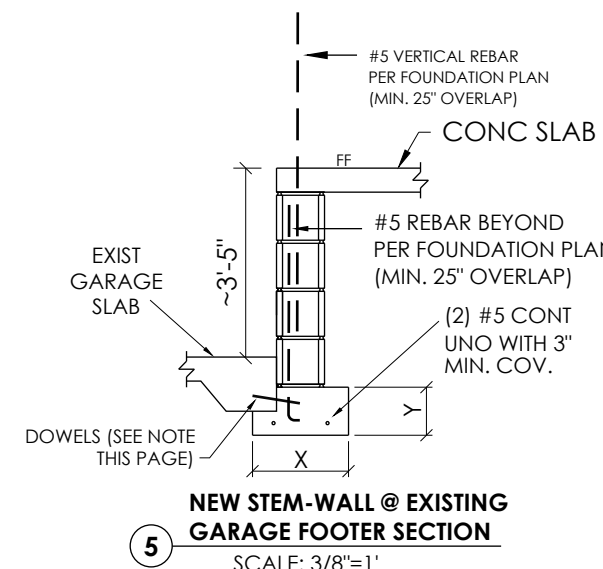
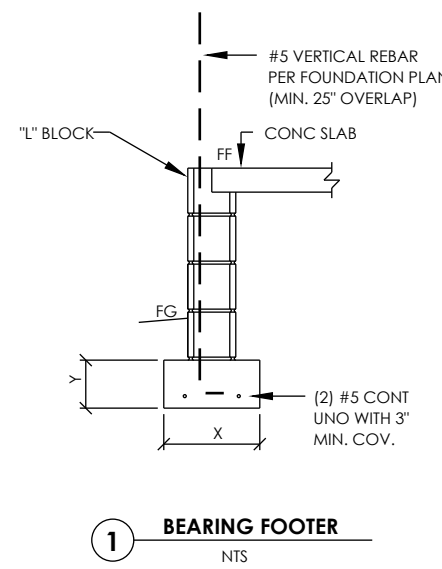
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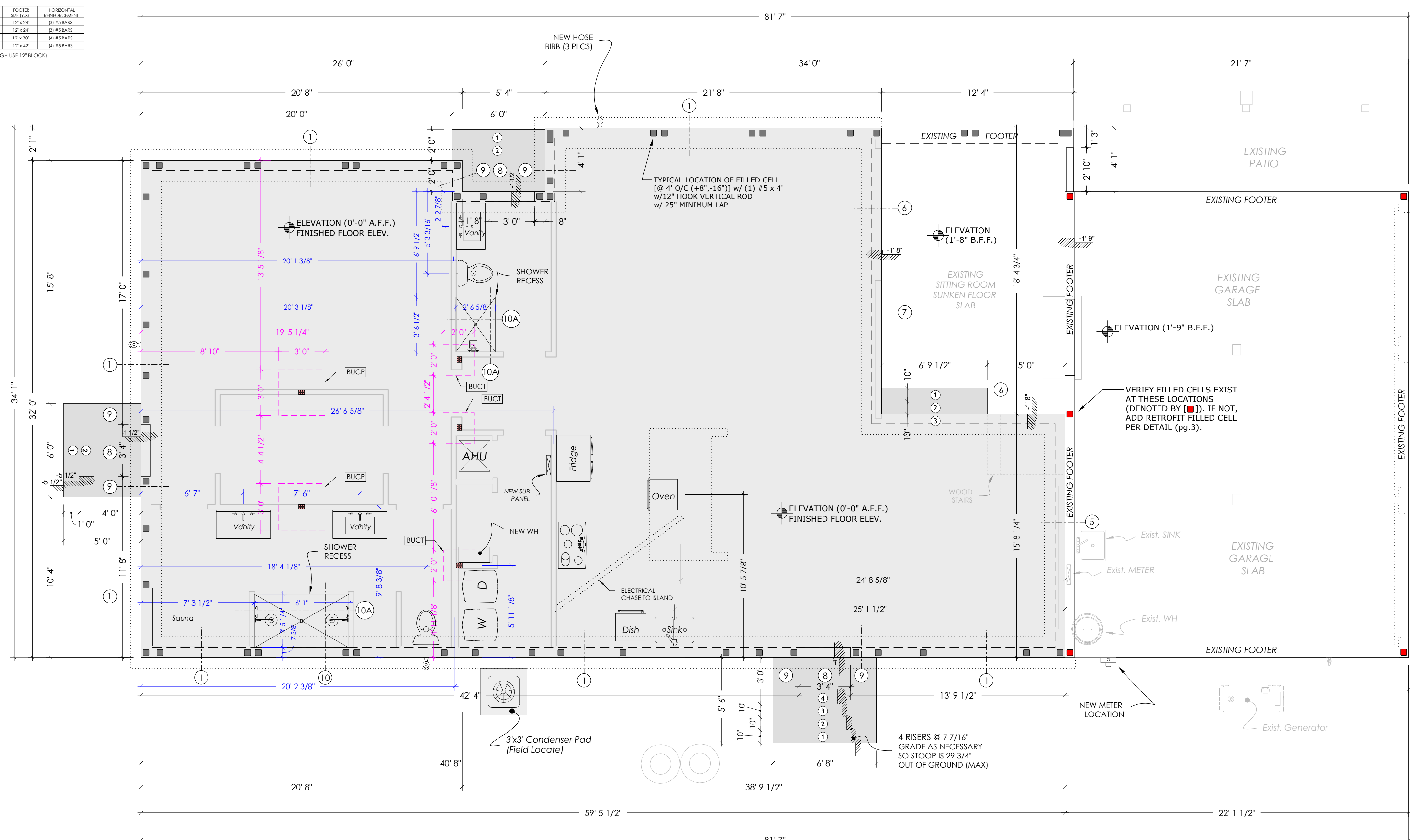
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Page 258 of 293



STEM WALL HEIGHT	DOWN ROD SPACING	FOOTER SIZE (W x L)	HORIZONTAL REINFORCEMENT
< 2'-0"	48" O/C	12" x 24"	(3) #5 BARS
2'-0" - 2'-6"	48" O/C	12" x 24"	(3) #5 BARS
2'-6" - 3'-0"	32" O/C	12" x 30"	(4) #5 BARS
3'-0" - 3'-6"	24" O/C	12" x 42"	(4) #5 BARS

(OVER 6" HIGH USE 12" BLOCK)



DOWEL ROD REINFORCEMENT:

- * TO ANCHOR NEW MASONRY WALL AND/OR SLAB CONSTRUCTION TO EXISTING, DRILL 4" (MIN) AT 24" O/C (MAX) INTO CMU AND/OR CONCRETE (NO CLOSER THAN 1-1/2" FROM EDGES). REMOVE DUST PER MFGRS SPECS & USE 2-PART EPOXY TO ANCHOR #3x8" DOWELS IN PLACE (OPTION TO USE #5 DOWELS @ 48" O/C).
- * FOR NEW MONO FOOTING TO EXISTING USE (2) #5x30" DOWELS FOR CONTINUOUS STEEL TIE OFF.
- * FOR NEW BOND BEAM USE #5x30" DOWELS FOR EACH LIMITED COURSE AS APPLICABLE.
- * ADD FILLED CELL TO EXISTING BLOCK WALL AT CONNECTION TO NEW CMU CONSTRUCTION WHERE ONE IS NOT ALREADY PRESENT.

Footer Notes:

All footers will be placed over 6 mil moisture barrier on well compacted soil, treated with a registered termiticide. All concrete used for slab and footers must be f'c=2500psi @ 28 days. All footings must extend 12" below grade and a minimum of 4" above grade.

REGISTERED TERMITICIDE:

Product listed as registered for use as a preventative treatment for termites for new construction by the Florida Department of Agriculture and Consumer Services under authority of Chapter 487, Florida Statutes.

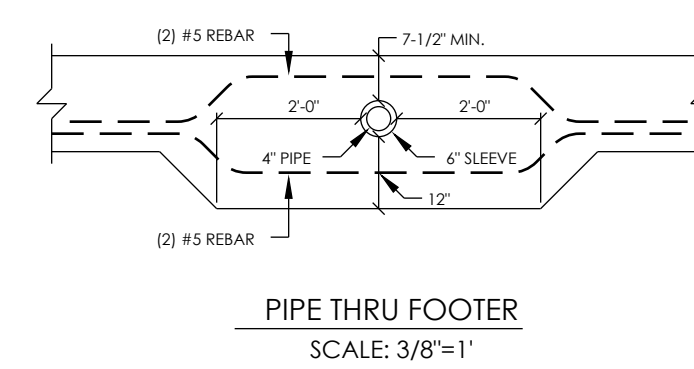
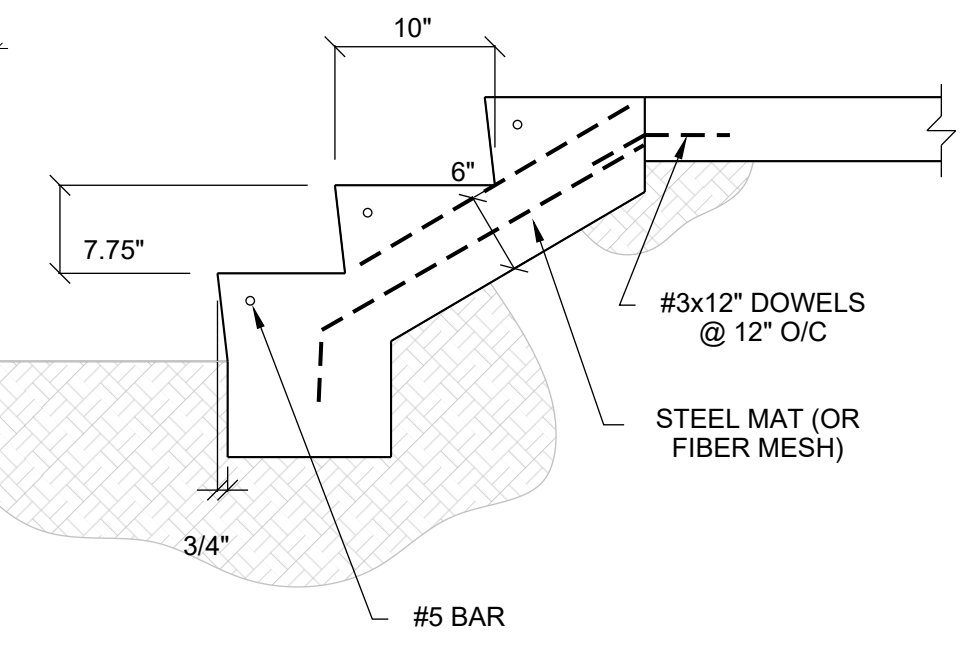
SOILS DWG 12OCT21

SOIL NOTES:

ENGINEER HAS NOT BEEN ON SITE NOR HAS RECEIVED ANY SOIL INFORMATION OR REPORTS YET. REPORT SHALL BE PROVIDED TO EOR ASAP. IT IS ASSUMED THE SOIL CONDITIONS ARE CONSIDERED NORMAL AND NO PROBLEMATIC SOILS (INCLUDING BUT NOT LIMITED TO MUCK) ARE PRESENT. OWNER IS RESPONSIBLE FOR ANY KNOWN OR UNKNOWN SOIL CONDITIONS AND ANY SOIL BORINGS DEEMED NECESSARY. NOTIFY ENGINEER IMMEDIATELY OF ANY UNUSUAL SITE SUB-SURFACE CONDITION WHICH VARIES FROM TEST BORINGS, SUCH AS DIFFERENT SOILS ENCOUNTERED, SEEPAGE OR PRESENCE OF WATER, OR WHEN THERE IS A CONCERN REGARDING BEARING CAPACITY OR IF IT HAS NOT BEEN ATTAINED. DEWATER EXCAVATIONS BEFORE PLACING CONCRETE. REMOVE & DISPOSE OF ALL ORGANIC & UNSATISFACTORY SOIL. BACKFILL SHALL BE FREE DRAINING AND RESTRICTED TO SW, GP, SW, OR SP PER ASTM D2487. COMPACT ALL BACKFILL MATERIAL TO 95% OF MAX DENSITY PER ASTM D698. CONTRACTOR IS RESPONSIBLE FOR DESIGN, INSTALLATION & FINAL CLEARANCE OF TEMPORARY BRACING. A CERTIFIED TESTING LAB SHALL BE ENGAGED BY THE OWNER TO VERIFY THAT THE REQUIRED COMPACTION REQUIREMENTS WERE OBTAINED.

SOIL NOTES:

FOR FOUNDATIONS: SOIL MUST BE COMPACTED TO AT LEAST 95% UNDER SLABS AND 98% UNDER FOOTING OF MAXIMUM DRY DENSITY AS DETERMINED BY ASTM-1557 (MODIFIED PROCTOR). MINIMUM SOIL BEARING CAPACITY OF 2000 PSF.



1427 19FEB17 CONCRETE STAIR SECTION SCALE: NTS

Door Legend		
NOMINAL HEIGHT (IN INCHES)	NOMINAL HEIGHT (IN FEET)	DOOR TYPE / SWING
		R- Right Swing Door
		L- Left Swing Door
		F- French Double Door
		P- Pocket Door
		B- Barn Door
		BFD- Bi-fold Door
		BPD- Bi-pass Door
		SGD- Sliding Glass Door
		OHD- Over Head Door
NOMINAL WIDTH (IN INCHES)		

Window Legend [1] [Modular Sizes]		
NOMINAL HEIGHT (IN INCHES)	NOMINAL HEIGHT (IN FEET)	Window TYPE / Operation
		SH- Single Hung
		DH- Double Hung
		HR- Horizontal Roller
		CSMNT- Casement
		AWNG- Awning
		FXD- Inoperable (Fixed)
		OR- Ornel Style
		COT- Cottage Style
NOMINAL WIDTH (IN INCHES)		

Window Legend [2] [Commodity Sizes]		
COMMODITY WIDTH CODE		Window TYPE / Operation
'1'-	Approx. 18"-20" Width	SH- Single Hung
'H3'-	Approx. 24"-28" Width	DH- Double Hung
'2'-	Approx. 36"-38" Width	HR- Horizontal Roller
'3'-	Approx. 52"-54" Width	CSMNT- Casement
'D2'-	Approx. 72"-76" Width	AWNG- Awning
		FXD- Inoperable (Fixed)
		OR- Ornel Style
		COT- Cottage Style
NOMINAL HEIGHT (IN FEET)		

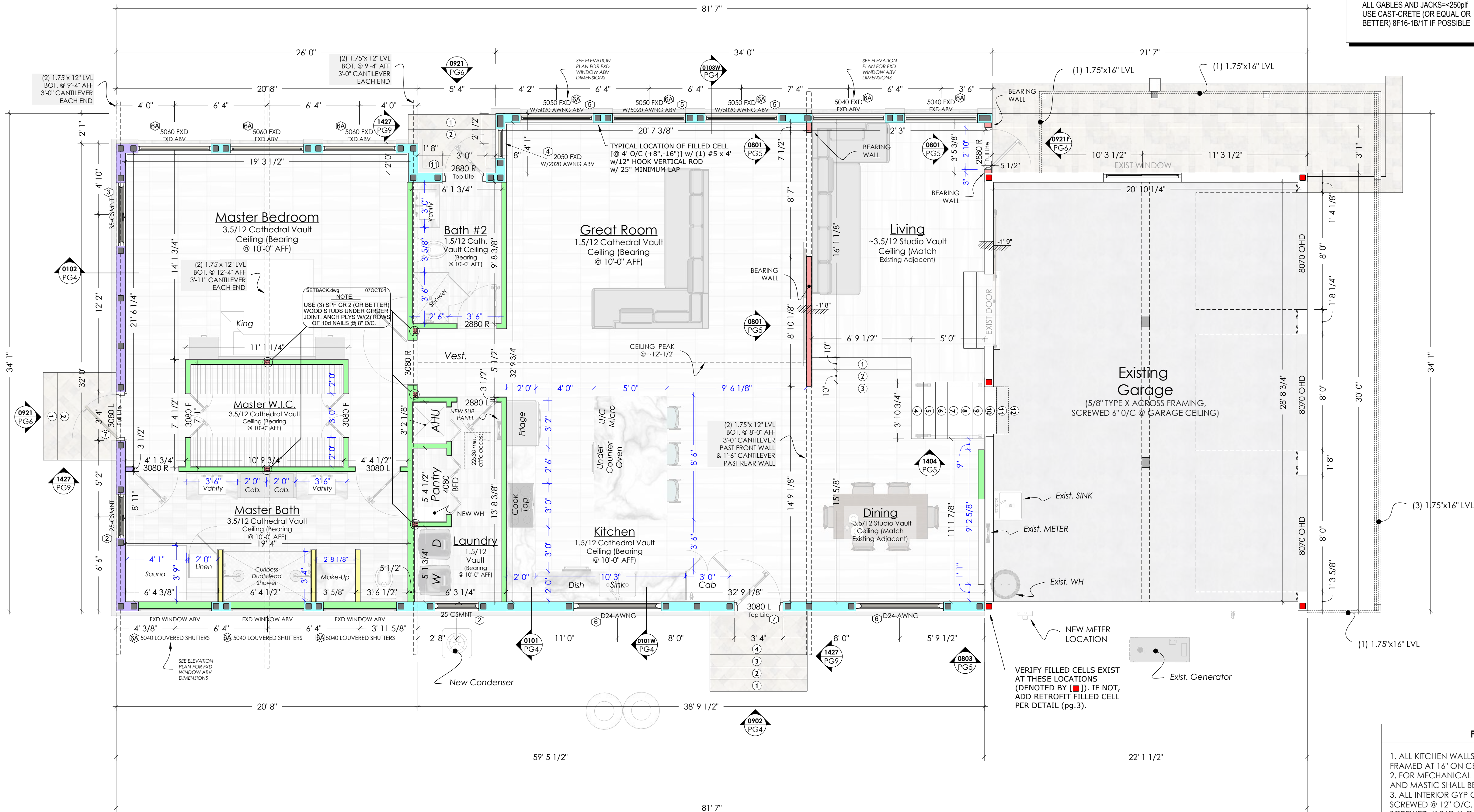
Wall Legend	
	- New CMU Wall (Top @ 10'-0" AFF)
	- New CMU Wall (Top @ 9'-4" AFF)
	- New Frame Wall
	- New Bearing Frame Wall
	- New Frame Wall (Top @ 7' AFF)
	- Existing Wall
	- Down Pours
	- Confirm Exist. Downpours

PRECAST LINTEL SCHEDULE							
APPLIED LOADS ON ALL PRECAST LINTELS HAVE BEEN REVIEWED TO INSURE THEY ARE WITHIN ALLOWABLE LIMITS. ALL UNITS ARE IN PLF.							
	LENGTH	SAFE GRAVITY	APPLIED GRAVITY	SAFE UPLIFT	APPLIED UPLIFT	COMPOSITE BEAM	REMARKS
①	2'-10"	6113	<2000	4460	<1500	8F16-1B/1T	1x WINDOW
②	4'-6"	6113	<2000	2724	<1500	8F16-1B/1T	2x WINDOW
③	4'-6"	2189	<2000	1207	<1000	8F8-1B/1T	BEAM/MISC 3'-0" OPENING
④	5'-10"	4360	<2000	2093	<1500	8F16-1B/1T	3x WINDOW
⑤	5'-10"	1113	<750	655	<500	8RF6-1B/1T	30x DR & SIDE LITE
⑥	5'-10"	1451	<1000	909	<750	8F8-1B/1T	BEAM/MISC 4'-0" OPENING
⑦	5'-10"	4242	<2000	1900	<1500	8RF14-1B/1T	30x DR & SIDE LITE
⑧	3'-6"	6113	<2000	3547	<1500	8F16-1B/1T	1/2 3x WIN
⑨	6'-6"	3480	<2000	1880	<1500	8F16-1B/1T	5' SGD OR MISC (2) 30x DR
⑩	7'-6"	2661	<2000	1438	<1000	8F16-1B/1T	8' SGD OR (2) 30x DR
⑪	6'-6"	1011	<750	560	<500	8F8-1B/1T	(2) 30x DR
⑫	7'-6"	2459	<2000	1345	<1000	8RF6-1B/1T	(2) 30x DR
⑬	7'-6"	755	<500	506	<350	8RF6-1B/1T	(2) 30x DR
⑭	7'-6"	5743	<2000	2295	<1500	8RF22-1B/1T	(2) 30x DR
⑮	7'-6"	5206	<2000	2525	<1500	8RF14-1B/1T	30x DOOR
⑯	4'-6"	1756	<1000	867	<500	8RF6-1B/1T	30x DOOR
⑰	4'-4"	5206	<2000	2635	<1000	8RF14-1B/1T	28x DOOR

*=REDUCED FOR GRADE 40 REBAR. **=PLF APPLIED EQUIV LOAD DERIVED FROM CONCENTRATED LOAD(S) USING METHOD OF EQUIVALENT BENDING MOMENTS. ① = DUE TO HIGH CONCENTRATED LOADS, ANALYZED MOMENT, SHEAR & VERIFIED WITH PUBLISHED ALLOWABLES.

NOTES:
R=RECESS
ALL CABLES AND JACKS<250plf
USE CAST-ORETE (OR EQUAL OR BETTER) 8F16-1B/1T IF POSSIBLE

QUANTITY OF #5 REBAR @ BOTTOM OF LINTEL CAVITY
NOMINAL HEIGHT
NOMINAL WIDTH
QUANTITY OF #5 REBAR @ TOP OF LINTEL CAVITY



FLOOR PLAN NOTES:	
1.	ALL KITCHEN WALLS CONTAINING WALL CABINETS SHALL BE FRAMED AT 16" ON CENTER.
2.	FOR MECHANICAL INSTALLATION, ALL TAPES, CONNECTORS, AND MASTIC SHALL BE UL LISTED.
3.	ALL INTERIOR GYP CEIL BRD IS 1/2" SAG RESISTANT, & IS SCREWED @ 12" O/C. USE 5/8" TYPE X ACROSS FRAMING. SCREWED 6" O/C @ GARAGE CEILING UNDER HABITABLE SPACE. USE 1/2" GYP BRD (MIN) ON GARAGE FRAME WALLS. USE 20 MIN RATED DOOR & FRAME (w/ CLOSER) TO GARAGE.
4.	ALL FRAME WALLS ARE NOMINALLY DRAWN AT 4 1/2" ASSUMING 3 1/2" FRAMING WITH 1/2" OF DRYWALL ON EACH SIDE (INT) OR 1/2" OF DRYWALL ON INSIDE, AND 1/2" OF PLYWOOD -OR- OSB SHEATHING ON OUTSIDE (EXT) (UNO).
5.	ALL DIMENSIONS REFERENCE FACE OF STUDY WALL FOR FRAME WALLS, AND FACE OF CMU FOR EXTERIOR WALLS, EXCEPT DIMENSIONS REFERENCE KITCHEN CABINETS, BUILT-INS & ISLAND.
6.	ALL CEILING HEIGHTS ARE REFERENCED FROM MAIN FINISHED FLOOR LEVEL AND DO NOT INCLUDE STEP DOWNS.
7.	OPERABLE SECOND FLOOR WINDOWS WITH THE TOP OF THE SILL LESS THAN 24" ABOVE THE FINISHED FLOOR AND GREATER THAN 72" ABOVE SURFACE BELOW THE EXTERIOR OF THE BUILDING MUST HAVE FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090, OR WINDOW OPENING CONTROL DEVICES THAT COMPLY WITH FBC R312.2.2.



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Chris Feddersen
Project Designer

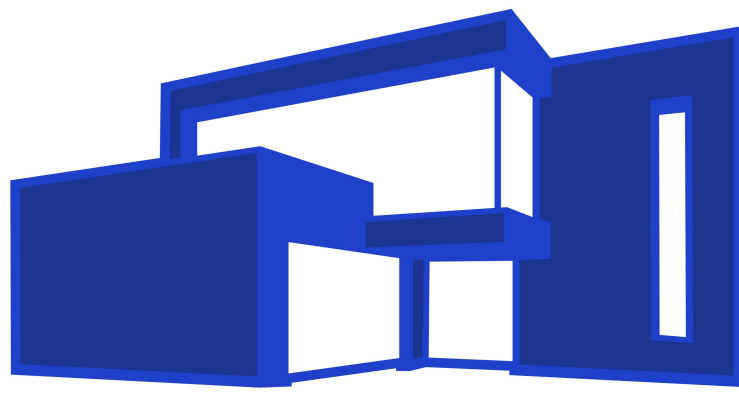
REVISIONS	Description	Date
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YOU'RE GOING TO LOVE THIS HOUSE		When it's all done
Timothy & Carla Quigley 1198 N Indian River Dr Cocoa, FL 32922	Project No. 08222025	

FLOOR PLAN
FIRST FLOOR

Scale 1/4" = 1'

PAGE NO



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Project
DESIGNER
Chris Feddersen

Quigley Addition & Remodel

REVISIONS	Date
Description	

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Project No.
08222025

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FLOOR PLAN
SECOND FLOOR

Scale 1/4" = 1'

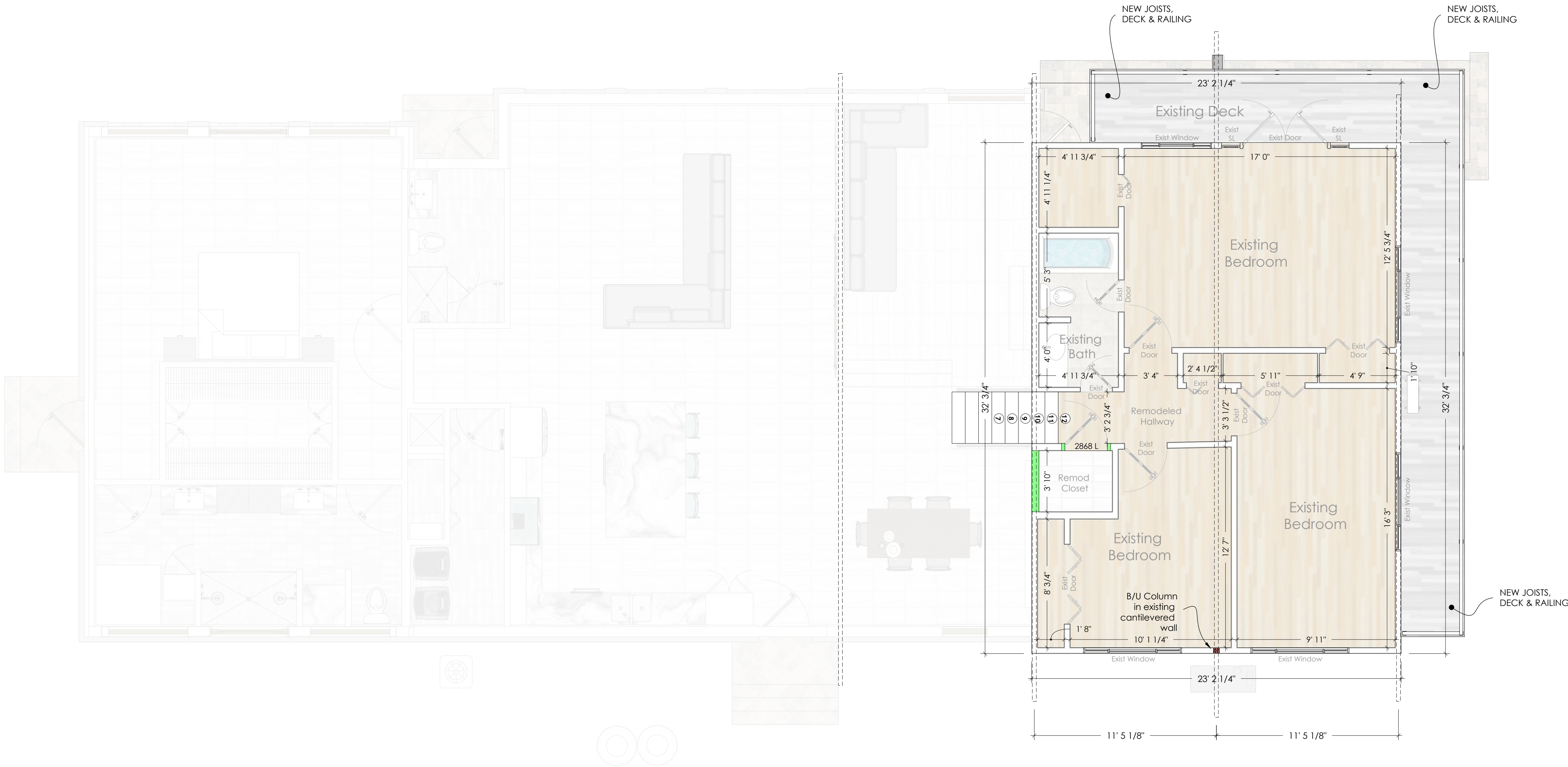
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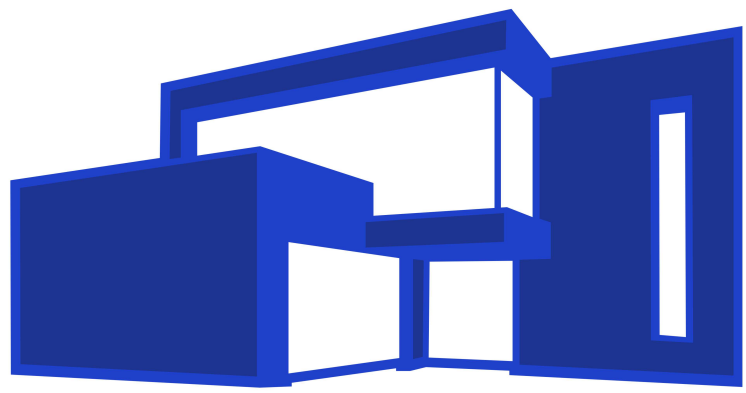
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5. ALL EXT FRAME WALLS ARE DRAWN @ 6 1/2" ASSUMING 1/2" OF DRYWALL ON INSIDE, AND 1/2" OF PLYWOOD -OR- OSB SHEATHING ON OUTSIDE (UNO).
6. ALL DIMENSIONS REFERENCE FACE OF DRYWALL FOR INT FRAME WALLS, AND FACE OF PLYWOOD/OSB FOR EXTERIOR WALLS, EXCEPT DIMENSIONS REFERENCING KITCHEN CABINETS, BUILT-INS & ISLAND.
7. ALL CEILING HEIGHTS ARE REFERENCED FROM MAIN FINISHED FLOOR LEVEL AND DO NOT INCLUDE STEP DOWNS.
8. OPERABLE SECOND FLOOR WINDOWS WITH THE TOP OF THE SILL LESS THAN 24" ABOVE THE FINISHED FLOOR AND GREATER THAN 72" ABOVE SURFACE BELOW THE EXTERIOR OF THE BUILDING MUST HAVE FALL PREVENTION DEVICES THAT COMPLY WITH ASTM F2090, OR WINDOW OPENING CONTROL DEVICES THAT COMPLY WITH FBC R312.2.2.

Wall Legend

- New CMU Wall/Column
- New Frame Wall
- New Bearing Frame Wall
- Existing Wall





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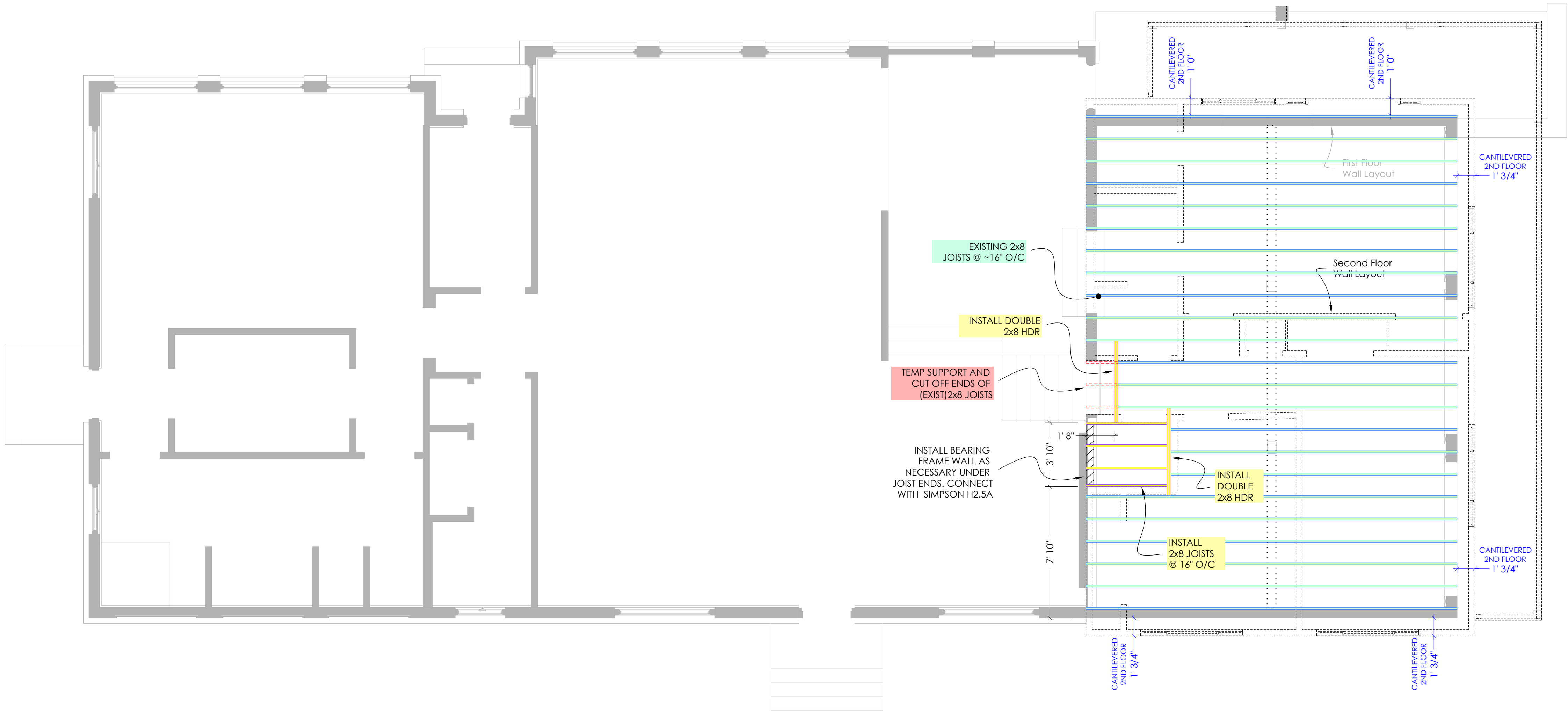
REVISIONS	Date
Description	

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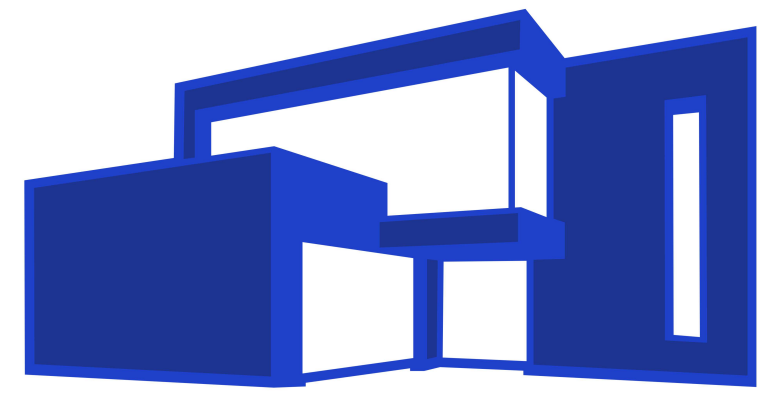
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JOIST PLAN

Scale 1/4" = 1'

ADDITION ROOF PLAN
1/4" = 1'



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Project
DESIGNER
Chris Feddersen

EXISTING 2ND FLOOR ROOF
STRUCTURE: Beam & 2x4 Rafter @1.5" o/c
TOP CHORD PITCH: VARIES
BOTTOM CHORD PITCH: N/A
EAVE OH: 3'-6" (U.N.O.)
GABLE OH: 3'-4" RAKED CANTILEVER
MATERIAL/LOADING: METAL/SHINGLE
FASCIA: PLUMB CUT
HEEL: -4 1/16"
BEARING: 7'-2" AFF 2nd floor

M. SUITE ADDITION ROOF
STRUCTURE: Beam & 2x8 Rafter
TOP CHORD PITCH: 3.5 : 12
BOTTOM CHORD PITCH: N/A
EAVE OH: 1'-4" (U.N.O.)
GABLE OH: 3'-4" RAKED CANTILEVER
MATERIAL/LOADING: METAL/SHINGLE
FASCIA: PLUMB CUT
HEEL: 2x4 STANDARD
BEARING: TOP OF BEAM @ 10'-4" AFF
(EAVE BEAM POCKET
BOTTOM @ 9'-4" AFF)

MAIN 1ST FLOOR ADDITION ROOF
STRUCTURE: SCISSOR TRUSS
TOP CHORD PITCH: 3/12
BOTTOM CHORD PITCH: 1.5 : 12
EAVE OH: VARIES
GABLE OH: 1'-5" TO 1' RAKED
MATERIAL/LOADING: NEEDS DROP GABLE
FASCIA: METAL/SHINGLE
HEEL: 6" PLUMB CUT
BEARING: 4 3/16"
10'-0" AFF

DINING ADDITION ROOF
STRUCTURE: RAFTER
TOP CHORD PITCH: -3/12 (MATCH EXIST)
GABLE OH: RAKED (MATCH EXIST)
MATERIAL/LOADING: METAL/SHINGLE
FASCIA: 6" PLUMB CUT
HEEL: MATCH EXIST ADJACENT
BEARING: 9'-0" AFF

REVISIONS
Description Date

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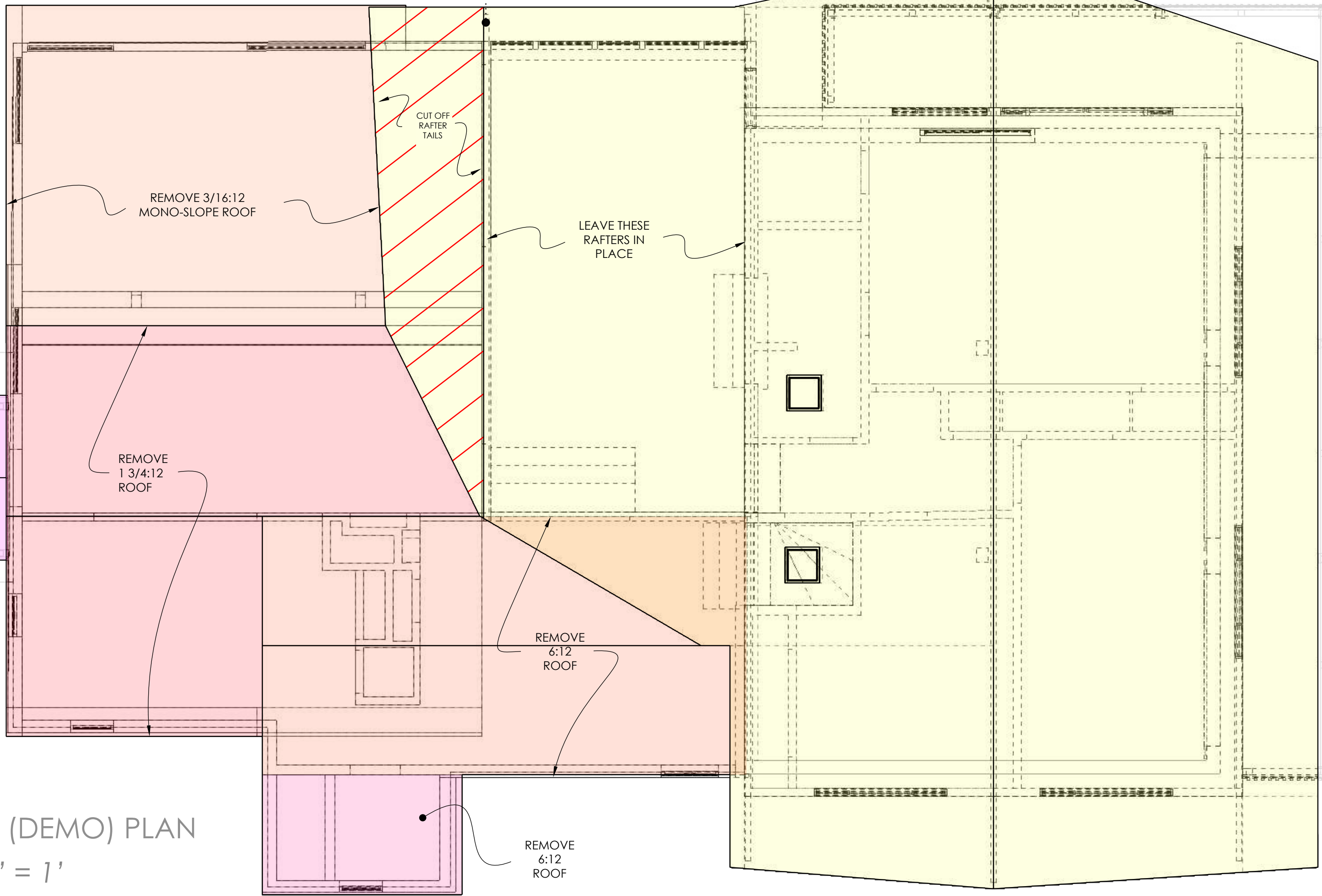
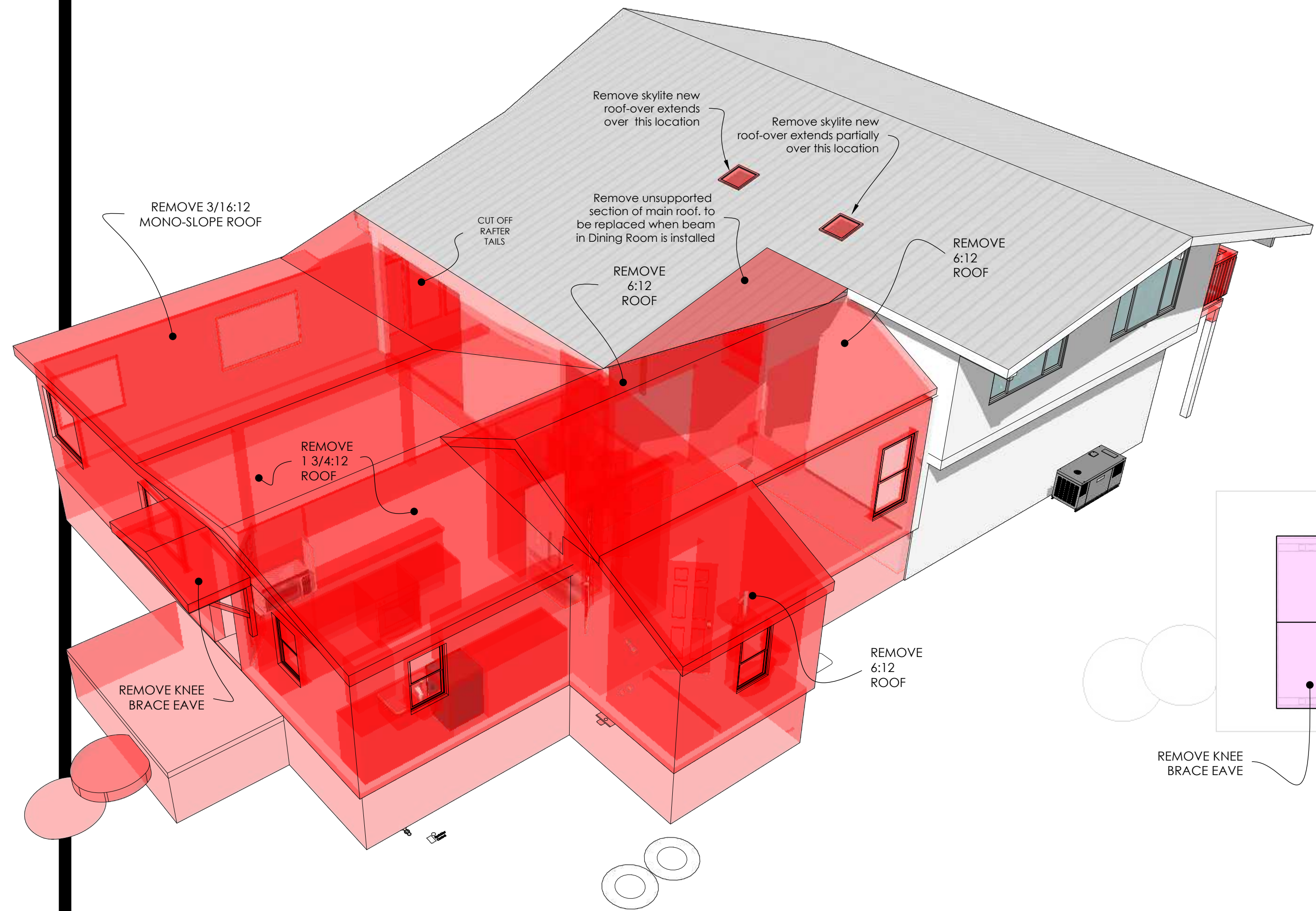
ROOF PLAN

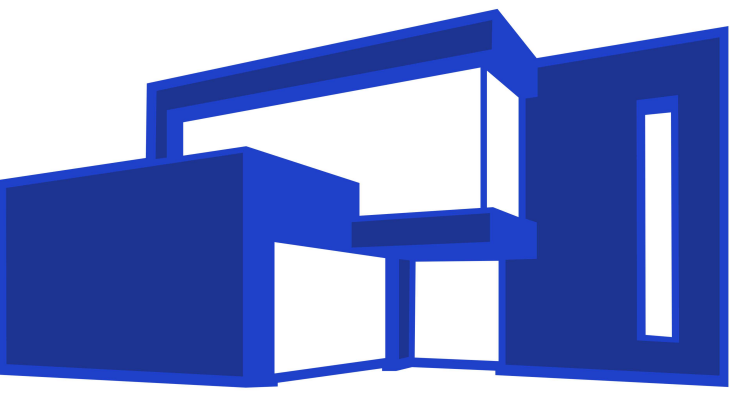
Scale ◆ NTS

PAGE NO

13

EXISTING ROOF (DEMO) PLAN
1/4" = 1'





ARMISTEAD DESIGN INC

STRUCTURAL ONLY
DOUGLAS CZERWINSKI, P.E.
LICENSE # 40088
132 St Croix Ave
Cocoa Beach, FL 32931
(321) 288-9375

675 Fern Drive
Meritt Island, Florida 32952
Phone: (321) 454-0459
www.armisteaddesign.com

Project
DESIGNER
Chris Feddersen

Quigley Addition & Remodel

REVISIONS	Date
Description	

YOU'RE GOING TO LOVE THIS HOUSE

Timothy & Carla Quigley
1198 N Indian River Dr
Cocoa, FL 32922

Project No
08222025

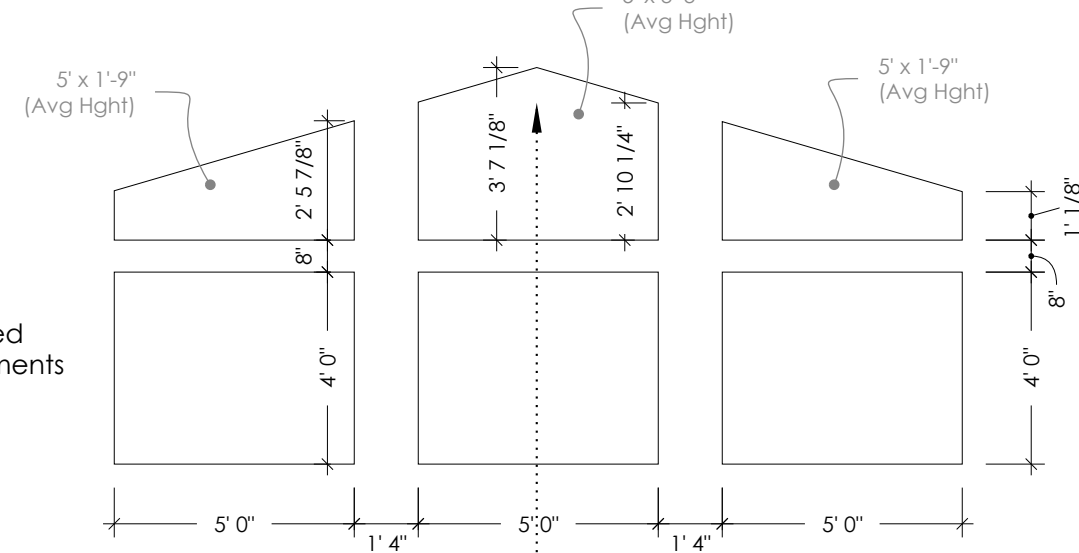
FIELD CONDITIONS, PRODUCTS, AND ASSEMBLIES MAY VARY FROM WHAT IS DEPICTED IN THESE PLANS. DESIGN INTENT IS PARAMOUNT. PLAN DIMENSIONS ARE MORE ACCURATE THAN SCALING. AVAILABLE BUDGET ALWAYS CONSTRAINS CREATIVITY.

ELEVATION VIEWS
FRONT & RIGHT

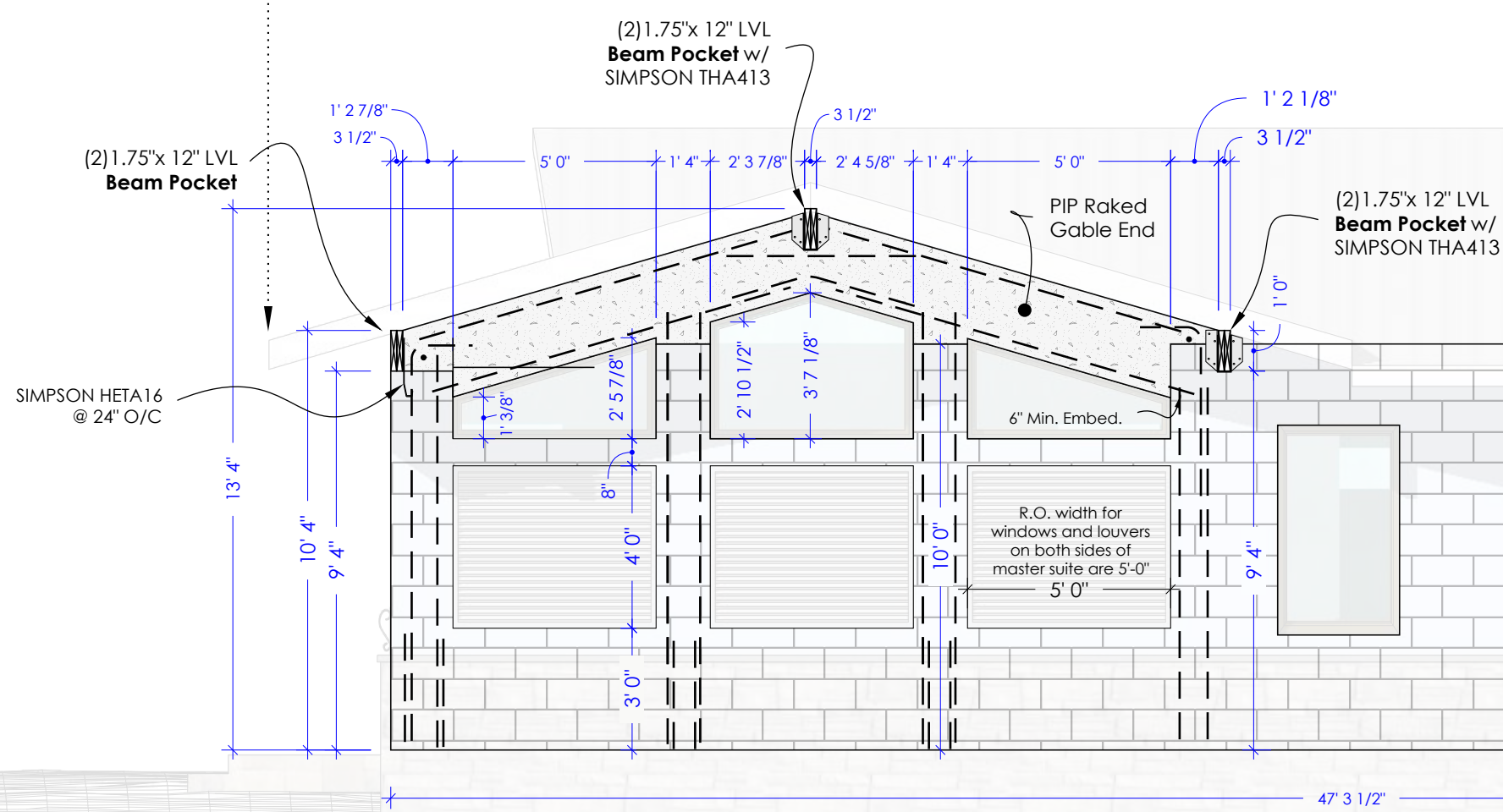
Scale 1/4" = 1'

PAGE NO

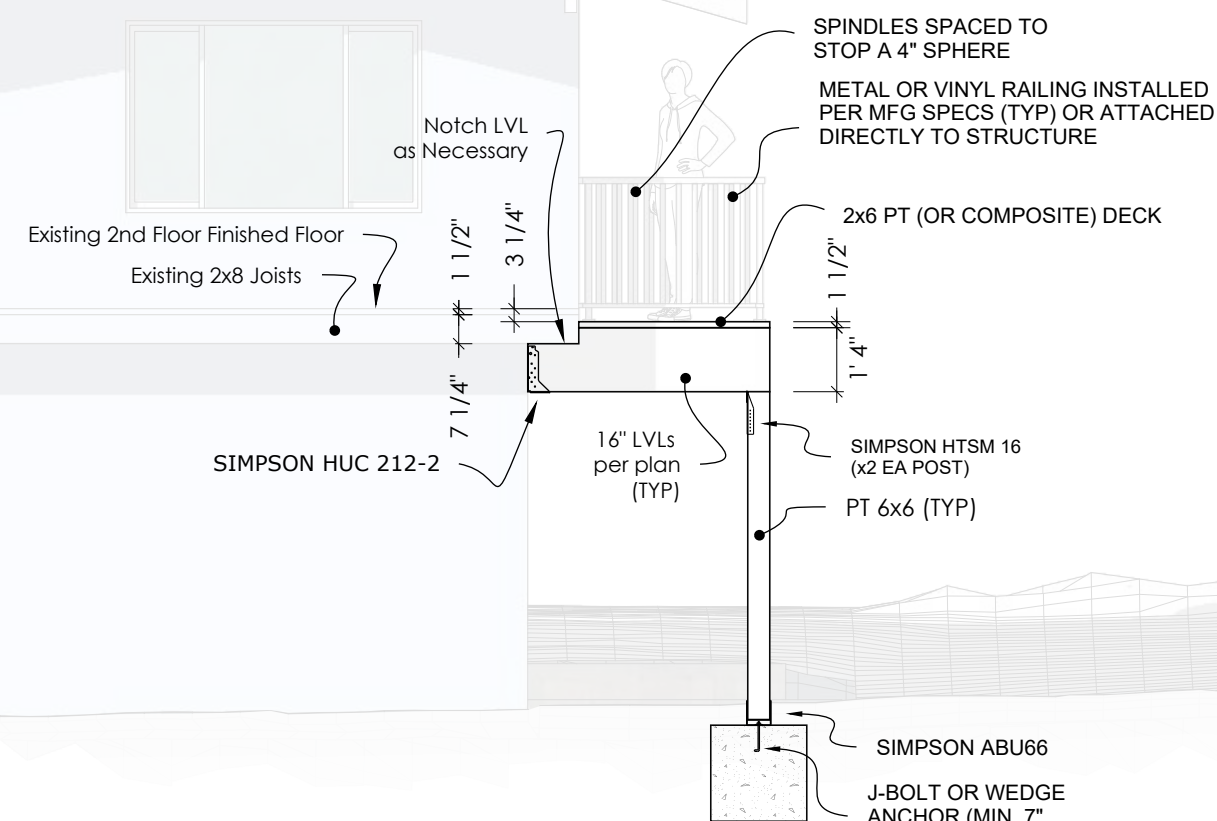
These are the Rough Opening Dimensions-
ADI highly recommends waiting to order raked
windows until the wall is built and field measurements
can be taken.



Front Elevation



PIP Raked Gable End
& Beam Pockets



Deck Remodel
Detail



Right Elevation



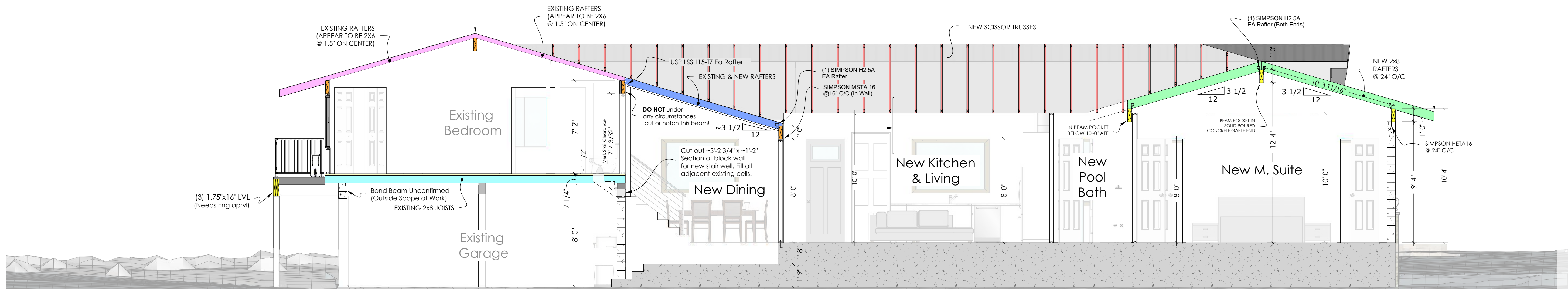
675 Fern Drive
Merritt Island, Florida 32952
Phone: (321) 454-6499
www.ArmisteadDesign.com

**Project
DESIGNER**

Diagram illustrating the roof layout with dimensions and area calculations:

- Left Gable:**
 - Width: 5'0"
 - Height: 5'1'-9" (Avg Hght)
 - Area: 25.78
- Center Gable:**
 - Width: 5'0"
 - Height: 5'3'-3" (Avg Hght)
 - Area: 37.18
- Right Gable:**
 - Width: 5'0"
 - Height: 5'1'-9" (Avg Hght)
 - Area: 21.01

Additional dimensions shown include 11'-6" for the roof width and 7'-11/8" for the roof height.



MUST BE SUBMITTED WITH CONSTRUCTION PLANS
BREVARD COUNTY BUILDING DIVISION
ANCHOR AND TIE-DOWN CONNECTION SCHEDULE

"RESIDENTIAL CONSTRUCTION ONLY"

ANCHOR AND TIE-DOWN CONNECTION SCHEDULE

"RESIDENTIAL CONSTRUCTION ONLY"

THIS SCHEDULE IS TO COINCIDE WITH THE TRUSS LAYOUT, PLEASE IDENTIFY ALL INDIVIDUAL CONNECTORS FROM TRUSS TO FOUNDATION.

THIS SCHEDULE PROVIDES INFORMATION TO IDENTIFY THE INDIVIDUAL CONNECTORS FROM TRUSS TO CONDITION.						
IDENTIFY LOCATION OF CONNECTIONS PER TRUSS <u>LAYOUT BLOCK WALL</u> UPLIFT REQ'D: UP TO 1810 LBS.	RAFTER OR TRUSS TO BOTH TOP PLATES OR LINTEL BEAM: <u>SIMPSON CO.</u> MAKE HETA-20 CONNECTOR (12) 10d	BOTH TOP PLATES TO STUB: MAKE CONNECTOR	FIRST FLOOR STUD TO BOTTOM FLOOR STUD: MAKE CONNECTOR	STUD TO BOTTOM PLATE: MAKE CONNECTOR	BOTTOM PLATE TO FOUNDATION: MAKE CONNECTOR	T1, T2, T3, T4, T5,
IDENTIFY LOCATION OF CONNECTIONS PER TRUSS <u>LAYOUT FRAME</u> UPLIFT REQ'D: FROM 906 LBS. TO 1810 LBS	RAFTER OR TRUSS TO BOTH TOP PLATES OR LINTEL BEAM: <u>SIMPSON CO.</u> MAKE MTW-16 2 EACH CONNECTOR	BOTH TOP PLATES TO STUB: SIMPSON CO MAKE MTW-16 CONNECTOR 2 EACH	FIRST FLOOR STUD TO BOTTOM FLOOR STUD: N/A MAKE CONNECTOR	STUD TO BOTTOM PLATE: <u>SIMPSON CO.</u> MAKE SPT44 2 EACH CONNECTOR	BOTTOM PLATE TO FOUNDATION: 1/2 IN ANCHOR BOLTS 21 INCHES OC MAKE CONNECTOR	T5,

[illegible]

PRINT NAME: DOUG CZERWINSKI

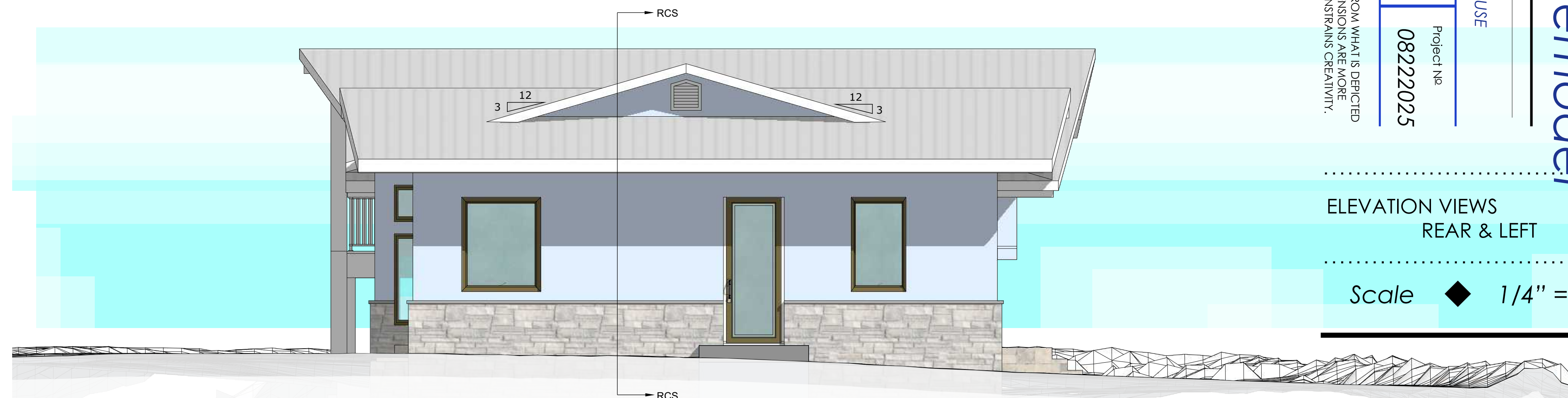
SIGNATURE:

DATE: 28 JAN 2026

ALL TRUSS TO TRUSS HANGERS SUPPLIED BY THE TRUSS MANUFACTURER.

CONTRACTOR SUBSTITUTION OF EQUAL OR BETTER CONNECTORS IS PERMISSIBLE.

THIS SCHEDULE IS BASED ON 61G15 APPROVED CENTRAL FLORIDA TRUSS JOB CLA0012.



Left Elevation

ELEVATION VIEWS
REAR & LEFT

Scale  1/4" = 1'

7 When it's all done ✓

YOU'RE GOING TO LOVE THIS HOUSE

Timothy & Carla Quigley
1198 N Indian River Dr
Cocoa, FL 32922

Project No
08222025

FIELD CONDITIONS, PRODUCTS, AND ASSEMBLIES MAY VARY FROM WHAT IS DEPICTED IN THESE PLANS. DESIGN INTENT IS PARAMOUNT. PLAN DIMENSIONS ARE MORE ACCURATE THAN SCALING. AVAILABLE BUDGET ALWAYS CONSTRAINS CREATIVITY.

REVISIONS	
	Description

Date _____

Quigley Addition & Remodel

PAGE №

15

Electrical General Notes

1. All work shall comply with the current National Electrical Code and must comply with local utility requirements for service connections.
2. Conduit that penetrates wall must be sealed. Wall surfaces that are disturbed shall be repaired and painted to match the existing surface.
3. All electrical equipment and equipment with electrical circuits shall be grounded in accordance with NFPA 70 Article 250.
4. All electrical equipment and enclosures, raceways, and HVAC equipment shall be effectively grounded to ensure personal safety.
5. All non-current carrying metallic parts shall be grounded. The equipment grounding the conductor shall be bonded to all enclosures and boxes which it terminates in or passes through.
6. Water pipes or metal structures entering the building from the outside shall be grounded.
7. Provide telephone outlets & Cable TV outlets at client specified locations.
8. All 15a and 20a, 120v branch circuits must be protected by a listed AFCI device per NEC Article 210.12.
9. Install tamper resistant receptacles where required by NEC Article 406.12.
10. Smoke Alarms to be placed in accordance with FBC R314.1.1. Per 2023 FBC EC (8th ED) Section R 404.1, all permanently installed luminaires, excluding those in kitchen appliances, shall have an efficacy of at least 45 lumens per watt or shall utilize lamps with an efficacy of not less than 65 lumens per Watt.

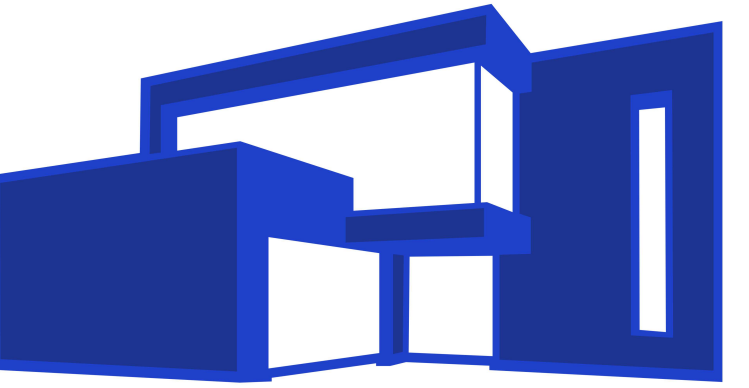
Electrical Legend

- Switch
- Dimmer switch
- 3 Way Switch
- 4 Way Switch
- Pendant Light
- Smoke Alarm (Interconnected)
- Junction Box
- 110V Floor Mounted Rec.
- Vent Fan

- 110V Receptacle (See Notes 8 & 9)
- 110V Quad Receptacle (See Notes 8 & 9)
- Ground Fault Rec.
- Water Proof Ground Fault Rec.
- 220V Receptacle
- 110V Ceiling Mounted Rec.
- Light Bar

- Surface Mount Pop-Up Outlet
- Carbon Monoxide Alarm
- Light Fixture
- Wall Mount Sconce/Uplight
- Recessed Fixture
- Disconnect
- Flood Lights

- Main Panel
- Power Riser
- Vent Fan/Light Combo
- LED Light
- Ceiling Fan



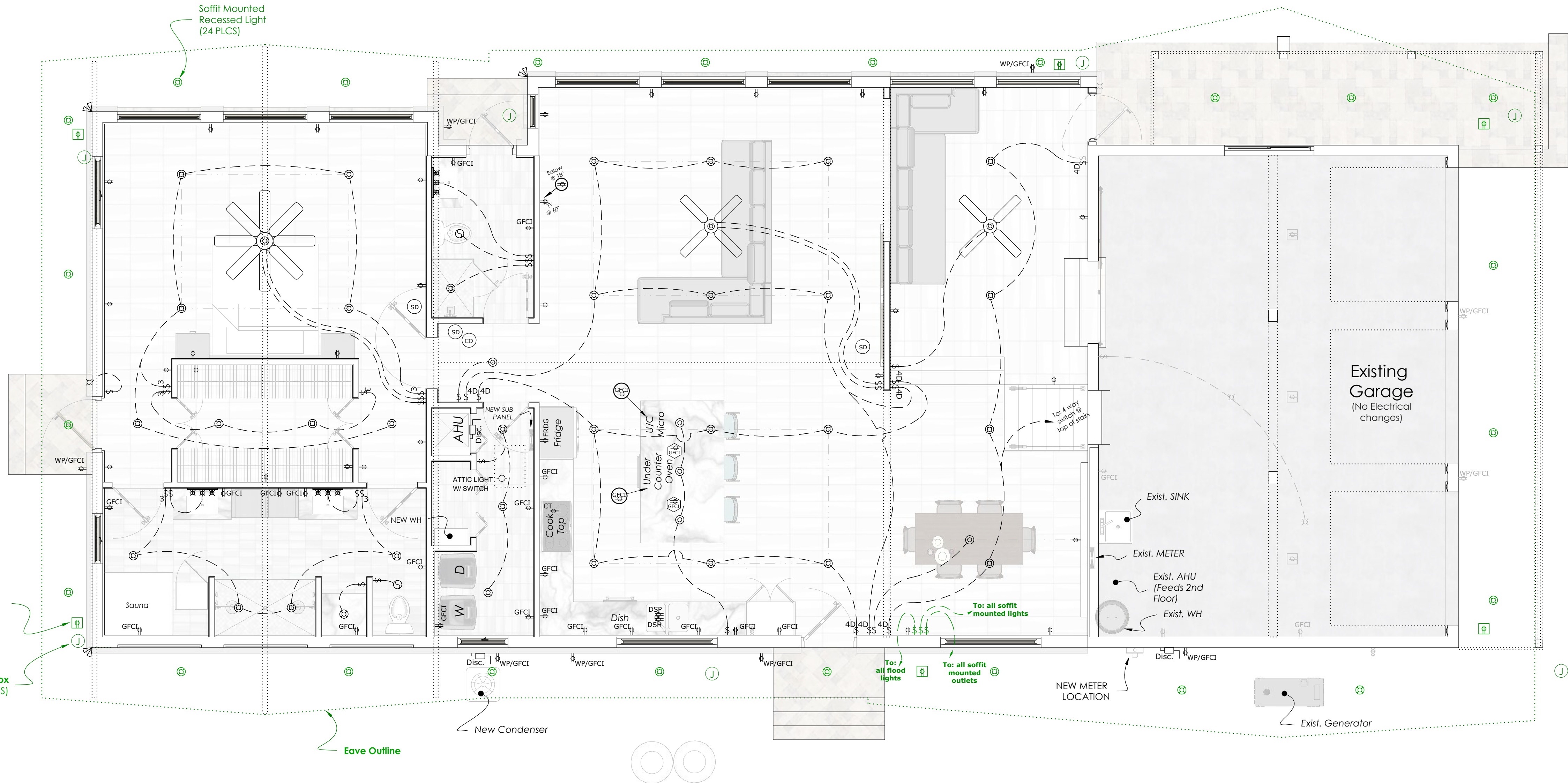
ARMISTEAD DESIGN INC

STRUCTURAL ONLY

Electrical Contractor: _____
E.C. Address: _____
E.C. License #: _____
Add: _____

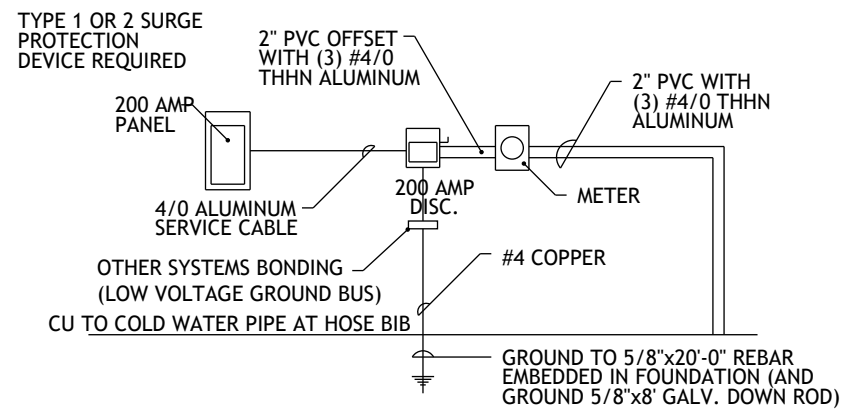
DRAWINGS DO NOT REQUIRE ENGINEERING SEAL IF SYSTEM IS UNDER \$125K & 600A (ELEC-RESIDENTIAL); 15 TONS OR LESS THAN 100 PEOPLE (HVAC); & 250 FIXTURE UNITS (PLUMBING); & DESIGNED BY A STATE LICENSED CONTRACTOR (IF S. 471.003 (2) (b)182) (THIS DRAWING SHEET IS NOT SIGNED AND SEALED)

Project Designer
Chris Feddersen



Electrical Load Calculation

General Load		
2718sf at 3VA	20A /12ga	8,154VA
Small Appliance (4 @ 1500VA)	20A /12ga	6,000VA
Washer	20A /12ga	1,500VA
Dryer	30A /10ga	5,000VA
Disposal	20A /12ga	500VA
Refridgerator	20A /12ga	1,600VA
Dishwasher	20A /12ga	1,200VA
Water Heater (x2)	30A /10ga	9,000VA
Range	50A /8ga	12,000VA
General Load		44,954VA
First 10kVA at 100%		10,000VA
Remainder at 40%		13,982VA
Sub-Total General Load		23,982 VA
Air Conditioning (x2)		20,000VA
Rated Total		43,982VA
Calculated Load	Rated Total/240V=	183A



200A - UNDERGROUND ELECTRICAL RISER

REVISIONS

Description Date

When it's all done
YOU'RE GOING TO LOVE THIS HOUSE

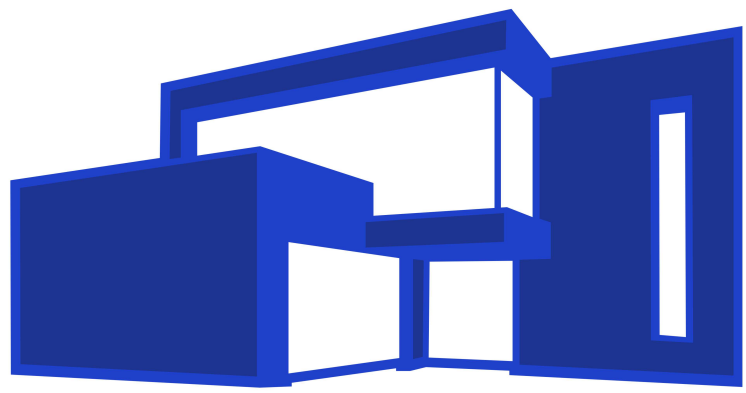
Timothy & Carla Quigley
1198 N Indian River Dr
Cocoa, FL 32922

Project No
08222025

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ELECTRICAL PLAN
FIRST FLOOR

Scale 1/4" = 1'



ARMISTEAD DESIGN INC

STRUCTURAL ONLY

Electrical Contractor: _____
E.C. Address: _____
E.C. License #: _____
Add: _____

DRAWINGS DO NOT REQUIRE ENGINEERING SEAL IF SYSTEM IS UNDER \$125K & 600A (ELEC-RESIDENTIAL); 15 TONS OR LESS THAN 100 PEOPLE (HVAC); & 250 FIXTURE UNITS (PLUMBING), & DESIGNED BY A STATE LICENSED CONTRACTOR. (F.S. 471.003 (2)(b)1&2) (THIS DRAWING SHEET IS NOT SIGNED AND SEALED)

675 Fern Drive
Meritt Station, Florida 32932
Phone: (321) 454-9499
www.armisteaddesign.com
Chris Feddersen
Project Designer

Quigley Addition & Remodel

REVISIONS
Description Date

When it's all done
YOU'RE GOING TO LOVE THIS HOUSE

Timothy & Carla Quigley
1198 N Indian River Dr
Cocoa, FL 32922

Project No.
08222025

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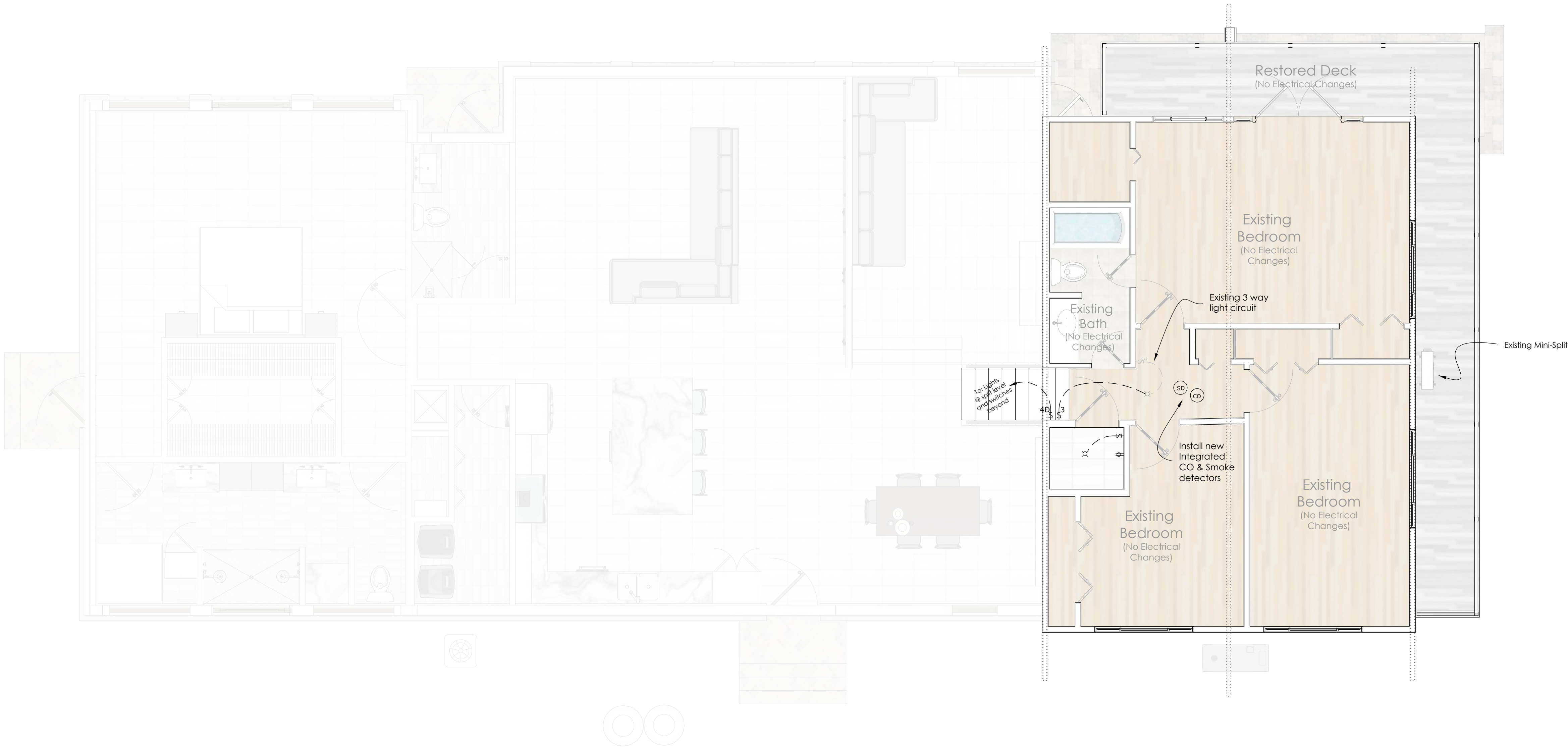
ELECTRICAL PLAN
SECOND FLOOR

Scale 1/4" = 1'

PAGE NO

17

Electrical Legend					
	Switch		110V Receptacle (See Notes 8 & 9)		Surface Mount Pop-Up Outlet
	Dimmer switch		110V Quad Receptacle (See Notes 8 & 9)		Carbon Monoxide Alarm
	3 Way Switch		Ground Fault Rec.		Light Fixture
	4 Way Switch		Gfi		Wall Mount Sconce/Uplight
	Pendant Light		WP/Gfi		Recessed Fixture
	Smoke Alarm (Interconnected)		220V Receptacle		Disconnect
	110V Floor Mounted Rec.		110V Ceiling Mounted Rec.		Flood Lights
	Vent Fan		Light Bar		Main Panel
					Power Riser
					Vent Fan/Light Combo
					LED Light
					Ceiling Fan























**COURTESY NOTICE OF PUBLIC HEARING
TO PROPERTY OWNERS WITHIN 500 FEET OF THE SUBJECT SITE**

Tim Quigley is petitioning the **Board of Adjustment** for the following item:

PZ 26-00700002 - Variance - 1198 N Indian River Dr

CONSIDERATION OF A VARIANCE REQUEST, from Appendix A, Article X, Nonconformities, Section 5, to allow for an approximately 861 square-foot addition to a nonconforming residential structure that increases its nonconformity; and Appendix A, Article XI, Sec 1 (F), of the City of Cocoa Code regarding front setback requirements to allow a reduction of the required front setback from 50 feet to approximately 25 feet in the Residential Estate Zoning District. The property is identified as 1198 N Indian River Dr, Cocoa, Florida. Tax Parcel ID 24-36-21-BM-*6.

The Board of Adjustment will hold a public hearing on this request at 5:00 pm on **Wednesday, July 1st**, in the City of Cocoa Council Chambers located at 65 Stone Street, Cocoa, Florida. All interested parties are invited to attend and will be heard if desired.

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Monica Arsenault, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8488 or via email at marsenault@cocoafl.gov.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

- City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

Documents pertaining to the above may also be inspected at the Community Services Department between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8535.

Interested persons may submit their written comments or questions prior to the meeting through Email at cityclerk@cocoafl.gov or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

Viewing In Real Time:

Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet address:

- City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.



Board of Adjustment
Variance Application

City Manager's Office
Planning and Zoning
65 Stone Street
Cocoa, Florida 32922

Phone: (321) 433-8535
Fax: (321) 433-8543
E-mail: cocoaplanning@cocoafl.gov
Web: <http://www.cocoafl.org>

This form is divided into steps, which will help you prepare your application, provide supplemental items, and prepare for the Board of Adjustment hearing. A pre-application meeting with Staff is **recommended**.

For Office Use Only - Date Received

Stamp Only When Application is Fully Complete

Please TYPE or PRINT this application neatly.

1. Request: Setback Variance
2. Applicable City Code Section(s): Appendix A-Article XVII, Sections I, III, VI & IX

3. Applicant Information:

** NOTE: Applicant is the main contact, who must attend the meeting!*

Company (if applicable): _____

Name: Tim Quigley

Mailing Address: 1198 N Indian River Drive

City: Cocoa State: FL Zip Code: 32922

Phone #: _____ Fax #: _____

Mobile #: 954 562-7764 E-mail: tquigley@bellsouth.net

4. Property Owner Information:

** Check here if same as Applicant → ☐*

** If more than one owner, attach additional sheet with names and addresses.*

Company (if applicable): _____

Name: Tim and Carla Quigley

Mailing Address: 1198 Indian River Drive

City: Cocoa State: FL Zip Code: 32922

Phone #: _____ Fax #: _____

Mobile #: 954 593-4701 E-mail: cquigley@bellsout.net

5. Property Information:

Street Address and Location: 1198 N Indian River Drive, Cocoa, FL 32922

Parcel ID: 24-36-21-BM-*6

Tax Account Numbers: 2416885

Land Area: 21,149.02 square feet or 0.48 acres

Future Land Use (to be completed by City): _____

Zoning District (to be completed by City): _____

Existing Use(s) on Property: Single Family Residential

Proposed Use(s) on Property: Single Family Residential

6. Variance Petition:

Before any Variance may be approved, the Board of Adjustment must make a positive finding for each of the criteria listed below. Applicants must provide the following information for the Board's review and consideration:

Prerequisites to granting of variance:

A variance may be granted when it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

- a. *Explain the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, building or structures in the same district.*

The need for the variance arises from the property's unique shape and setback, creating no buildable area.

The original home was built over 100 years ago, with several additions dating back to 1962. The request is to replace

part of the existing structure in its current location with a modest addition with no further encroachment.

- b. *Explain why the literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.*

Strict application of the regulation creates a practical difficulty because the set back line eliminates the buildable area.

Therefore, the hardship is practical as it prevents any reasonable use of the property.

- c. *Explain why the special conditions and circumstances referred to in subparagraph (a) above, do not result from the actions of the applicant.*

The hardship was not created by the applicant. The residence predates the current setback requirements, and the property's unique configuration existed before the current owner acquired it. The requested variance allows reasonable use of the property without increasing the existing encroachment toward the street.

- d. *Explain why the granting the variance request will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures or dwellings in the same district.*

Granting the variance would not confer a special privilege as it would only allow reasonable use of an existing legally nonconforming property. The request does not increase the existing encroachment towards the street and is consistent with the character of surrounding residential development.

- e. *Explain why the requested variance is the minimum variance that will make possible the reasonable use of the subject land, structure or building.*

The requested variance is the minimum necessary to allow replacement of an aging structure with a code-compliant residence, relocation of utilities to a safer elevation and modernization. The proposed square footage increase is limited to the amount necessary to create functional living spaces that meet current hurricane and life safety standards.

- f. *Explain why the granting of the variance request will be in harmony with the general intent and purpose of the zoning ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

Granting the variance will allow reasonable use of a legally non-conforming property while improving safety and resiliency.

The project will not increase the existing street encroachment, will remain compatible with surrounding homes, and will not adversely affect neighboring properties or public welfare.

7. Please submit the following items in order complete the application:

- a. ☒ **Notarized application.**
 - b. ☒ **List of owners within 500 feet.** A "radius map package" from Brevard County containing a certified mailing list with mailing labels and a map of all property owners of record who reside within a 500-foot radius of the subject property is required for public notice. It is the applicant's responsibility to request these materials with the Brevard County GIS Department that are available free of charge. Inquiries must be emailed to servicedesk@brevardfl.gov and forwarded to the **City of Cocoa Planning and Zoning Department** when available.
 - c. ☒ **Application Fee.** The fee is \$ 250. Please make checks payable to the 'City of Cocoa' and submit payment **ONLY** to the Community Services Department. Public mail notice and legal advertising fees must also be paid with application submittal.
 - d. ☒ **Proof of Ownership.** A copy of the most recent recorded warranty deed or record of ownership printed from the Brevard County Property Appraiser website is required.
 - e. ☒ **Property Owner Authorization.** If the applicant is not the property owner, then the property owner will need to provide authorization by signing below (See #10 below).
 - f. ☒ **Corporate Documents.** If the applicant/owner is representing a company, articles of incorporation which show the applicant/owner is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (<http://www.sunbiz.org/corpweb/inquiry/search.html>).
 - g. ☒ **Certified Boundary Survey and/or Site Plan.** Contact Planning & Zoning Division staff to determine if both a boundary survey and a site plan are required. Site plans should be drawn to scale and show the size and shape of the property, location of existing and proposed structures, streets, access points, fences, parking and landscaping areas.
 - h. ☒ **Additional Information (optional).** Submit any information that may be helpful in understanding the request. This may include photos, sketches, or elevations.
8. **Application filing deadline.** The application filing deadline is the first day of each month at 5:00 pm for public hearings that are held in the following month. Example: Application deadline is Oct. 1st for the November BOA meeting.
9. **Application filing procedure.** This application, together with all required exhibits and attachments, shall be completed and filed with the Planning and Zoning Division prior to the established filing deadline for the public hearing before the Board of Adjustment.

Public hearing process information – please read this!

- **Public hearing date and location.** All regularly scheduled hearings are held on the third Wednesday of each month at 6:00 pm in the Cocoa City Council Chambers located at 65 Stone Street, Cocoa, Florida unless otherwise notified.
- **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the application. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.
- **Preparing for public hearing.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the application request. The City assumes no responsibility or liability relating to the applicant's failure to research and know all applicable laws including, but not limited to state, federal, and city laws, codes, land development regulations, and the comprehensive plan. The City recommends all applicants to consider consulting an attorney regarding their applications.
- **Format of public hearing.** The public hearing before the Board of Adjustment is quasi-judicial in nature. State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is considered at a public hearing. Applicants are encouraged to review and copy the quasi-judicial rules and procedures used by the Board of Adjustment before the public hearing date. A copy may be obtained from the City.
- **Exhibits at public hearing.** If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, the applicant must leave those instruments with the Recording Secretary. By law those instruments automatically become part of the public records and cannot be returned to the applicant.
- **Witnesses at public hearing.** For the purposes of making a decision on the application, the Board shall only consider testimony of qualified witnesses. A witness is determined by the Board and is generally based on:
 - a. The witness has personal knowledge of the fact in which the witness will testify; and/or
 - b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
 - 1. *Layman witness.* Testimony of a witness other than an expert witness is qualified only if:
 - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
 - The opinions and inferences do not require any special knowledge, skill experience or training.
 - 2. *Expert witness.* Testimony of an expert witness is qualified only if:
 - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
 - The witness is adequately qualified to express an opinion on the matter.
- **Board action.** If the Board of Adjustment finds that the facts presented in the matter justify approval, it may approve the request, or a portion thereof, and it may specify any conditions deemed necessary to preserve the intent of the City of Cocoa Code. If the Board of Adjustment finds that the facts presented do not justify approval, it must deny the request and will specify the reasons for denial. A decision is usually made at the same meeting that the hearing is held.
- **Appeals.** Appeals of a decision by the Board of Adjustment may be made to the City Council by filing an application with the Community Services Department within fifteen (15) days of the Board's decision. Any party aggrieved by the final decision of the City Council shall have the right to file an appropriate action in a court of competent jurisdiction.

10. Property Owner Authorization.

* Check here if same as Applicant → ☐

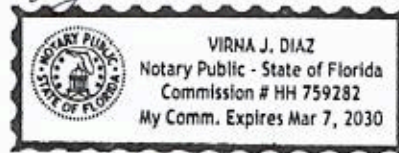
I am the fee simple owner (or legal representative) of the property at: _____
and I hereby authorize the applicant to submit this Board of Adjustment Application regarding my property described above.

Carla Quigley
(PRINT OWNER NAME)

[Signature]
(OWNER SIGNATURE)

☐ Personally Known OR ☒ Produced Identification

Type of I.D. Produced Florida Driver License



[Signature]
(NOTARY PUBLIC SIGNATURE)

VIRNA J. DIAZ
(Print, Type, or Stamp Commissioned Name of Notary Public)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 27 day of April, 20 26

11. Applicant Signature.

(PRINT APPLICANT NAME)

(APPLICANT SIGNATURE)

☐ Personally Known OR ☐ Produced Identification

Type of I.D. Produced _____

(NOTARY PUBLIC SIGNATURE)

(Print, Type, or Stamp Commissioned Name of Notary Public)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this _____ day of _____, 20 _____

FOR OFFICE USE ONLY

Fee of \$ _____ in cash ☐ or check ☐ (No. _____) payable to the "City of Cocoa".

Receipt Number: _____

Date: _____

Signature from Planning & Zoning Division:

10. Property Owner Authorization.

* Check here if same as Applicant → ☒

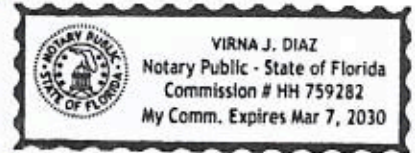
I am the fee simple owner (or legal representative) of the property at: 1198 N Indian River Drive, Cocoa, FL 32922
and I hereby authorize the applicant to submit this Board of Adjustment Application regarding my property described above.

TIM QUIGLEY
(PRINT OWNER NAME)

[Signature]
(OWNER SIGNATURE)

☐ Personally Known OR ☒ Produced Identification

Type of I.D. Produced FLORIDA DRIVER LICENSE



[Signature]
(NOTARY PUBLIC SIGNATURE)

VIRNA J. DIAZ
(Print, Type, or Stamp Commissioned Name of Notary Public)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 27 day of April, 20 26

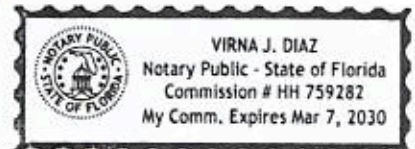
11. Applicant Signature.

TIM QUIGLEY
(PRINT APPLICANT NAME)

[Signature]
(APPLICANT SIGNATURE)

☐ Personally Known OR ☒ Produced Identification

Type of I.D. Produced FLORIDA DRIVER LICENSE



[Signature]
(NOTARY PUBLIC SIGNATURE)

VIRNA J. DIAZ
(Print, Type, or Stamp Commissioned Name of Notary Public)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 27 day of April, 20 26

FOR OFFICE USE ONLY

Fee of \$ _____ in cash ☐ or check ☐ (No. _____) payable to the "City of Cocoa".

Receipt Number: _____

Date: _____

Signature from Planning & Zoning Division:

Book / Page: 9830 / 1528

Clerk File Number: 2023140819

Search Results

Record Date: 7/6/2023

Book Type: OR - Official Records

Book / Page: 9830/1528

Clerk File Number: 2023140819

Number Of Pages: 1

Doc Type: D - DEED

From Party: PIERCE, DEANA M
PIERCE, RICHARD A JR

To Party: QUIGLEY, CARLA V
QUIGLEY, TIMOTHY S

Consideration: \$765,000.00

Case Number:

Comments:

DocLegal: LT 6 PB 1 PG 24 DIXONS SUBD BEGIN AT INTER

Prepared by and Return To:
Teresa Roberts, an employee of
Prestige Title of Brevard LLC
5120 North US Highway 1, Suite 103
Palm Shores, FL 32940

File Number: 23-33044

General Warranty Deed

Made this 24th day of July, 2023 by Richard A. Pierce Jr and Deana M. Pierce, husband and wife, whose address is: 3019 Edgemoor Dr., Titusville, FL 32780 hereinafter called the grantor, to Timothy S. Quigley and Carla V. Quigley, husband and wife whose post office address is: 1198 N Indian River Drive, Cocoa, FL 32922 hereinafter called the grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

A parcel of land being a portion of Lot 6, of the "PLAT OF DIVISION OF LANDS OF ROBERT DIXON", recorded in Plat Book 1, Page 24, of the Public Records of Brevard County, Florida, described as follows: Begin at the intersection of the "Mean Water Level" of the Indian River with the northerly extension of the Westerly line of Lot 18, of the PLAT OF GEORGIA TERRACE, recorded in Plat Book 9, Page 38, of the Public Records of Brevard County, Florida, and thence for a first course, run S 34°00'00" W, along said northerly extension of the westerly line of said Lot 18, a distance of 8 feet more or less to the northeasterly right of way line of North Indian River Drive (as defined by said "Georgia Terrace"); thence for a second course, run S 39°21'00" E, along said northeasterly right of way line, a distance of 265 feet to an intersection with the northeasterly extension of the southerly line of said Lot 18; thence for a third course run N 69°32'00" E, along said northerly extension of said southerly line of Lot 18, a distance of 35 feet, more or less to a point on the aforesaid "Mean Water Level" of the Indian River; thence for a fourth and final course, run northerly, meandering said "Mean Water Level", to the point of beginning. All found in Section 21, Township 24 South, Range 36 East, Brevard County, Florida.
Parcel ID Number: 24-36-21-BM-6

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2022.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

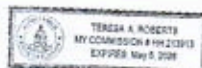
Witness Signature: TR Roberts
Printed Name: TR Roberts

Richard A. Pierce Jr
Deana M. Pierce

Witness Signature: Elgee Brown
Printed Name: Elgee Brown

State of Florida
County of Broward

The foregoing instrument was acknowledged before me by means of (☒) physical presence or (☐) online notarization on July 3, 2023, 2023, by Richard A. Pierce Jr and Deana M. Pierce who is (☐) personally known to me or (☒) produced driver license as identification.



NOTARY PUBLIC
Printed Name: TR Roberts
My Commission Expires: 5/6/2028

Boundary & Topographic Survey

Legal Description:

A PARCEL OF LAND BEING A PORTION OF LOT 6, OF THE "PLAT OF DIVISION OF LANDS OF ROBERT DIXON", RECORDED IN PLAT BOOK 1, PAGE 24, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE "MEAN WATER LEVEL" OF THE INDIAN RIVER WITH THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 18, OF THE PLAT OF GEORGIA TERRACE, RECORDED IN PLAT BOOK 9, PAGE 38, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THENCE FOR A FIRST COURSE, RUN S 34°00'00" W, ALONG SAID NORTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 18, A DISTANCE OF 8 FEET MORE OR LESS TO THE NORTHEASTERLY RIGHT OF WAY LINE OF NORTH INDIAN RIVER DRIVE (AS DEFINED BY SAID "GEORGIA TERRACE"); THENCE FOR A SECOND COURSE, RUN S 39°21'00" E, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 265 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 18; THENCE FOR A THIRD COURSE, RUN N 69°32'00" E, ALONG SAID NORTHERLY EXTENSION OF SAID SOUTHERLY LINE OF LOT 18, A DISTANCE OF 35 FEET, MORE OR LESS TO A POINT ON THE AFORESAID "MEAN WATER LEVEL" OF THE INDIAN RIVER; THENCE FOR A FOURTH AND FINAL COURSE, RUN NORTHERLY, MEANDERING SAID "MEAN WATER LEVEL", TO THE POINT OF BEGINNING, ALL FOUND IN SECTION 21, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

ALSOED CONSIDERED:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR AGENCY FROM THE
THE PROPERTY APPEARING TO BE LOCATED IN ZONED AS A 40. THIS PROPERTY WAS FOUND IN
BREVARD COUNTY, COMMUNITY NUMBER 10000, DATED 02/11/2018
COURT # 621 TO
CITY OF QUINN

50' SETBACK
REQUIREMENT

Proposed
Addition

To be REMOVED - CURRENT SETBACK
15.7"

Post Construction Closest
16.9"



Impervious/Pervious Calculations		
Area	Surface Footage	Percentage
Building	1,040.00 Sq. Ft.	8.7%
Driveway Area	355.22 Sq. Ft.	3.0%
Pool	140.00 Sq. Ft.	1.2%
Pool Deck	2,400.00 Sq. Ft.	20.2%
Concrete Pads	140.00 Sq. Ft.	1.2%
Hard Area	420.00 Sq. Ft.	3.6%
Total Impervious	4,495.22 Sq. Ft.	38.1%
Total Pervious	11,872.22 Sq. Ft.	101.9%
Site Total	16,367.44 Sq. Ft.	100.00%

Legend	
Proposed Addition	Blue Hatched
Current Footprint	Red Hatched
Setback Line	Black Line
Property Line	Thin Black Line
Indian River	Blue Line
North Indian River Drive	Black Line
Georgia Terrace	Black Line
Other Features	Various Symbols

Notes:
1. Survey is based upon the Legal Description supplied by client.
2. Existing structures, walls, etc., were measured to center lines and/or corners.
3. Survey is based upon the Legal Description supplied by client.
4. Survey is based upon the Legal Description supplied by client.
5. Survey is based upon the Legal Description supplied by client.
6. Survey is based upon the Legal Description supplied by client.
7. Survey is based upon the Legal Description supplied by client.
8. Survey is based upon the Legal Description supplied by client.
9. Survey is based upon the Legal Description supplied by client.
10. Survey is based upon the Legal Description supplied by client.

Revisions	
1	Initial Survey
2	Final Survey
3	Final Survey
4	Final Survey
5	Final Survey
6	Final Survey
7	Final Survey
8	Final Survey
9	Final Survey
10	Final Survey

Irland & Associates Surveying, Inc.
300 Commerce Center, Suite 1000
Lake Mary, Florida 32746
Office: 407-678-3366 Fax: 407-320-8169
www.irlandsurveying.com



Indian River Dr

Dixon Blvd

erica Pawn

JUSTIFICATION FOR SETBACK VARIANCE

- **Hardship-** loss of use of ~30% of the current building, overall due to structure exceeding its useful lifespan- Approx. 100 years old
- **Not self-created:** Condition results from creation of zoning after the property was built
- **No increased encroachment:** Proposed construction lies in the same footprint plus addition that does not extend closer to the street
- **Current setback** allows for no buildable area

Safety & Function

- **Flood risk:** Existing utilities are in a low, flood-prone garage and crawl space not FEMA flood plane compliant→ **relocation to addition is necessary for safety and compliance**
- **Practical limitation:** Due to setback, utilities cannot reasonably be relocated outside the setback area

- **Functional layout:** Property cannot support a standard first-floor bedroom/bathroom layout without relief
- **Hurricane and Code Compliant-**Addition is necessary to provide bedroom/bathroom that is concrete block construction



SUPPORTING POINTS

- **Neighborhood consistency:** Surrounding homes are larger (~4,000+ sq ft); proposed ~3,500 sq ft is compatible with size and character of surrounding homes.
- **Minimum necessary:** Requesting to allow replacement of existing structure in its current location along with a modest addition
- **Drainage-**Stormwater is fully contained on-site, with no run-off to Indian River Drive due to existing berm

Property History and Owner Statement

On a personal note, this isn't just a house to us—it is a piece of Florida's soul, and Cocoa's birth. Its story begins in the 1880s, serving as a riverside Post Office where mail arrived by boat and history was made by the Dixon family. We often think of the first female Postmaster who, legend says, threw the mail into the river to save it from a great fire.

That same protective spirit led my wife and I to fall in love with "Magnolia Point" the moment we saw it. We saw past it's condition to its historical value in Brevard County's Plat Book #1. We were so moved by its legacy that we poured our entire retirement savings into its restoration.

After almost three years of labor and love, it breaks our hearts that we still cannot truly call it home in its current state.

This request is simply a plea to allow for the reasonable, safe use of a property tied to a different century—honoring its pre-existing footprint so we can finally finish what we started and preserve this landmark for the next generation.



ABUTTING PROPERTY OWNER
AFFIDAVIT

City Manager's Office
Planning and Zoning
65 Stone Street
Cocoa, Florida 32922

Phone: (321) 433-8535
Fax: (321) 433-8543
Web: <http://www.cocoafl.org>

RE: Administrative Variance/Waiver from Tim and Carla Quigley

for Parcel 24-36-21-BM in Cocoa, FL.

To Whom it May Concern:

I Collette Ferrell, owner/occupant/POA of 1175 N Indian River Drive, Cocoa, FL 32922
(name) (owner address)

am providing you this letter to state I have no objections to the requested Administrative Variance /

Waiver sought by the owner of 1198 N Indian River Drive, Cocoa, FL 32922
(subject property address or Tax ID#)

for Setback Variance
(description of variance/waiver request)

Sincerely,

Collette Ferrell
(owner signature)

4/25/26
(date)

407-619-0651
(owner phone number)

Collettefla@gmail.com
(owner email address)

USA TODAY CO.



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Lucilene Ribeiro
Attn: Accounting Division
City Of Cocoa (Te)
65 Stone St
Cocoa FL 32922-7982

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Govt Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

BRE Brevard Florida Today 06/15/2026
BRE floridatoday.com 06/15/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/15/2026

A handwritten signature in black ink, appearing to be "Kongmeng Yang", written over a horizontal line.

Legal Clerk

Notary, State of WI, County of Brown

A handwritten signature in black ink, appearing to be "Kongmeng Yang", written over a horizontal line.

7529

My commission expires

Publication Cost: \$264.89

Tax Amount: \$0.00

Payment Cost: \$264.89

Order No: 12405306

of Copies:

Customer No: 1127247

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

**CITY OF COCOA
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT
THE BOARD OF ADJUSTMENT
PROPOSES TO CONSIDER THE
FOLLOWING:**

PZ 26-0070002 -Variance - 1198

N Indian River Dr

CONSIDERATION OF A VARIANCE REQUEST, from Appendix A, Article X, Nonconformities, Section 5, to allow for an approximately 861 square-foot addition to a nonconforming residential structure that increases its nonconformity; and Appendix A, Article XI, Sec 1 (F), of the City of Cocoa Code regarding front setback requirements to allow a reduction of the required front setback from 50 feet to approximately 25 feet in the Residential Estate Zoning District. The property is identified as 1198 N Indian River Dr, Cocoa, Florida. Tax Parcel ID 24-36-21-BM-*--6.

Board of Adjustment

**PUBLIC HEARING WILL BE HELD
ON**

July 1st, 2026

AT 5:00 P.M. OR SOON

THEREAFTER IN THE

COCOA CITY HALL COUNCIL

CHAMBERS LOCATED AT

65 STONE STREET, COCOA, FL

General Notice Information:

This is a public meeting. Interested parties are hereby advised that they may appear at said meeting and be heard. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Monica Arsenault, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8488 or via email at marsenault@cocoafl.gov.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the BOA, P&Z Board/LPA or City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

The BOA or PZ Board/LPA meeting may include the attendance of one (1) or more members of the Cocoa City Council who may or may not participate in the Board discussions held at this public hearing. The BOA, PZ Board/LPA and City Council reserve the right to continue or postpone hearings to a date certain without re-advertising.

Public Participation Information:

Members of the public may view the meeting agenda, ordinances, project applications, supporting documents, and staff reports on the City's website at the following link prior to attending or commenting:

- City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

Documents pertaining to the above may also be inspected at the Community Services Department between 8:00 a.m. and 5:00 p.m., Monday through Friday, or by phoning (321) 433-8400.

Interested persons may submit their written comments or questions prior to the meeting through Email at cityclerk@cocoafl.gov or via E-comments through the online agenda at the link above. Any electronic comments submitted will be made part of the meeting record.

Viewing In Real Time:

Interested persons are encouraged to view and listen to the hearings live by accessing the meetings at the following internet address:

- City of Cocoa meeting calendar at <https://www.cocoafl.gov/291/20338/City-Meetings>

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.