

ORDINANCE NO. 1614

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING APPENDIX B OF THE COCOA BEACH CODE OF ORDINANCES, "COCOA BEACH LAND DEVELOPMENT CODE (LDC);" AMENDING ARTICLE III, "ESTABLISHMENT OF STANDARD ZONING DISTRICTS;" AMENDING ARTICLE IV, "ESTABLISHMENT OF OVERLAY DISTRICTS;" ADDING ARTICLE V, "ESTABLISHMENT OF REDEVELOPMENT ZONING DISTRICT AND SUBDISTRICTS;" ADDING ARTICLE VI, "APPLICATION AND REVIEW PROCESSES WITHIN THE REDEVELOPMENT DISTRICT;" ADDING ARTICLE VII, "CONDITIONAL USES FOR SPECIAL EXCEPTIONS IN ALL ZONING DISTRICTS;" ALL OF WHICH ARE CONTAINED IN CHAPTER II, "ZONING DISTRICTS;" INCORPORATING RECITALS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; AND EFFECTIVE DATE.

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

WHEREAS, the City Commission finds that a redevelopment zoning district would enable the City to enable and implement previously adopted master plans for redevelopment; and

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

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

WHEREAS, the City Commission and the Planning Board both find that the proposed amendments will be consistent with the City's 2025 Comprehensive Plan as it is being amended concurrently with the adoption of this ordinance; and

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

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

SECTION 2. Enactment. Chapter II, "Zoning Districts," of Appendix B of the Cocoa Beach Code of Ordinances, entitled Cocoa Beach Land Development Code (LDC), is hereby amended as to Articles III and IV, by the addition of Articles V, VI and VII, and, by reference, the update of the official zoning map, to read as set forth in the attached Exhibits A and B.

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

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

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

SECTION 6. Effective Date. The effective date of this ordinance shall be delayed until the date on which Comprehensive Plan Amendment # 17- becomes effective in accordance with Chapter 163, Part II of the Florida Statutes. IESR

Upon Motion by Commissioner Miller, seconded by Commissioner Martinez, this Ordinance was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the 5 day of April, 2018.

Ayes: 5
Nays: 0
Absent or Abstaining 0


Ben Malik,
Mayor-Commissioner

ATTEST:


Loredana Kalaghchy, CMC
City Clerk

First Reading: 03-01-18
Date Posted: 03-23-18
Date Published: 03-22-18, 01-25-18

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

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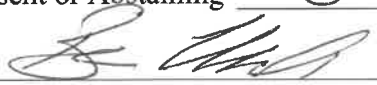
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Ben Malik,
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EXHIBIT A

CHAPTER II - ZONING DISTRICTS

ARTICLE I. - GENERALLY

Section 2-01. - Intent.

To accomplish the aims and purposes of these Land Development Code (LDC) regulations, the city is divided into zoning districts of such common unity of purpose which are deemed to have harmonious activities and operations. To further meet these purposes, the design and development regulations for each zoning district are specifically defined herein.

Section 2-02. - Rules for interpretation of zoning district boundaries and permitted uses.

Where uncertainty exists in regard to the boundaries of any zoning district or the permitted, special exception or prohibited uses, the following rules shall apply:

- A. Where boundaries are shown as following street, alley, or lot lines; such lines shall be construed to be the boundaries.
- B. In un-subdivided property, where a district boundary divides a lot, the location of the boundary, if not specified with dimensions, shall be determined by the scale shown on the official zoning map.
- C. Boundaries indicated as following the shoreline and/or mean-high water line shall be construed as such, and should either water line change, the boundary line shall change accordingly.
- D. Where any street or alley is officially vacated or abandoned, the abutting property and/or boundary line shall be adjusted to the newly adjusted boundary line.
- E. Distances or dimensions not specially indicated on the official zoning map shall be determined by using the scale shown on the map.
- F. Annexed territory shall be classified in accordance with state requirements until otherwise changed by ordinance as provided herein, unless such property has a preliminary zoning district designation in the Comprehensive Plan, then such property may be annexed with said zoning designation.
- G. Where physical features existing on the ground vary from those shown on the official zoning map, or when other circumstances not covered by subsections A. through F. above exist, the administrator shall make the final determination on the boundaries.
- H. Uses not specifically listed as a permitted use or a special exception are deemed to be prohibited.
- I. Gambling shall be deemed a specifically prohibited use. The purchase of Florida Lottery related products and non-profit organization raffle tickets are excluded and not deemed a specifically prohibited use. See definition for "gambling" in chapter I, section 1-20.

ARTICLE II. - OFFICIAL ZONING MAP

Section 2-03. - Official zoning map.

The city is hereby divided into zoning districts, as shown on the official zoning map which is hereby adopted by reference and declared to be a part of these LDC regulations. The city commission has given careful consideration to the peculiar suitability of each zoning district, their specific development regulations, and the various uses and densities for each district, in accordance with the overall plan for the development of the City of Cocoa Beach.

The official zoning map or any amendments thereto, shall be identified by the signature of the mayor, attested by the city clerk, and bear the seal of the city under the following words: "This is to certify that this is the official zoning map of the City of Cocoa Beach, Florida."

If changes are made in district boundaries or other matter portrayed on the official zoning map, such map changes shall be made promptly thereafter, together with an entry which provides the following:

- A. [Date], of official action of the city commission of the City of Cocoa Beach, Florida.
- B. The following change(s) were made in the official zoning map.
- C. Brief description of the nature of change(s) made.
- D. The date of adoption of the official zoning map which is being replaced.

If the official zoning map has been amended, the changes or amendments shall not become effective until they have been duly entered onto the official zoning map. No changes shall be made to the official zoning map except in conformity with the procedures set forth in this article. Unauthorized changes by any person(s) shall be considered a violation of these regulations and punishable as provided under City Code chapter 31.

Only the zoning map located in the office of the city manager or his designee shall be deemed as the official zoning map for the city.

Section 2-04. - Replacement of official zoning map.

Should the official zoning map become damaged, destroyed, lost, or difficult to interpret due to the nature and/or number of changes and additions made to it, the city commission may by resolution adopt a new official zoning map to replace the previous map. The new official zoning map may correct drafting, written or other errors or omissions in the previous map, but no such correction(s) shall have the effect of amending the previous map or any subsequent amendment thereof. The new zoning map shall only be made official by following the same procedures outlined in section 2-03 above.

ARTICLE III. - ESTABLISHMENT OF STANDARD ZONING DISTRICTS

Section 2-05. - Dimensional design standards.

The dimensional design standards for standard zoning districts in this article are detailed within each zoning district description and summarized in Tables 2-16 and 2-17.

Once a lot has been constructed with the maximum number of units permitted under density allowances, no additional subdivision of that lot will be permitted.

~~The dimensional design standards for all zoning districts in this article are listed in chapter III, Table 3-01 of these regulations.~~

- ~~A. On a lot planned for development with a combination of residential and nonresidential principal uses, the portion of the lot utilized exclusively for residential development and its accessory uses shall be legally described as a separate tract for the purposes of computing density.~~
- ~~B. Once a lot has been constructed with the maximum number of units permitted under density allowances, no additional subdivision of that lot will be permitted, except for those permitted residential accessory uses.~~

Section 2-06. - RS-1 single-family residential district.

- A. **Scope.** The regulations contained herein shall apply to all RS-1 single-family residential districts which are consistent with the low density residential classification as designated on the future land use map of the Cocoa Beach Comprehensive Plan.
- B. **Purpose.** This district is intended for single-family residential structures which preserve and enhance the low-density neighborhood values and character.
- C. **Permitted principal uses and structures.**
 - 1. Single-family dwellings.
 - 2. Community residential homes, level I.
 - 3. Minor public utility structures owned, operated or supervised by the city.
 - 4. Family day care in accordance with F.S. § 402.302(8).
- D. **Permitted accessory uses and structures.**
 - 1. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures (i.e., sheds, docks, and garages).
 - 2. Are located on the same lot as the principal use or structure, or on a contiguous lot under same ownership.
 - 3. Do not increase traffic volumes above what would normally be found in a residential neighborhood.
 - 4. Do not involve uses which are not in keeping with the character of a residential neighborhood.
 - 5. Home occupations are permitted in accordance with section 3-76 of these regulations.

E. **Special exceptions.** After public notice and hearing and subject to appropriate conditions and safeguards, as provided in Chapter IV Article V, the board of adjustment may permit the following as special exceptions:

1. Churches and similar places of worship with educational buildings and recreational facilities, if located on an arterial or collector street.
2. Public and private schools, excluding day nurseries, offering a general education curriculum.
3. Major public utility and governmental structures, provided exceptional measures are taken to provide open space, suitable landscaping and to adequately protect adjoining uses.
4. Public and private parks, playgrounds, community centers, recreation and cultural facilities.

~~5. Duplexes in existence prior to the adoption of these LDC regulations.~~

F. **Prohibited uses and structures.** This shall include any uses not listed as permitted or allowed by special exception.

G. **Minimum off-street parking requirements.** ~~Refer to section 3-01 for off street parking regulations. See chapter III, article III, section 3-01.~~

H. **Signage.** See chapter V of these regulations.

I. **Sidewalks.** At a minimum, sidewalks shall be constructed on one (1) side of all public streets ~~as indicated by the Comp Plan Sidewalk/Bike Path Master Plan, and~~ in accordance with section 3-31.

J. **Density.** Five (5) dwelling units per acre.

K. **Minimum pervious surface.** ~~Twenty (20) percent~~ Minimum of twenty (20) percent as depicted in chapter III, Table 3-01.

L. **Minimum lot dimensions.**

- Width – Eighty (80) feet
- Depth – One hundred (100) feet
- Area – Eight thousand (8,000) square feet

M. **Minimum floor area.** Single family – One thousand two hundred fifty (1,250) square feet

N. **Maximum height.**

- Building – Twenty-five (25) feet
- Absolute – Thirty-five (35) feet

O. **Maximum building coverage.**

- Principal – Thirty-five (35) percent
- Principal plus accessories – Forty-five (45) percent

P. **Front setbacks.**

- Local Streets – Twenty-five (25) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Forty (40) feet

Q. **Side setbacks:** Ten (10) feet

- Local street side – Fifteen (15) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Twenty-five (25) feet

L.R. **Rear setbacks:** Fifteen (15) feet or coastal construction setback line for oceanfront property

Section 2-07. - RM-1 multifamily residential district.

- A. **Scope.** The regulations contained within this section shall apply to all RM-1 multifamily residential districts. This district is consistent with the moderate density residential classification as designated on the future land use map of the Cocoa Beach Comprehensive Plan.
- B. **Purpose.** This district is intended for medium density residential structures recognizing the accessibility of major streets and the proximity of community facilities.
- C. **Permitted principal uses and structures.**
1. Duplexes and triplexes.
 2. Multiple-family dwellings.
 3. Single-family dwellings.
 4. Public and private parks, playgrounds, community centers, recreation and cultural facilities.
 5. Community residential homes, level I.
 6. Minor public utility structures, owned, operated or supervised by the city.
- D. **Permitted accessory uses and structures.**
1. Customarily accessory and clearly incidental and subordinate to permitted uses and structures (i.e., sheds, docks, and garages).
 2. Home occupations are permitted in accordance with section 3-76 of these regulations.
- E. **Special exceptions.** After public notice and hearing and subject to appropriate conditions and safeguards, as provided in Chapter IV Article V, the board of adjustment may permit the following as special exceptions:
1. The same special exceptions which apply in the RS-1 district.
 2. Convalescent and nursing homes.
 3. Nursery schools and kindergartens provided:
 - a. Outside play area shall be fenced.

- b. A suitable planted screen wall or solid wall shall be provided for noise abatement along all lines abutting residentially zoned land.
- c. The operation and maintenance of the facility shall meet the requirements of the state board of health and city departments.

~~4. Existing multifamily developments that exceed eight (8) units per acre.~~

F. **Prohibited uses and structures.** This shall include any uses not listed as permitted or allowed by special exception.

G. **Minimum off-street parking requirements.** Refer to section 3-01 for off street parking regulations~~See chapter III, article III, section 3-01.~~

H. **Signage.** See chapter V of these regulations.

I. **Sidewalks.** At a minimum, sidewalks shall be constructed on one (1) side of all public streets ~~as indicated by the Comp Plan Sidewalk/Bike Path Master Plan, and~~ in accordance with section 3-31.

J. **Density.**

1. Eight (8) dwelling units per acre.

2. Once a lot has been used to compute density for residential occupancy and said residential project has been constructed with the maximum number of units permitted under density allowances, no subdivision of that land is permitted.

~~2. Once a lot has been used to compute density for residential occupancy and said residential project has been constructed with the maximum number of units permitted under density allowances, no subdivision of that land or construction of any type will be permitted thereon, except the permitted accessory uses for the residential development of said land.~~

K. **Minimum pervious surface.** Ten (10) percent~~Minimum of ten (10) percent as depicted in chapter III, Table 3-01.~~

L. **Minimum lot dimensions.**

- Width – Seventy-five (75) feet
- Depth – One hundred (100) feet
- Area – Seven thousand five hundred (7,500) square feet

M. **Minimum floor area.**

- Single family – One thousand two hundred fifty (1,250) square feet
- Multifamily:
 - Two bedroom – Seven hundred fifty (750) square feet
 - One bedroom – Five hundred (500) square feet
 - Efficiency – Four hundred (400) square feet
 - Duplex and triplex determined by number of bedrooms

N. Maximum height.

- Building – Thirty-five (35) feet
- Absolute – Forty-five (45) feet
- Absolute abutting RS-1 – Thirty-five (35) feet

O. Maximum building coverage.

- Principal – Forty (40) percent
- Principal plus accessories – Forty-five (45) percent

P. Front setbacks.

- Local Streets – Twenty-five (25) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Forty (40) feet

Q. Side setbacks: Ten (10) feet

- Local street side – Fifteen (15) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Twenty-five (25) feet

R. Rear setbacks: Fifteen (15) feet or coastal construction setback line for oceanfront property

Section 2-08. - RM-2 multifamily professional district.

- A. **Scope.** The regulations contained within this section shall apply to all RM-2 districts. This district is consistent with the professional category and high density residential and tourist categories as designated on the future land use map of the Cocoa Beach Comprehensive Plan.
- B. **Purpose.** This district is intended for medium density residential structures and limited professional facilities, recognizing the accessibility of major streets and the proximity of community facilities.
- C. **Permitted principal uses and structures.**
1. Multifamily dwellings.
 2. Professional and business offices. Examples of such uses are medical, legal, architectural, engineering, real estate offices, and barber shops.
 - ~~2. Professional and business offices, not including the sale or distribution of merchandise. Examples of such uses are medical, legal, architectural, engineering, and real estate offices.~~
 3. Churches and similar places of worship with educational buildings and recreational facilities, if located on a major street or thoroughfare.
 4. Community residential homes, level I.
 - ~~5. Each principal use in a phased development must be allocated to an individual site which meets all of the requirements set forth in these regulations.~~

5. Major and minor public utility structures, owned, operated or supervised by the city.
6. Mixed-use development.
7. Day care centers (If located on an arterial or collector street).
8. Assisted living facility in accordance with F.S. § 429.02(5).

~~40. Art galleries and studios.~~

D. Permitted accessory uses and structures.

1. Are clearly ancillary and accessory to the principal use.
2. The following accessory uses, when clearly subordinate to an apartment, multifamily, or transient lodging structure or complex of fifty (50) or more dwelling or rental units, or an office building, are permitted provided they are located within the structure and together do not exceed ten (10) percent of the gross floor area of the structure:
 - a. Bar and lounges.
 - b. Restaurants.
 - c. Travel and car rental agencies.
 - d. Retail shops, except that wholesale and retail sale of fireworks shall not be permitted.
3. Offices with laboratories, provided no manufacturing is conducted.
4. Home occupations are permitted in accordance with section 3-76 of these regulations.
5. Any uses claimed as accessory, which exceed the allowances of subsection D.2. above, shall not be considered accessory uses and must meet all district requirements applied to principal uses and structures. As a principal use, the land area utilized for such purposes cannot be credited toward density allowances except as provided in subsection J.3. below.

E. Special exceptions. After public notice and hearing and subject to appropriate conditions and safeguards, as provided in Chapter IV Article V, the board of adjustment may permit the following as special exceptions:

- ~~1. Travel and car rental agencies (stand alone, not associated with any other primary land use).~~
1. Community residential homes, levels II and III.
2. Public and private parks, playgrounds, community centers, and recreation and cultural facilities.
- ~~4. Existing single family dwellings.~~
- ~~5. Existing lawful transient lodging uses, including all customary accessory buildings in existence as of May 4, 2000, which would otherwise be considered~~

~~nonconforming, shall be deemed a special exception following validation of same by resolution of the city commission.~~

3. Public and private schools, including day care nurseries and kindergartens, offering a general education curriculum.
4. Major public utility structures, owned, operated or supervised by the city.
5. Bed and breakfast establishment.
- ~~9. Existing multifamily developments that exceed ten (10) units per acre.~~
6. The following accessory uses, when customarily accessory and subordinate to an apartment, multifamily, or transient lodging structure or complex of less than fifty (50) dwelling or rental units, and/or when such accessory uses are free standing or not located within the structure(s), provided the area of such accessory uses do not exceed ten (10) percent of the gross floor area of the structure(s) on the property:
 - a. Bar and lounges.
 - b. Restaurants.
 - c. Travel and car rental agencies.
 - d. Retail and personal service shops.
7. Social service facility.
- F. **Prohibited uses and structures.** This shall include any uses not listed as permitted or allowed by special exception.
- G. **Minimum off-street parking requirements.** Refer to section 3-01 for off street parking regulations. See chapter III, article III, section 3-01.
- H. **Signage.** See chapter V of these regulations.
- I. **Sidewalks.** At a minimum, sidewalks shall be constructed on one (1) side of all public streets ~~as indicated by the Comp Plan Sidewalk/Bike Path Master Plan, and~~ in accordance with section 3-31.
- J. **Density/intensity.**
 - ~~1. Existing transient lodging units and corresponding calculated density in existence as of May 4, 2000.~~
 1. Multifamily dwellings: Ten (10) units per acre.
 2. Non-residential uses: Building coverage not to exceed thirty-five (35) percent and floor area ratio (FAR) not to exceed 2.5. A reduction in residential density may be credited to non-residential uses as follows: One (1) residential dwelling unit per acre may be converted to an equivalent non-residential FAR of 0.15.
 3. Once a lot or portion thereof, is utilized for purposes of computing residential ~~or transient lodging~~ density, and authorized the maximum number of density units permitted, no subdivision or use of that lot for non-residential uses will be permitted except for accessory uses for the residential development.

K. ***Pervious surface.*** ~~Ten (10) percent~~Minimum of ten (10) percent as depicted in Table 3-01.

L. ***Minimum lot dimensions.***

- Width – One hundred (100) feet
- Depth – One hundred (100) feet
- Area – Ten thousand (10,000) square feet

M. ***Minimum floor area.*** Multifamily.

- Two bedroom – Seven hundred fifty (750) square feet
- One bedroom – Five hundred (500) square feet
- Efficiency – Four hundred (400) square feet

N. ***Maximum height.***

- Building/Absolute – Forty-five (45) feet
- Absolute abutting RS-1 – Thirty-five (35) feet

O. ***Maximum building coverage.*** Principal plus accessories – Fifty (50) percent

P. ***Front setbacks.***

- Local Streets – Twenty-five (25) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Forty (40) feet

Q. ***Side setbacks:*** Fifteen (15) feet

- Local street side – Twenty (20) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Twenty-five (25) feet

R. ***Rear setbacks:*** Fifteen (15) feet or coastal construction setback line for oceanfront property

Section 2-09. – RM-2A high density multifamily district II.

A. ~~Scope.~~ The regulations contained within this section shall apply to all RM-2A districts. This district is consistent with the high density residential category as designated on the future land use map of the Cocoa Beach Comp Plan. The district is to be assigned only in those areas of the city where existing single-family houses are existing on individual lots with a lot size less than ten thousand (10,000) square feet.

B. ~~Purpose.~~ The intent is to allow for solely residential land uses. This district is intended for high density residential structures recognizing the accessibility of major streets and the proximity of community facilities. Existing single-family residential uses, duplexes, triplexes and multifamily residential land uses are permitted. Commercial and professional uses are not permitted.

C. ~~Permitted principal uses and structures.~~

- ~~1. Single-family residential uses.~~
- ~~2. Duplexes.~~
- ~~3. Multifamily dwellings.~~
- ~~4. Community residential homes, level I.~~
- ~~5. Each principal use in a phased development must be allocated to an individual site which meets all of the requirements set forth in these regulations.~~
- ~~6. Minor public utility structures, owned, operated or supervised by the city.~~
- ~~7. Day care center (if located on an arterial or collector street).~~

~~D. Permitted accessory uses and structures.~~

- ~~1. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures (i.e., sheds, docks, and garages).~~
- ~~2. Are located on the same lot as the principal use or structure, or on a contiguous lot under same ownership.~~
- ~~3. Does not generate a greater volume of traffic than would normally be expected in a residential neighborhood.~~
- ~~4. Do not involve operations of structures not in keeping with the character of a residential neighborhood.~~
- ~~5. Clubhouses (with multifamily residential land uses) subject to the following:~~
 - ~~a. Located as to minimize impacts should a detached single family residential property be adjacent to the proposed clubhouse and in no case shall a clubhouse be located closer than twenty five (25) feet from a detached single-family property.~~
 - ~~b. Integrated into or screened by the principle structure when such use is proposed on property abutting a detached single family residential property.~~
 - ~~c. Landscaped and constructed, where not screened by the principle use, so as to limit noise and light intrusion to abutting properties.~~
 - ~~d. Shall not be available for use by non-residents.~~
- ~~6. Home occupations are permitted in accordance with section 3-76 of these regulations.~~

~~E. Special exceptions. After public notice and hearing and subject to appropriate conditions and safeguards, the board of adjustment may permit the following as special exceptions:~~

- ~~1. Community residential homes, levels II and III.~~
- ~~2. Churches and similar places of worship with educational buildings and recreational facilities, if located on a major street or thoroughfare.~~
- ~~3. Public and private parks, playgrounds, community centers, and recreation and cultural facilities.~~

4. ~~Major public utility structures, owned, operated or supervised by the city.~~
 5. ~~Existing multifamily developments that exceed ten (10) units per acre.~~
 6. ~~Assisted living facility in accordance with F.S. § 429.02(5).~~
- F. ~~Prohibited uses. These shall be any use not listed as permitted or allowed by special exception, and specifically:~~
1. ~~Commercial and industrial land uses.~~
 2. ~~Transient lodging uses, except for those in existence as of May 4, 2000.~~
- G. ~~Minimum off-street parking requirements. See chapter III, article III, section 3-01.~~
- H. ~~Signage. See chapter V of these regulations.~~
- I. ~~Sidewalks. At a minimum, sidewalks shall be constructed on one (1) side of all public streets as indicated by the Comp Plan Sidewalk/Bike Path Master Plan, and in accordance with section 3-31.~~
- J. ~~Density/intensity.~~
1. ~~Existing transient lodging units and corresponding calculated density in existence as of May 4, 2000.~~
 2. ~~Ten (10) units per acre.~~
 3. ~~Existing non-residential uses: Building coverage not to exceed thirty-five (35) percent and floor area ratio (FAR) not to exceed 2.5. Non-residential uses that are accessory to residential uses must meet the accessory use requirements set forth above. A reduction in residential density may be credited to non-residential uses as follows: One (1) residential dwelling unit per acre may be converted to an equivalent non-residential FAR of 0.15.~~
 4. ~~Once a lot or portion thereof, is utilized for purposes of computing residential or transient lodging density, and authorized the maximum number of density units permitted, no subdivision or use of that lot for non-residential uses will be permitted except for accessory uses for the residential development.~~
 5. ~~Any uses claimed as accessory, which exceed the allowances of subsection D.2. above, shall not be considered accessory uses and must meet all district requirements applied to principal uses and structures. As a principal use, the land area utilized for such purposes cannot be credited toward density allowances except as provided in subsection J.3. above.~~
- K. ~~Pervious surface. Minimum of ten (10) percent as depicted in chapter III, Table 3-01.~~
- L. ~~Other.~~
1. ~~All LDC regulations which apply to the RM-2 district which are not in conflict with provisions of this section shall also apply to the RM-2A district.~~
 2. ~~For new or redeveloped property in this district, the development review committee or planning board and city commission may require modifications to~~

~~the site plan to ensure the proposed development is consistent and compatible with abutting land uses and the overall neighborhood character.~~

Section 2-09. Reserved

Section 2-10. - CT-1 oceanfront residential and transient district.

- A. **Scope.** The regulations contained within this section shall apply to all CT-1 districts and may be permitted in the high density residential and tourist designation of the future land use map in the Cocoa Beach Comprehensive Plan.
- B. **Purpose.** This district is intended to provide for multifamily permanent-residence structures on or near the city's ocean frontage, and to provide, transient lodging accommodations and essential services for the city's transient population.
- C. **Permitted principal uses and structures.**
1. Multiple-family dwellings.
 2. Transient lodging facilities.
 3. Restaurants, bars and lounges freestanding or incorporated in a transient lodging facility, excluding drive-ins.
 - ~~4. Bars and lounges.~~
 4. Retail and personal service shops.
 - ~~6. Travel and car rental agencies.~~
 - ~~57.~~ Churches and similar places of worship with educational buildings and recreational facilities, if located on a major street or thoroughfare.
 - ~~8. Professional office building existing at the time of adoption of these regulations.~~
 - ~~69.~~ Minor public utility structures owned, operated or supervised by the city.
- D. **Permitted accessory uses and structures.**
1. The following accessory uses within the structure, when customarily accessory and clearly subordinate to an apartment, multifamily, or transient lodging structure or complex of fifty (50) or more dwelling or rental units or to an office building, are permitted provided they together do not exceed twenty (20) percent of the gross floor area of structure. Such uses may include:
 - a. Management office for a multifamily or transient lodging facility use on the subject property.
 - b. Meeting rooms and banquet facilities for a transient lodging facility on the subject property.
 - c. Indoor recreation, conference, and cultural facilities.
 2. The following accessory uses and structures on the same parcel or a contiguous parcel under the same ownership, when customarily accessory and clearly subordinated to an apartment, or to an office building, are permitted provided they together do not exceed twenty (20) percent of the gross floor area of structure. Such uses may include:

- a. Outdoor recreation facilities.
 - b. Recreational equipment, rental and guided tours.
 - c. Outdoor poolside food and beverage service.
 - d. Commercial parking and parking garages when subordinate to a multifamily or transient lodging facility and where surplus parking exists in excess of the amount required for the principal use.
- ~~1. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.~~
 - ~~2. The following accessory uses, when customarily accessory and clearly subordinate to an apartment, multifamily, or transient lodging structure or complex of fifty (50) or more dwelling or rental units, or an office building, are permitted provided they are located within the structure and together do not exceed twenty (20) percent of the gross floor area of structure. Such uses may include:

 - a. ~~Management office for a multifamily or transient lodging facility use on the subject property.~~
 - b. ~~Meeting rooms and banquet facilities for a transient lodging facility on the subject property.~~
 - c. ~~Indoor/outdoor recreation facilities.~~
 - d. ~~Outdoor poolside food and beverage service.~~
 - e. ~~Commercial parking and parking garages when subordinate to a transient lodging facility and where surplus parking exists in excess of the amount required for the principal use.~~~~
 - ~~3. Are located on the same parcel as the principal use or structure.~~
 3. Home occupations are permitted in accordance with section 3-76 of these regulations.
 4. Any freestanding accessory structure will be included in the calculation of maximum lot coverage, intensity of uses, and other zoning regulations related to structures in this district.
 5. Yard requirements for accessory structures shall be the same as for principal structures. Side setbacks for accessory structures shall be the same as for the principal structure on the lot.
 6. Any uses claimed as accessory which exceed the allowances of subsection D.1 and D.2 above shall not be considered accessory uses and must meet all district requirements applied to principal uses and structures. As a principal use, the land area utilized for such purposes cannot be credited toward density allowances except as provided in section J.3 below.
 - ~~5. Any uses claimed as accessory which exceed the allowances of subsection D.2 above shall not be considered accessory uses and must meet all district requirements applied to principal uses and structures. As a principal use, the~~

~~land area utilized for such purposes cannot be credited toward density allowances except as provided in section J.3. below.~~

- E. **Special exceptions.** After public notice and hearing and subject to appropriate conditions and safeguards, as provided in Chapter IV Article V, the board of adjustment may permit the following as special exceptions:
1. Professional, financial and office services which are clearly in harmony with the purpose of the district, enhance its convenience for residents and transients, and are not adequately provided in neighboring general-commercial, neighborhood commercial and professional districts.
 2. Public and private schools offering a general education curriculum.
 - ~~3. Existing professional office buildings.~~
 - ~~4. Existing multifamily developments that exceed ten (10) units per acre.~~
 - ~~5. Existing transient lodging developments that exceed twenty-eight (28) units per acre.~~
 - ~~6. Existing single family dwellings and duplex units.~~
 3. The following accessory uses, when customarily accessory and subordinate to an apartment, multifamily, or transient lodging structure or complex of less than fifty (50) dwelling or rental units, and/or when such accessory uses are free standing or not located within the structure(s), provided the area of such accessory uses do not exceed twenty (20) percent of the gross floor area of the structure(s) on the property:
 - a. Restaurants, barsBar and lounges.
 - ~~b. Restaurants.~~
 - b. Travel and car rental agencies.
 - c. Retail and personal service shops.
 - ~~e. Management office for a multifamily or transient lodging facility use on the subject property.~~
 - ~~f. Meeting rooms and banquet facilities for a transient lodging facility on the subject property.~~
 - ~~g. Indoor/ outdoor recreation facilities for the exclusive use of the tenants of the multifamily use or transient lodging facility guests.~~
 - ~~h. Outdoor poolside food and beverage service for the convenience of and exclusive use by the registered transient lodging facility guests~~
- F. **Prohibited uses and structures.** This shall be any uses not listed as permitted or allowed by special exception.
- G. **Minimum off-street parking requirements.** Refer to section 3-01 for off street parking regulations. See chapter III, article III, section 3-01.
- H. **Signage.** See chapter V of these regulations.

I. **Sidewalks.** At a minimum, sidewalks shall be constructed on one (1) side of all public streets ~~as indicated by the Comp Plan Sidewalk/Bike Path Master Plan, and~~ in accordance with section 3-31.

J. **Density/intensity.**

1. Transient lodging facilities: Twenty-eight (28) units per acre.
2. Multifamily dwellings: Ten (10) dwelling units per acre.
3. Once a lot or portion thereof has been utilized for the purposes of computing density for residential, transient lodging facility occupancy and said residential, transient lodging facility project has been constructed with the maximum number of units permitted under density allowances, no subdivision ~~or use~~ of that land or construction of any type will be permitted thereon, except the permitted accessory uses for the residential or transient lodging development on said land.
4. Non-residential uses: Building coverage not to exceed thirty-five (35) percent and floor area ratio (FAR) not to exceed 2.5. Non-residential uses that are accessory to residential uses must meet the accessory use requirements set forth above. A reduction in residential density may be credited to non-residential uses as follows: One (1) residential dwelling unit per acre may be converted to an equivalent non-residential FAR of 0.15.

K. **Minimum pervious surface.** Thirty (30) percent

L. **Minimum lot dimensions.**

- Width – One hundred (100) feet
- Depth – None
- Area: Twenty thousand (20,000) square feet

M. **Minimum floor area.** Multifamily/Hotel.

- Two bedroom – Seven hundred fifty (750) square feet
- One bedroom – Five hundred (500) square feet
- Efficiency – Four hundred (400) square feet

N. **Maximum height.**

- Building/Absolute – Forty-five (45) feet
- Absolute abutting RS-1 – Thirty-five (35) feet

O. **Maximum building coverage.**

- Principal – Thirty-five (35) percent
- Principal plus accessories – Forty (40) percent

P. **Front setbacks.**

- Local Streets – Twenty-five (25) feet

- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Forty (40) feet

Q. Side setbacks: 15 feet

- Local street side – Twenty (20) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Twenty-five (25) feet

R. Rear setbacks: Twenty-five (25) feet or coastal construction setback line for oceanfront property

K. Pervious surface. Minimum of thirty (30) percent as depicted in chapter III, Table 3-04.

Section 2-11. - General provisions applicable to all commercial zoning districtsCN neighborhood commercial.****

A. Scope. The regulations contained within this section shall apply to all CN districts. This district is consistent with the general commercial category as designated on the future land use map of the Cocoa Beach Comprehensive Plan. These "general" regulations and provisions contained within this section shall apply to both the (CN) neighborhood commercial and (CG) general commercial zoning districts throughout the city. For "specific" regulations and provisions which shall only apply to each of the two (2) different commercial zoning districts, see sections 2-12 (CN) and 2-13 (CG) below.

B. Purpose. To meet the wide spectrum of retail and service needs of the total community, this district allows certain office, business, retail and personal services, while specifically prohibiting any transient lodging facility and time-share related uses. These two (2) commercial zoning districts are located near the transportation hubs of the city to make them easily accessible to the resident and traveling/visiting population of the city.

C. Permitted principal uses and structures. (The following applies to both the CN and CG zoning districts, wherever they are located throughout the city).

1. Retail, deli and grocery store.
2. Personal service shops and stores, such as beauty and barbershops, laundry/dry-cleaning.
3. Commercial recreational facilities within a soundproof building.
4. Professional offices and clinics.
5. Financial institutions.
6. Business offices.
7. Restaurants which are located greater than one hundred (100) feet from any residentially zoned property (RS-1, RM-1, and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.
8. Nightclubs, or bars and cocktail lounges within a soundproof building which are located greater than one hundred (100) feet from any residentially zoned

property (RS-1, RM-1, and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.

9. Pet shops within a soundproof, air-conditioned building.
 10. Communication media facilities and offices.
 11. ~~Commercial parking lots or p~~ Parking garages.
 12. Enclosed car wash.
 13. Animal hospitals and/or kennels within a soundproof, air-conditioned building.
 14. Major and minor public utility structures owned, operated or supervised by the city.
 15. Adult entertainment establishments located in accordance with the provisions of section 2-64.
 - ~~15. Adult entertainment establishments located in accordance with provisions of section 3-78 of these regulations, and operated in accordance with the City of Cocoa Beach Sexually Oriented Business and Adult Entertainment Establishment Ordinance (the Code of Ordinances of the City of Cocoa Beach, Florida chapter 2.5).~~
 16. Health clubs, gyms and spas.
 17. Indoor non-manufacturing research and development facilities.
 18. Funeral homes.
 19. Recreational water sports (non-motorized vessels of sixteen (16) feet or less in length only).
 20. Outdoor recreational facility, public parks and/or recreational facilities.
 - ~~21. Assisted living facility.~~
 - ~~2221. Day care centers, child or adult.~~
 - ~~2322. Art studios and galleries.~~
- D. **Permitted accessory uses and structures.** ~~(The following applies to both the CN and CG zoning districts, wherever they are located throughout the city).~~
1. Commercial parking lots, in compliance with the design, construction and landscape buffer requirements in Chapter III
 2. Are customarily accessory and subordinate to the permitted uses and structures.
 3. Are located on the same lot or on a contiguous lot under the same ownership.
 4. Do not involve operations or structures not in character with the zoning district.
 5. Any freestanding accessory structure will be included in the calculation of maximum lot coverage, intensity of uses, and other zoning regulations related to structures in this district.

6. Yard requirements for accessory structures shall be the same as for principal structures. Side setbacks for accessory structures shall be the same as for the principal structure on the lot.
- ~~1. Are customarily accessory and subordinate to the permitted uses and structures.~~
 - ~~2. Are located on the same lot as the permitted use or structure.~~
- E. **Special exceptions.** ~~(The following applies to both the CN and CG zoning districts, wherever they are located throughout the city).~~ After public notice and hearing and subject to appropriate conditions and safeguards, as provided in Chapter IV Article V, the board of adjustment may permit the following as special exceptions.
1. Churches and similar places of worship with educational buildings and recreational facilities, if located on a major street or thoroughfare.
 2. Indoor auction sales.
 3. Filling (service) station without major vehicle repairs, in compliance with section 3-68. Vehicles stored on the premises longer than forty-eight (48) hours shall be placed within a suitably screened storage area.
 - ~~3. Filling (service) station without major vehicle repairs, providing it shall not be located within a one thousand five hundred foot radius of an existing station. Vehicles stored on the premises longer than forty-eight (48) hours shall be placed within a suitably screened storage area.~~
 4. Commercial marinas and watercraft launch facilities, provided all structures are located within the bulkhead lines and not adjacent to a residential district.
 5. Mechanical garage with all activities conducted within fully enclosed buildings. Vehicles stored on the premises longer than forty-eight (48) hours shall be placed within a suitable screened storage area.
 6. Nightclubs or, bars ~~and cocktail lounges~~ within a soundproof building and restaurants which are within one hundred (100) feet of any residentially zoned property (RS-1, RM-1 and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.
 7. Outdoor seating that is in compliance with the provisions in section 2-65. Outdoor seating that is in conjunction with and clearly accessory to any permitted or special exception restaurant, nightclub, or cocktail lounge use. When considering an application for outdoor seating, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-48.C.
 - ~~a. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.~~
 - ~~b. Whether or not outdoor lighting will create additional nuisance impacts to existing or planned adjacent land uses.~~

- ~~c. Whether or not outdoor entertainment will create additional nuisance impacts, including but not limited to noise impacts, to existing or planned adjacent land uses.~~
- ~~d. Whether or not additional parking must be provided.~~
- ~~e. Whether or not it is necessary to restrict the hours of operation for the outdoor seating.~~
- ~~f. Any other issue that is reasonably related to the nature of the request.~~
- 8. Any legitimate commercial use not prohibited in this zone but not falling within the specific permitted uses and which, by a preponderance of evidence, is shown to further the interests of the citizens of Cocoa Beach in the establishment of a low-density family oriented residential and resort community with paramount consideration given to the health, comfort, well-being, and quality of life for the citizens and found to be compatible with the City Charter and Comprehensive Plan.
- 9. Public and private schools offering a general education curriculum.
- 10. Freestanding retail fish markets.
- 11. Major public utility structures owned, operated or supervised by the city.
- 12. Hospice, assisted living facility, or short-term respite care center, ~~geriatric care center, or adult day care center.~~
- 13. Tattoo or body-piercing studio.
- ~~13. *Tattoo studios and body-piercing salons.* When considering an application for tattoo studios and body-piercing salons, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-48C.~~
 - ~~a. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.~~
 - ~~b. No new or relocated tattoo studio or body-piercing salon should be placed within two thousand (2,000) feet of any lawfully existing tattoo studio or body-piercing salon establishment. This distance shall be measured from any public entrance or exit of the new or relocated establishment in a straight line of the existing establishment. The board may consider establishments be located closer than the two thousand-foot standard, if by the preponderance of evidence such new or relocated establishment promotes the welfare of the community and serves to promote the preamble to the City Charter.~~
 - ~~c. Any other issue that is reasonably related to the nature of the request.~~
 - ~~d. If the owner of a currently existing tattoo studio or body-piercing salon, as of August 20, 2009, loses his lease or use of his building or building location through no fault of his own and is unable to find a comparable replacement site two thousand (2,000) feet from another tattoo studio or body-piercing salon, then, in such circumstances if properly established, the board shall~~

~~allow such an owner to relocate to another site that may be within two thousand (2,000) feet of an existing tattoo studio or body-piercing salon. This provision is not applicable to owners subsequent to August 20, 2009 to include those who may acquire a corporately owned tattoo studio or body-piercing salon.~~

14. Pain management clinic that is in compliance with the provisions in Section 2-61.

~~14. *Pain management clinics.* When considering an application for pain management clinics, the board must consider the special exception criteria listed below, in addition to that criteria listed in subsection 4-48.C.~~

~~a. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.~~

~~b. Any parking demand created by a pain management clinic shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the pain management clinic will be sufficient to accommodate traffic and parking demands generated by the pain management clinic, based upon a current traffic and parking study prepared by a certified professional.~~

~~c. No pain management clinic shall be located within two hundred (200) [feet] of any residentially zoned property, or one thousand (1,000) feet of any school, as defined by these regulations. The distance from a pain management clinic to a school shall be measured by drawing a straight line between the closest point of the pain management clinic structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer to the pain management clinic) of the school.~~

~~d. Any other issue that is reasonably related to the nature of the request, including but not limited to, access to the site, the proximity of the proposed use to a public park or the ocean beach, the proximity of the proposed use to a similar use and surrounding land uses.~~

15. Mini warehouse or storage facility in compliance with the provisions in Section 2-62.

16. Pharmacy or medical marijuana dispensary in compliance with the provisions in Section 2-63.

F. ***Prohibited uses.*** This shall include any uses not listed as permitted or allowed by special exception.

G. ***Minimum off-street parking requirements.*** Refer to section 3-01 for off street parking regulations See chapter III, article III, section 3-01.

H. ***Signage.*** See chapter V of these regulations.

I. **Sidewalks.** At a minimum, sidewalks shall be constructed on one (1) side of all public streets ~~as indicated by the Comp Plan Sidewalk/Bike Path Master Plan, and~~ in accordance with section 3-31.

J. **Minimum pervious surface.** Ten (10) percent

K. **Minimum lot dimensions.**

- Width – Fifty (50) feet
- Depth – One hundred fifty (150) feet
- Area – Seven thousand five hundred (7,500) square feet

L. **Maximum height.**

- Building/Absolute – Forty-five (45) feet
- Absolute abutting RS-1 – Thirty-five (35) feet

M. **Maximum building coverage.**

- Principal – Thirty-five (35) percent
- Principal plus accessories – Forty (40) percent

N. **Front setbacks.**

- Local Streets – Twenty-five (25) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Forty (40) feet

O. **Side setbacks:** 15 feet

- Local street side – Twenty (20) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Twenty-five (25) feet

P. **Rear setbacks:** Twenty-five (25) feet or coastal construction setback line for oceanfront property

J. ~~**Density.**~~

1. ~~Transient lodging facility: Twenty-eight (28) units per acre.~~
2. ~~Once a lot has been used to compute density for transient lodging occupancy and said transient lodging project has been approved for and/or constructed with the maximum number of units permitted under density allowances, no subdivision of that land or construction of any type will be permitted thereon, except the permitted accessory uses for the development of said land.~~
3. ~~Non-residential uses: Building coverage not to exceed thirty-five (35) percent and floor area ratio (FAR) not to exceed 2.5. Non-residential uses that are accessory to transient lodging or residential uses shall not exceed twenty (20) percent of the gross floor area of the residential structure. A reduction in residential density may be credited to non-residential uses at an equivalent of one (1) residential dwelling unit per acre equals a non-residential FAR of 0.15, or one (1) transient lodging unit per acre equals a non-residential FAR of 0.05.~~

~~K. *Pervious surface.* Minimum of ten (10) percent as depicted in chapter III, Table 3-04.~~

~~**Section 2-12. – Special provisions for the CN neighborhood commercial district.**~~

~~A. *Scope.* The "specific" regulations contained within this section shall only apply in the CN zoning districts of the city.~~

~~B. *Purpose.* To meet the wide spectrum of retail and service needs of the total community, this district allows certain office business, retail and personal services, while specifically prohibiting any transient lodging facility and time share related uses.~~

~~C. *Permitted principal uses and structures.* The following permitted uses are specific to the CN zoning districts of the city, in addition to those listed in section 2-11.C. above.~~

~~1. Each principal use in a phased development must be allocated to an individual site which meets all of the requirements set forth in these regulations.~~

~~D. *Permitted accessory uses and structures.* The following accessory uses and structures are specific to the CN zoning districts of the city, in addition to those listed in section 2-11.D. above.~~

~~1. May also be located on a contiguous lot under same ownership.~~

~~2. Do not involve operations or structures not in character with the zoning district.~~

~~3. Any freestanding accessory structure will be included in the calculation of maximum lot coverage, intensity of uses, and other zoning regulations related to structures in this district.~~

~~4. Yard requirements for accessory structures shall be the same as for principal structures. Side setbacks for accessory structures shall be the same as for the tallest principal structure on the lot.~~

~~E. *Special exceptions.* When determined to be appropriate and compatible with adjacent land uses, the following special exceptions are specific to the CN zoning districts of the city, in addition to those listed in section 2-11.E. above. After public notice and hearing and subject to appropriate conditions and safeguards, the board of adjustment may permit the following as special exceptions:~~

~~1. Existing residential units, hotels, motels, or transient lodging establishments and uses, including all customary accessory buildings in existence as of May 4, 2000, which would otherwise be considered a nonconforming use shall be deemed a special exception following validation of same by resolution of city commission.~~

~~2. Mini-warehouses and storage facilities provided that:~~

~~a. No single compartment shall have a floor area exceeding one thousand five hundred (1,500) square feet.~~

~~b. Each compartment shall have an exterior independent entrance under exclusive control of the tenant thereof.~~

~~c. Use of compartment shall be limited to storage of personal property.~~

~~d. There shall be no outside storage of goods or materials of any type. Storage areas located in the side or rear yards shall be fenced as authorized by section 3-64, chapter III of these regulations and the fence shall be constructed to meet the opacity of a solid wall.~~

~~3. All residential uses in existence at the date of adoption of these regulations.~~

~~F. *Prohibited uses and structures.* This shall include any uses not listed as permitted or allowed by special exception.~~

~~**Section 2-13. - Special provisions for the CG general commercial district.**~~

~~A. *Scope.* The "specific" regulations contained within this section shall only apply in the CG zoning districts of the city.~~

~~B. *Purpose.* This district is intended for general business and services to meet the wide spectrum of retail and service needs of the total community.~~

~~C. *Permitted principal uses and structures.* The following permitted uses are specific to the CG zoning districts of the city, in addition to those listed in section 2-11.C. above.~~

~~1. Transient lodging facilities.~~

~~D. *Permitted accessory uses and structures.* The following accessory uses and structures are specific to the CG zoning districts of the city, in addition to those listed in section 2-11.D. above.~~

~~1. To be considered accessory use which does not count towards lot coverage, the proposed use must be located within the primary structure.~~

~~2. Nonresidential uses that are accessory to residential or transient lodging uses shall not exceed twenty (20) percent of the gross floor area of the residential structure. A reduction in residential or transient lodging density may be credited to non-residential uses at an equivalent of one (1) residential dwelling unit per acre equals a non-residential FAR of 0.15, or one (1) transient lodging unit per acre equals a non-residential FAR of 0.05.~~

~~E. *Special exceptions.* The following special exceptions are specific to the CG zoning districts of the city, in addition to those listed in section 2-11.E. above. After public notice and hearing and subject to appropriate conditions and safeguards, the board of adjustment may permit the following as special exceptions:~~

~~1. Mini-storage with suitable screening compatible with the architecture of the project. On-site parking shall be provided on the basis of one (1) space per five hundred sixty (560) square feet of gross floor area. One-half (½) of the parking sites may be sodded or landscaped. The individual mini-storage; however, shall not preclude the use of the facility as a depot for such purposes as franchised distribution. If motor vehicles or vessels are stored in an individual facility, there shall be not mechanical work performed on the premises.~~

- ~~2. Marijuana dispensaries/medical marijuana treatment centers. When considering an application for marijuana dispensaries/medical marijuana treatment centers, the board must consider the special exception criteria listed below, in addition to that criteria listed in subsection 5-57C. The board may deny the request, approve the request, or approve the request with conditions, based upon a review of these considerations. The board may assign additional conditions and safeguards as deemed necessary:~~
- ~~a. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.~~
 - ~~b. Any parking demand created by a marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the marijuana dispensary/medical marijuana treatment center will be sufficient to accommodate traffic and parking demands generated by the marijuana dispensary/medical marijuana treatment center, based upon a current traffic and parking study prepared by a certified professional.~~
 - ~~c. No marijuana dispensary/medical marijuana treatment center shall be located within one thousand (1,000) feet of any school or church, or within two hundred (200) feet of any residentially zoned property, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the marijuana dispensary/medical marijuana treatment center structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer) of the school, church or residentially zoned property.~~
 - ~~d. Unlike pain management clinics, which are also permitted as special exceptions in other commercial zoning districts, marijuana dispensaries/medical marijuana treatment centers shall be permitted as special exceptions in only the CG general commercial zoning districts throughout the city, as further defined and/or restricted by the subsections of this article, and only through the special exception approval process required for the board of adjustment. Also, no other business, aside or separate from the dispensing of marijuana, shall be permitted to be conducted from the same address where the marijuana dispensary/medical marijuana treatment center is located.~~
 - ~~e. Community redevelopment agency. No marijuana dispensaries/medical marijuana treatment centers shall be permitted within the legal boundaries defined as the community redevelopment agency (CRA) district for the City of Cocoa Beach. The boundaries of the CRA are defined as the area between Fourth Street South to the south, Cocoa Isles Boulevard to the north, the Atlantic Ocean to the east, and Cedar Avenue to the west. The current CRA has a sunset date which could cause the CRA to expire. Regardless of whether the CRA does or does not expire, no marijuana dispensary/medical marijuana treatment center shall be located within the~~

~~boundaries of the CRA since this district contains multi-family residential properties and residential/commercial mixed use properties, with the focus of the CRA district being one (1) of redevelopment, with a high concentration of commercial uses designed to accommodate family-oriented tourists and locals. As a result, and since it is the city's desire to locate marijuana dispensaries/medical marijuana treatment centers away from residential zoning districts and family-friendly, tourist hot-spots, it has been determined that a marijuana dispensary/medical marijuana treatment center would not be a good use on the properties currently zoned as CG—general commercial in this district.~~

- ~~f. Controlled substances. The onsite sale, provision, or dispensing of marijuana is prohibited except as specifically authorized by either federal or state law. The onsite cultivating and processing of marijuana shall be prohibited within the city limits.~~
- ~~g. Loitering. A marijuana dispensary/medical marijuana treatment center shall provide adequate seating for its patients and business invitees. The marijuana dispensary/medical marijuana treatment center shall not direct or encourage any patient or business to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary/center operates, including in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business and depart. The marijuana dispensary/medical marijuana treatment center shall post conspicuous signs on at least three (3) sides of the building stating that no loitering is allowed on the property.~~
- ~~h. Queuing of vehicles. The marijuana dispensary/medical marijuana treatment center shall ensure that there is no queuing of vehicles in the rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary and immediate steps to ensure compliance with this subsection.~~
- ~~i. No drive-through service. No marijuana dispensary/medical marijuana treatment center shall have a drive-through or drive-in service aisle. All dispensing, payment for and receipt of said marijuana shall occur from within or inside the marijuana dispensary/medical marijuana treatment center.~~
- ~~j. On-site consumption of marijuana and/or alcoholic beverages. No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way. The marijuana dispensary/medical marijuana treatment center shall take all necessary steps to ensure compliance with this subsection.~~
- ~~k. Additional separation distances. Marijuana dispensaries/medical marijuana treatment centers and all business signage shall not be permitted to be located within two hundred (200) feet from the centerline of the following streets: State Route A1A; State Route 520; Ocean Beach Boulevard; and,~~

~~Minutemen Causeway. A marijuana dispensary may operate in the CG general commercial districts located in these areas and along these streets, as long as they do not front onto said streets or have any building signage or property signage facing these streets. Distances shall be measured by drawing a straight line from the centerline of said streets to the nearest part of the signage, wall or part of the structure of the space or building leased or purchased for the proposed marijuana dispensary/medical marijuana treatment center. The applicant may request a variance from the requirements of this subsection, or subsection c. above, as provided for in the requirements outlined in the City of Cocoa Beach Land Development Code.~~

- ~~l. Hours of operation. Marijuana dispensaries/medical marijuana treatment centers shall only be allowed to operate between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 p.m. (Noon) on Saturdays and Sundays.~~
- ~~m. Compliance with other laws. All marijuana dispensaries/medical marijuana treatment centers shall at all times be in compliance with all federal and state regulations, and the Cocoa Beach City Code of Ordinances and Land Development Code, as may be applicable and amended from time to time.~~
- ~~n. Exemptions. Licensed pharmacies existing as of the effective date of the enactment of this article shall be exempt from the requirements of this article. All new licensed pharmacies thereafter shall be required to adhere to all of the guidelines and restrictions outlined and specified in this article.~~

~~F. Prohibited uses and structures. This shall include any uses not listed as permitted or allowed by special exception.~~

Sections 2-12 to 2-13. Reserved.

Section 2-14. - B-1 public and recreational open space district.

- A. **Scope.** The regulations contained within this section shall apply to the B-1 district as implemented by the conservation and recreation and open space elements of the adopted [Cocoa Beach](#) Comprehensive Plan.
- B. **Purpose.** The district is intended for public, conservation, or recreational activities and to preserve the natural resources and scenic assets of the city.
- C. **Permitted principal uses and structures.**
 - 1. Public parks, owned, operated or supervised by the city.
 - 2. Publicly and privately owned conservation areas.
 - ~~3. For any land use under private ownership: At a floor area ratio (FAR) of less than 0.1.~~
- D. **Permitted accessory uses and structures.**

1. Customarily accessory and clearly incidental and subordinate to permitted uses and structures that do not create an aggregate impervious surface that exceeds five (5) percent of the tract.
 - ~~2. Any improvement that will exceed five (5) percent impervious surface but in no case may the aggregate impervious surface exceed forty (40) percent, nor may the aggregate building area exceed fifteen (15) percent.~~
- E. **Special exceptions.** After public notice and hearing and subject to appropriate conditions and safeguards, as provided in Chapter IV Article V, the board of adjustment may permit the following as special exceptions:
1. Major public utility structures.
 2. Reduction in minimum pervious area, as defined below.
 - ~~2. Reduction in minimum pervious area, pursuant to Table 3-01.~~
- F. **Prohibited uses and structures.** This shall be any use not specifically or provisionally permitted herein, and any use not in keeping with the intended character of the district.
- G. **Minimum off-street parking requirements.** Refer to section 3-01 for off street parking regulations~~See chapter III, article III, section 3-01.~~
- H. **Signage.** Signs in B-1 zoning district are prohibited except those erected by the city or other appropriate governmental entities for information, control or directional purposes. See chapter V.
- I. **Sidewalks.** At a minimum, sidewalks shall be constructed on one (1) side of all public streets as indicated by the Comp Plan Sidewalk/Bike Path Master Plan, and in accordance with section 3-31.
- J. Minimum pervious surface. Ninety-five (95) percent, may be reduced to sixty (60) percent with approval of a special exception
- K. Minimum lot dimensions. None
- L. Maximum height.
- Building – Thirty-five (35) feet
 - Absolute – Forty-five (45) feet
 - Absolute abutting RS-1 – Thirty-five (35) feet
- M. Maximum building coverage. Principal plus accessories – Fifty (50) percent
- N. Setbacks. None
- ~~K. Pervious surface. Minimum of ninety five (95) percent as depicted in chapter III, Table 3-01. This may be reduced to sixty (60) with approval of a special exception.~~

Section 2-15. - PS-1 public and semi-public district.

- A. **Scope.** The regulations contained within this section shall apply to the PS-1 district and implements the public and institutional future land use map category in the Comprehensive Plan.

- B. **Purpose.** This district is intended for school, government and public health uses throughout the city.
- C. **Permitted principal uses and structures.**
1. Public schools that shall be subject to the public school siting policies, as adopted by the city, and F.S. § 163.3177(6)(a), as amended.
 2. Private schools offering a general education curriculum.
 3. Minor public utility structures owned, operated or supervised by the city.
 4. All buildings where there exists any city, county, state or federal government operation in support of the intent and purpose of this district.
 5. Government or private hospitals and other health care related institutions.
- D. **Permitted accessory uses and structures.**
1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
 2. Are located on the same lot as the principal use or structure, or on a contiguous lot under same ownership.
 3. Do not involve operations of structures not in keeping with the intended character of the district.
- E. **Special exceptions.** After public notice and hearing and subject to appropriate conditions and safeguards, as provided in Chapter IV Article V, the board of adjustment may permit the following as special exceptions:
- ~~1. Single family dwellings.~~
 2. Community residential homes (levels II and III), ALF, and nursing homes.
 3. Major public utility structures owned, operated or supervised by the city.
- F. **Prohibited uses and structures.** This shall include any uses not listed as permitted or allowed by special exception.
- G. **Minimum off-street parking requirements.** Refer to section 3-01 for off street parking regulations~~See chapter III, article III, section 3-01.~~
- H. **Signage.** See chapter V of these regulations.
- I. **Sidewalks.** At a minimum, sidewalks shall be constructed on one (1) side of all public streets ~~as indicated by the Comp Plan Sidewalk/Bike Path Master Plan, and~~ in accordance with section 3-31.
- J. Minimum pervious surface. Fifteen (15) percent
- K. Minimum lot dimensions. None
- L. Maximum height.
- Building – Forty-five (45) feet
 - Absolute – Forty-five (45) feet

• Absolute abutting RS-1 – Thirty-five (35) feet

M. **Maximum building coverage.** Principal plus accessories – Fifty (50) percent

N. **Setbacks.** None

J. *Pervious surface.* Minimum of fifteen (15) percent as depicted in chapter III, Table 3-01.

~~Sections 2-16—2-19. —Reserved.~~

Section 2-16. – Summary of dimensional standards.

The dimensional design standards for each zoning district are summarized in the following table.

Table 2-16 Summary of dimensional standards

<u>District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Depth</u>	<u>Maximum Building Height</u>		<u>Maximum Building Coverage*</u>		<u>Minimum Pervious Area</u>
				<u>Building Height</u>	<u>Absolute - All Attachments</u>	<u>Principal</u>	<u>Principal Plus Accessory</u>	
<u>RS-1</u>	<u>8,500 sq. ft.</u>	<u>80 ft.</u>	<u>100 ft.</u>	<u>25 ft.</u>	<u>35 ft.</u>	<u>35%</u>	<u>45%</u>	<u>20%</u>
<u>RM-1</u>	<u>7,500 sq. ft.</u>	<u>75 ft.</u>	<u>100 ft.</u>	<u>35 ft.</u>	<u>45 ft. (35ft abutting RS-1)</u>	<u>40%</u>	<u>45%</u>	<u>10%</u>
<u>RM-2</u>	<u>10,000 sq. ft.</u>	<u>100 ft.</u>	<u>100 ft.</u>	<u>45 ft.</u>	<u>45 ft. (35ft abutting RS-1)</u>	<u>50%</u>	<u>50%</u>	<u>10%</u>
<u>CT-1</u>	<u>20,000 sq. ft.</u>	<u>100 ft.</u>	<u>200 ft.</u>	<u>45 ft.</u>	<u>45 ft. (35ft abutting RS-1)</u>	<u>35%</u>	<u>40%</u>	<u>30%</u>
<u>CN</u>	<u>7,500 sq. ft.</u>	<u>50 ft.</u>	<u>150 ft.</u>	<u>45 ft.</u>	<u>45 ft. (35ft abutting RS-1)</u>	<u>35%</u>	<u>40%</u>	<u>10%</u>
<u>B-1</u>	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	<u>35 ft.</u>	<u>45 ft. (35ft abutting RS-1)</u>	<u>50%</u>	<u>50%</u>	<u>95%</u>
<u>PS-1</u>	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	<u>45 ft.</u>	<u>45 ft. (35ft abutting RS-1)</u>	<u>50%</u>	<u>50%</u>	<u>15%</u>

*The percentage shown is subject to change depending on property conditions, existing structures, or other extenuating circumstances. Any percentage reduction would be subject to approval by the administrator and/or the city engineer.

Section 2-17. – Minimum yard requirements.

The minimum yard requirements are summarized in the table below.

Table 2-17 Minimum yard requirements

<u>DISTRICT</u>	<u>FRONT</u>	<u>SIDE AND STREET SIDE</u>	<u>REAR</u>
<u>RS-1</u>	<u>25 ft. Front setbacks from all streets except SR 520, SR A1A, South Banana River Blvd and Ocean Beach Blvd, where front setbacks shall be 40 ft.</u>	<u>Side is 10 ft. and street side is 15 ft. from local streets and 25 ft. from SR 520, SR A1A, Ocean Beach Blvd and South Banana River Blvd.</u>	<u>15 ft. or Coastal Construction setback line on oceanfront property.</u>
<u>RM-1</u>	<u>25 ft. Front setbacks from all streets except SR 520, SR A1A, South Banana River Blvd and Ocean Beach Blvd, where front setbacks shall be 40 ft.</u>	<u>Side is 10 ft. and street side is 15 ft. from local streets and 25 ft. from SR 520, SR A1A, Ocean Beach Blvd and South Banana River Blvd.</u>	<u>15 ft. or Coastal Construction setback line on oceanfront property.</u>
<u>RM-2</u>	<u>25 ft. Front setbacks from all streets except SR 520, SR A1A, South Banana River Blvd and Ocean Beach Blvd, where front setbacks shall be 40 ft.</u>	<u>Side is 15 ft. and street side is 20 ft. from local streets and 25 ft. from SR 520, SR A1A, Ocean Beach Blvd and South Banana River Blvd.</u>	<u>15 ft. or Coastal Construction setback line on oceanfront property.</u>
<u>CT-1</u>	<u>25 ft. Front setbacks from all streets except SR 520, SR A1A, South Banana River Blvd and Ocean Beach Blvd, where front setbacks shall be 40 ft.</u>	<u>Side is 15 ft. and street side is 20 ft. from local streets and 25 ft. from SR 520, SR A1A, Ocean Beach Blvd and South Banana River Blvd. Any building exceeding 45 feet in height shall increase the side setbacks an additional 5 feet per 10 feet of additional height or fraction thereof.</u>	<u>25 ft. or Coastal Construction setback line on oceanfront property.</u>
<u>CN</u>	<u>25 ft. Front setbacks from all streets except SR 520, SR A1A, South Banana River Blvd and Ocean Beach Blvd, where front setbacks shall be 40 ft.</u>	<u>Side is 15 ft. and street side is 20 ft. from local streets and 25 ft. from SR 520, SR A1A, Ocean Beach Blvd and South Banana River Blvd. Any building exceeding 45 feet in height shall increase the side setbacks an additional 5 feet per 10 feet of additional height or fraction thereof.</u>	<u>25 ft. or Coastal Construction setback line on oceanfront property.</u>
<u>B-1</u>		<u>NONE</u>	
<u>PS-1</u>		<u>NONE</u>	

Sections 2-18 to 2-19. Reserved.

ARTICLE IV. - ESTABLISHMENT OF OVERLAY DISTRICTS

Section 2-20 to 2-22. Reserved.

~~Section 2-20. -- Downtown area overlay district (DOD) and neighborhood subdistrict administrative requirements.~~

- ~~A. *Purpose of an overlay district.* For the City of Cocoa Beach, overlay districts have been incorporated to further specify and define the standards, provisions and regulations required for development within these districts to ensure that the end product of what is developed is not only more aesthetically appealing, but it is also more in line with the "resort and family friendly" wording from the City Charter, and to dissuade development which would dramatically vary from these words, such as is found in other more commercially overdeveloped Florida beach-side communities. These overlay districts also provide more flexibility to the applicant, in what types of uses are permitted within the overlay, as opposed to requiring the applicant to only comply with the more stringent uses permitted in the underlying zoning of the land.~~
- ~~B. *Intent.* The downtown area overlay district (DOD) is comprised of seven (7) neighborhood subdistricts and the intent of the DOD and all of the neighborhood subdistricts is to support redevelopment and new investment in the city's historic downtown area, promote a mix of uses to ensure the area's long term economic viability, and to promote creative design solutions to enhance and preserve the area's vibrancy and unique character. In addition, the DOD and the neighborhood subdistricts support the goals outlined in the downtown design standards which enhance the DOD's identity; protect views to the water; improve and create a more appealing walkable environment; and establishing distinct activity centers, points of interest, and districts to reinforce the various neighborhoods found within the DOD.~~
- ~~C. *Purpose.* The purpose of the DOD and neighborhood subdistricts is to provide additional regulations to the underlying zoning and support mixed-use redevelopment throughout the DOD area and it's combined seven (7) neighborhood subdistricts. The underlying zoning is secondary to the DOD and neighborhood subdistrict zoning requirements and when in conflict, the DOD and neighborhood subdistrict regulations shall take precedence. In addition, the downtown design standards shall be consistent with the DOD and neighborhood subdistricts and when in conflict, the DOD and neighborhood subdistricts shall take precedence.~~
- ~~D. *Applicability and approval.* The DOD and neighborhood subdistricts are all zoning overlay districts which provide regulations for proposed developments and/or modifications to the exterior portions of lots and buildings which face a street. Applications for these developments and/or modifications shall demonstrate conformance with the requirements of this section, as well as the underlying applicable zoning in sections 2-06 thru 2-13 and the downtown design standards, as adopted and/or amended by the city. Any development for good cause shown, which cannot meet these requirements, may apply for a waiver to the planning board.~~

~~Applicants must submit architectural plans, building elevations and a site development plan, which meet the requirements set forth in the downtown design standards including:~~

- ~~1. Building appearance;~~
 - ~~2. Height of building;~~
 - ~~3. Roof type including pitch;~~
 - ~~4. Scale of the proposed structure relative to other buildings and structures in the area.~~
- ~~E. *Downtown design standards.* The downtown design standards as may be adopted and amended by resolution of the city commission from time to time.~~
- ~~F. *Exemptions.* This section does not apply to the following developments located within the DOD:~~
- ~~1. Proposals for which only a building permit is required where there are no modifications to the exterior portions of lots or buildings, which face a street.~~
 - ~~2. Public or private utilities.~~
 - ~~3. Single family residences.~~
- ~~G. *Nonconforming uses.* The relief granted by this section shall not be used to encourage the survival of legal nonconforming or other prohibited uses.~~
- ~~H. *Organization.* The DOD and neighborhood subdistrict regulations are organized into two (2) areas, which include street types and general requirements as discussed below:~~
- ~~1. *Street types.* The street types defined in this section apply only to the entire DOD and the seven (7) neighborhood subdistricts as specifically defined below. The street types defined in chapter I, section 1-20, definitions, apply to all other zoning districts in the city. These DOD and neighborhood subdistrict street types describe the desired characteristics of each street, location of uses, vehicular access, and building requirements further outlined in this section. The street types shall be governed by the street type map in Map 3-1. There are six (6) street types as follows:~~
 - ~~a. *Major arterials.* A major street which is primarily designed to accommodate vehicular traffic.~~
 - ~~b. *Primary streets.* A street designed with an emphasis on accommodating pedestrian traffic with continuous and generous sidewalks, building facades, and commercial uses which front and animates the street.~~
 - ~~c. *Secondary streets.* A street which provides a scale transition from primary pedestrian streets to major arterial or collector corridors.~~
 - ~~d. *East/west streets.* A street which connects directly to the beach and that cannot be classified as a primary pedestrian street.~~
 - ~~e. *Local streets.* A predominantly minor residential street.~~

~~f. *Active alleys/easements.* An access easement which abuts the rear of a lot that is generally used as a second public entrance for business and service access. Active alleys are hereby declared essential to the functionality of the DOD which serve as a substitute for driveways, direct access to off-street parking, off-street loading, pedestrian and interior traffic circulation, and for stormwater drainage conveyances.~~

~~2. *General requirements for the DOD and neighborhood subdistricts.* General requirements apply to the entire downtown area overlay district, including the seven (7) neighborhood subdistricts which comprise the entire DOD, which include the six (6) individual neighborhood subdistricts and the one (1) conservation area or subdistrict. Requirements vary according to each neighborhood subdistrict for the purposes of creating and reinforcing a particular character present in each specific neighborhood of the DOD. The boundaries of the neighborhood subdistricts are depicted on the neighborhood subdistrict Map 3-2, and by the individual neighborhood subdistrict boundaries which are defined in section 2-21 below. The seven (7) neighborhood subdistricts which make up the DOD in its entirety include:~~

- ~~a. *Downtown core neighborhood subdistrict (DC).*~~
- ~~b. *Cottage row conservation area/subdistrict (CRC).*~~
- ~~c. *Cottage row neighborhood subdistrict (CR).*~~
- ~~d. *Cottage row residential neighborhood subdistrict (CRR).*~~
- ~~e. *Artisan neighborhood subdistrict (AD).*~~
- ~~f. *Campus gateway neighborhood subdistrict (CG).*~~
- ~~g. *Oceanside neighborhood subdistrict (OS).*~~

Section 2-21. – General provisions for the DOD and the neighborhood subdistricts.

~~A. *Downtown area overlay district (DOD) boundaries.* The areas where the DOD general requirements apply are generally described as those lands bounded by the rights-of-way of Cocoa Isles Boulevard to the north, mid-block between Cedar Avenue and Woodland Avenue to the west, 4th Street South to the south, and the state building restriction line to the east. The seven (7) neighborhood subdistricts are completely contained within the DOD overlay district boundaries defined previously. The DOD and seven (7) neighborhood subdistricts are all identified on the DOD Map 3-2, and on the official zoning map on file in the offices of the city manager and city clerk.~~

~~B. *Density/intensity.* Developments may not exceed the following densities:~~

- ~~1. *Ten (10) units per acre for multifamily dwellings.*~~
- ~~2. *Twenty-eight (28) units per acre for transient lodging.*~~

~~C. *Special requirements for transient lodging.* New transient lodging west of Atlantic Avenue shall be authorized by a special development overlay district (SDOD)~~

~~zoning map approval as defined in section 2-26 below, and only in those areas identified in the city Comp Plan.~~

- ~~D. *Ground floor elevation for residential.* For residential buildings or residential portions of mixed use buildings, the floor of dwelling units shall be elevated a minimum of eighteen (18) inches above the elevation of the public sidewalk to create privacy and separation from the building's entrance and the sidewalk.~~
- ~~E. *Off-street parking requirements.* In addition to the requirements set forth for the underlying zoning district, off-street parking shall be provided as follows:
 - ~~1. Duplex, multi-family, and townhouses: minimum one (1) space per unit, plus one (1) per twenty (20) units for guest parking.~~
 - ~~2. Office: minimum two (2) per thousand (1000) square feet of gross floor area.~~
 - ~~3. Medical: minimum two and one-half (2.5) spaces per doctor or dentist plus one-half (.5) space for each one and one-half (1.5) employees.~~
 - ~~4. Restaurant: minimum one (1) per one hundred fifty (150) square feet of gross floor area.~~
 - ~~5. Retail: minimum two (2) per thousand square feet of gross floor area.~~~~
- ~~F. *Maneuvering in the right-of-way.* To prevent using entire front yards for off-street parking, maneuvering in the right-of-way shall be prohibited except for single family homes and duplexes.~~
- ~~G. *Buffers for off-street parking.* All off-street parking shall be buffered from the sidewalk by providing twenty (20) shrubs and two (2) trees for every one hundred (100) linear feet of lot frontage.~~
- ~~H. *Joint or shared use off-street parking (JSP).* Joint or shared use of off-street parking is encouraged in the DOD to reduce the amount of area dedicated to off-street parking. All JSP shall be approved by the administrator, with the following conditions:
 - ~~1. JSP shall be located on the opposite side of an active alley, on the same block or within seven hundred (700) feet of the land uses they serve.~~
 - ~~2. JSP lots may fully satisfy the off-street parking requirement for two (2) different land uses, provided that their peak off-street parking demand times do not conflict.~~
 - ~~3. Signage shall be placed to inform motorists of the allowable use of JSP.~~
 - ~~4. JSP approval may be granted by the administrator when all participating landowners record a JSP agreement or other like document with the city or provide statements from all property owners explaining the activities in each building, and the anticipated demands for the shared off-street parking.~~
 - ~~5. This subsection does not preclude any applicant to apply for other off-street parking considerations as set forth in other sections of this code.~~~~
- ~~I. *Projections.* Canopies, awnings, overhangs, balconies, signs, and other building projections shall meet the following minimum criteria:~~

- ~~1. Have a minimum vertical clearance of eight (8) feet from the sidewalk.~~
 - ~~2. Balconies shall not encroach more than five (5) feet into the setback and shall not encroach beyond the lot line.~~
 - ~~3. Canopies and awnings may encroach five (5) feet beyond the lot line into the public right-of-way subject to the recording of a "right of use" agreement.~~
- ~~J. *Transparency.* Ground floor window transparency requirements vary as follows according to the street type:~~
- ~~1. Major arterials, commercial uses shall have a minimum fifty (50) percent transparency.~~
 - ~~2. Primary pedestrian streets:~~
 - ~~a. Commercial uses shall have a minimum fifty (50) percent transparency, except in the artisan neighborhood subdistrict where only a minimum of thirty (30) percent transparency is required.~~
 - ~~b. Residential uses shall provide a minimum of fifty (50) percent transparency for common spaces.~~
 - ~~3. Secondary streets:~~
 - ~~a. Commercial uses shall have a minimum thirty (30) percent transparency.~~
 - ~~b. Residential uses shall provide a minimum of thirty (30) percent transparency for common spaces.~~
 - ~~4. East/west streets, commercial uses shall have a minimum twenty five (25) percent transparency.~~
 - ~~5. Local street, commercial uses shall have a minimum twenty-five (25) percent transparency.~~
 - ~~6. Active alley, commercial uses shall have a minimum of twenty five (25) percent transparency.~~
- ~~K. *Sidewalks on private land.* When a sidewalk on private land serves as an extension of the public sidewalk, it shall match and comply with the sidewalk requirements as determined by the city.~~
- ~~L. *Dumpsters.* Dumpsters and utilities shall be screened with solid walls or fences with gates, and be covered and the covers shall remain closed at all times, except when in use.~~
- ~~M. *Vacating streets.* Vacating streets is prohibited in the DOD. Relocation of streets shall be discouraged and requests for relocation require review by the planning board and final approval by the city commission following public hearings.~~
- ~~N. *Stormwater management.* The city will strive to implement stormwater improvements into active alleys in the DOD wherever and whenever feasible, as determined on a case-by-case basis. Development applications which impact stormwater management shall provide stormwater management improvements. The~~

engineering details for these improvements shall be coordinated and approved by the city engineer.

~~O. *Exceptions to distance requirements for alcoholic beverage establishments.* Distance requirements shall not be required within the boundaries of the DOD for nightclub, supper club, and other bar type uses which sell alcoholic beverages.~~

~~P. *Outdoor seating, service and entertainment.* Outdoor restaurant seating is encouraged in the DOD. New requests for outdoor seating may be approved by the administrator. Outdoor seating requests shall be in conjunction with and clearly accessory to any permitted or approved special exception for a restaurant, nightclub, or cocktail lounge use. The administrator shall consider the criteria listed below when considering an application for outdoor seating and he/she may deny the request, approve the request, approve the request with conditions, or assign additional conditions and safeguards as deemed appropriate for each particular request:~~

- ~~1. Will the request cause damage, hazard, nuisance or other detriment to persons or property?~~
- ~~2. Will the outdoor lighting create a nuisance for neighboring properties?~~
- ~~3. Will the outdoor entertainment create a nuisance for neighboring properties and/or properties located outside of the DOD?~~
- ~~4. Should additional off-street parking be provided?~~
- ~~5. Will it be necessary to restrict the hours of operation for the outdoor seating?~~
- ~~6. Will the ADA required minimum five-foot wide clear and unobstructed path on the sidewalk remain at all times after placement of the outdoor tables and chairs?~~
- ~~7. Have all other issues that are reasonably related to this request been considered?~~
- ~~8. Appeal of any decision of the administrator may be made in accordance with the provisions of chapter I, article IX, "duties of officials; matters of appeal" of this code.~~

~~Q. *Public open space requirement.* For lots larger than two (2) acres, ten (10) percent of the lot shall be dedicated as contiguous open space which abuts the sidewalk on at least one (1) side and for at least twenty (20) percent of the open space perimeter length. The space may be used for outdoor dining, seating, plazas, or formal or informal gathering space and shall connect to the sidewalk by a five-foot minimum clear path.~~

~~**Section 2-22. Special provisions for the neighborhood subdistricts.**~~

~~A. *Downtown core neighborhood subdistrict (DC):*~~

- ~~1. *Boundaries.* Those lands bounded on the north by 1st Street North, on the east by the city seawall line, on the south by 1st Street South, and on the west by Brevard Avenue.~~

2. ~~*Intent.* The downtown core neighborhood subdistrict (DC) is intended to be the main destination in Downtown Cocoa Beach with the highest concentration of commercial uses, intimate pedestrian spaces, cafe seating, alternative retail, and entrances to visitor lodging. This district also supports outdoor terraces which support dining, rooftop terraces and viewing decks; large ground floor windows for restaurants and bars; large overhangs to protect pedestrians from the elements; and rich materials and details for building facades. It is enhanced by a network of improved active alleys.~~
3. ~~*Underlying zoning districts.* RM-2, CN, CG and PS-1 zoning districts.~~
4. ~~*Permitted principle uses and structures.* In addition to those permitted in the RM-2, CN, CG, and PS-1 zoning districts, the following principal uses and structures shall also be permitted:

 - a. ~~Transient lodging as part of a mixed use development. Units are prohibited on the ground floor.~~
 - b. ~~Multifamily dwelling as part of a mixed use development. Dwelling units are prohibited on the ground floor.~~
 - c. ~~*Parking garage as a commercial use.* The ground floor of parking garages which face primary pedestrian streets shall be concealed with commercial uses which may be attached or detached.~~
 - d. ~~Retail (excluding retail fish markets).~~
 - e. ~~Personal service shops and stores, such as beauty and barbershops, laundry/dry cleaning.~~
 - f. ~~Commercial recreational facilities within a soundproof building.~~
 - g. ~~Financial institutions.~~
 - h. ~~Business offices.~~
 - i. ~~Restaurants which are located greater than one hundred (100) feet from any residentially zoned property (RS-1, RM-1, and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.~~
 - j. ~~Nightclubs, bars and cocktail lounges within a soundproof building which are located greater than one hundred (100) feet from any residentially zoned property (RS-1, RM-1, and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.~~
 - k. ~~Communication media facilities and offices.~~
 - l. ~~Art studios and galleries.~~~~
5. ~~*Permitted accessory uses and structures.* In addition to those permitted in the RM-2, CN, CG, and PS-1 zoning districts, the following accessory uses shall also be permitted, when customarily accessory and subordinate to an apartment, multifamily, or transient lodging structure or complex of less than~~

~~fifty (50) dwelling or rental units, and/or when such accessory uses are free standing or not located within the structure(s), provided the area of such accessory uses do not exceed twenty (20) percent of the gross floor area of the structure(s) on the property:~~

~~a. Travel and car rental agencies.~~

~~b. Management office for a multifamily or transient lodging facility use on the subject property.~~

~~c. Meeting rooms and banquet facilities for the exclusive use of the tenants of the multifamily use or transient lodging facility guests.~~

~~d. Outdoor poolside food and beverage service.~~

~~6. *Special exceptions.* In addition to those permitted in the RM-2, CN, CG, and PS-1 zoning districts, the following uses shall also be permitted as a special exception when approved by the board of adjustment.~~

~~a. Nightclubs, bars and cocktail lounges within a soundproof building and restaurants which are within one hundred (100) feet of any residentially zoned property (RS-1, RM-1 and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.~~

~~b. Pain management clinics. When considering an application for pain management clinics, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-48.C.:~~

~~i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.~~

~~ii. Any parking demand created by a pain management clinic shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the pain management clinic will be sufficient to accommodate traffic and parking demands generated by the pain management clinic, based upon a current traffic and parking study prepared by a certified professional.~~

~~iii. No pain management clinic shall be located within two hundred (200) of any residentially zoned property, or one thousand (1,000) feet of any school, as defined by these regulations. The distance from a pain management clinic to a school shall be measured by drawing a straight line between the closest point of the pain management clinic structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer to pain management clinic) of the school.~~

~~iv. Any other issue that is reasonably related to the nature of the request, including but not limited to, access to the site, the proximity of the proposed use to a public park or the ocean beach, the proximity of the~~

~~proximity of the proposed use to a similar use, and surrounding land uses.~~

~~7. *Prohibited uses.* The following uses which may be allowed in RM-2, CN, CG, and PS-1 are now prohibited within the downtown core neighborhood subdistrict (DC):~~

~~a. Commercial parking lots except for parking as a temporary use and municipal parking lots. Temporary parking lots shall be allowed for a period of twenty four (24) months and shall be improved with stabilized driveways, landscaping, and ADA parking.~~

~~b. Mini warehouse and storage facilities.~~

~~c. Filling stations.~~

~~d. Mechanical garages.~~

~~e. Enclosed car washes.~~

~~B. *Cottage row conservation area/district (CRC):*~~

~~1. *Boundaries.* Those lands bounded on the north by 2nd Street North, on the east by Atlantic Avenue, on the south by 1st Street North, and on the west by Orlando Avenue.~~

~~2. *Intent.* The cottage row conservation area/district (CRC) is a collection of small, historic buildings which have been adapted for commercial uses. It is enhanced by a central improved active alley to encourage more active pedestrian spaces which take advantage of the large rear yards for additional commercial space, cafe, seating, art displays, sculpture and outdoor gardens. It is encouraged that existing development be preserved to the best extent possible.~~

~~3. *Underlying zoning districts—CN zoning district.*~~

~~4. *Permitted principle uses and structures.* In addition to those permitted in the CN zoning district, the following principal uses and structures shall also be permitted:~~

~~a. Multifamily dwelling as part of a mixed use development. Dwelling units are prohibited on the ground floor for portions of the building which face primary pedestrian streets.~~

~~b. Bed and breakfast.~~

~~5. *Prohibited Uses.* The following uses which may be allowed in CN are now prohibited within the cottage row conservation area (CR-conservation):~~

~~a. Mini warehouse and storage facilities.~~

~~b. Enclosed car wash.~~

~~c. Filling station.~~

~~d. Mechanical garage.~~

- e. ~~Commercial parking lots or parking garages except for parking as a temporary use and municipal parking lots. Temporary parking lots shall be allowed for a period of twenty four (24) months and shall be improved with stabilized driveways, landscaping, and ADA parking.~~

~~C. Cottage row neighborhood subdistrict (CR):~~

- 1. ~~*Boundaries.* Those lands bounded on the north by 4th Street North, on the east by Atlantic Avenue, on the south by 1st Street North, and on the west by the midblock line between Brevard Avenue and Orlando Avenue. And also those lands bounded on the north by 1st Street South, on the east by Atlantic Avenue, on the south by 2nd Street South, and on the west by Brevard Avenue.~~
- 2. ~~*Intent.* The cottage row neighborhood subdistrict (CR) is the main commercial district for neighborhood retail and services. Its purpose is to support the improvement of the retail corridor along Orlando Avenue with renovated buildings that preserve historic architectural elements of existing buildings. New buildings match the scale and architectural quality of historic buildings.~~
- 3. ~~*Underlying zoning districts* — CN zoning district.~~
- 4. ~~*Permitted principle uses and structures.* In addition to those permitted in the CN zoning district, the following principal uses and structures shall also be permitted:
 - a. ~~Multifamily dwelling as part of a mixed use development. Dwelling units are prohibited on the ground floor for portions of the building which face primary pedestrian streets.~~
 - b. ~~Bed and breakfast.~~~~
- 5. ~~*Permitted accessory uses and structures.* In addition to those permitted in the CN zoning district, an enclosed car wash shall also be permitted.~~
- 6. ~~*Prohibited uses.* The following uses which may be allowed in CN are now prohibited.
 - a. ~~Mini warehouse and storage facilities.~~
 - b. ~~Parking garages as a commercial use.~~~~

~~D. Cottage row residential neighborhood subdistrict (CRR):~~

- 1. ~~*Boundaries.* Those lands bounded on the north by 4th Street North, on the east by the midblock line between Orlando Avenue and Brevard Avenue, on the south by 2nd Street North, and on the west by the mid-block line between Cedar Avenue and Woodland Avenue. Also those lands bounded on the north by 2nd Street South, on the east by Atlantic Avenue, on the south by 4th Street South, and on the west by Brevard Avenue.~~
- 2. ~~*Intent.* The cottage row residential neighborhood subdistrict is the primary residential district in the downtown area overlay district. It is envisioned that new development shall take architectural cues from the existing building stock.~~

~~Multi-family residential may have walk-up gardens. Uses other than residential are discouraged.~~

~~3. *Underlying zoning districts*—RM-1 zoning district.~~

~~4. *Permitted principle uses and structures*. In addition to those permitted in the RM-1, community gardens shall also be permitted.~~

~~E. *Artisan neighborhood subdistrict (AD)*:~~

~~1. *Boundaries*. Those lands bounded on the north by 2nd Street North, on the east by Brevard Avenue on the south by Minutemen Causeway, and on the west by the midblock line between Cedar Avenue and Woodland Avenue. Also, Lots 1 to 10, inclusive, of Block 106A, Amended Plat of Fifth Addition to Cocoa Beach (subdivision). Also, the Beach Professional Condominium, as described in O.R. Book 2547, Page 1601, and amendments thereto.~~

~~2. *Intent*. The artisan neighborhood subdistrict is envisioned as an artistic enclave with artist workspaces and studios in both new buildings and retrofitted storage bays and warehouses. Artist housing and alternative multi-family housing shall also be permitted. The artisan neighborhood subdistrict is an extension of the downtown core neighborhood subdistrict which supports artist activities and related special events including art walks, gallery nights, and performance art. Workspaces shall have a public storefront and entrance at the ground floor to encourage an open and interactive environment.~~

~~3. *Underlying zoning districts*. [RM-1, RM-2 and CN zoning districts.]~~

~~4. *Permitted principle uses and structures*. In addition to those found in the RM-1, RM-2, and CN zoning districts, the following principal uses and structures shall also be permitted:~~

~~a. Professional and business offices as part of a mixed use development.~~

~~b. Live/work, artist workspaces, and artist's dwelling unit.~~

~~c. Studios.~~

~~d. Multifamily dwelling as part of a mixed use development.~~

~~5. *Permitted accessory uses and structures*. In addition to those found in the CN zoning district, enclosed car washes shall also be permitted.~~

~~6. *Special exceptions*. In addition to those found in the CN zoning district, the following uses shall also be permitted as a special exception.~~

~~a. Filling station.~~

~~b. Mechanical garage.~~

~~c. Nightclubs, bars and cocktail lounges within a soundproof building and restaurants which are within one hundred (100) feet of any residentially zoned property (RS-1, RM-1 and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.~~

- d. ~~Pain management clinics. When considering an application for pain management clinics, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-48.C.:~~
- i. ~~Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.~~
 - ii. ~~Any parking demand created by a pain management clinic shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the pain management clinic will be sufficient to accommodate traffic and parking demands generated by the pain management clinic, based upon a current traffic and parking study prepared by a certified professional.~~
 - iii. ~~No pain management clinic shall be located within two hundred (200) of any residentially zoned property, or one thousand (1,000) feet of any school, as defined by these regulations. The distance from a pain management clinic to a school shall be measured by drawing a straight line between the closest point of the pain management clinic structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer to pain management clinic) of the school.~~
 - iv. ~~Any other issue that is reasonably related to the nature of the request, including but not limited to, access to the site, the proximity of the proposed use to a public park or the ocean beach, the proximity of the proposed use to a similar use, and surrounding land uses.~~

7. ~~Prohibited uses. The following uses which may be allowed in CN are now prohibited within the artisan neighborhood subdistrict (AD).~~

- a. ~~Parking garages as a commercial use.~~

F. ~~Campus gateway neighborhood subdistrict (CG):~~

1. ~~Boundaries. Those lands bounded on the north by Cocoa Isles Boulevard, on the east by Atlantic Avenue, on the south by 4th Street North, and on the west by lands with a residential future land use map designation but including all lands known as the Galleria Center. Also, lands with a general commercial future land use map designation, that are east of Atlantic Avenue, north of 4th Street North, and south of an easterly extension of Cocoa Isles Boulevard.~~
2. ~~Intent. Campus gateway is envisioned as the municipal center for the downtown area overlay district and as a destination and showcase for innovative energy efficient building technologies and art installations at the northern entry of the downtown area overlay district. A mix of uses is permitted in the campus gateway neighborhood subdistrict, but the predominant uses are government civic uses, parks and open space with outdoor markets and displays. Pedestrian paths and sidewalks are interconnected throughout the district to unify the open space among parcels and to create a campus-like environment.~~

- ~~3. Underlying zoning districts—CN and CG zoning districts.~~
- ~~4. Permitted principle uses and structures. In addition to those in the CN and CG zoning districts, the following principal uses and structures shall also be permitted:~~
- ~~a. Multifamily dwelling as part of a mixed use development. Dwelling units are prohibited on the ground floor.~~
 - ~~b. Public schools that shall be subject to the public school siting policies, as adopted by the city, and F.S. § 163.3177(6)(a), as amended.~~
 - ~~c. Private schools offering a general education curriculum.~~
 - ~~d. Minor public utility structures owned, operated or supervised by the city.~~
 - ~~e. All developments where there exists any city, county, state or federal government operation in support of the intent and purpose of this district.~~
 - ~~f. Government or private hospitals and other health care related institutions~~
 - ~~g. Parking garages as a commercial use. Commercial uses shall be required on the ground floor for portions of the building which face secondary streets and local streets.~~
- ~~5. Permitted accessory uses and structures. In addition to those found in the CN and CG zoning districts, enclosed car washes shall be permitted as an accessory use.~~
- ~~6. Special exceptions. In addition to those found in the CN and CG zoning districts, the following uses shall be permitted as a special exception.~~
- ~~a. Mini-warehouse and storage facilities.~~
 - ~~b. Filling station.~~
 - ~~c. Mechanical garage.~~
 - ~~d. Nightclubs, bars and cocktail lounges within a soundproof building and restaurants which are within one hundred (100) feet of any residentially zoned property (RS-1, RM-1 and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.~~
 - ~~e. Pain management clinics. When considering an application for pain management clinics, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-48.C.:~~
 - ~~i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.~~
 - ~~ii. Any parking demand created by a pain management clinic shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the pain management clinic will be sufficient to accommodate traffic and parking~~

~~demands generated by the pain management clinic, based upon a current traffic and parking study prepared by a certified professional.~~

~~iii. No pain management clinic shall be located within two hundred (200) [feet] of any residentially zoned property, or one thousand (1,000) feet of any school, as defined by these regulations. The distance from a pain management clinic to a school shall be measured by drawing a straight line between the closest point of the pain management clinic structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer to pain management clinic) of the school.~~

~~iv. Any other issue that is reasonably related to the nature of the request, including but not limited to, access to the site, the proximity of the proposed use to a public park or the ocean beach, the proximity of the proposed use to a similar use, and surrounding land uses.~~

~~G. *Oceanside neighborhood subdistrict (OS):*~~

~~1. *Boundaries.* Those lands bounded on the north by 4th Street North, on the east by the state building restriction line, on the south by 1st Street North, and on the west by Atlantic Avenue.~~

~~2. *Intent.* The oceanside neighborhood subdistrict is the primary corridor for beachfront condominiums and provides street ends with main access to the beach. These regulations ensure that off-street parking is buffered from Atlantic Avenue and that building lobbies and entrances face east/west streets and street ends so that they are visually and physically connected to the sidewalk.~~

~~3. *Underlying zoning districts.* RM-2, CT-1 and CG zoning districts.~~

~~4. *Permitted principle uses and structures.* In addition to those found in the RM-2, CT-1, and CG zoning districts, the following shall also be permitted:~~

~~a. Transient lodging as part of a mixed use development.~~

~~b. Multifamily dwelling as part of a mixed use development. Dwelling units are prohibited on the ground level.~~

~~5. *Permitted accessory uses and structures.* In addition to those found in the RM-2, CT-1, and CG zoning districts, the following shall also be permitted:~~

~~a. When customarily accessory and subordinate to an apartment, multifamily, or transient lodging structure or complex of less than fifty (50) dwelling or rental units, and/or when such accessory uses are free standing or not located within the structure(s), provided the area of such accessory uses do not exceed twenty (20) percent of the gross floor area of the structure(s) on the property:~~

~~i. Bars and lounges.~~

~~ii. Restaurants.~~

- iii. ~~Travel and car rental agencies.~~
 - iv. ~~Retail and personal service shops.~~
 - v. ~~Management office for a multifamily or transient lodging facility use on the property.~~
 - vi. ~~Meeting rooms and banquet facilities for the exclusive use of the tenants of the multifamily use or transient lodging facility guests of the subject property.~~
 - vii. ~~Outdoor poolside food and beverage service.~~
- b. ~~Enclosed car wash.~~
6. ~~Special exceptions.~~ In addition to those found in the ~~RM-2, CT-1, and CG zoning districts,~~ the following uses shall also be permitted as a special exception.
- a. ~~Nightclubs, bars and cocktail lounges within a soundproof building and restaurants which are within one hundred (100) feet of any residentially zoned property (RS-1, RM-1 and RM-2 districts) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line.~~
 - b. ~~Pain management clinics. When considering an application for pain management clinics, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-48C:~~
 - i. ~~Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.~~
 - ii. ~~Any parking demand created by a pain management clinic shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the pain management clinic will be sufficient to accommodate traffic and parking demands generated by the pain management clinic, based upon a current traffic and parking study prepared by a certified professional.~~
 - iii. ~~No pain management clinic shall be located within two hundred (200) [feet] of any residentially zoned property, or one thousand (1,000) feet of any school, as defined by these regulations. The distance from a pain management clinic to a school shall be measured by drawing a straight line between the closest point of the pain management clinic structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer to pain management clinic) of the school.~~
 - iv. ~~Any other issue that is reasonably related to the nature of the request, including but not limited to, access to the site, the proximity of the proposed use to a public park or the ocean beach, the proximity of the~~

proximity of the proposed use to a similar use, and surrounding land uses.

H. ~~Setbacks for neighborhood subdistricts: In addition to the setback requirements set forth in Tables 3.01 and 3.01A, from chapter III, the following table of setbacks shall apply and take precedence.~~

SETBACK REQUIREMENT	DC	CRG	CR	GRR	AD	CG	OS
Minimum front yard setback, primary structure = five (5) feet.			X	X	X		
Minimum front yard setback, primary structure = zero (0) feet.	X						
Minimum side yard setback = five (5) feet, except where a side yard setback abuts a recorded alley or access easement, then ten (10) feet.			X	X	X		
Minimum side yard setback = zero (0) feet, except where a side yard setback abuts a recorded alley or access easement, then five (5) feet.	X						
Minimum upper level front yard setback = fifteen (15) feet above thirty-six (36) feet of height.	X	X	X	X	X		
Minimum upper level rear yard setback = fifty (50) feet above thirty-six (36) feet of height.				X	X		
<i>Only the setbacks marked with an 'X' are setbacks which vary from the requirements set forth in Table 3.01 and 3.01A. There are no special setback requirements for the CG or OS neighborhood subdistricts.</i>							

~~I. Lot coverage for neighborhood subdistricts: The maximum allowable lot coverage for all buildings, the maximum building footprint and maximum building length shall not exceed the requirements set forth in the following lot coverage table for all applicable neighborhood subdistricts.~~

MAXIMUM LOT COVERAGE PERMITTED	DG	CRG	CR	CRR	AD	CG	OS
Maximum eighty five (85) percent for all buildings.	X						
Maximum building footprint not to exceed three thousand (3,000) square feet for each building.		X					
Maximum sixty (60) percent for all buildings.			X	X	X		
Maximum building footprint not to exceed twenty five thousand (25,000) square feet for each building.						X	
Maximum building length shall not exceed two hundred (200) feet.						X	
There are no special lot coverage requirements for the OS neighborhood subdistrict.							

~~J. Facades for parking garages as a commercial use. (This only applies to the downtown core, campus gateway and oceanside neighborhood subdistricts). Exposed parking garages shall not be permitted in the DOD or neighborhood subdistricts. When a commercial parking garage faces a street, it shall be concealed on the ground floor with commercial uses and screened with architectural treatments which cover up to sixty (60) percent of the façade area, including building walls and openings. This percentage may be reduced as needed by the administrator to prevent the structure from being classified as an enclosed parking garage.~~

~~K. Main and secondary public entrances to buildings:~~

ENTRANCES TO BUILDINGS OFF OF STREETS	DG	CRG	CR	CRR	AD	CG	OS
The main entrance shall face the primary or local street. All commercial buildings which abut an active alley shall have the second entrance facing the active alley.	X				X		
The main entrance shall face the primary street. All commercial buildings which abut an active alley shall have the second entrance facing the active alley.		X					
The main entrance shall face the secondary street.			X				

The main entrance shall face the east/west street with the second entrance facing east/west streets.								X
<i>There are no special public entrance requirements for the CRR and CG neighborhood subdistricts.</i>								

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L. ~~Service, loading and passenger drop-off loading zones:~~

SERVICE, LOADING AND PASSENGER DROP-OFF	DC	CRG	CR	CRR	AD	CG	OS	
Service deliveries, loading, unloading and passenger drop-off shall occur internal to the building footprint or block or from an active alley. Any development which cannot meet this requirement may designate on-street parking for these purposes with approval from the administrator, and only one (1) loading zone shall be permitted which shall not use more than two (2) on-street parking spaces.	X			X			X	
Service deliveries, loading, unloading and passenger drop-off shall occur from an active alley only.		X						
<i>There are no special loading zone requirements for the CR, AD or CG neighborhood subdistricts.</i>								

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M. ~~Driveways, drive-in and drive-through lanes:~~

DRIVEWAYS, DRIVE-IN AND DRIVE-THROUGH LANES	DC	CRG	CR	CRR	AD	CG	OS
Shared driveways are permitted for abutting lots to access centralized off-street parking and shall not exceed twenty-four (24) feet in width.	X		X		X	X	X
Driveways are not permitted for lots abutting active alleys and access shall occur from the active alleys without a driveway.	X				X		
Driveways for parking garages shall be twenty-four (24) feet wide and they shall occur on local or east/west streets only.	X						
Driveway access shall occur from active alleys only.		X					
Driveways shall not exceed fifteen (15) feet in width.				X			

Driveways for all structured parking shall be twenty-four (24) feet in width to accommodate two-way traffic.								X
Drive-in and drive-through lanes are prohibited.	X	X		X	X			
Drive-in and drive-through lanes are permitted, but they shall not face primary pedestrian or secondary streets.			X				X	X

N. Exceptions to buffers and landscaping:

EXCEPTIONS TO BUFFERS AND LANDSCAPING	DC	CRG	CR	GRR	AD	CG	OS
Buffers shall not be required except for off-street parking.	X	X		X			
In addition to the requirements in section 3-18 of this code, buffers are not required between lots zoned CN.			X			X	
In addition to the requirements in section 3-18 of this code, buffers shall be required for rear lot lines only.			X			X	
In addition to the requirements in section 3-18 of this code, off-street parking shall be screened from the sidewalk with a landscape buffer.			X			X	
Buffers are not required except for properties abutting RM-1. Off-street parking shall be screened from the sidewalk with a landscape buffer.					X		
In addition to the requirements in section 3-18 of this code, buffers shall not be required except for off-street parking.							X

O. Fences, walls and hedges:

FENCES, WALLS AND HEDGES	DC	CRG	CR	GRR	AD	CG	OS
For yards fronting streets, solid fences/walls are not permitted. Chain-link may be used in conjunction with hedges not exceeding forty-eight (48) inches in height.	X	X					

For yards fronting streets, solid fences/walls may not exceed twenty-four (24) inches in height. Chain-link may be used in conjunction with hedges of the same height.			X				
For yards fronting streets, fences/walls/hedges not exceeding forty-eight (48) inches in height may be used to separate residential front yards from sidewalks. Chain-link may only be used in conjunction with hedges of the same height.				X			
For yards fronting streets, solid fences/walls are not permitted on commercial lots. Fences/walls/hedges not exceeding forty-eight (48) inches high shall be used to separate residential front yards from sidewalks. Chain-link is not permitted.					X		
For yards fronting streets, solid fences/walls are not permitted on commercial lots. Chain-link may be used in conjunction with hedges not exceeding forty-eight (48) inches in height.						X	
For yards fronting streets, solid fences/walls may not exceed thirty-six (36) inches in height. Chain-link may be used in conjunction with hedges of the same height.							X

P. *Specific off-street parking requirements:*

SPECIFIC OFF-STREET PARKING REQUIREMENTS	DC	GRG	GR	CRR	AD	CG	OS
In addition to the chapter III underlying zoning off-street parking provisions, all off-street parking shall provide a minimum five-foot wide unobstructed and clearly marked walking path between the parking perimeter and any public sidewalk. Paths shall be clearly defined for ease of use.	X		X		X	X	
Off-street parking shall not face primary pedestrian streets.	X	X					
<i>There are no special or specific off-street parking requirements for the CRR or OS neighborhood subdistricts.</i>							

DOWNTOWN OVERLAY DISTRICT MAP

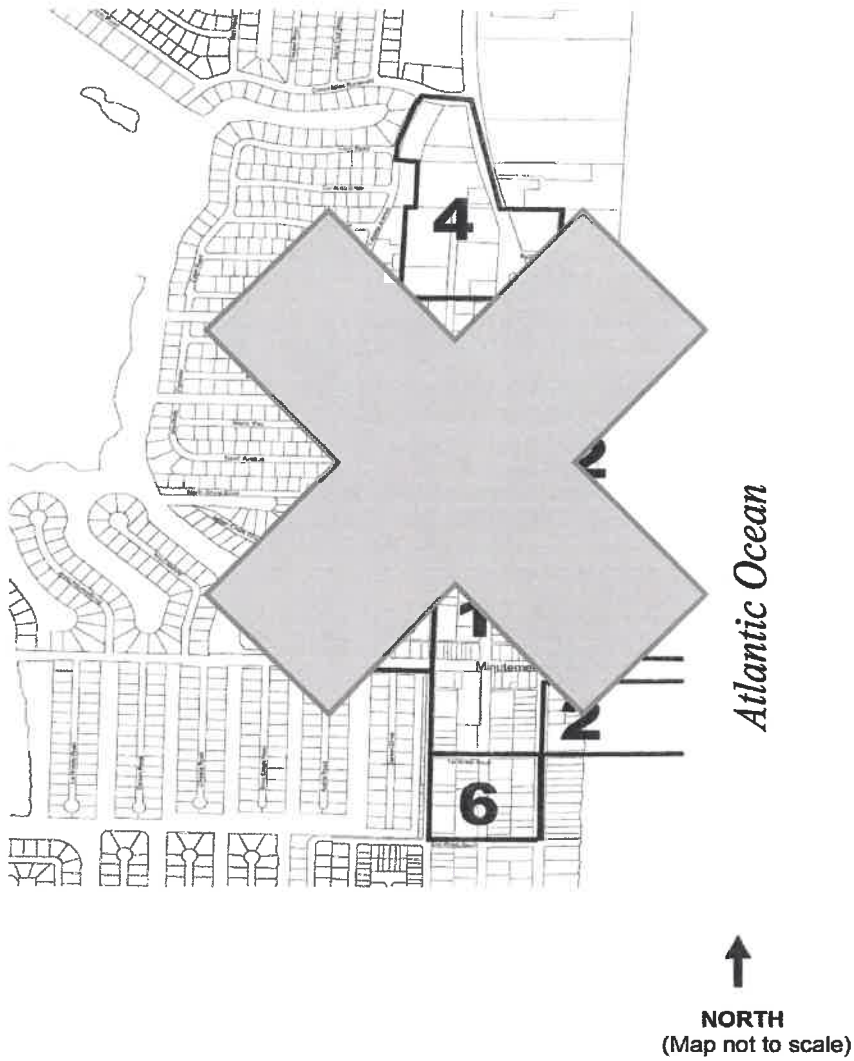
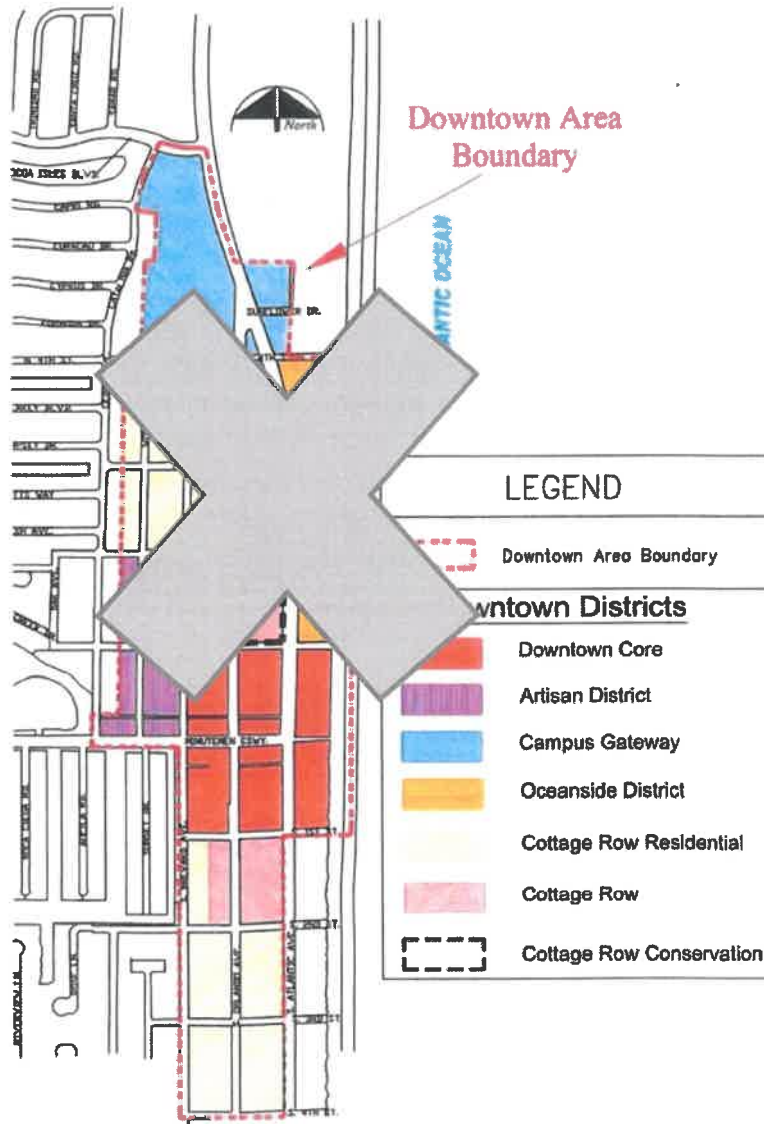


Exhibit A

DOWNTOWN AREA OVERLAY NEIGHBORHOOD DISTRICT MAP MAP 3-2



- Note: Map not to scale

Sections 2-23—2-25. – Resort overlay district. [Reserved.]

Section 2-23. – Professional-Commercial Opportunity overlay district.

- A. Scope.** The regulations contained within this section shall apply to the properties designated on the overlay map. These properties have an underlying zoning of RM-2 Multifamily-Professional. This district is consistent with the high density residential and professional and high density residential and tourist categories as designated on the future land use map contained within the Future Land Use Element of the City of Cocoa Beach Comprehensive Plan.
- B. Purpose.** In the City of Cocoa Beach, overlay districts have been incorporated to further specify and define development standards, provisions, and regulations for certain geographic areas where further specificity is required to more accurately facilitate development based upon area specific needs and goals wherein these needs and goals do not apply to the zoning category citywide. This overlay district provides more flexibility to the applicant relative to what types of uses are permitted in the overlay district as opposed to requiring the applicant to strictly comply with the more widely accepted city-wide uses permitted by the underlying zoning category. Development in this overly district is expected to benefit from frontage on or proximity to the SR A1A corridor while recognizing the necessity of protecting the adjacent residentially zoned properties.
- C. Permitted principal uses and structures.** In addition to those permitted within the RM-2 zoning district, the following uses and structures are permitted.
1. Multifamily dwellings.
 2. Professional and business offices such as medical, legal, architectural, engineering, and real estate offices. The retail sale of ancillary products within the office space is allowed.
 3. Community residential homes, level I.
 4. Major and minor public utility structures, owned, operated or supervised by the city.
 5. Mixed-use development, pursuant to Section 1-20.B of the Land Development Code.
 6. Day care centers (If located on an arterial or collector street).
 7. Assisted living facility in accordance with F.S. § 429.02(5).
 8. Art galleries and studios.
 9. Retail sales ancillary to a permitted use. Retail sale of fireworks shall not be permitted
 10. Personal service shops and store such as beauty and barber shops.
 11. Financial institutions
 12. Restaurants, located greater than one hundred (100') feet from any residentially zoned property (RS-1, RM-1) as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential

property line. Outdoor seating, with outdoor service, is permitted, but no outside entertainment in the form of bands or recorded music, is allowed.

D. Permitted accessory uses and structures. In addition to those permitted within the RM-2 zoning district the following are permitted accessory uses.

1. Are clearly ancillary and accessory to the principal use.
2. The following accessory uses, when clearly subordinate to a transient lodging or multifamily complex of fifty (50) or more dwelling units, or an office building, are permitted provided they are located within the structure and together do not exceed ten (10) percent of the gross floor area of the structure:
 - a. Bar and lounges.
 - b. Travel and car rental agencies.
3. Offices with laboratories provided no manufacturing is conducted.
4. Home occupations are permitted in accordance with section 3-76 of these regulations.
5. Any uses claimed as accessory which exceed the allowances of subsection D.2 above shall not be considered accessory uses and must meet all district requirements applied to principal uses and structures. As a principal use, the land area utilized for such purposes cannot be credited toward density allowances except as provided in subsection J.3 below.

E. Special exceptions. After public notice and hearing and subject to appropriate conditions and safeguards, as provided in Chapter IV Article V, the board of adjustment may permit the following as special exceptions:

1. Community residential homes, levels II and III.
2. Public and private parks, playgrounds, community centers, and recreation and cultural facilities.
3. Public and private schools, including day care nurseries and kindergartens, offering a general education curriculum.
4. Major public utility structures, owned, operated or supervised by the city.
5. Bed and breakfast, pursuant to Section 1-20.B of the Land Development Code.
- 1.6. ~~Transient lodging establishment~~Boutique hotel, pursuant to Section 1-20.B of the Land Development Code.
6. Restaurants, located greater than one hundred (100) feet from any residentially zoned property (RS-1, RM-1), as measured in a straight line from the nearest point of the structure of the establishment to the nearest point of the residential property line. If outdoor seating, with outdoor service, is requested, no outside entertainment in the form of bands or recorded music is permitted, and all considerations must be evaluated per the criteria provided in Section 2-65.B.
7. The following accessory uses, when customarily accessory and subordinate to a transient lodging structure or complex of less than fifty (50) dwelling or rental

units, and/or when such accessory uses are free standing or not located within the structure(s), provided the area of such accessory uses do not exceed ten (10) percent of the gross floor area of the structure(s) on the property:

- a. Bar and lounges.
- b. Travel and car rental agencies.

8. Social service facility.

F. Prohibited uses and structures. This shall include any uses not listed as permitted or allowed by special exception.

G. Minimum off-street parking requirements. Refer to section 3-01 for off street parking regulations.

H. Signage. See chapter V of these regulations.

I. Sidewalks. At a minimum, sidewalks shall be constructed on one (1) side of all public streets in accordance with section 3-31.

J. Density/intensity.

1. Multifamily dwellings: Ten (10) units per acre.
2. Transient lodging facility: Twenty-eight (28) units per acre.
3. Non-residential uses: Building coverage not to exceed thirty-five (35) percent and floor area ratio (FAR) not to exceed 2.5. A reduction in residential density may be credited to non-residential uses as follows: One (1) residential dwelling unit per acre may be converted to an equivalent non-residential FAR of 0.15.
4. Once a lot or portion thereof, is utilized for purposes of computing residential or transient lodging density, and authorized the maximum number of density units permitted, no subdivision or use of that lot for non-residential uses will be permitted except for accessory uses for the residential development.

K. Minimum pervious surface. Ten (10) percent

L. Minimum lot dimensions.

- Width – One hundred (100) feet
- Depth – One hundred (100) feet
- Area – Ten thousand (10,000) square feet

M. Minimum floor area. Multifamily:

- Two bedroom – Seven hundred fifty (750) square feet
- One bedroom – Five hundred (500) square feet
- Efficiency – Four hundred (400) square feet

N. Maximum height.

- Building/Absolute – Forty-five (45) feet

- Absolute abutting RS-1 – Thirty-five (35) feet

O. **Maximum building coverage.** Principal plus accessories – Fifty (50) percent

P. **Front setbacks.**

- Local Streets – Twenty-five (25) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Forty (40) feet

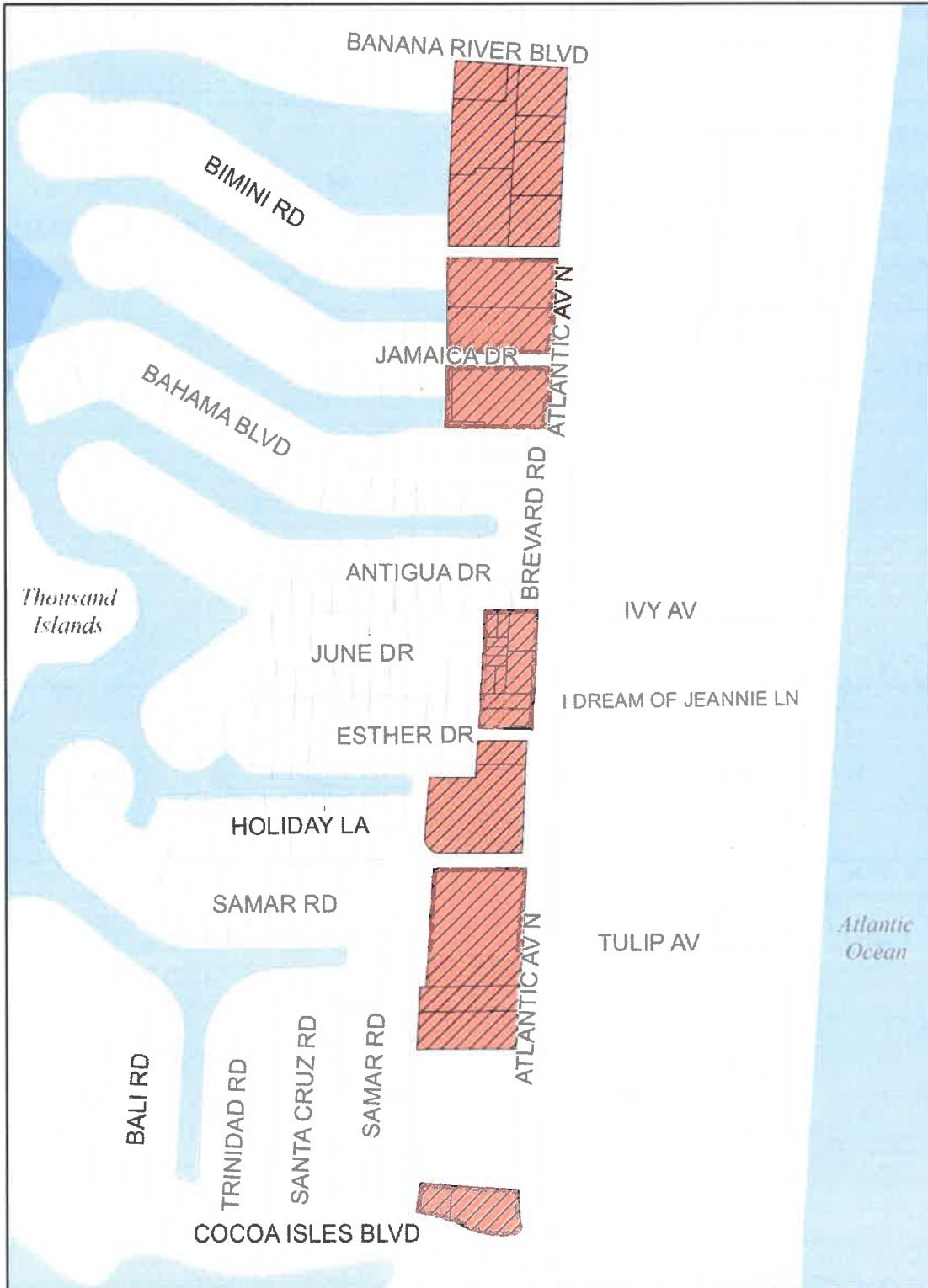
Q. **Side setbacks:** Fifteen (15) feet

- Local street side – Twenty (20) feet
- SR 520/SR A1A/Ocean Beach Blvd/S Banana River Blvd – Twenty-five (25) feet

R. **Rear setbacks:** Fifteen (15) feet or coastal construction setback line for oceanfront property

Figure 2-23. Professional/Commercial Opportunity Overlay District Map

 Professional/Commercial Opportunity Overlay (RM-2 Zoning District)



Sections 2-24 to 2-25. Reserved.

Section 2-26. - Special development overlay district (SDOD).

- A. **Scope.** Since it is typically impossible to find flexibility in traditional pre-existing zoning district regulations, the SDOD is a means of applying flexible land use controls and land regulations which promotes a more efficient development of a parcel or parcels of land without disturbing the underlying land uses and zoning classifications in a specific zoning district or area.

To permit more flexible land use regulations and facilitate the most advantageous methods of land development, it is often necessary to establish conditional or alternate uses and development requirements that apply to different zoning districts. Through the creation of an SDOD, these uses are encouraged as alternatives to traditional land uses typically permitted within each zoning district, and the following regulations shall apply to the zoning of all SDODs.

- B. **Purpose and intent.** The SDOD requires a development agreement be created between the applicant and the city before an SDOD can become effective. The SDOD incorporates a more flexible means to negotiate and coordinate the private sector's objectives, which may vary from traditional zoning district requirements, while also being in line with the public sector's neighborhood and community preservation objectives which seek to preserve existing neighborhood patterns of design. Specifically, the purpose and intent of an SDOD is to:

1. Achieve higher quality urban design amenities, which serve to encourage redevelopment and infill of land to improve property values.
2. Promote efficiency through more cost effective, flexible and creative regulations to reverse neighborhood decline and upgrade housing quality.
3. Stimulate mixed uses not possible through conventional zoning district regulations.
4. Preserve architectural qualities of the community where they are important to attract and create new development that is compatible with existing neighborhoods and commercial areas.
5. Promote and implement sustainable development practices and design including, but not limited to, application of leadership in energy and environmental design (LEED) green building standards and construction for structures built within a SDOD.

Although the SDOD provides opportunities for unique concepts, it shall blend with the existing neighborhood character and comply with the underlying zoning district regulations as well as the specific regulations established in this section.

- C. **Minimum size.** An SDOD shall have no minimum size requirement.
- D. **Compliance with subdivision regulations.** All SDOD applications shall be reviewed pursuant to the provisions of this section and they shall also comply with and be submitted in accordance with the provisions of chapter IV, article I, "site plan," and/or article II, "subdivision procedure."

- E. **Permitted uses and compliance with Comprehensive Plan.** The uses and density permitted in an SDOD district shall be consistent with and conform to the underlying zoning district regulations as further defined in this chapter.
- F. **Size and dimension regulations.**
1. All SDODs shall provide sufficient access and area for effective delivery of emergency services.
 2. Deviations from the development standards described in this section or for the underlying zoning district may require variance or special exception approval from the board of adjustment, as determined by the administrator.
 3. In reviewing SDOD development plans, the specific residential density approved by the city shall: be consistent with the City Charter, Comprehensive Plan, and the underlying zoning district requirements where the SDOD is located, to ensure cohesiveness with the surrounding neighborhoods and area; protect environmentally sensitive areas; and, minimize any flood hazard impacts on surrounding properties.
 4. The city reserves the right to mandate changes in the site plan if it is found to not satisfy the provisions of the City Charter, Comprehensive Plan and these regulations.
 5. Frontage and accessibility. Every SDOD must have improved access to a public street, as required by the city engineering design standards. Flag lots shall not be permitted with the rezoning to an SDOD.
 6. Lot size. No more than twenty (20) percent of the total number of lots in an SDOD can be less than four thousand five hundred (4,500) square feet unless fifty (50) percent of the total developable area for residential is dedicated as open space.
 7. Setbacks. The development plan shall provide detailed information on any required setbacks within the SDOD and no minimum setbacks are required except for the perimeter boundary setbacks in the case of multi-unit, multi-use developments. However, the city may mandate minimum setbacks during the site plan review which are consistent with sound planning principles and practices.
 8. Height/density. The height and density of structures shall be consistent with the underlying zoning district where the SDOD is located, as provided for in the Comprehensive Plan.
 9. Building configuration and open space. The location of structures, open space, landscaping, and pedestrian and vehicular circulation shall provide a functional and aesthetically pleasing environment consistent with the underlying zoning district requirements and Comprehensive Plan.
 10. Natural systems. Dunes and other natural systems which exist shall be preserved and incorporated into the site plan.

11. Land uses, general. All proposed land uses in the SDOD shall be designated on the development plan, consistent with the underlying zoning district land uses, and oriented with consideration of existing and proposed land uses. Appropriate buffering shall be located between incompatible land uses on adjacent properties and within the SDOD. If land uses not consistent with the underlying zoning district are requested, the applicant shall be required to seek an amendment to the future land use map.

G. Commercial and office.

1. SDODs with commercial and office land uses must locate on an arterial or collector street, or a service road connected thereto. Mixed-use professional office and residential structures may locate on local streets. Commercial and office land uses may locate on local streets in residential areas where permitted by these regulations and the Comprehensive Plan when they are designed to only serve the retail and service needs of the surrounding neighborhood, and not the community at large; and, create and maintain street impacts which resemble characteristics of a residential neighborhood which discourages access to and through the neighborhood by large commercial trucks and heavy volumes of vehicular traffic.
2. Prevention of strip development. Commercial and office land uses shall be integrated with other land uses and designed in such a way that prevents strip development.

- H. Signs.** The SDOD shall have provisions for sign design and regulations that can be enforced by both the city and a property owners association which minimizes sign proliferation, promotes architectural integrity, provides an overall harmony in the color, theme, and design of all signage, and complies with the sign regulations within this code in chapter V. The applicant shall submit a uniform master sign plan, in accordance with chapter V, article II, section 5-24 of these codes, which establishes the type, height, number, size, design and location of all signs in the SDOD.

- I. Development plan requirements.** In addition to requirements of article I and article II of chapter III of these regulations, and to promote a harmonious and aesthetic environment for pedestrians and other user groups within the proposed development, the following shall also be incorporated into the SDOD development plans:

1. *A drainage system approved by the city engineer.* The city engineer shall review and approve the drainage system(s) submitted which are deemed by the engineer to be the most appropriate for the surface water drainage and management.
2. *Water and sewer.* SDODs shall locate within a central water and sewer service area, or where such systems are not yet available, such utilities must be made available as outlined in the development agreement. Any interim sewer services provided for residential land uses shall be consistent with provisions of the Comprehensive Plan. No interim water and sewer services shall be allowed for

commercial land uses, unless a development agreement specifies a time when such central services will be made available.

3. *Sidewalks and improvements to enhance pedestrian movement.* Sidewalks shall be installed on one (1) side of all streets in accordance with Comprehensive Plan Map 10, "Sidewalk/ Bike Path Master Plan," and chapter III, article VI, section 3-31.
 4. *Traffic circulation improvements.* A traffic analysis shall be submitted to the city engineer for review and approval for all SDODs, where he/she will make the determination on what, if any, traffic circulation improvements shall be included in the SDOD.
 5. *Lighting.* Street lighting, which is harmonious with the urban design theme of the city, shall be incorporated in the SDOD development. Street lighting shall be installed on all perimeter streets, within parking areas, and along pedestrian walkways.
 6. *Open space and landscape furniture.* Open spaces and landscape furniture proposed for the SDOD shall promote the project's urban design and aesthetics and address the landscape design standards of chapter IV or show why the SDOD design is better.
 7. *Other subdivision or site improvements.* All other subdivision or site improvements and project amenities shall be consistent with a unified urban design as prescribed by the city. All utility lines shall be placed underground. High voltage electrical lines may be placed underground or on concrete poles placed within the street right-of-way which have provisions for street lighting. Large transformers shall be placed on the ground on pad mounts which are screened from view by landscaping or in enclosures or vaults which are compatible with the primary building design.
 8. *Storage areas.* All storage areas shall be fully enclosed and located at the rear of all structures. No inoperative motor vehicle shall be stored or used for storage within any SDOD unless it is within a completely enclosed building.
- J. ***Submittal requirements and review procedure for special development overlay districts.***
1. *General.* The application and review procedures for rezoning to an SDOD designation are located in article VII of chapter IV of these regulations. All SDOD applications shall require a public hearing process as required for a rezoning and shall be referenced on the official zoning map, once approved.
 2. *Planning board review.*
 - a. The applicant must provide eight (8) copies of the completed application and a development plan which describes the basic ideas of the project for planning board discussion. The staff must provide this pre-zoning application at the next available planning board meeting.
 - b. A completed rezoning application for an SDOD must be filed a minimum of thirty (30) days prior to the planning board meeting where the SDOD will be

reviewed. The planning board may discuss the zoning and development plan in a public meeting, but one (1) public hearing is required.

3. *City commission action.* This rezoning action requires one (1) public hearing before the city commission for approval.

K. *Development plan (DP).*

1. A development plan (DP) must be submitted with any application for an SDOD designation, which includes, at a minimum, the following information:
 - a. Written legal description and address of property.
 - b. Name, address, and phone number (s) of the property owner(s).
 - c. Number, type and general location of structures.
 - d. Proposed development conditions for sign, and parking regulation.
 - e. Graphic information indicating general location and type of uses including residential, commercial, and office uses.
 - f. General location and type of recreational and open space areas.
 - g. Location of all existing streets, sidewalks, infrastructure and utilities.
 - h. Proposed access to public rights-of-way, including traffic projections and controls.
 - i. Sketches showing the general building design types and the overall character of development.
 - j. Existing contours of the property taken at regular contour intervals.
 - k. Proposed parking facilities, including surface lots, ramps and loading/delivery areas.
 - l. Location of all natural features, including wetlands and waterways.
 - m. A landscape plan showing all berms, plantings, and fences.
 - n. Scaled location map showing the general location in relation to the surrounding area, including the zoning of the underlying and adjacent properties.
2. Duration. An approved DP shall be valid for three (3) years from the date of commission approval of an SDOD. If applicant does not apply for site plan or subdivision plat approval within this three-year period, and receive a development order within three (3) months after approval, the DP will be considered expired.
3. Expired DP. When a DP is expired, the subject property will remain zoned for an SDOD, but it may not be developed until the city commission grants an extension or a new DP is submitted and approved.
4. Extensions of DP. The city commission may grant up to two (2) one-year extensions on any whole or part of an SDOD DP. Extensions of a DP must be

reviewed by the planning board and approved by the city commission and are subject to the following conditions:

- a. An application to extend a DP, prior to its expiration must include a letter explaining the delay, with any supporting evidence, which must be reviewed by the planning board and authorized by the city commission.
- b. An application to extend an expired DP must include: a copy of the approved DP or proposed new DP with changes which do not increase the density or building area; a copy of the rezoning ordinance; a written statement addressing the criteria in subsection 4c, below; and, payment of the site plan amendment fee.
- c. The planning board must review and make recommendations on the following findings of fact: the DP remains consistent with the Comprehensive Plan and concurrency requirements; the existing or proposed development plan has not become incompatible with existing and proposed land uses in the surrounding areas as a result of the delay; and, the proposed development will not place an unreasonable burden upon public facilities.

Sections 2-27—2-29. - Reserved.

ARTICLE V. ESTABLISHMENT OF REDEVELOPMENT ZONING DISTRICT AND SUBDISTRICTS.

Section 2-30. Purpose of redevelopment zoning.

Within the City of Cocoa Beach the redevelopment zoning districts have been created to achieve these ends:

- Provide areas where the city can accommodate defined growth and redevelopment, while protecting the residential districts of the city.
- Provide a variety of activities in walkable settings to meet the daily needs of residents, visitors, workers, and businesses.
- Enhance the interconnected network of pedestrian and bicycle friendly streets that link beaches, sidewalks, bike routes, transit stops, parks, and buildings.
- Accommodate redevelopment at a range of scales including expansions to existing buildings and new small to medium-sized infill buildings.
- Implement the Downtown Vision Plan and the Gateways Master Plan.
- Support the efforts of the Community Redevelopment Agency and local economic development and redevelopment agencies.

ARTICLE V. -- ESTABLISHMENT OF FORM-BASED ZONING DISTRICTS.
[RESERVED.]

~~A. *Purpose of form-based zoning districts*. Form-based zoning districts can be used in place of standard zoning districts where the City of Cocoa Beach has established a physical vision for future development or redevelopment of an area and has chosen to encourage or require that specified development pattern vision.~~

Sections 2-30—2-33. – Reserved.

Section 2-31. Redevelopment district boundaries.

There have been identified four redevelopment zoning districts within Cocoa Beach, the boundaries of which are described below:

- A. Downtown.** The Downtown redevelopment district is generally located in the areas between Cocoa Isles Boulevard to the north and Ramp Road to the south. The district includes those properties on both sides of A1A between Cocoa Isles Boulevard and Fourth Street North; those properties between the ocean beach and midblock between Catalina Avenue and Woodland Avenue between Fourth Street North and First Street North; those properties east of Azalea Drive and the ocean beach between First Street North and Minutemen Causeway; those properties on both sides of Atlantic Avenue South and Orlando Avenue South between Minutemen Causeway and First Street South; those properties west of Atlantic Avenue South and east of Brevard Avenue South between First Street South and Fifth Street South; and those parcels west of Brevard Avenue South, north of Ramp Road, and south of Fourth Street South. The specific boundaries are illustrated on the map located in Figure 2-32A.
- B. Midtown.** The Midtown redevelopment district is generally located on the east side of Atlantic Avenue North. Included in the district are Lori Wilson Park, properties on the south side of the park to a point generally across from Maritime Hammock and properties to the north of the park to a point generally across from Bahama Boulevard and Jamaica Drive. The specific boundaries are illustrated on the map located in Figure 2-32B.
- C. Uptown.** The Uptown redevelopment district is generally located at the intersection of SR 520 and SR A1A. Included in the district are the properties along the east side of SR A1A with the south boundary inclusive of both sides of Surf Drive and those parcels directly south of Surf Drive and across from Manatee Lane, Volusia Lane East to the north, and the ocean beach on the east; the properties on the north side of SR 520 west of SR A1A, east of the Banana River, with the north boundary being the canal south of Angelo Lane and those properties on the north and south sides of Columbia Lane West; and those properties south of SR 520 between the Banana River and SR A1A, extending south to include those properties between South Banana River Boulevard and SR A1A surrounding Canaveral Plaza Boulevard to include those properties fronting SR A1A south to Escambia Lane. The specific boundaries are illustrated on the map located in Figure 2-32C.
- A-D. North Cocoa Beach.** The North Cocoa Beach redevelopment district is generally at the north end of the city limits. Included are the properties north of California Avenue between Palm Avenue and SR A1A; the properties on the north side of Shepard Drive South to about 600 feet west of SR A1A, on the south side of Shepard Drive South to about 700 feet west of SR A1A, including the Cornerstone Plaza; and the properties on the east side of SR A1A from Pulsipher Avenue to Harding Avenue to the ocean beach. The specific boundaries are illustrated on the map located in Figure 2-32D.

Section 2-32. Subdistricts.

Each property within the Redevelopment Zoning District is assigned to a subdistrict that provides suitable regulations for the characteristics and location of that land. Subdistricts are illustrated in Figures 2-32A through D for the Downtown, Midtown, Uptown, and North Cocoa Beach areas.

A. The **Town Center** subdistrict is a mixed use, pedestrian oriented hub for surrounding neighborhoods and the entire city. This is the downtown center for dining, shopping, housing, and entertainment, with shaded sidewalks, large windows, intimate pedestrian spaces, outdoor dining, and richly detailed building facades. This subdistrict supports a variety of special events and public gathering activities.

B. The **Gateway** subdistrict offers opportunities to upgrade existing commercial districts into destination showcases with a wide variety of pedestrian-oriented, mixed use developments and open spaces. Vacant and underdeveloped sites provide possibilities for larger, planned use developments.

C. The **Oceanside** subdistrict contains multifamily housing, hotels and amenities, which are closely linked to public spaces like parks, shopping, and the ocean. The intent is to provide a walkable beach-oriented experience for residents and visitors. East/west streets allow public access to main thoroughfares and the beaches, and the area encourages mixed use development.

D. The **Cottage Row** subdistrict is primarily residential with a wide variety of housing types. New and renovated buildings tuck parking between, behind, and under buildings to maintain a strongly pedestrian character. This area is intended to maintain its residential character and should be preserved as one of the primary destinations for downtown living.

A-E. The **Civic** subdistrict provides locations for civic uses within the community, such as schools, post offices, religious institutions, community centers and parks. The uses allowed are generally considered to be compatible with the residential neighborhoods that surround this subdistrict.

Figure 2-32A. Downtown district and subdistricts.

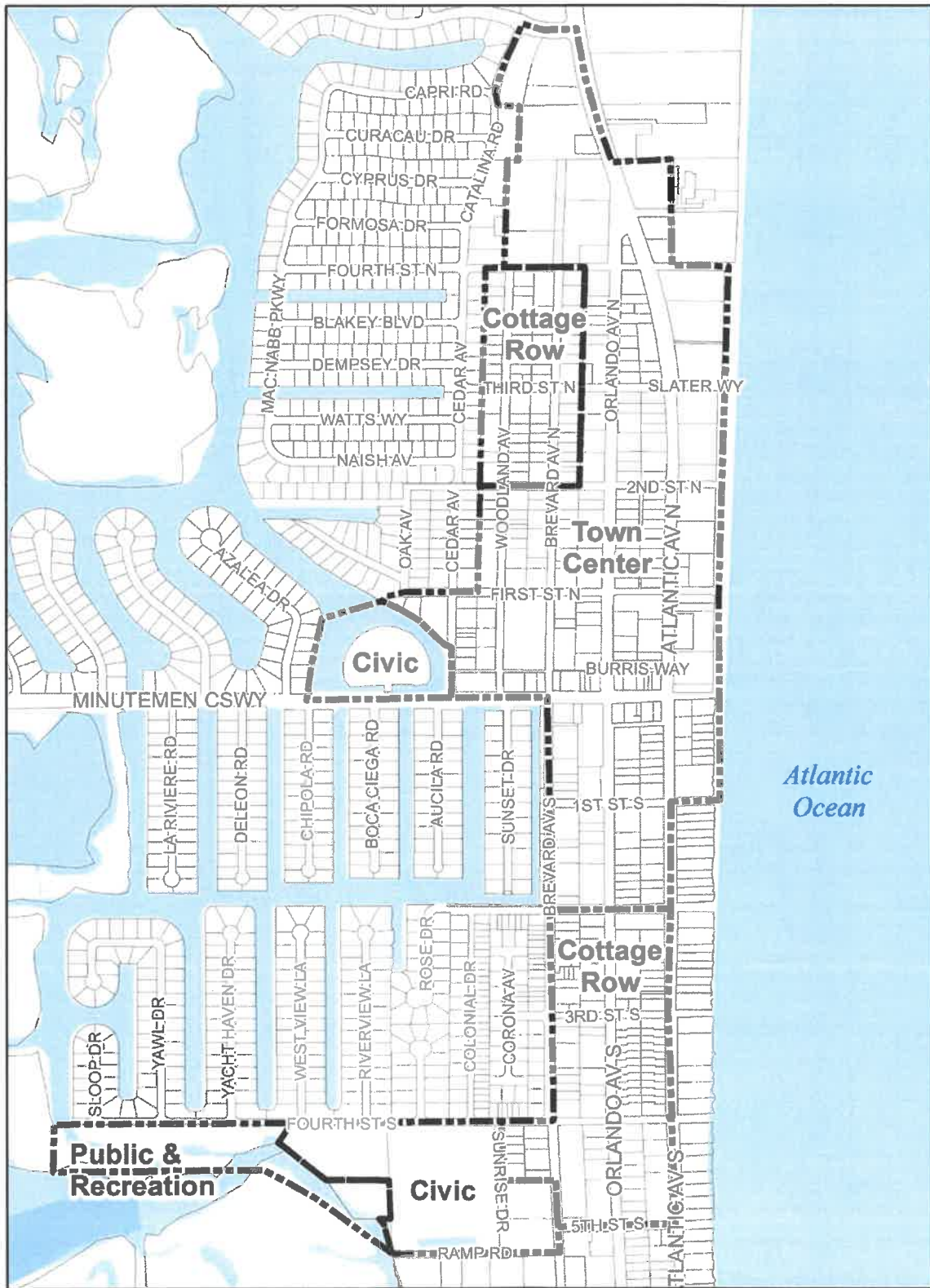


Figure 2-32B. Midtown district and subdistricts.

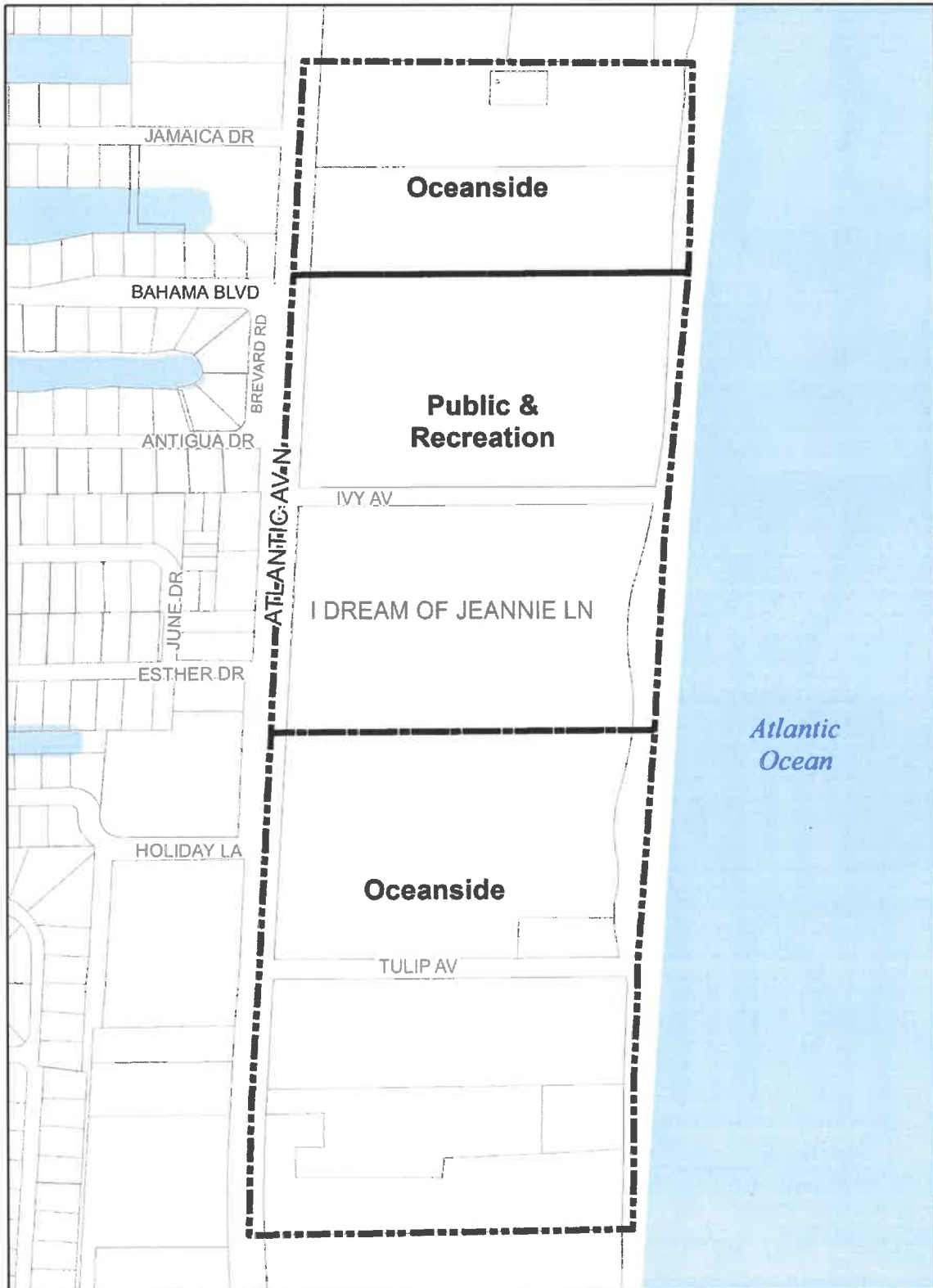


Figure 2-32C. Uptown district and subdistricts.

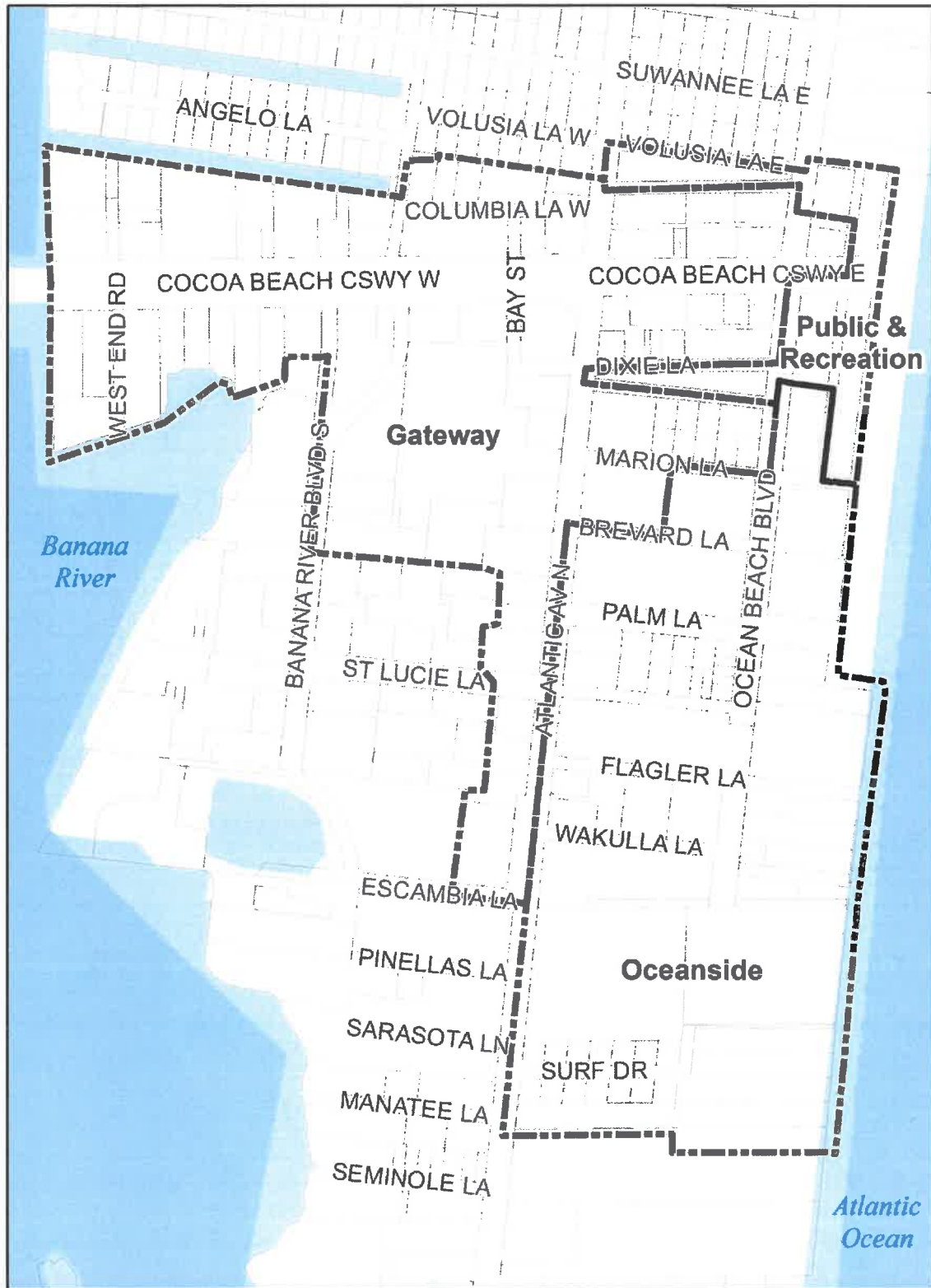
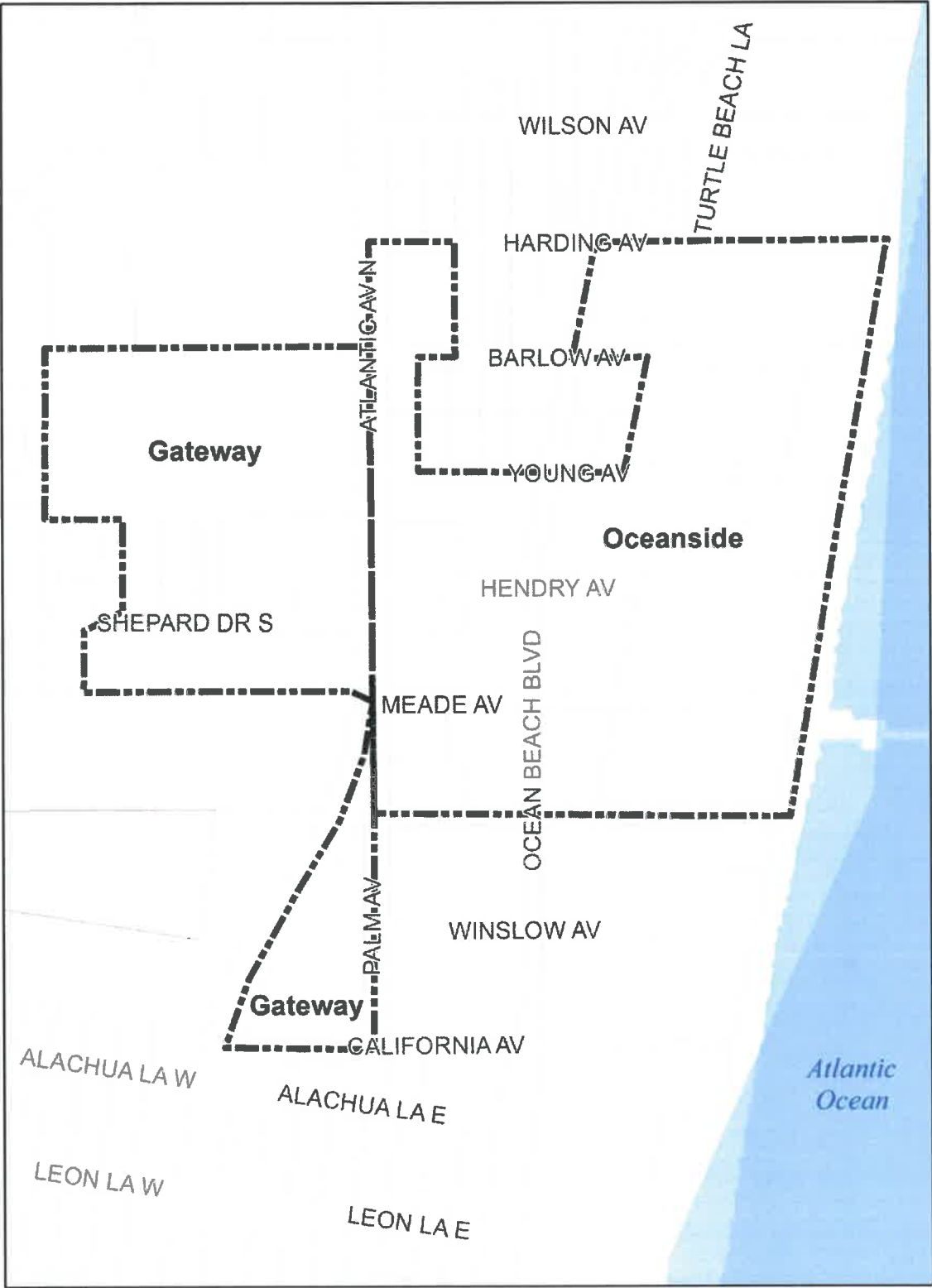


Figure 2-32D. North Cocoa Beach district and subdistricts.



Section 2-33. Permitted uses within the redevelopment district.

Table 2-33 identifies uses that are permitted in each subdistrict, organized into residential, business, and civic/education categories. Table 2-33 applies to existing buildings as well as new and expanded buildings.

A. Uses identified with a “P” are principal uses that are permitted by right.

B. Uses identified with an “SE” may be permitted by approval of a special exception, per the requirements within chapter IV.

C. Uses which are not identified in Table 2-33 are not permitted within that subdistrict.

D. Definitions are listed in Section 1-20.

E. Any uses which do not fit specifically into one or more category will be subject to the determination of the administrator as to whether the particular proposed use is permitted, permitted upon special exception approval, or not permitted.

A-F. Accessory uses and structures within the redevelopment district are permitted where they are customarily ancillary and clearly incidental and subordinate to existing principal uses. Accessory structures and uses must be in compliance with the criteria in chapter III and must meet the setback requirements of the principal structure. Cottage Row and Civic subdistricts are considered residential, and all other subdistricts are considered commercial.

Table 2-33. Permitted Uses per Subdistrict

	<u>Towncenter</u>	<u>Gateway</u>	<u>Oceanside</u>	<u>Cottage Row</u>	<u>Civic</u>
<u>RESIDENTIAL</u>	<u>TC</u>	<u>GW</u>	<u>OC</u>	<u>CR</u>	<u>CV</u>
<u>Single family dwelling</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Two family or duplex dwelling</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Multi-family dwelling (all types)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Accessory dwelling (see sec. 2-34)</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Live/work unit (see sec. 2-35)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Work/live unit (see sec. 2-36)</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>SE</u>
<u>Community residential home, level 1</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>SE</u>
<u>Community residential home, level 2-3</u>	<u>SE</u>		<u>SE</u>		
<u>Assisted living or convalescent facility</u>	<u>SE</u>		<u>SE</u>		<u>SE</u>
<u>Bed and breakfast establishment</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Transient lodging establishment</u>	<u>SE</u>	<u>P</u>	<u>P</u>		
	<u>Towncenter</u>	<u>Gateway</u>	<u>Oceanside</u>	<u>Cottage Row</u>	<u>Civic</u>
<u>CIVIC & EDUCATION</u>	<u>TC</u>	<u>GW</u>	<u>OC</u>	<u>CR</u>	<u>CV</u>
<u>Civic space</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public space</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Institutional use</u>	<u>SE</u>	<u>P</u>			<u>SE</u>
<u>Place of worship</u>	<u>SE</u>	<u>SE</u>			<u>SE</u>
<u>Day care</u>	<u>SE</u>	<u>SE</u>		<u>SE</u>	<u>SE</u>
<u>Schools, public and private</u>	<u>SE</u>	<u>SE</u>		<u>SE</u>	<u>P</u>
<u>Public utility structure, minor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public utility structure, major</u>	<u>SE</u>	<u>SE</u>			<u>SE</u>

	<u>Towncenter</u>	<u>Gateway</u>	<u>Oceanside</u>	<u>Cottage Row</u>	<u>Civic</u>
BUSINESS	TC	GW	OC	CR	CV
<u>Professional offices, limited</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Professional offices, general</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Stores & services, limited</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Stores & services, general</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SE</u>	
<u>Stores & services, large format</u>	<u>SE</u>	<u>SE</u>			
<u>Pet care facility without boarding</u>	<u>P</u>	<u>P</u>		<u>SE</u>	
<u>Pet care facility with boarding</u>	<u>SE</u>	<u>P</u>		<u>SE</u>	
<u>Adult entertainment establishment (see sec. 2-64)</u>	<u>SE</u>	<u>SE</u>			
<u>Enclosed car wash/detailing facility</u>	<u>SE</u>	<u>SE</u>			
<u>Automotive maintenance facility (see sec. 2-52)</u>		<u>SE</u>			
<u>Tattoo or body piercing studio</u>	<u>SE</u>	<u>SE</u>			
<u>Convenience store with fuel (see sec. 2-52)</u>	<u>SE</u>	<u>SE</u>			
<u>Drive-through facility (see sec. 2-53)</u>	<u>SE</u>	<u>P</u>			
<u>Marijuana dispensary/Pharmacy (see sec. 2-63)</u>	<u>SE</u>	<u>SE</u>			
<u>Marina, commercial</u>		<u>SE</u>			
<u>Watercraft launch facility</u>	<u>SE</u>	<u>P</u>			<u>SE</u>
<u>Nightclub or bar</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Pain management clinic (see sec. 2-61)</u>		<u>SE</u>			
<u>Restaurant</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Mixed use development</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Recreational facility, indoor</u>	<u>P</u>	<u>P</u>	<u>SE</u>		
<u>Recreational facility, outdoor</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>		
<u>Motorized amusement rides (over 6 feet) within an outdoor recreation area</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>		<u>SE</u>
<u>Parking lot, commercial, as part of another permitted use</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Parking garage, as a primary use</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Parking garage, as part of mixed use</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>SE</u>

Section 2-34. Accessory dwellings.

- A. An accessory dwelling is a single permanent dwelling unit on the same lot as another use permitted in the subdistrict.
- B. Accessory dwellings are permitted in certain subdistricts either by right or by special exception.
- C. An accessory dwelling can be in the same building as the other use on the lot or in a separate building, provided the structure complies with all setback and lot coverage requirements.
- D. Only one accessory dwelling may be constructed on a lot.
- E. The size of an accessory dwelling may be up to thirty-five (35) percent of the air conditioned space of the principal structure, to a maximum size of eight hundred (800) square feet.
- F. An accessory dwelling that is attached must comply with the setback and building requirements for the principal structure.
- G. An accessory dwelling that is detached in a new or expanded building must comply with the requirements for an outbuilding, described in Figure 2-42I.

Section 2-35. Live/work units.

A live/work unit is a single dwelling unit in a detached building, or in a multifamily or mixed-use building, that also accommodates limited commercial uses within the dwelling unit. The use of a live/work unit is predominately residential; commercial activities are secondary. The quiet enjoyment of residential neighbors takes precedence over the work needs of a live/work unit.

- A. Live/work units are permitted in certain subdistricts either by right or by special exception.
- B. Commercial uses in live/work units are limited to Offices, Limited and to Store & Services, Limited, as those terms are defined by this code.
- C. Commercial uses in live/work units must be conducted entirely within the unit or a customary residential accessory structure.
- D. No more than two employees or contractors other than family members residing in the dwelling may work in a live/work unit.
- E. Signage for live/work units is limited to one non-illuminated wall or window sign up to three square feet.
- F. Products and equipment must not be visible from the street and may not be stored outdoors.
- G. No equipment may create noise, vibration, glare, fumes, or odors outside the dwelling unit that are objectionable to the normal senses.
- H. Where live/work dwelling units require a special exception, the approval may specify an annual review process that could result in revocation if these requirements and any other conditions of approval are not maintained.

Section 2-36. Work/live units.

A work/live unit is a single dwelling unit in a detached building, or in a multifamily, mixed-use, or commercial building, where the predominate use of the unit is commercial. Because the predominate use of a work/live unit is commercial, customary commercial impacts may take precedence over the quiet enjoyment expectations of residential neighbors.

- A. Work/live units are permitted in certain subdistricts either by right or by special exception.
- B. Commercial uses in work/live units are limited to Offices, General and to Store & Services, General, as those terms are defined by this code.
- C. Commercial uses in work/live units must be conducted entirely within the unit or a customary accessory structure.
- D. Signage for work/live units is limited to either one non-illuminated wall or window sign up to three square feet or to a shingle sign no greater than two (2) square feet and is installed such that the bottom of the sign is at least eight (8) feet above the walking surface.

Section 2-37. Dimensional regulations for existing buildings.

Table 2-37 provides dimensional regulations that apply to existing buildings in each subdistrict. These regulations also apply when minor changes are being proposed to existing buildings, such as changes of use, addition of accessory buildings, and minor expansions up to thirty (30) percent of the gross floor area or less than fifty (50) percent of the total assessed value of the structure. All owners have the option of choosing to be regulated by the standards for new and expanded buildings, but any changes or reconfiguration of fuel pumps, drive-through lanes or lot dimensions are required to be in compliance with the requirements for new and expanded buildings.

Table 2-37 Dimensional Regulations for Existing Buildings

	Towncenter	Gateway	Oceanside	Cottage Row	Civic
Minimum yard size					
<u>Front</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Side</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>10'</u>	<u>15'</u>
<u>Street side</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>15'</u>	<u>20'</u>
<u>Rear¹</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>15'</u>	<u>15'</u>
Maximum building height					
<u>Building height</u>	<u>45'</u>	<u>45'</u>	<u>45'</u>	<u>35'</u>	<u>45'</u>
<u>Absolute height²</u>	<u>45'</u>	<u>45'</u>	<u>45'</u>	<u>45'</u>	<u>45'</u>
Site density intensity					
<u>Minimum pervious area</u>	<u>10%</u>	<u>10%</u>	<u>30%</u>	<u>20%</u>	<u>20%</u>
<u>Density – residential</u>	<u>10 units/acre</u>	<u>10 units/acre</u>	<u>10 units/acre</u>	<u>8 units/acre</u>	<u>NA</u>
<u>Density – transient</u>	<u>28 units/acre</u>	<u>28 units/acre</u>	<u>28 units/acre</u>	<u>NA</u>	<u>NA</u>

1. The rear setback for all oceanfront coastal properties is determined by the Florida DEP coastal construction control line.
2. The absolute height is restricted to a maximum of 35 feet when abutting properties within the RS-1 zoning district.

Section 2-38. Dimensional regulations for new and expanded buildings.

When existing buildings are expanded more than thirty (30) percent of their gross floor area or improved more than fifty (50) percent of the total assessed value, the improved structure must meet the requirements for new and expanded buildings.

Section 2-39. Building types generally.

Each new building constructed within a redevelopment zoning district must meet the standards for one or more of the building types described in Section 2-42. Section 2-41 identifies the architectural standards for structures and Section 2-42 provides illustrative examples for each building type and placement on the lot. The building types are further summarized in Table 2-43.

Section 2-40. Allowable building types described.

- A **shopfront building** has ground-floor space immediately adjoining the sidewalk that can accommodate business uses with doors and large windows facing the sidewalk.
- A **mixed-use building** has multiple tenants or occupancies and may contain residences, lodging and/or businesses to the extent allowed in the subdistrict. Shopfronts are permitted in mixed-use buildings but are not required.

- C. A **courtyard building** accommodates multiple dwellings or businesses arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.
- D. A **townhouse** is a building with common walls on both sides and a private garden to the rear. Service and parking access is from the rear.
- E. A **detached building** is freestanding with small side yards and a large front yard.
- F. A **multiple-unit building** contains multiple dwellings above and/or beside each other in a building that occupies most of its lot width and is placed close to the sidewalk. Off-street parking is accommodated to the side, rear, or street level.
- G. A **parking garage** is a specialized building to park vehicles, with screening to conceal parked vehicles.
- H. A **civic building** is a specialized building for public or civic uses such as schools, places of worship, or government functions.
- A-I. An **outbuilding** is an additional building on a lot, such as a detached garage, workshop or accessory dwelling.

Section 2-41. Building Architectural Guidelines.

Intent. The City of Cocoa Beach is seeking to create, through the use of a form-based code in the redevelopment subdistricts, architectural forms that add texture and composition to the streets and to these subdistricts. Architecture derives much of its aesthetics from its structural system which guides the placement of door and window openings and other design elements. Buildings must be sized appropriately for their context and should help to form well-proportioned public spaces.

- A. Building Footprint and Proportion.** Both new developments and redevelopment, must consider the building footprint and proportions of adjacent structures and neighborhood context.
 - 1. The arrangement of openings on building facades must be organized in a rational manner typically aligned both vertically and horizontally.
 - 1-2. Frequent building entries must be provided. These entries would ideally be functional but may be faux if circumstances of structure and function preclude an operable entry. Long building facades or storefronts must have multiple openings to preserve the small scale and character of Cocoa Beach.
 - 3. When new development or redevelopment is adjacent to existing single family residences, the setback requirements provided within the RS-1 zoning district shall apply.
- B. Varying Height and Volume.** Nothing in this code section is intended to change the building height or density restrictions contained in the City of Cocoa Beach Charter.
 - 1. Mixed-use developments and larger single-use buildings shall avoid creation of a large, dominant building mass by varying height and volumes in multi-story buildings.

2. Varying roof heights and façade treatments and color can create a better scale of the buildings to the street or other public realm.

C. Building Articulation, Architectural and Façade Treatment. The City's objective is to encourage the use of innovative and varied architectural designs, which are inspired by vernacular styles of Cocoa Beach, to enhance the sidewalk and encourage people to walk throughout the subdistricts.

1. Designs for the street levels of buildings – the ground level that meets the sidewalk – must consider the use of a variety of element such as active storefronts, visually appealing window displays, comfortable and attractive café seating, and artwork to attract people and encourage more walking.
2. Building facades, whether simple or complex and where their location is proximate to pedestrian traffic, must be designed to appeal to pedestrians to promote social interaction and increase foot traffic.
3. New buildings must consider their subdistrict's historic/vernacular architecture.
4. Building renovations should reveal and preserve original facades which may have been covered with false facades.
5. Long and uninterrupted facades that do not match the subdistrict's existing building footprints are to be avoided.
6. Plain or long building facades must utilize architectural treatments to create buildings and streetscapes that are visually appealing.
7. To achieve this character, apply at least two of the following suggested architectural treatments to buildings facades:
 - a. A variety of building volumes;
 - b. Repeated similar materials and construction assemblies', common elements and architectural details;
 - c. Vertical and horizontal projections greater than four inches in height, width, or depth;
 - d. Architectural screens, meshes, louvers, and glass;
 - e. Vegetated surfaces and planters;
 - f. Murals;
 - g. Sculptural screen;
 - h. Signage, graphics, and architectural lighting;
 - i. Art and artistic motifs that visually reflect the creative character of the community.

D. Building Projections and Shading of Pedestrian Areas. Temporary structural shading like awnings and fixed structural shading like canopies, concrete eyebrows, and colonnades improve a building's energy efficiency, protect pedestrians from the sun and rain, and create more comfortable sidewalk and pedestrian spaces. These structures also create a richer and more detailed building façade and assist in

differentiating uses and spaces within the building, thereby providing a more unique and interesting pedestrian experience. Shading devices should be incorporated into new buildings and building renovations whenever possible.

1. Canopies, awnings, overhangs, porches, stoops, and other vertical projections must have a minimum clearance of eight (8) feet from the lowest portion of the assembly area or sidewalk elevation, whichever produces the most clearance distance.
2. Canopies, as defined in section 1-20, shall be in compliance with the following guidelines.
 - a. First floor canopy minimum depth is six (6) feet (measured perpendicular to the wall face).
 - b. Canopies above the first floor are not permitted except and unless they are covering a recessed terrace and thus behind the main plane of the building's façade.
 - c. Canopies may encroach over the sidewalk up to five (5) feet in depth, but shall not extend closer than two (2) feet to any curb line. Exceptions to the encroachment depth may be considered by the Administrator (if less than 10 percent) or the Board of Adjustment if site conditions warrant a larger encroachment.
 - d. Canopies must be constructed of durable materials like concrete or metal, to reinforce the architecture.
 - e. Canopies may be either supported from below by brackets or from above by suspension cables or chains.
3. Awnings, as defined in section 1-20, shall be in compliance with the following guidelines.
 - a. Awnings should frame storefronts and windows to highlight them from the street, provide weather protection from sun and rain, and reinforce a building's architecture.
 - b. Ground floor awnings must have a minimum depth of four (4) feet, measured perpendicular from the wall face.
 - c. Architectural and historic details of the building should be highlighted by awnings and should not be obscured by them.
 - d. Awnings should be made of commercial grade canvas and can be either fixed or retractable.
 - e. Plasticized and/or vinyl fabrics are prohibited.
 - f. Awnings shall not be illuminated from underneath or from behind to compete with other signage.
 - g. Awnings colors and styles may vary depending on the storefront, the architectural style, and the color(s) of the building.

- h. Awnings may have lettering and be used as a secondary sign for businesses. Awnings cannot be used to advertise off-site businesses.
 - i. Awnings may encroach over the sidewalk up to five (5) feet in depth, but shall not extend closer than two (2) feet to any curb line. Exceptions to the encroachment depth may be considered by the Administrator (if less than 10 percent) or the Board of Adjustment if site conditions warrant a larger encroachment.
 - j. Awnings should maintain a minimum six (6) inch clearance from second floor features such as windows.
4. Balconies, as defined in section 1-20, shall be in compliance with the following guidelines.
- a. Balconies (except for Juliet Balconies) must have a minimum depth of three (3) feet but can be larger to accommodate items such as a small seating area.
 - b. Balconies must have an underside clearance of at least nine (9) feet from the sidewalk.
 - c. Balconies may project beyond the required setback line, but may not extend beyond the lot line.
 - d. Balconies may have roofs, but still must be open, non-air-conditioned parts of the building.
 - e. All balconies should be supported by visual architectural elements such as decorative beams and/or brackets below or cables from above. Hidden internal structural support is an option if the building architecture is complementary with such structure.
 - f. On corners, balconies are encouraged to wrap around the side of the building.
5. Colonnades, as defined in section 1-20, shall be in compliance with the following guidelines.
- a. Colonnade height should generally align with the ground floor building height and maintain a minimum underside clearance of nine (9) feet.
 - b. Colonnades should be at least eight (8) feet deep to accommodate space for seating, circulation, and door swing. They should have a consistent depth that matches those of neighboring building colonnades or arcades. Changes in the plain of the building façade may allow for some parts of the colonnade to be deeper than others while maintaining a consistent, parallel location to the sidewalk.
 - c. A clear, unobstructed walking path must be maintained on the sidewalk.
 - d. Galleries above colonnades should be only one or two stories in height and have flat or pitched roof.

- e. On corners, galleries are encouraged to wrap around the sides of the building.
- f. Open terraces are permitted on the tops of colonnades.
- g. Colonnade floors are to be flush with the sidewalk and are not to be raised.
- 6. Porches, as defined in section 1-20, shall be in compliance with the following guidelines.
 - a. Minimum porch depth, not including ramps and steps, is six (6) feet measured from the face of the building to the outside column face.
 - b. The minimum finished floor height can be no more than eight (8) inches below the interior finished floor height.
 - c. Porches may project forward of the required setback line but may not extend beyond the lot line.
- 7. Stoops, as defined in section 1-20, shall be in compliance with the following guidelines.
 - a. Minimum stoop depth shall be three (3) feet as measured from the face of the buildings to the outside column face.
 - b. Minimum stoop length shall be four (4) feet.
 - c. Minimum finished stoop floor height can be no more than eight (8) inches below the interior finished floor height.
 - d. Stoops may project forward of the required setback line but may not extend beyond the lot line.
 - e. Stoops should be covered, either with a roof, or be part of an area inset into the main body of the building.

E. Transparency. Transparent windows are used to promote visibility into buildings, interest for pedestrians walking on sidewalks, and eyes on the street for safety. Transparency creates interplay between a building's interior space, exterior space, and the street. It animates the sidewalk and provides something interesting to look at while walking by. It also fosters natural surveillance of the street.

- 1. The percentage of transparency per story shall be calculated within the area between the finished floor and the finished ceiling and is a total percentage of doors and windows along that portion of the façade. The appropriate percentage of transparency on a building's façade varies depending on the use, street type, and subdistrict. These percentages are detailed below.
 - a. Ground floors of commercial buildings shall be composed of at least sixty (60) percent transparency on primary pedestrian streets and a minimum of thirty (30) percent on secondary streets and twenty-five (25) percent on east/west streets, local streets, and active alleys.
 - b. Large blank walls are prohibited

- c. Window openings may be smaller and less frequent for multi-family residential uses, but should be expressed in such a way as to break down the facades of large buildings into smaller parts.
- d. Ground floors of residential building facades shall be composed of at least fifty (50) percent transparency on primary pedestrian streets and a minimum of twenty-five (25) percent on secondary streets.
- e. Clear glass is highly preferable for ground floor commercial entrance doors and storefronts to facilitate views of merchandise from the sidewalk. Tinted, reflective, or frosted glass in storefront windows is prohibited unless good cause can be shown necessitating the use of these glass options. The use of any of these options is subject to the approval of the Administrator and will be considered only on a case by case basis. Where glare and heat gain are problems, other means of shielding openings such as awnings should be utilized.
- f. Non-retail uses that do not typically use display windows or storefronts are highly encouraged to locate public uses at the street level along with other activity areas including rehearsal space, exhibition space, food service, show rooms, meetings rooms, offices, exercise rooms, common entry lobbies, and other support functions.

F. Storefronts and Entrances. A well-designed storefront draws people inside during its hours of operation and enhances the sidewalk experience twenty-four (24) hours a day by adding visual interest and contributing to an overall image for the surrounding area. Well-designed storefronts engage pedestrians and increase street level activity.

- 1. In new buildings, the top of all storefront window sills shall be between one (1) foot and three (3) feet above the adjacent sidewalk.
- 2. In new buildings, shopfront windows are to be designed to extend up from the sill at least nine (9) feet above the adjacent sidewalk.
- 3. Permanent and temporary signs in display windows shall not obstruct more than twenty-five (25) percent of the total window glass area and should not obstruct the display area.
- 4. All signs must be coordinated to present a clear and cohesive display.
- 5. Display signs may include lettering applied directly to the glass with paint, vinyl, die cut lettering, or etching. Banners, hanging, and neon signs must be set back slightly from the glass display window.
- 6. Occupied and vacant storefronts may be used to display art as long as they allow views into the stores. These displays shall not impede more than 35 percent of the storefront area.
- 7. Window displays should remain lit at night to animate the street level.
- 8. Storefront windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).

9. In the Cottage Row Subdistrict, commercial storefronts in converted historic homes shall, where possible and not precluded by the structural requirements of the building, preserve any existing multi-paned windows rather than replace them with single pane display windows. Attention can be attracted to the storefront by the use of exterior improvements like hanging signs, shingle signs, awnings, and color.
10. Existing warehouses that are converted to sell goods and/or art to the general public must have storefronts that are integrated with the building's openings, front the sidewalk and be visible from the street. In this instance, windows do not need to be elevated from the street.
11. Artist workspaces/dwellings must have storefronts that are integrated with the building's openings and front the sidewalk and are visible from the street. These storefronts are typically for workspace, studios, and exhibition space and may be larger than typical storefronts and slightly elevated above street level. Window framing materials may be atypical to differentiate these uses from other traditional commercial uses.
12. All uses open to the public must have an entrance to the street.
13. Entries and ground floors above the existing sidewalk are prohibited unless said entrances were existing as of the adoption date of this code.
14. Secondary shopfront entrances may face the alley or parking lot.
15. Main pedestrian entrances must be easily recognizable, weather protected, oriented toward the right-of-way, and at grade level.
16. The entrances to all shopfronts must be covered, either by an awning, canopy, or by being inset into the main body of the building.
17. Shopfront doors must contain at least sixty (60) percent transparent glass. Solid doors on the main shopfront entries are strongly discouraged and will be allowed only upon approval of the Administrator as a result of good cause shown. Any use of solid entry doors must be in conjunction with storefront glass areas.
18. Storefronts and entrances may be designed as a single continuous opening using French doors or accordion style glass doors to extend the interior space out onto the sidewalk.
19. When an alley or rear lane is present, garage doors must face towards the alley.
20. Garage doors may only be a single bay in width, up to a maximum of ten (10) feet wide when visible from the street.

Section 2-42. Building type diagrams.

Building types and placement on the lot are illustrated in Figures 2-42A through I. For illustrative purposes only, character examples are provided for each building type. Also included are the requirements for where on a lot a building may be placed. These requirements identify the minimum yard size, measured in feet, between a principal building and the front, side, and rear lot lines. The street side yard applies only to corner

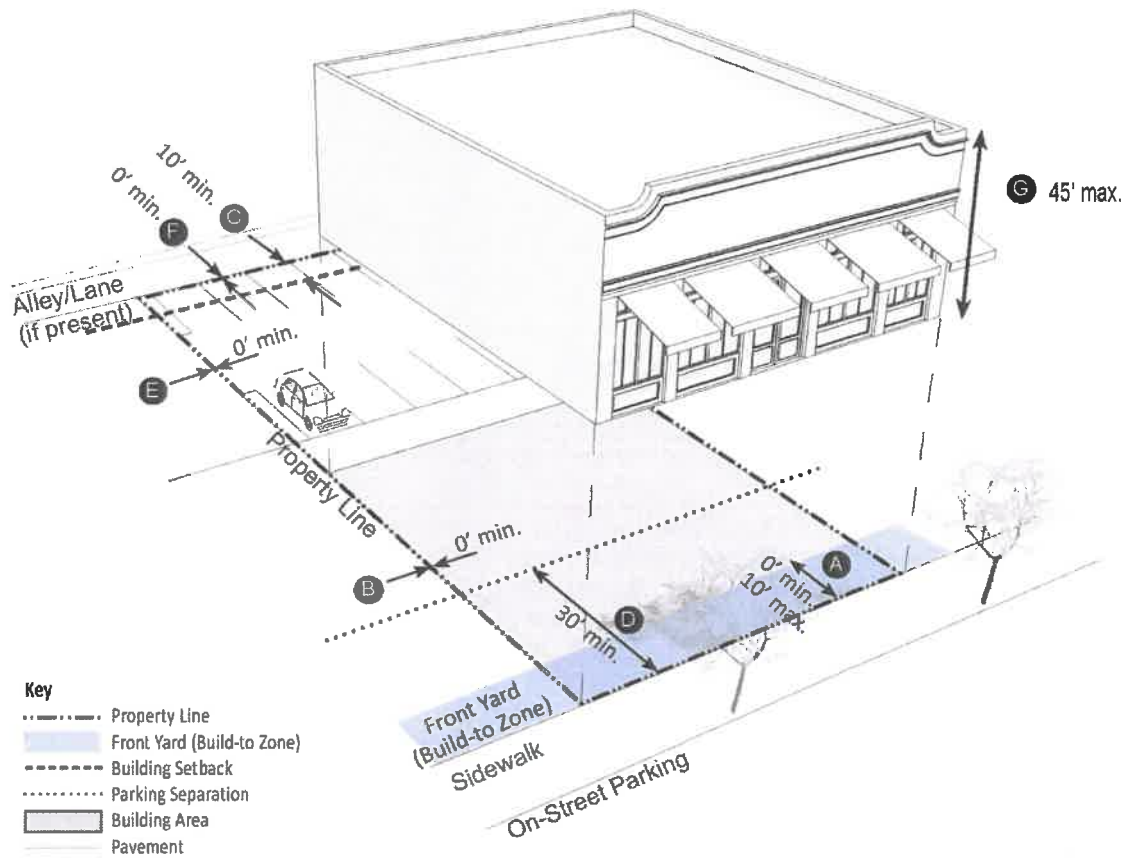
lots; see lot definitions in section 1-20. The details provided on the diagrams are further summarized in Table 2-43.

Figure 2-42A. Shopfront building

SHOPFRONT BUILDING

Description

A shopfront building has ground-floor space immediately adjoining the sidewalk that can accommodate business uses with doors and large windows facing the sidewalk.



- Key**
- Property Line
 - Front Yard (Build-to Zone)
 - Building Setback
 - Parking Separation
 - Building Area
 - Pavement

Building Placement (Distance from the Lot Line)*		
Front Yard (Build-to Zone)	0' min., 10' max.	A
Side Yard	0' min.	B
Side Street	0' min., 10' max.	
Rear Yard	10' min.	C

Parking Placement (Distance from the Lot Line)*		
Front Separation	30' min.	D
Side Lot Separation	0' min.	E
Side Street Separation	10' min.	
Rear Separation	5' min. (no alley) 0' with alley	F

Building Size*		
Building Height	45' max.	G
Absolute Height	45' max.	
Frontage Percentage	80% min., 100% max.	

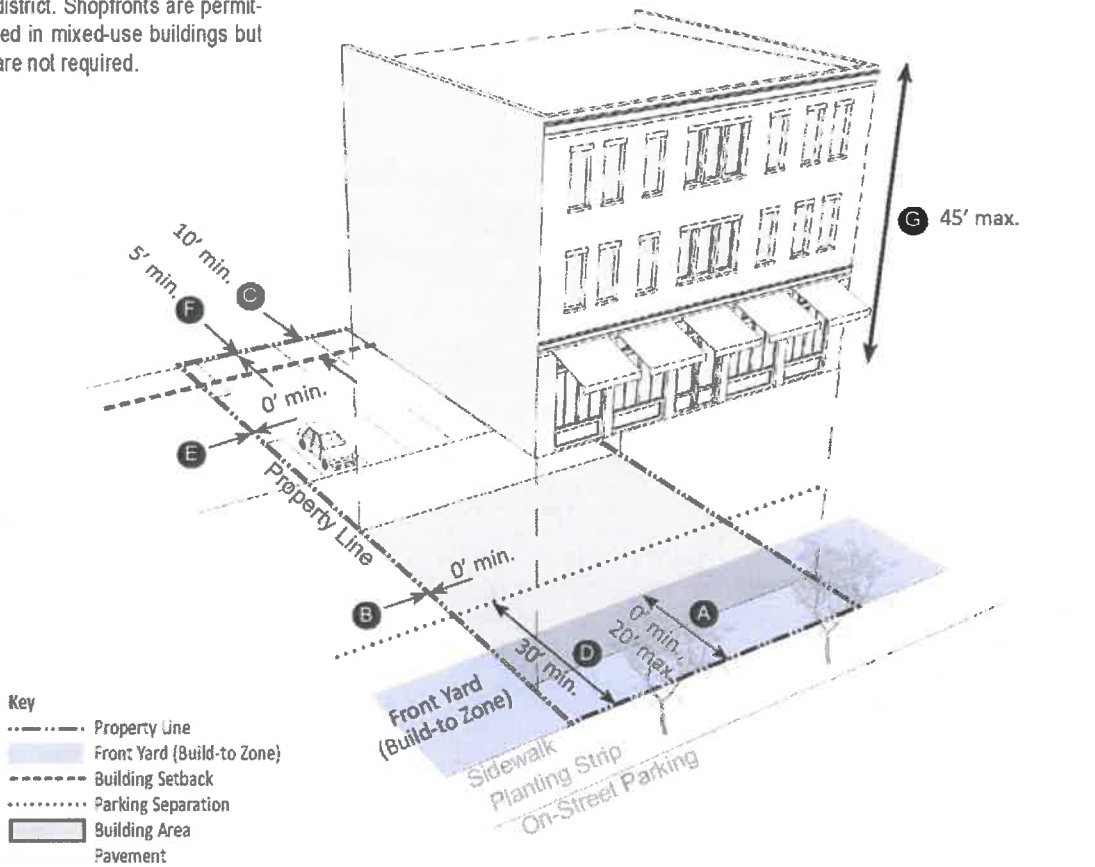
* See Table 2-85 for footnotes and explanations and for certain exceptions to those requirements.

Figure 2-42B. Mixed-use building

MIXED-USE BUILDING

Description

A mixed-use building has multiple tenants or occupancies and may contain residences, lodging and/or businesses to the extent allowed in the sub-district. Shopfronts are permitted in mixed-use buildings but are not required.



- Key**
- Property Line
 - Front Yard (Build-to Zone)
 - Building Setback
 - Parking Separation
 - Building Area
 - Pavement

Building Placement (Distance from the Lot Line)*		
Front Yard (Build-to Zone)	0' min., 20' max.	A
Side Yard	0' min.	B
Side Street	0' min.	
Rear Yard	10' min.	C

Building Size*		
Building Height	45' max.	G
Absolute Height	45' max.	
Frontage Percentage	80% min., 100% max.	

Parking Placement (Distance from the Lot Line)*		
Front Separation	30' min.	D
Side Lot Separation	0' min.	E
Side Street Separation	10' min.	
Rear Separation	5' min. (no alley) 0' with alley	F

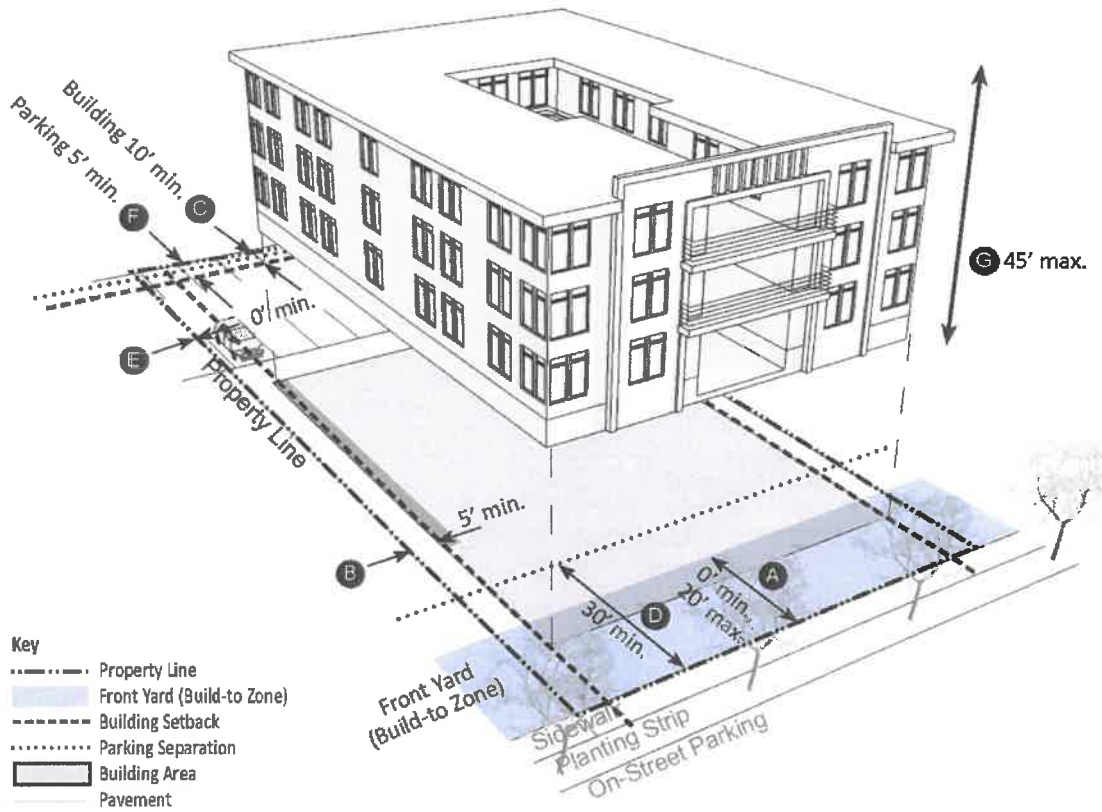
* See Table 2-85 for footnotes and explanations and for certain exceptions to those requirements.

Figure 2-42C. Courtyard building

COURTYARD BUILDING

Description

A courtyard building accommodates multiple dwellings or businesses arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.



- Key**
- Property Line
 - Front Yard (Build-to Zone)
 - Building Setback
 - Parking Separation
 - Building Area
 - Pavement

Building Placement (Distance from the Lot Line)*		
Front Yard (Build-to Zone)	0' min., 20' max.	A
Side Yard	5' min.	B
Side Street	0' min.	
Rear Yard	10' min.	C

Parking Placement (Distance from the Lot Line)*		
Front Separation	30' min.	D
Side Lot Separation	0' min.	E
Side Street Separation	10' min.	
Rear Separation	5' min. (no alley) 0' with alley	F

Building Size*		
Building Height	45' max.;	G
Absolute Height	45' max.	
Frontage Percentage	60% min., 100% max.	

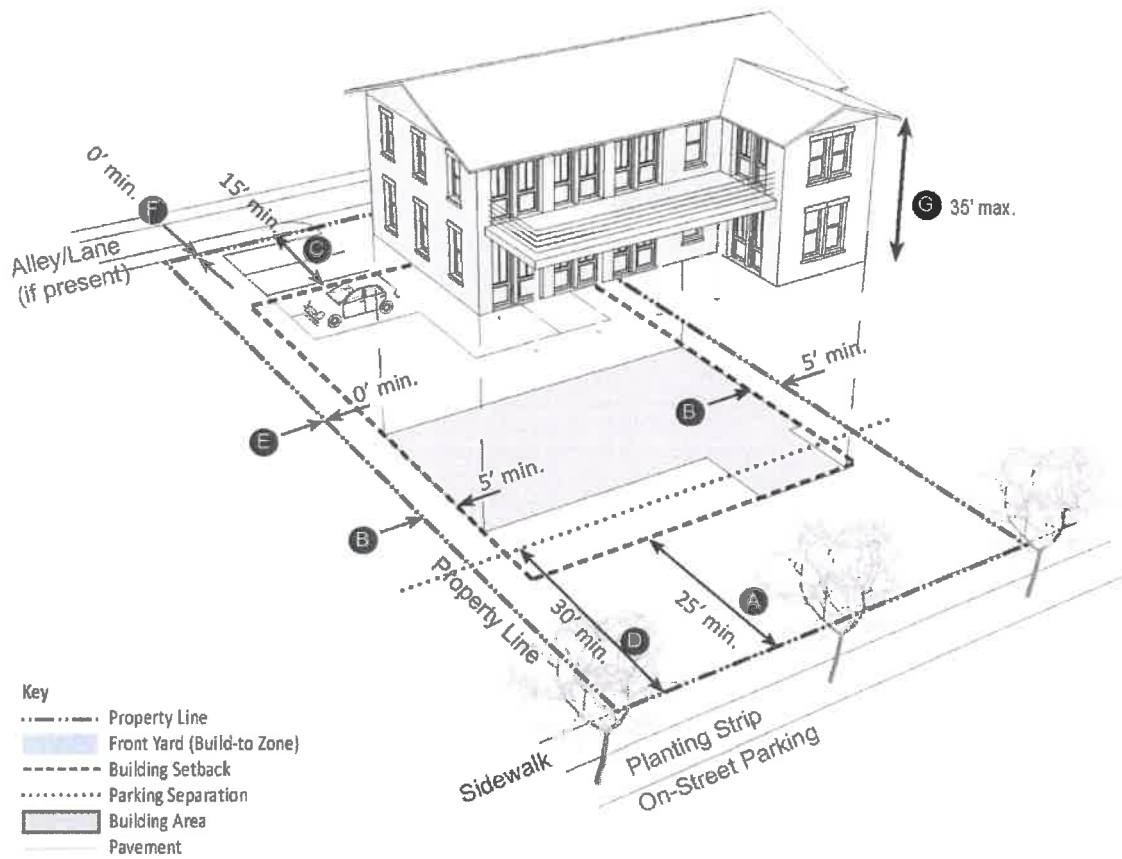
* See Table 2-85 for footnotes and explanations and for certain exceptions to those requirements.

Figure 2-42E. Detached building

DETACHED BUILDING

Description

A detached building is freestanding with small side yards and a large front yard.



- Key**
- Property Line
 - Front Yard (Build-to Zone)
 - - - Building Setback
 - - - - - Parking Separation
 - ▭ Building Area
 - ▭ Pavement

Building Placement (Distance from the Lot Line)*

Front Yard	25' min.	A
Side Yard	5' min.	B
Side Street	5' min.	
Rear Yard	15' min.	C

Parking Placement (Distance from the Lot Line)*

Front Separation	30' min.	D
Side Lot Separation	0' min.	E
Side Street Separation	10' min.	
Rear Separation	5' min. (no alley) 0' with alley	F

Building Size*

Building Height	35' max.	G
Absolute Height	45' max.	
Frontage Percentage	n/a	

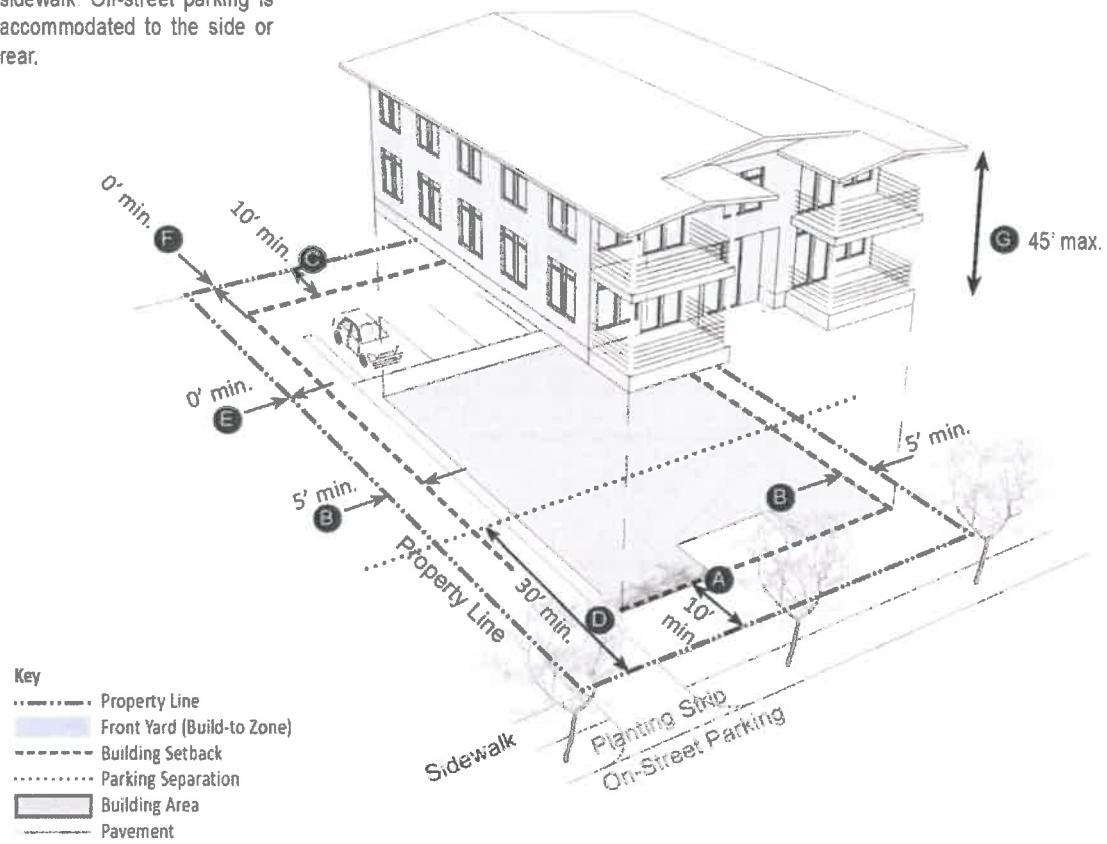
* See Table 2-85 for footnotes and explanations and for certain exceptions to those requirements.

Figure 2-42F. Multiple-unit building

MULTIPLE-UNIT BUILDING

Description

A multiple-unit building contains multiple dwellings above and/or beside each other in a building that occupies most of its lot width and is placed close to the sidewalk. Off-street parking is accommodated to the side or rear.



Building Placement (Distance from the Lot Line)*

Front Yard	10' min.	A
Side Yard	5' min.	B
Side Street	10' min.	C
Rear Yard	10' min.	D

Parking Placement (Distance from the Lot Line)*

Front Separation	30' min.	D
Side Lot Separation	0' min.	E
Side Street Separation	10' min.	A
Rear Separation	5' min. (no alley) 0' with alley	F

Building Size*

Building Height	45' max.	G
Absolute Height	45' max.	
Frontage Percentage	n/a	

* See Table 2-85 for footnotes and explanations and for certain exceptions to those requirements

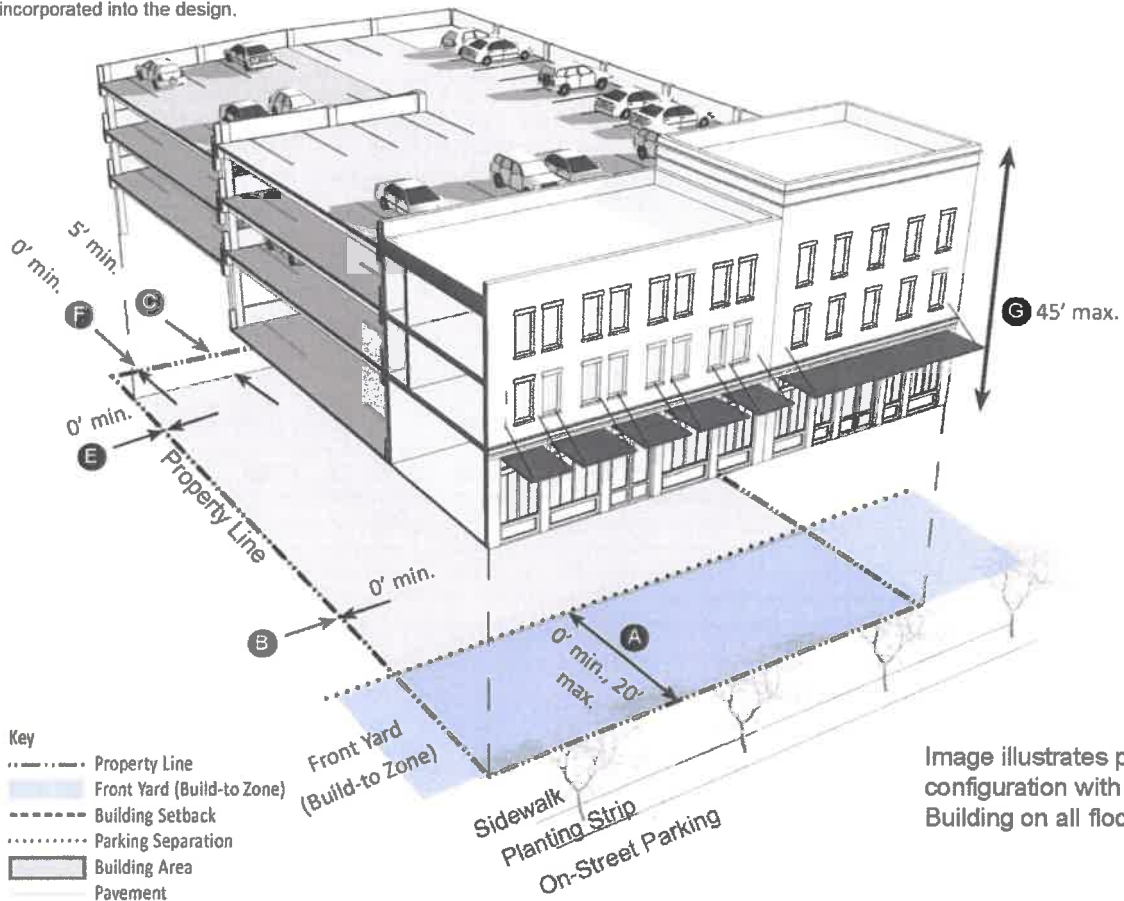
Figures 2-42G (G1 to G3). Garage building

PARKING GARAGE

Description

A parking garage is a specialized building to park vehicles, with a shopfront façade. Where space allows, an actual shopfront, either single story or multi-story, may be incorporated into the design.

G1



Building Placement (Distance from the Lot Line)*		
Front Yard (Build-to Zone)	0' min., 20' max.	A
Side Yard	0' min.	E
Side Street	0' min.	
Rear Yard	5' min. (no alley) 0' with alley	C

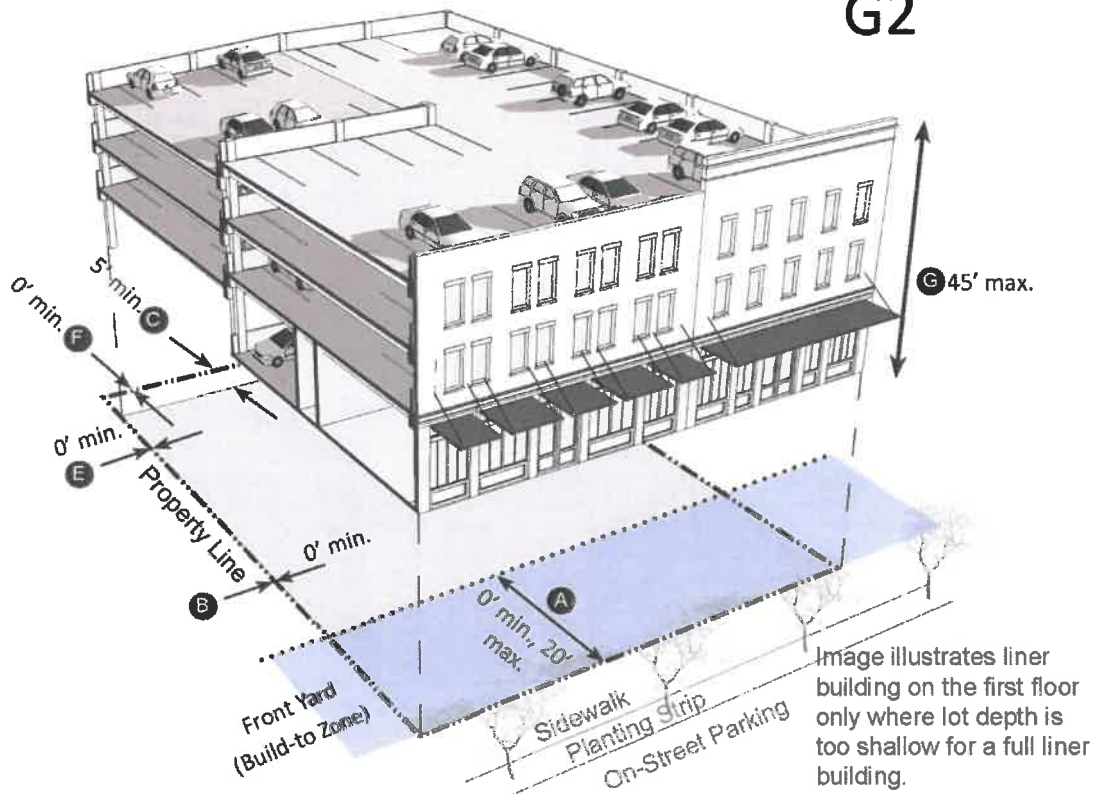
Building Size*		
Building Height	45' max.	G
Absolute Height	45' max.	
Frontage Percentage	n/a	

Parking Placement (Distance from the Lot Line)*		
Front Separation	n/a	
Side Lot Separation	0' min.	E
Side Street Separation	10' min.	
Rear Separation	5' min. (no alley) 0' with alley	F

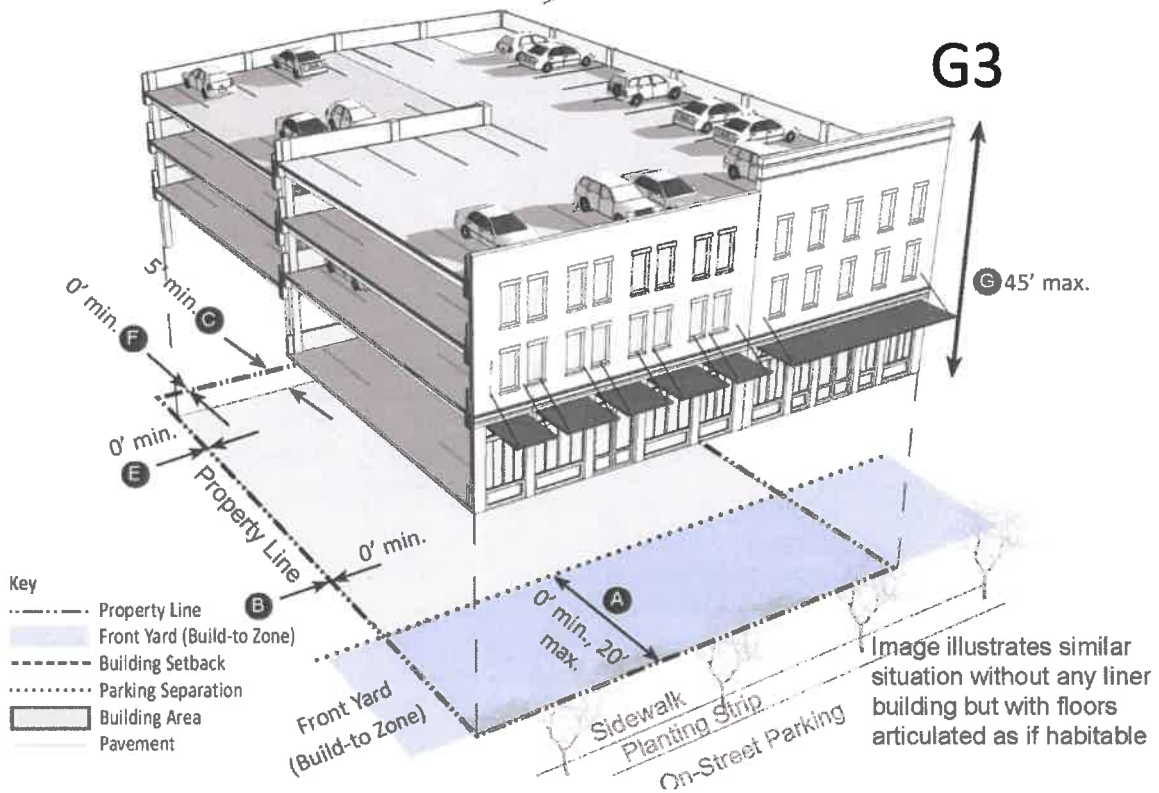
* See Table 2-85 for footnotes and explanations and for certain exceptions to those requirements.

PARKING GARAGE CONTINUED

G2



G3



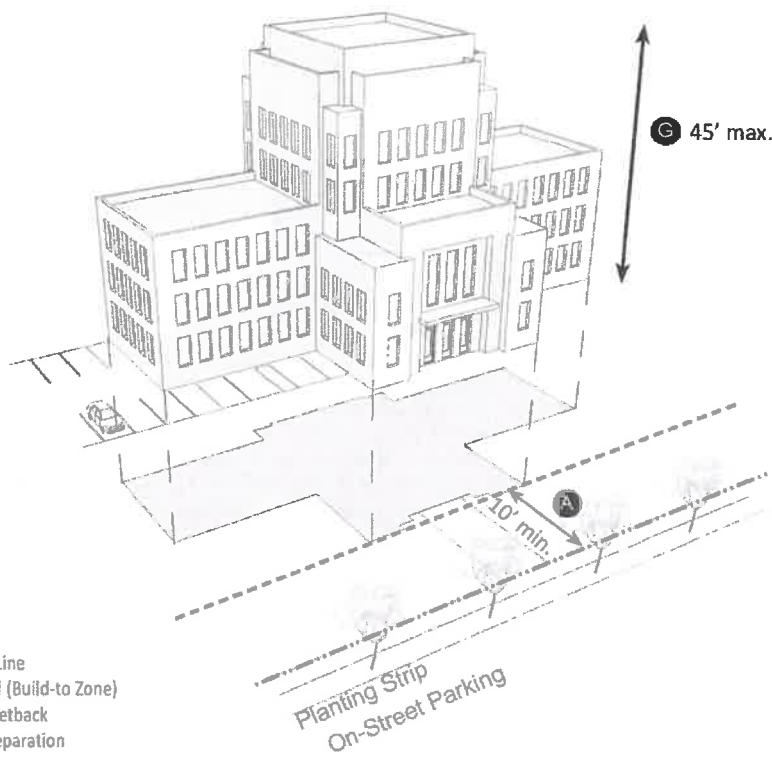
- Key
- Property Line
 - Front Yard (Build-to Zone)
 - Building Setback
 - Parking Separation
 - ▭ Building Area
 - Pavement

Figure 2-42H. Civic building

CIVIC BUILDING

Description

A civic building is a specialized building for public or civic uses such as schools, places of worship, or government functions.



Key

- Property Line
- Front Yard (Build-to Zone)
- Building Setback
- Parking Separation
- Building Area
- Pavement

Building Placement (Distance from the Lot Line)*		
Front Yard	10' min.	A
Side Yard	10' min.	B
Side Street	5' min.	
Rear Yard	5' min.	C

Building Size*		
Building Height	45' max.	E
Absolute Height	45' max.	
Frontage Percentage	n/a	

Parking Placement (Distance from the Lot Line)*		
Front Separation	n/a	D
Side Separation	n/a	E
Side Street Separation	n/a	
Rear Separation	n/a	F

* See Table 2-85 for footnotes and explanations and for certain exceptions to those requirements.

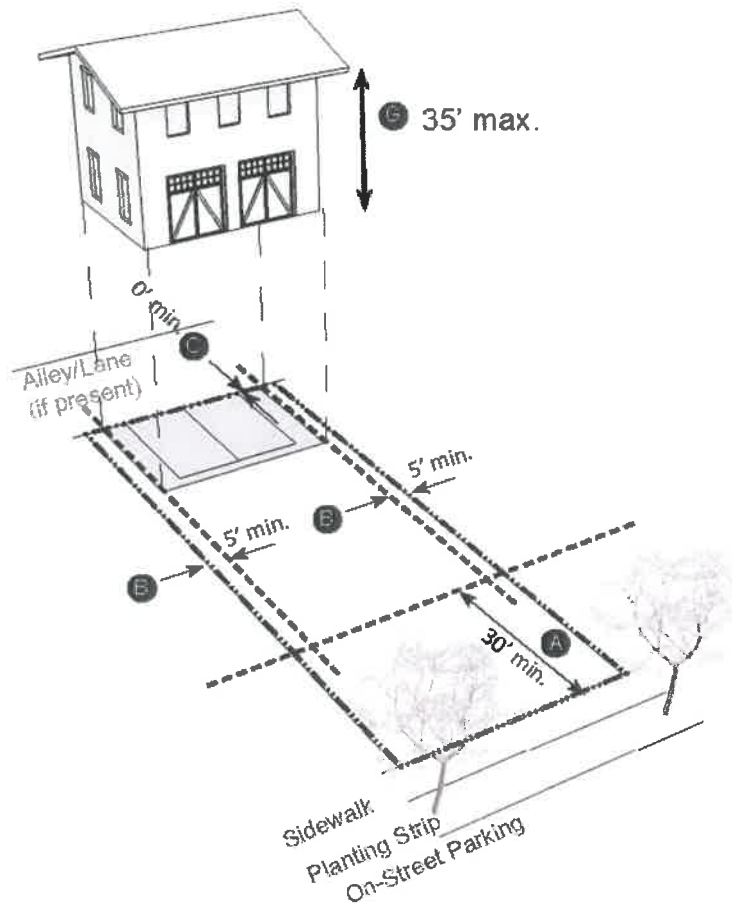
Figure 2-42I. Outbuilding

OUTBUILDING

Description

An outbuilding is an additional building on a lot. There are two major varieties in Cocoa Beach.

- A second significant building that faces the central alley in the Cottage Row Historic subdistrict; and
- An accessory building such as a garage, shed, workshop, or accessory dwelling toward the rear of a lot.



- Key**
- Property Line
 - Front Yard (Build-to Zone)
 - - - - Building Setback
 - - - - - Parking Separation
 - Building Area
 - Pavement

Building Placement (Distance from the Lot Line)*

Front Yard	30' min.	(A)
Side Yard	5' min.	(B)
Side Street	10' min.	
Rear Yard	5' min. (no alley) 0' with alley	(D)

Building Size*

Building Height	35' max.	(C)
Absolute Height	45' max.	
Frontage Percentage	n/a	

Parking Placement (Distance from the Lot Line)*

Front Separation	n/a	(E)
Side Lot Separation	n/a	(E)
Side Street Separation	n/a	
Rear Separation	n/a	(F)

* See Table 2-85 for footnotes and explanations and for certain exceptions to those requirements.

Section 2-43. Summary of building type dimensions and requirements.

The table below provides a summary of each building type and requirements, which were illustrated in Section 2-42.

Table 2-43 Summary of building type dimensions and requirements									
<u>Building Placement</u>	<u>Shopfront</u>	<u>Mixed Use</u>	<u>Courtyard</u>	<u>Townhouse</u>	<u>Detached</u>	<u>Multiple Unit</u>	<u>Parking Garage</u>	<u>Civic</u>	<u>Outbuilding</u>
<u>Front Separation</u>	0' min, 10' max	0' min, 20' max	0' min, 20' max	0' min, 10' max	25' min	10' min	0' min, 20' max	10' min	30' min
<u>Side Setback</u>	0' min 10' max	0' min	5' min	0' min	5' min	5' min	0' min	10' min	5' min
<u>Street Side Setback</u>	0' min	0' min	0' min	0' min	5' min	10' min	0' min	5' min	10' min
<u>Rear Setback</u>	10' min	10' min	10' min	20' min	15' min	10' min	5' min (no alley, 0' (alley)	5' min	5' min (no alley, 0' (alley)
<u>Parking Placement</u>	<u>Shopfront</u>	<u>Mixed Use</u>	<u>Courtyard</u>	<u>Townhouse</u>	<u>Detached</u>	<u>Multiple Unit</u>	<u>Parking Garage</u>	<u>Civic</u>	<u>Outbuilding</u>
<u>Front Separation</u>	30' min	30' min	30' min	30' min	30' min	30' min	NA	NA	NA
<u>Side Separation</u>	0' min	0' min	0' min	0' min	0' min	0' min	0' min	NA	NA
<u>Street Side Separation</u>	10' min	10' min	10' min	10' min	10' min	10' min	10' min	NA	NA
<u>Rear Separation</u> ³	5' min (no alley, 0' (alley)	5' min (no alley, 0' (alley)	5' min (no alley, 0' (alley)	5' min (no alley, 0' (alley)	5' min (no alley, 0' (alley)	5' min (no alley, 0' (alley)	5' min (no alley, 0' (alley)	NA	NA
<u>Building Size</u>	<u>Shopfront</u>	<u>Mixed Use</u>	<u>Courtyard</u>	<u>Townhouse</u>	<u>Detached</u>	<u>Multiple Unit</u>	<u>Parking Garage</u>	<u>Civic</u>	<u>Outbuilding</u>
<u>Building Height</u> ¹	45' max	45' max	45' max	45' max	35' max	45' max	45' max	45' max	35' max
<u>Absolute Height</u> ¹	45' max	45' max	45' max	45' max	45' max	45' max	45' max	45' max	45' max
<u>Frontage Percentage</u> ²	80% min, 100 % max	80% min, 100% max	60% min, 100 % max	90% min, 100% max	NA	NA	NA	NA	NA

¹ See definitions of building height and absolute height in section 1-20. See exclusions in section 3-66 that apply to building heights.

² Frontage percentage means the percentage of the width of the lot that is required to be occupied by the building's primary façade; see details in section 2-44.

³ Parking garages on alleys are not required to provide a rear yard.

Section 2-44. Building frontage requirements.

A. Primary entrances. The primary entrance of new buildings must directly face a street, civic space, or public space, except:

- 1. Courtyard building entrances may face a central garden or courtyard.
- 2. Outbuildings have no requirements for the direction that primary entrances face.

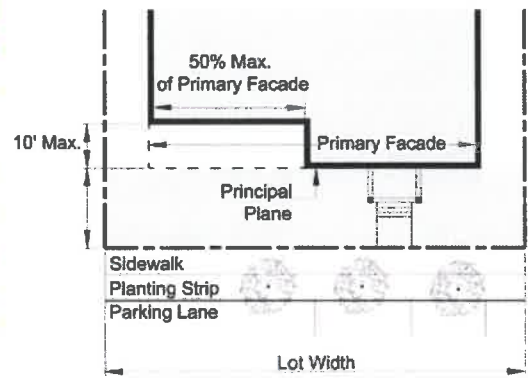
B. Frontage percentage. Frontage percentage means the percentage of the width of a lot that is required to be occupied by the building's primary facade. Table 2-43 provides minimum and maximum frontage percentages for several building types.

1. Up to fifty (50) percent of the width of the primary facade may be counted as meeting the frontage percentage requirement even though it may be set back up to ten (10) feet further from the street than the primary facade's principal plane. See illustration in Figure 2-44A.

2. The location of the primary facade's principal plane is not changed by facade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, or arcades, or by upper stories that are closer to or further from the street.

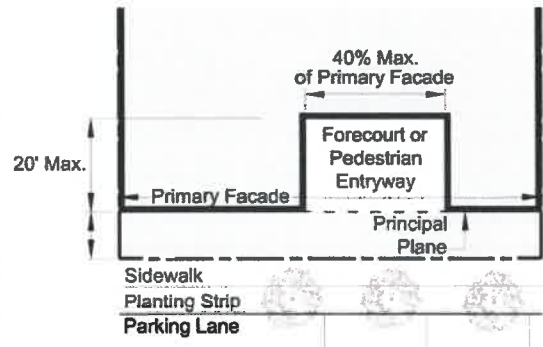
3. The width of a porte cochere may be counted as part of the primary facade.

Figure 2-44A – Frontage Percentages



C. Forecourts. For mixed-use buildings and courtyard buildings only, a portion of the building's primary facade may be set back up to thirty (30) feet further from the street than the primary facade's principal plane if this space is constructed as a forecourt or pedestrian entryway that is open to the sidewalk. This recessed portion may be up to forty (40) percent of the total width of the primary facade and may not be used by vehicles. See illustration in Figure 2-44B. For courtyard buildings, this forecourt may extend beyond thirty (30) feet into the central garden or courtyard.

Figure 2-44B – Forecourts



Section 2-45. Parking placement.

Figures 2-42A through I provide requirements for parking areas that may be provided on a lot. These parking placement requirements identify the minimum distance in feet from front, side, and rear lot lines to all parking spaces, aisles, and driveways. Parking area regulations are explained in sections 3.01 and 3.02.

Section 2-46. Streets, blocks and public spaces.

Streets, blocks, and public spaces, both existing and proposed, are illustrated in Figures 2-46A through D. Any proposed changes or modifications are to be made in accordance with the procedures provided within section 2-56.

Figure 2-46A. Downtown public spaces.

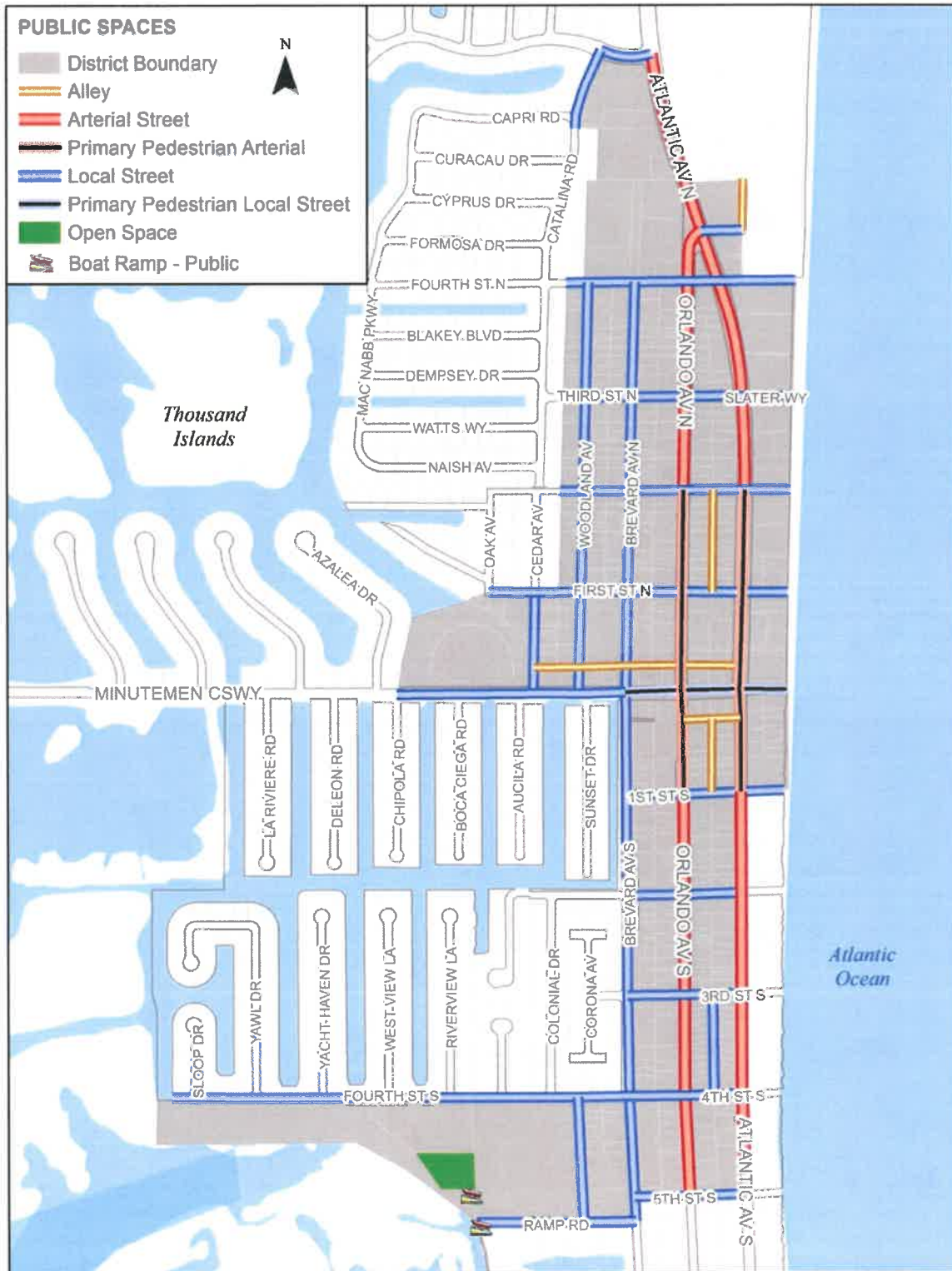


Figure 2-46B. Midtown public spaces.



Figure 2-46C. Uptown public spaces.

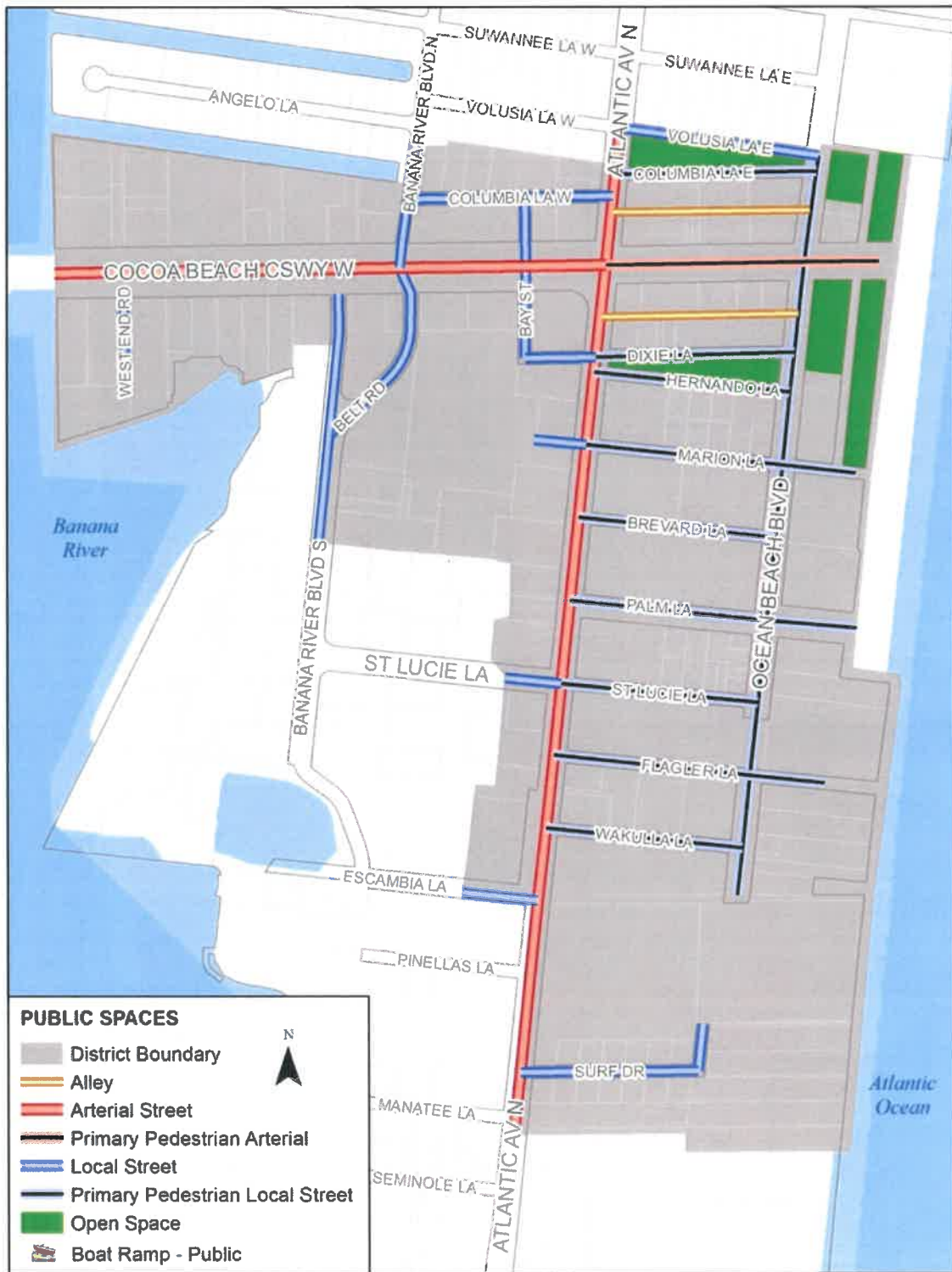
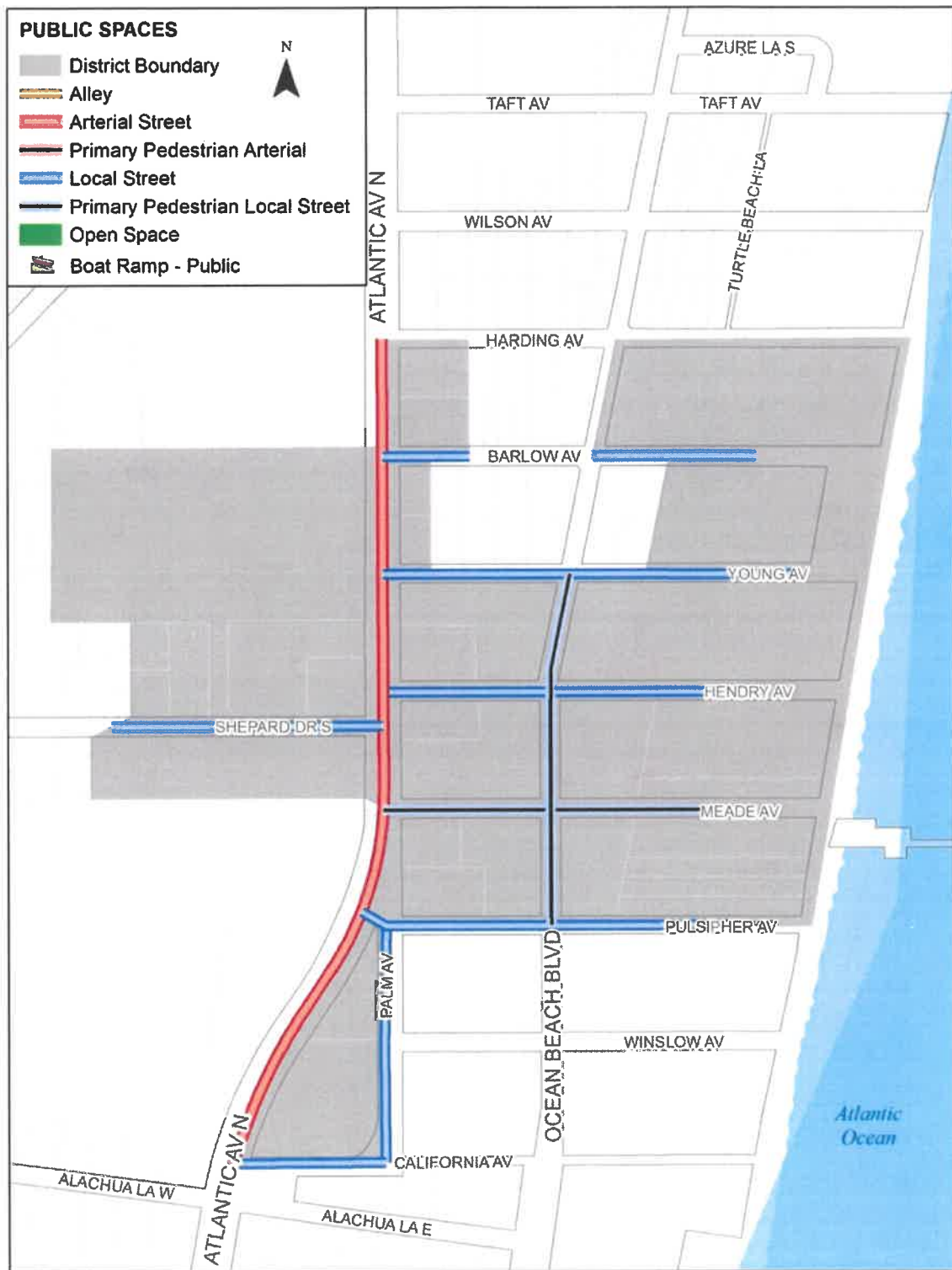


Figure 2-46D. North Cocoa Beach public spaces.



Section 2-47. Open Spaces.

Open spaces can include civic spaces, view corridors and semi-public spaces. These areas are intended to remain open and not covered with structures and are not to be used for vehicular traffic.

A. Civic spaces. Civic spaces are a type of public space, to be constructed by the property owner during the redevelopment process.

1. Civic space location. The location and configuration of new civic spaces may be adjusted during the site plan approval process if the location and configuration meets these requirements:

- a. Does not reduce the level of connectivity of surrounding streets;
- b. Maintains or enhances pedestrian convenience and safety and does not create any traffic hazards; and
- c. Provides substantially equal benefits, including similar size and location relative to important streets and amenities.

2. Civic space design. Civic spaces are to be available for civic and recreational uses and strategically placed as focal points of neighborhoods. Civic spaces can be configured as such:

- a. An open space available for unstructured recreation, typically defined by landscaping or natural edges, rather than building frontages. Areas of shade, with seating are to be provided.
- b. An open area suitable for unstructured recreation and gatherings, typically defined by building frontages, streets or waterways. Landscaping could include lawns, plants and trees, with the inclusion of walking paths throughout.
- c. An open space available for public gatherings and outdoor markets, typically defined by building frontages or streets. Landscaping can incorporate pervious pavers with shade trees and available seating.
- d. Fountains, art work, trees and shrubbery is encouraged, and shade structures, such as pergolas, can be incorporated, as space permits.

3. Civic space maintenance. Unless accepted by a public agency for maintenance, new civic spaces will be owned and maintained by the landowner and they must remain available for civic and recreational uses. If civic spaces are offered to and accepted by the city, maintenance will no longer be the responsibility of the landowner and the civic spaces will become public spaces that are fully accessible to the general public.

B. View corridors. Cocoa Beach's oceanfront is an important part of the community's cultural and ecological heritage, but it is rarely visible from the street. It is mostly viewed from the beach itself and the beachside of oceanfront buildings.

1. East/west street ends provide the primary access points to the beach and ocean. These street ends consist mostly of a small parking area and a non-descript

dune crossover structure. As redevelopment of adjacent property occurs or as public funds become available, the ends of these streets must be redesigned to enhance views to the water and each street end should be distinctively designed.

2. On new construction and redevelopment, allow more views to the water from the sidewalk, street, and other public/semi-public areas by creating building separation and by creating view corridors through the building from the street.
3. Buildings at street ends must be set back from the sidewalk to create a transition zone of semi-public space which can highlight views and beach access points with additional landscaping, gathering spaces, or sidewalks.
4. For corner buildings with frontage on east/west streets, lobbies and commercial spaces must have a second entrance on the east/west street to encourage more people to walk to the end of the street and the beach.

C. Semi-Public Spaces. The placement of buildings on their lot and the spaces between the building and public spaces such as streets can be considered semi-public space. Semi-public spaces are visible from the sidewalk but not necessarily open to the public. Semi-public spaces support pedestrian activity and connectivity between private and public spaces.

1. Plazas, courtyards and forecourts are examples of semi-public spaces designed to attract stationary activity such as sitting, standing, and socializing, using a combination of elements such as fountains, sculptures, seating, lighting, shade structures, and exhibits. These elements are encouraged in central locations and should be visible from the sidewalk.
2. Plazas, courtyards, and forecourts must be designed to maximize pedestrian movement between adjacent buildings and uses.

Section 2-48. Streets.

In each subdistrict, there are future public streets to be constructed by the landowner during the redevelopment process. These streets will provide direct access to every lot and will create small blocks that promote walkability and traffic circulation.

A. Street location. Proposed future street locations may be developed and adjusted during the site plan approval process if the new locations meet these requirements:

1. The new location does not reduce the level of connectivity with surrounding streets.
2. The new location does not reduce the level of street connectivity within the site or substantially increase the average block size.
3. The new location does not diminish the size of any proposed civic space.
4. The new location maintains or enhances pedestrian convenience and safety and does not create any traffic hazards.

B. Street design. Each new street must meet these design requirements:

1. Sidewalks must be provided on both sides of all streets. Sidewalks must be at least eight (8) feet wide.

2. Street trees must be provided in regularly spaced rows on both sides of all streets except where colonnades are being provided over sidewalks. Street trees may be planted in landscaped planting strips at least eight (8) feet wide or may be planted in tree wells in sidewalks if the sidewalks are widened to accommodate the trees and tree wells in addition to the required eight (8) foot minimum sidewalk width.
 3. On-street parking must be accommodated on new streets. Parking lanes may be used for drop-off areas, valet stands, transit stops, or fire lanes.
 4. Streets may not have more than two travel lanes and must accommodate travel in both directions. One way blocks may be considered on a case by case basis when overall traffic circulation is not impeded.
 5. Streets or public sidewalks must provide direct access to every new lot.
 6. Alleys or rear lanes are required in accordance with section 2-50.
 7. All streets, alleys, and lanes must connect to other streets; cul-de-sacs and T-turnarounds are not permitted except along water bodies.
 8. Block faces may not be longer than three hundred twenty-five (325) feet without a street, pedestrian trail, or alley providing through access to another street, pedestrian trail, or alley.
 9. Street designs must also comply with the current edition of the Traditional Neighborhood Development chapter of the Florida Greenbook (Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, published by Florida DOT) for slow or yield movement types. Lane widths include the width of horizontal extensions of curbs such as gutter pans.
 10. Street rights-of-way are the preferred location for water and wastewater lines; fire hydrants are the only above-ground projections of utilities that are permitted. Alleys or lanes are the preferred location for power, telephone, television, and internet cables.
- C. Street maintenance. The landowner must construct these streets using city specifications and then dedicate them to the City of Cocoa Beach. After the dedication is accepted, the city will maintain these streets.
- D. Street types. Listed below are descriptions of the various street types within the city.
1. Arterial street. State Roads are conventionally arterial streets that must allow regional traffic flow along the route. SR A1A and SR 520 are the two major arterial streets in Cocoa Beach.
 - a. SR A1A provides corridor access as it passes through Cocoa Beach. As such, this corridor must not only serve as a high-volume traffic roadway but also as an important public space. This corridor must be visually appealing while linking smaller streets, accommodating pedestrians, bicycles, and public transit, and it must be supportive of street-oriented businesses.

- i. The portions of State Road A1A contained in the redevelopment districts must encourage active uses by including wide sidewalks that are shaded with awnings, overhangs, and street trees wherever possible. Active uses include cafes, restaurants, libraries, stores, educational and cultural facilities, and residential uses.
 - ii. Buildings on the redevelopment portion of SR A1A must have doors, windows, and signs designed for those approaching by vehicle, foot, or bicycle.
 - b. SR 520 is an arterial that is designed as a boulevard that features higher speed central lanes for through traffic and slower moving side access lanes for local traffic. The central and side access lanes are separated from each other by medians planted with regularly-spaced trees.
 - i. The slow moving side access lanes accommodate bicycles and on-street parking. This on-street parking is key to achieving street-oriented buildings built close to the sidewalk.
 - ii. Sidewalks on a boulevard must be a minimum of ten (10) feet wide to accommodate easy strolling for pedestrians and outdoor dining. Pedestrians on the sidewalk must be sheltered from the sun and elements with regularly planted shade trees and awnings.
 - iii. Signage along a boulevard must be designed for visibility both to passing vehicles as well as pedestrians on the sidewalk. Shopfronts should feature plentiful areas of transparent glass to give pedestrians visual access to the goods offered for sale in the shops.
- 2. Local streets. Local streets are quieter and designed to accommodate some through traffic. Local streets must have sidewalks that encourage walking and window shopping but they may also accommodate some surface parking lots. These lots must be shielded from view with landscaping or other appropriate methods which, in certain cases, may include garden walls.
 - a. New buildings on local streets must, where practical, continue commercial frontages around the corners of the building.
 - b. Attractive fences and garden walls in place of or in conjunction with landscaping shall be used to buffer surface parking areas from pedestrians on the sidewalk.
 - c. Building designs must be permeable to create and enhance views to the beach and ocean from the public sidewalk and to preserve the character and texture of existing historic and culturally significant structures and open spaces.
 - d. Wide curb cuts that accommodate head in parking are not allowed, and as much as possible, sidewalk continuity is to be maintained.
 - e. Attractive, well maintained landscaped front yards must be used to form a zone of semi-public space and to reduce the negative visual impact of parked cars facing the sidewalk.

3. Primary pedestrian streets. Primary pedestrian streets are the streets most attractive to pedestrians, even though they also accommodate slower-moving cars. Primary pedestrian streets can occur on some sections or all parts of certain local or arterial streets. These streets include shopping, dining, and entertainment venues that are the hub of pedestrian activity and social interactions in the redevelopment districts. Businesses along these corridors are expected to appeal to those on foot.
 - a. Vehicle access for parking and loading must be from alleys when they are present or proposed.
 - b. Storefronts and facades should be as close to the sidewalk edge as possible to create an engaging and interesting route for pedestrians.
 - c. Surface parking lots must not be visible from primary pedestrian streets. Private parking for customers, if provided, should be centralized rear parking lots that can be accessed from either a common driveway of a secondary street or from an alley.
 - d. Active uses, such as retail, physical exercise, dancing, cooking, must be the dominant use of the ground floor of buildings fronting primary pedestrian streets.
 - e. The use of removable bollards and curbsless streets can allow primary pedestrian streets to be closed to traffic for street festivals and markets.
 - f. Primary pedestrian streets must have, to the greatest extent possible, uninterrupted sidewalks and storefronts to maximize the comfort, safety, and aesthetic enjoyment of pedestrians as well as automobile occupants.

Section 2-49. Sidewalks.

Sidewalks shall be constructed along all public streets in accordance with Section 3-31 of the Land Development Code.

- A. In the redevelopment areas, sidewalks must be constructed on both sides of a street unless impractical to do so.
- B. Sidewalks in the redevelopment area shall be a minimum of eight (8) feet wide. Wider sidewalks, where warranted and possible, will enhance the ability of pedestrians and bicyclists to use them for non-motorized mobility.
- C. New buildings and building renovations can include outdoor sidewalk furniture like café tables and chairs, planters, and benches. These pieces can delineate the public walking zone from a more intimate semi-public zone that is exclusively used by a building's patrons. When placing furniture in the public sidewalk the following guidelines must be met:
 1. Outdoor furniture in the right-of-way shall not be allowed to obstruct pedestrian movement and must be arranged to leave a five (5) foot minimum path for pedestrians.
 2. Outdoor furniture cannot spill out in front of other storefronts except by mutual agreement of the shop owners.

3. Outdoor furniture must be sturdy, decorative, and well maintained to represent the image of Cocoa Beach relative to surfing, space travel, the arts or the environment. Street furniture representative of the associated business is also permitted.
4. When space permits, building edges must be softened with planters and landscaping to enhance the street's aesthetic quality.

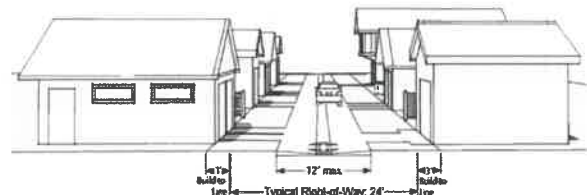
Section 2-50. Alleys and rear lanes.

Alleys and rear lanes supplement the access provided by streets to provide space for utility lines, to allow parking areas to be approached from the rear, to accommodate routine removal of trash and recyclable materials, and to provide supplemental access to lots. Alleys and lanes allow streets, sidewalks, and planting strips to have fewer interruptions and more on-street parking, features that promote walkability and improve safety for pedestrians, bicyclists, and motorists. The maps within section 2-46 identify the locations of alleys.

A. Requirements for alleys and rear lanes.

1. Existing alley rights-of-way may not be vacated unless a redevelopment proposal would accommodate all functions of alleys in another acceptable manner. An example would be new buildings constructed along the perimeter of a block with common areas inside the block providing alley functions.
2. Existing alleys must be maintained and must be extended by the landowner during the redevelopment process.
3. Within certain areas, existing alleys allow buildings to have a second entrance facing the rear and the use of rear yards for seating and display purposes.
4. All alleys and lanes must connect to other streets, alleys, or lanes; cul-de-sacs and T-turnarounds are not permitted except along water bodies.
5. Alleys and lanes are the preferred location for power, telephone, television, and internet cables. Minimal above-ground projections of utilities are permitted in alleys.
6. New alleys are to be constructed in rights-of-way that are twenty-four (24) feet wide. See alley illustration in Figure 2-50A.
7. Rear lanes are to be constructed in rights-of-way that are twenty four (24) feet wide. Paved portions of lanes may be up to twelve (12) feet wide. See rear lane illustration in Figure 2-50B.

Figure 2-50A – Alley



Section 2-51. Fences and walls.

The rules for fences, walls, and hedges are found in section 3-64. Within the redevelopment districts, Cottage Row and Civic are considered residential and all other subdistricts are considered commercial.

Section 2-52. Performance standards for fuel pumps.

A. Fuel sales. Fuel sales are allowed by right or by special exception in certain subdistricts; see Table 2-33.

B. Location. When fuel sales are allowed, the location of fuel pumps and vehicular circulation must comply with these requirements, and with section 3-68:

1. All fuel pumps, parking, and drive-through areas must be located behind a building.
2. Along primary pedestrian streets:
 - a. A ground-floor shopfront must face the street.
 - b. On corner lots, the shopfront must define the corner.
3. See example in Figure 2-52.

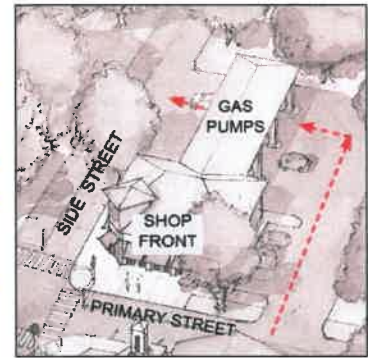


Figure 2-52 – Fuel Pumps

Section 2-53. Performance standards for drive-through lanes.

A. Drive through lanes. Drive-through lanes are allowed by right or by special exception in certain subdistricts; see Table 2-33.

B. Location. Where drive-through lanes are allowed, their location must comply with these requirements:

1. Drive-through lanes must be located behind or to the side of a building.
2. All parking must be located behind the building and accessed from an alley when present.
3. Along primary pedestrian streets, a ground-floor shopfront must face the street.
4. See example in Figure 2-53.

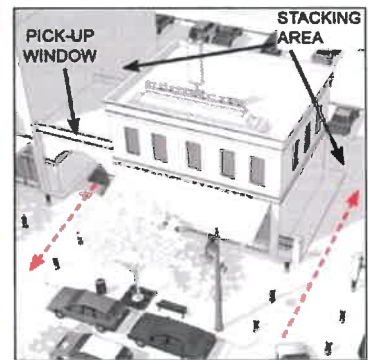


Figure 2-53 – Drive Throughs

Section 2-54. Number of off-street parking spaces permitted.

Within the redevelopment districts the maximum number of parking spaces permitted for each use is regulated by Sections 3-01 and 3-02. For new and expanded buildings, the allowable placement of off-street parking spaces is shown on the building-type diagrams in Figures 2-42A through I.

Section 2-55. Accessible and bicycle parking, landscaping, loading, construction details.

- A. Accessible parking.** Where off-street parking lots are provided, they must include accessible parking spaces as required by the Florida Building Code.
- B. Bicycle parking.** Where off-street parking lots are provided, they must include spaces to park bicycles that are equipped with durable bike racks.
- C. Landscaping.** Off-street parking lots must include landscaping that meets the requirements of section 3-19.
- D. Loading.** Off-street loading facilities may be shared by multiple users.
- E. Construction details.** Where off-street parking or loading facilities are provided, they must comply with standard construction details for private parking lots in the city's Engineering Design Standards.

ARTICLE VI APPLICATION AND REVIEW PROCESSES WITHIN THE REDEVELOPMENT DISTRICT

Section 2-56. Site plan review and design modifications.

- A. Review.** Development proposals in the Redevelopment Zoning District will be reviewed using the site plan approval process in chapter IV of this code.
 - 1. The development review committee has authority to approve site plans on lots smaller than three (3) acres and for buildings less than thirty thousand (30,000) square feet in size.
 - 2. For site plans exceeding those thresholds, the development review committee will review applications and make recommendations to the Planning Board and City Commission.
 - 3. ~~Individual single family and duplex residential dwellings are exempt from the full site plan approval process.~~
 - 3. When new development or redevelopment is adjacent to existing single family residences, the setback requirements provided within the RS-1 zoning district shall apply.
- B. Approval.** The Development Services Director is responsible for evaluating each application's compliance with the specific regulations in this code and the City's Comprehensive Plan and Charter.
 - 1. For applications being reviewed under the site plan approval process, the director will report these findings to the Development Review Committee.
 - 2. For applications exempt from that process, the director must make an affirmative administrative decision of compliance before a building permit can be issued.
- C. Modifications.** The Redevelopment Zoning District allows certain design modifications to be requested during the site plan approval process (see LDC Chapter 4):

1. Design modifications for a new or expanded building where the development review committee has approval authority may be authorized through an affirmative administrative decision of the Development Services Director with written findings that:
 - a. The proposed design modification is an acceptable alternative to a standard within the Land Development Code.
 - b. The proposed design modification furthers or does not detract from the design principles supporting the standard.
 - c. The proposed design modification will not be injurious to surrounding properties or the neighborhood.
 - d. The proposed design modification does not have the effect of moving subdistrict boundaries, modifying dimensional regulations for existing buildings, or altering allowable uses.
- 4-2. Design modifications for a new or expanded building where city commission approval is required will receive the same affirmative administrative decision, which will be forwarded to the planning board and city commission.

Section 2-57. Special exceptions, variances, waivers, appeals.

- A. **Special exceptions.** The Redevelopment Zoning District requires approval of a special exception before certain uses may be initiated in an existing building or in a new or expanded building, as summarized in section 2-33. This code authorizes the Board of Adjustments to consider and approve or deny special exception requests (see chapter IV).
- B. **Variances.** Variances for an existing building or a new or expanded building may be authorized by the Board of Adjustments (see chapter IV).
 1. Variances to exceed the absolute height requirement are described in section 4-40.
 2. Variances to exceed the maximum density limitations are described in section 4-41.
- C. **Waivers.** Limited waivers from certain regulations and engineering requirements may be granted administratively (see section 4-42). Waivers from certain subdivision and other regulations may be granted by the Planning Board (see section 4-43).
- D. **Appeals.** Decisions regarding the Redevelopment Zoning District may be appealed in accordance with this code's provisions for each type of decision:
 1. For decisions on site plan approvals by the Development Services Director or Development Review Committee, see section 1-49.
 2. For decisions on special exceptions by the Board of Adjustments, see sections 1-42 and 4-53.
 3. For decisions on design modifications by the Development Services Director, see section 1-49.

4. Other administrative decisions may be appealed in accordance with section 1-49.

Section 2-58. Adjustments to the redevelopment zoning district boundaries.

Adjustments to the redevelopment zoning district boundaries are possible only by following the procedures provided within the Land Development Code Chapter IV Article VII.

Section 2-59. Reserved

ARTICLE VII. CONDITIONAL USES FOR SPECIAL EXCEPTIONS IN ALL ZONING DISTRICTS

When evaluating an application for a special exception all of the requirements provided for within LDC Section 4-48 must be considered. In addition, certain permitted or accessory uses have additional conditions that must also be considered. These specific conditional uses are detailed in the sections below.

Section 2-60. Reserved

Section 2-61. Pain Management Clinic.

When considering an application for pain management clinics, the board must consider the special exception criteria listed below, in addition to that criteria listed in subsection 4-48.C.

- A. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
- B. Any parking demand created by a pain management clinic shall not exceed the parking spaces located or allocated on site, as required by the city's parking regulations. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the pain management clinic will be sufficient to accommodate traffic and parking demands generated by the pain management clinic, based upon a current traffic and parking study prepared by a certified professional.
- C. No pain management clinic shall be located within two hundred (200) feet of any residentially zoned property, or one thousand (1,000) feet of any school, as defined by these regulations. The distance from a pain management clinic to a school shall be measured by drawing a straight line between the closest point of the pain management clinic structure (be it a building or leased space in a building) to the closest property line or edge of leased space (whichever is closer to the pain management clinic) of the school.
- D. Any other issue that is reasonably related to the nature of the request, including but not limited to, access to the site, the proximity of the proposed use to a public park or the ocean beach, the proximity of the proposed use to a similar use and surrounding land uses.

Section 2-62. Mini storage.

When considering an application for a mini or self-storage facility, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-48C.

- A. Mini-storage must have suitable screening compatible with the architecture of the project.
- B. On-site parking shall be provided on the basis of one (1) space per five hundred sixty (560) square feet of gross floor area.
- C. If motor vehicles or vessels are stored in an individual facility, there shall be no mechanical work performed on the premises.
- D. No single compartment shall have a floor area exceeding one thousand five hundred (1,500) square feet.
- E. Each compartment shall have an exterior independent entrance under exclusive control of the tenant thereof.
- F. Use of compartment shall be limited to storage of personal property.
- G. There shall be no outside storage of goods or materials of any type. Storage areas located in the side or rear yards shall be fenced as authorized by section 3-64, chapter III of these regulations and the fence shall be constructed to meet the opacity of a solid wall.

Section 2-63. Medical marijuana dispensary/pharmacy.

The criteria for siting and all business operations for a medical marijuana dispensary or a pharmacy must be in compliance with applicable Florida State Statutes.

Section 2-64. Adult entertainment establishment

The criterial for siting and all business operations for an adult entertainment establishment must be in compliance with LDC section 3-78 and the Cocoa Beach Code of Ordinances Chapter 2.5.

Section 2-65. Outdoor seating, with outdoor service

A. **Within the redevelopment district.** Outdoor seating, with outdoor service, is encouraged within the redevelopment zoning districts. New requests for outdoor seating may be approved by the administrator, and shall be in conjunction with and clearly accessory to any permitted or approved restaurant or nightclub. The administrator shall consider the criteria listed below when considering an application for outdoor seating and may deny the request, approve the request, approve the request with conditions, or assign additional conditions and safeguards as deemed appropriate for each particular request:

1. Will the request cause damage, hazard, nuisance or other detriment to persons or property?
2. Will the outdoor lighting create a nuisance for neighboring properties?
3. Will the outdoor entertainment create a nuisance for neighboring properties?
4. Should additional off-street parking be provided?
5. Will it be necessary to restrict the hours of operation for the outdoor seating?
6. Will the ADA required minimum five-foot wide clear and unobstructed path on the sidewalk remain at all times after placement of the outdoor tables and chairs?

7. Have all other issues that are reasonably related to this request been considered?

8. Appeal of any decision of the administrator may be made in accordance with the provisions of chapter I, article IX, "duties of officials; matters of appeal" of this code.

B. Outside the redevelopment district. Outdoor seating, with outdoor service, outside of the redevelopment zoning districts, that is in conjunction with and clearly accessory to any permitted or special exception restaurant or nightclub is permitted upon approval of a special exception. When considering an application for outdoor seating, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-48.C.

1. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.

2. Whether or not outdoor lighting will create additional nuisance impacts to existing or planned adjacent land uses.

3. Whether or not outdoor entertainment will create additional nuisance impacts, including but not limited to noise impacts, to existing or planned adjacent land uses.

4. Whether or not additional parking must be provided.

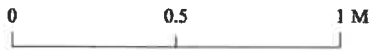
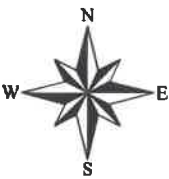
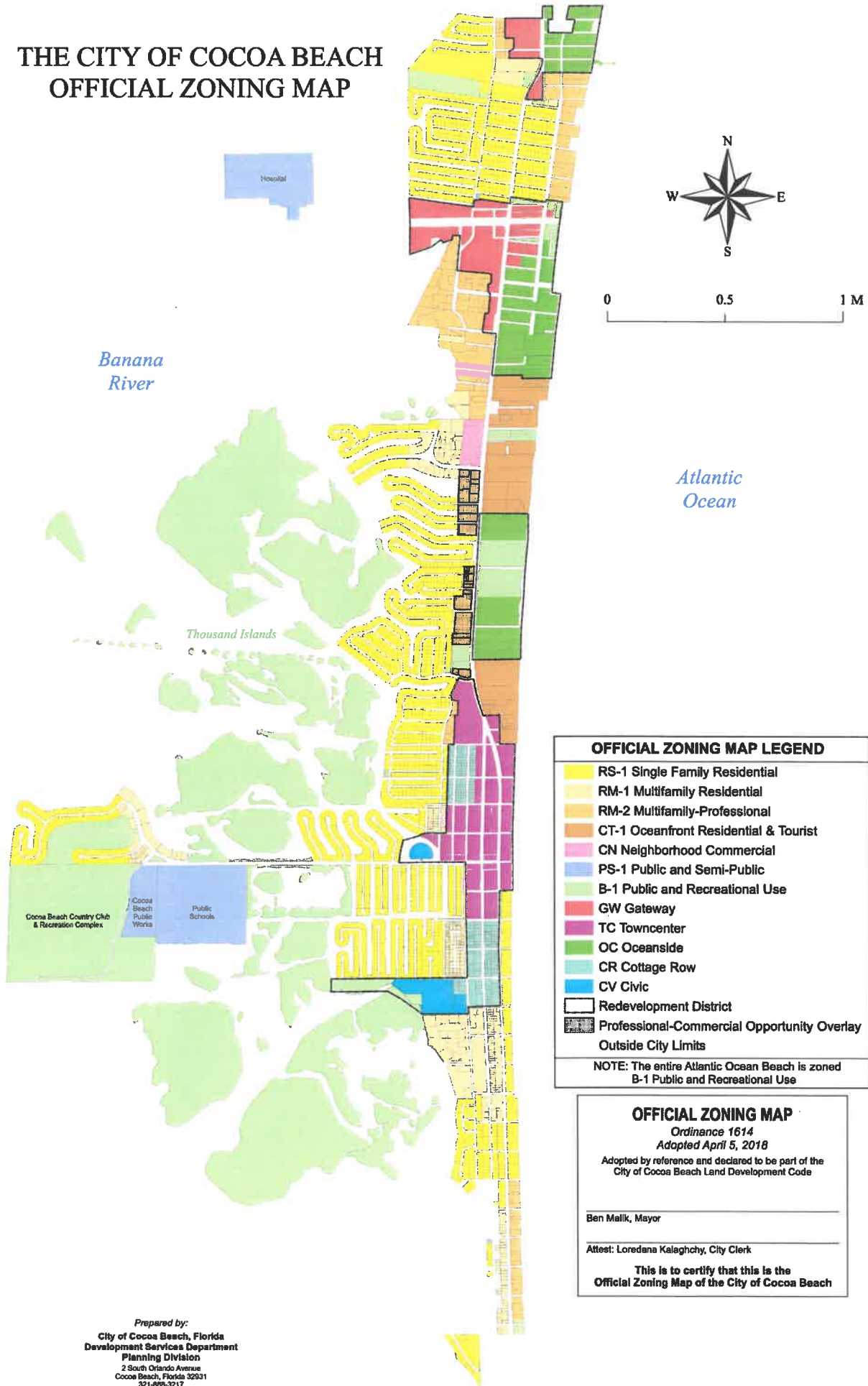
5. Whether or not it is necessary to restrict the hours of operation for the outdoor seating.

6. Any other issue that is reasonably related to the nature of the request.

C. Without outdoor service. Outdoor seating, without outdoor service, in conjunction with an approved restaurant or nightclub is permitted.

D. Outdoor entertainment. All outdoor music and noise must be in compliance with the Cocoa Beach Code of Ordinances Chapter 15.

THE CITY OF COCOA BEACH OFFICIAL ZONING MAP



Banana River

Atlantic Ocean

Thousand Islands

Cocoa Beach Country Club & Recreation Complex
Cocoa Beach Public Works
Public Schools

OFFICIAL ZONING MAP LEGEND

- RS-1 Single Family Residential
- RM-1 Multifamily Residential
- RM-2 Multifamily-Professional
- CT-1 Oceanfront Residential & Tourist
- CN Neighborhood Commercial
- PS-1 Public and Semi-Public
- B-1 Public and Recreational Use
- GW Gateway
- TC Towncenter
- OC Oceanside
- CR Cottage Row
- CV Civic
- Redevelopment District
- Professional-Commercial Opportunity Overlay
- Outside City Limits

NOTE: The entire Atlantic Ocean Beach is zoned B-1 Public and Recreational Use

OFFICIAL ZONING MAP

Ordinance 1614
Adopted April 5, 2018
Adopted by reference and declared to be part of the
City of Cocoa Beach Land Development Code

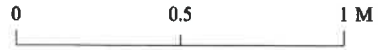
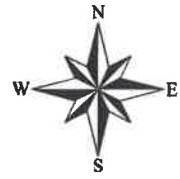
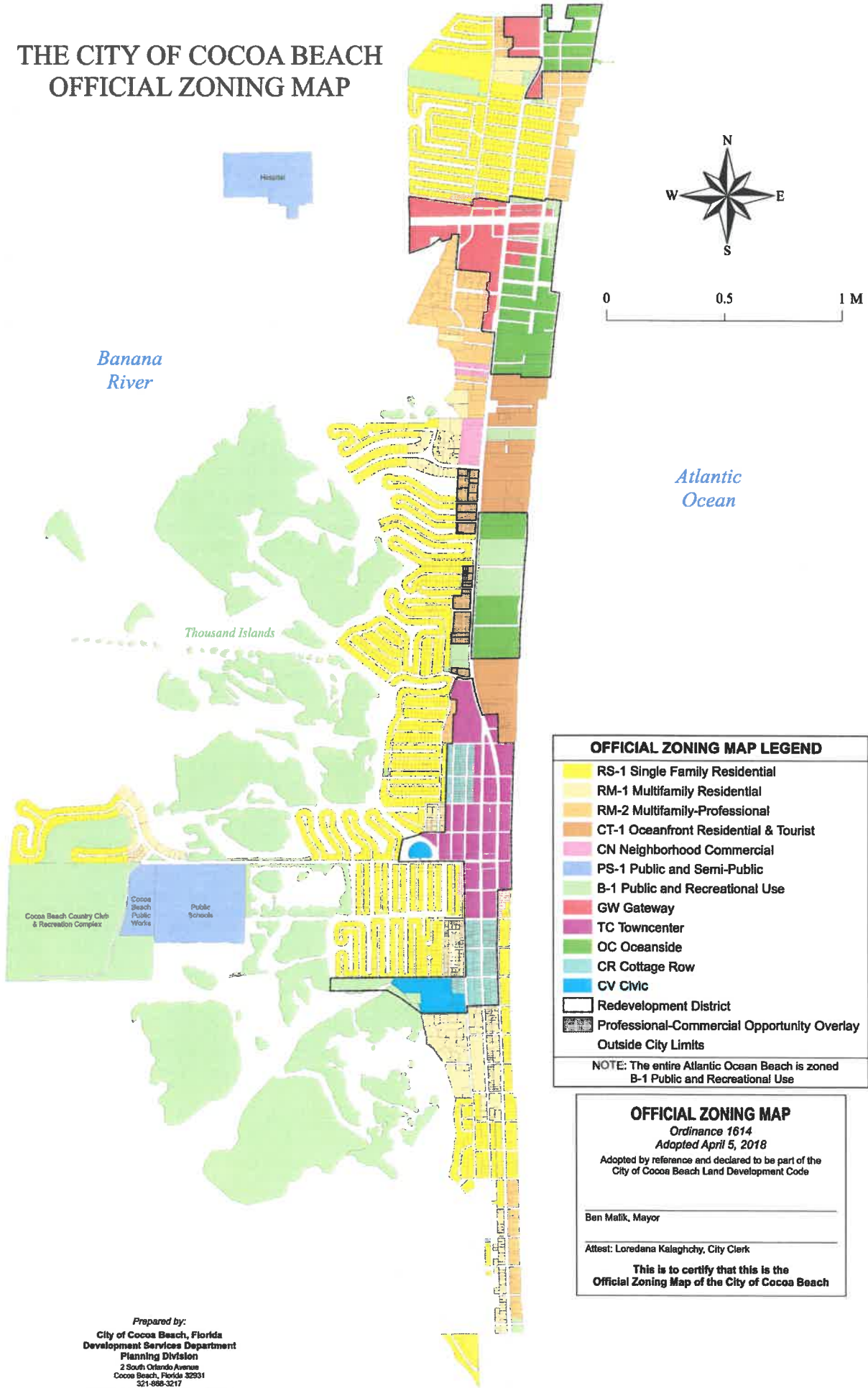
Ben Malik, Mayor

Attest: Loredana Kalaghchy, City Clerk

This is to certify that this is the
Official Zoning Map of the City of Cocoa Beach

Prepared by:
City of Cocoa Beach, Florida
Development Services Department
Planning Division
2 South Orlando Avenue
Cocoa Beach, Florida 32931
321-465-3217
developmentservices@cityofcocoabeach.com

THE CITY OF COCOA BEACH OFFICIAL ZONING MAP



Banana River

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OFFICIAL ZONING MAP

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Ben Malik, Mayor

Attest: Loredana Kalaghchy, City Clerk

This is to certify that this is the Official Zoning Map of the City of Cocoa Beach

THE CITY OF COCOA BEACH, FLORIDA NOTICE OF PUBLIC HEARING LAND DEVELOPMENT CODE AMENDMENT

The City of Cocoa Beach City Commission proposes to hear Ordinance 1614, first reading to amend Appendix B of the Cocoa Beach Code of Ordinances, also known as the Cocoa Beach Land Development Code (LDC):

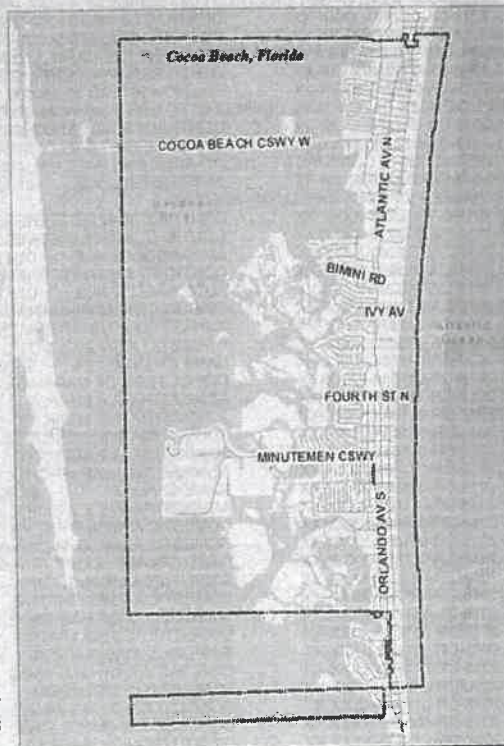
ORDINANCE NO. 1614

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING APPENDIX B OF THE COCOA BEACH CODE OF ORDINANCES, "COCOA BEACH LAND DEVELOPMENT CODE (LDC)"; AMENDING ARTICLE III, "ESTABLISHMENT OF STANDARD ZONING DISTRICTS;" AMENDING ARTICLE IV, "ESTABLISHMENT OF OVERLAY DISTRICTS;" ADDING ARTICLE V, "ESTABLISHMENT OF REDEVELOPMENT ZONING DISTRICT AND SUBDISTRICTS;" ADDING ARTICLE VI, "APPLICATION AND REVIEW PROCESSES WITHIN THE REDEVELOPMENT DISTRICT;" ADDING ARTICLE VI, "CONDITIONAL USES;" ALL OF WHICH ARE CONTAINED IN CHAPTER II, "ZONING DISTRICTS;" INCORPORATING RECITALS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; AND EFFECTIVE DATE.

A PUBLIC HEARING AND THE FIRST OF TWO (2) REQUIRED READINGS BY THE CITY COMMISSION ON THE APPROVAL AND/OR ADOPTION OF THESE ORDINANCES WILL BE HELD ON:

THURSDAY, FEBRUARY 15, 2018 - 7:00 P.M. (or as soon thereafter as is reasonably convenient) AT COCOA BEACH CITY COMMISSION CHAMBERS, 2 SOUTH ORLANDO AVENUE, COCOA BEACH, FLORIDA 32931.

Interested parties may appear at the meeting and be heard regarding the Ordinance and the proposed Comprehensive Plan and Land Development Code amendments. Copies of the proposed ordinances may be inspected at the City Clerk's Office, 2 South Orlando Av. and City Development Services Department, 1600 Minutemen Cswy., Cocoa Beach, Florida, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (holidays excluded).



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 City with respect to this matter that said person will need a record of the proceedings. For such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is 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 not otherwise allowed by law.

In accordance with the Americans and Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding should contact the City Clerk's Office no later than 48 hours prior to the proceedings at (321) 868-3286 for assistance; if hearing impaired, telephone the Florida Relay Numbers (800) 955-8771 (TDD) or (800) 955-8779 (VOICE), for assistance.

Mailed to:

City of Cocoa Beach
2 S. Orlando Ave
Cocoa Beach, FL 32931

A daily publication by:



STATE OF FLORIDA
COUNTY OF BREVARD

Before the undersigned authority personally appeared JERRI Hamlin,
who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY, a
newspaper published in Brevard County, Florida; that the attached copy of advertising being a

LEGAL NOTICE

Ad # (600543	\$	808.61
Acct. # (6C1215)	
CITY OF COCOA BEACH			
the	Court	NOTICE OF PUBLIC HEARING	

as published in the FLORIDA TODAY in the issue(s) of:

January 25, 2018

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Jerr Hamlin
(Signature of Affiant)

25th day of January, 2018

Adia Bell
(Signature of Notary Public)

Sworn to and subscribed before this:



Adia Bell
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF954893
Expires 1/27/2020

Adia Bell

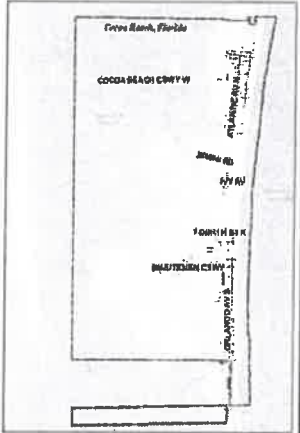
(Name of Notary Typed, Printed or Stamped)

Personally Known X or Produced Identification _____
Type Identification Produced: _____

**THE CITY OF COCOA BEACH, FLORIDA
NOTICE OF PUBLIC HEARING
LAND DEVELOPMENT CODE AMENDMENT**

The City of Cocoa Beach City Commission proposes to hear Ordinance 1613, second reading and adoption, to amend the Future Land Use Element of the Cocoa Beach Comprehensive Plan and Ordinance 1614, second reading and adoption, to amend Appendix B of the Cocoa Beach Code of Ordinances, also known as the Cocoa Beach Land Development Code:

ORDINANCE NO. 1613
AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN, SPECIFICALLY THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP REGARDING THE REPEAL OF THE DOWNTOWN OVERLAY DISTRICT, THE CREATION OF THE DOWNTOWN, MIDTOWN, UPTOWN, AND NORTH COCOA BEACH REDEVELOPMENT DISTRICTS, AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; AND AN EFFECTIVE DATE.



ORDINANCE NO. 1614
AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING APPENDIX B OF THE COCOA BEACH CODE OF ORDINANCES, "COCO BEACH LAND DEVELOPMENT CODE (LDC);" AMENDING ARTICLE III, "ESTABLISHMENT OF STANDARD ZONING DISTRICTS;" AMENDING ARTICLE IV, "ESTABLISHMENT OF OVERLAY DISTRICTS;" ADDING ARTICLE V, "ESTABLISHMENT OF REDEVELOPMENT ZONING DISTRICT AND SUBDISTRICTS;" ADDING ARTICLE VI, "APPLICATION AND REVIEW PROCESSES WITHIN THE REDEVELOPMENT DISTRICT;" ADDING ARTICLE VII, "CONDITIONAL USES FOR SPECIAL EXCEPTIONS IN ALL ZONING DISTRICTS;" ALL OF WHICH ARE CONTAINED IN CHAPTER II, "ZONING DISTRICTS;" INCORPORATING RECITALS; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY; AND EFFECTIVE DATE.

A PUBLIC HEARING AND THE SECOND OF TWO (2) REQUIRED READINGS BY THE CITY COMMISSION ON THE APPROVAL AND/OR ADOPTION OF THESE ORDINANCES WILL BE HELD ON:

THURSDAY, APRIL 5, 2018 - 7:00 P.M.
(or as soon thereafter as is reasonably convenient)
AT COCOA BEACH CITY COMMISSION CHAMBERS
2 SOUTH ORLANDO AVENUE, COCOA BEACH, FLORIDA 32931

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PROOF O.K. BY: Slyman O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

ADVERTISER: CITY OF COCOA BCH_MKT & SALES PERSON: Sandra Ward PUBLICATION: FT-FLORIDA TODAY	PROOF CREATED AT: 3/16/2018 9:33 AM PROOF DUE: _____ SIZE: 3 col X 10 in	NEXT RUN DATE: 03/22/18	FT-0000602837.INDD
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