

Land Development Code – Summary of Revisions – Ordinance 1627

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CHAPTER I. PURPOSE AND GENERAL PROVISIONS

ARTICLE IV. RULES OF CONSTRUCTION

Section 1-20. Definitions.

- A. *Purpose.* For the purpose of these Land Development Code (LDC) regulations, certain words and terms shall be interpreted to have meanings as defined herein. When words or terms are not defined, their most commonly accepted meaning shall apply. The context in which the word or term is used may imply the intended meaning. Words used in the present tense include the future tense; the singular number includes the plural and the plural includes the singular. The words "shall", "must" and "will" are mandatory; the words "may" or "might" are permissive. The masculine gender shall imply the feminine and neuter genders and vice versa. The words "used" or "occupied" include the words intended, designed, maintained or arranged to be used or occupied. The word "lot" includes the words plot, tract or parcel. The word "structure" includes the word building and vice versa. The word "land" includes the words marsh, water, or swamp.
- B. *Definitions.* For the purpose of these regulations, the following definitions apply, unless they are found to be inconsistent with the intent of the city commission, the City Charter or the Comprehensive Plan:
- *Abut/abutting.* To have a common property or zoning district line.
 - *Accepted planning standards and practices.* ~~These are the~~ The planning standards and practices which are generally accepted and used by the American Institute for Certified Planners (AICP).
 - *Accessory dwelling unit.* A detached secondary structure located on the same property as the principal structure and used as a separate residential unit. Accessory dwelling units are subject to density regulations.
 - *Accessory ~~facility or structure~~ structure or facility.* A detached secondary structure located on the same property as the principle structure.
 - *Adjacent.* Touching, next to or contiguous, having a common border.
 - *Administrator.* The development services director for the city, who is responsible for the administration of the Comprehensive Plan and Land Development Code regulations; who may engage the assistance of other city staff and area professionals, as required; and whose determinations are subject to review by the city manager.
 - *Administrative approval.* Approval received and only required by the administrator, subject to review by the city manager.
 - *Adult entertainment/establishment.* ~~Adult entertainment/establishment means a~~ An adult theater, ~~an~~ adult store, ~~an~~ adult performance establishment, ~~a~~ commercial contact parlor, sexual encounter business, or escort service.
 - *Aggrieved person or party.* ~~A~~ person or entity who is dissatisfied with an interpretation of the LDC regulations by the administrator or other city staff or the

final ruling on a case heard by the planning board, board of adjustment or the city commission.

- *Alcoholic beverage establishment.* Those establishments selling alcoholic beverages as licensed by the state, such as bars, cocktail lounges and nightclubs, but not including restaurants where more than fifty-one (51) percent of the sales are food sales or hotel/motel pool bars which provide alcoholic beverage services exclusively to guests.
- *Alley.* See *street, alley.*
- *Alteration.* Any change in size, shape, character, occupancy or use of a building or land.
- *Apartment house.* See *dwelling, multi-family.*
- ~~*Appurtenances.* Architectural features not used for human occupancy consisting of spires, belfries, cupolas or dormers, silos, parapet wall, cornices without windows, chimneys, ventilators, skylights, and antennas.~~
- *Applicant.* The person or agent responsible for ~~filling out~~completing the a city application.
- ~~*Appurtenances.* See Building element. Architectural features not used for human occupancy consisting of spires, belfries, cupolas or dormers, silos, parapet walls, cornices without windows, chimneys, ventilators, skylights, and antennas.~~
- *Aquatic Preserve.* Those sovereign lands established by the state and managed under the provisions set forth in F.S. § Chapters 253 and 258, as amended.
- *Artist workspace/dwelling.* A combination working studio and dwelling unit for artists.
- ~~*ASCE 24.* A standard titled flood resistant design and construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.~~
- ~~*Assisted Living Facility/Nursing Home*~~*Adult Congregate Living Facility.* A combination of housing, personalized supportive services, and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a higher level nursing facility. A nursing home is typically a home for the aged, chronically ill, or persons with incurable conditions in which three (3) or more persons not in the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted to the diagnosis and treatment of the sick or injured.
- *Automobile maintenance facility, body shop, automobile mechanics garage, service or filling station or vehicle repair shop.* Buildings and premises where automobiles and other vehicles, such as scooters, motorcycles, boats, RVs, aircraft, golf carts, etc., may be worked-on, serviced, repaired, painted, rebuilt, fueled, tinted, enhanced, customized or otherwise have other work done on or to them, such as: body shops; mechanical garages; and, service/filling stations.

- *Average daily traffic.* The average number of vehicles crossing a specific point on a roadway on an average weekday.
- *Awning.* Any roof like overhang or flexible covering extended from the outside wall of a building.
- *Balcony.* A horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.
- *Base flood.* The flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood." The base flood is the national standard used by Federal agencies for regulating new development. Base Flood Elevations (BFEs) are typically shown on Flood Insurance Rate Maps (FIRMs).
- *Base flood elevation.* The computed elevation to which floodwater is anticipated to rise during the base flood. Base flood elevations (BFE) are shown on Flood Insurance Rate Maps (FIRM) and on the flood profiles. The BFE is the regulatory requirement for the elevation or flood proofing of structures.
- *Bed and breakfast establishment.* A family home structure, with no more than ten (10) sleeping rooms, which has been modified to serve as a ~~transient public~~-lodging establishment, is personally and physically operated and occupied by an owner or manager, where transient guests are permitted to reside, and where payment is exchanged for this service, ~~such as a guest cottage.~~
- *Best management practices (BMP).* Methods or techniques found to be the most effective and practical means in achieving an objective, while making the optimum use of the available resources.
- *Block.* An area of land completely surrounded by private or public streets, easements, waterways or other natural physical barriers.
- *Boat Slip.* A space designed for the mooring or embarking/disembarking of a single watercraft and usually projecting from a dock or shoreline.
- *Body-piercing and/or tattooing salon/studio.* Any place or business licensed to perform tattooing, and/or to perform body-piercing, which is described under the provisions of F.S. § 381.0075 for body-piercing both of which are described in F.S. § 381.
- *Building, absolute height of.* The vertical distance from the crown of the abutting road, or other legally required minimum elevation, to the highest point of the structure including any appurtenances. (See "crown of road" definition)
- *Buildable area.* The area remaining on a lot or parcel, after the minimum setbacks ~~has~~ have been met, ~~including~~ and outside of any private property drainage or utility easements.
- *Building/development permit and/or agreement.* The permit issued or an agreement entered into by the city and the applicant to allow construction to commence on a building, subdivision or parcel of land.

- Building element. An architectural feature, including, but not limited to, windows, columns, awnings, chimneys or decorative ornaments. On the top of buildings elements include, but are not limited to, elevator shafts, stairways, mechanical equipment, chimneys, skylights, railings, antennas, roof peaks or parapet walls. Also referred to as an appurtenance.
- Building, height of. The vertical distance from the finished grade, or other legally required minimum elevation, of the site as measured twelve (12") inches from the outside wall of the building to the highest point of the finished roof deck elevation (top of the roof deck) of a flat roof, or to the highest bearing point of the roof trusses or roof joists for gable, hip or gambrel roofs, provided any habitable space above the bearing point of the trusses or joists shall be solely for the use of occupant of the floor immediately below and not used as separate occupancy. This definition is for purposes of implementing the regulation of building height found in chapter II "zoning" and chapter III "design standards" of these regulations only.
- Building painting/mural. A painting, drawing, or mural applied to an external wall which is considered generic art and does not graphically depict a business related product or service, ~~unlike a wall sign which is built off site and then physically attached to the wall as one (1) unit. Any business related wording in the painting/mural shall be calculated as signage and shall require a permit/zoning authorization.~~
- Building restriction line. The line established by state law, along the Atlantic Ocean Coast, beyond which a building or structure shall not extend, except as specifically provided by law.
- Building setback lines. Lines established by these regulations along the front, rear and sides of a lot, which governs the location ~~of~~ where structures may be placed on a lot.
- Building Width. The distance from one side of a building frontage to the other. In conditions where buildings are attached, building width is the distinction between buildings which shall be expressed via a change in architectural expression such as a vertical element running from ground to roof, a change in fenestration or style, color or texture, or a break in the façade plane or roof line.
- Canal. See Waterway.
- Certificate of occupancy (CO) or temporary (TCO). A document, certified by the chief building official, which certifies a building was constructed in accordance with all building codes, and which may now be opened, used and/or occupied permanently (CO) or for a defined, finite period of time (TCO).
- Change of use or occupancy. ~~A~~ Replacement of an existing use and/or occupancy with another.
- Chief building official (CBO). The licensed individual responsible for the administration of the Florida Building Code within the city. Other qualified individuals may be employed under the supervision of the chief building official.

- *City*. The City of Cocoa Beach, Brevard County, Florida.
- *Civic/public*. ~~The~~ Civic/public areas are used for functions of public benefit such as parks and recreation, conservation areas that are dedicated to the public and governmental uses such as city hall, Cocoa Beach Junior/Senior High School, and the U.S. Post Office.
- *Clearance*. The height above the sidewalk or other surface, if specified, to the lowest point of an element such as an overhang, balcony, awning, etc.
- *Clinic*. A building where patients are admitted for examination and treatment by one (1) or more persons practicing any form of healing arts which are licensed in the State of Florida.
- *Coastal construction control line (CCCL)*. The line of jurisdiction defining the landward limit of the authority of FDEP to regulate construction, as established pursuant to the provisions of section 161.053, F.S., and recorded in the official records of the county. The CCCL defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions.~~The line established pursuant to the provisions of F.S. § 161.053, and recorded in the official records of the county, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions.~~
- *Coastal construction general permit line (GP)*. The line that defines the seaward limit where general permits can be issued by FDEP for construction activities, is established pursuant to the provisions of section 161.053(18), F.S., and is recorded in the official records of the county.
- *Coastal high hazard area*. Coastal areas below the elevation of the category 1 storm surge line as established by ~~a~~ sea, lake, and overland surges from hurricanes (SLOSH) computerized storm surge model and/or which are designated on the Federal Emergency Management Agency (FEMA) FIRM map as zone VE.
- *Colonnade, gallery or arcade*. A covered, open-air walkway at standard sidewalk level attached to or integral with a building frontage; the structure overhead is supported architecturally by columns or arches along the sidewalk.
- *Commercial*. Buildings, structures or uses designed or intended for transacting commercial business, including hotels and motels, retail or professional activities of any kind.
- *Commercial parking*. A parking lot, area or garage operated with the intent of collecting money for the ability to park vehicles.
- *Commercial vehicle*. Any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise in the furtherance of any commercial enterprise and having a gross weight of more than ten thousand (10,000) pounds.
- *Commission*. The city commission of the City of Cocoa Beach.

- *Common open space.* An approved and dedicated area of land and/or water designed and intended for the recreational use and enjoyment of residents living within a residential subdivision.
- *Common space.* Generally the part of a building shared as communal space by occupants.
- *Compact Car.* Cars having a wheelbase of approximately 100 inches to 109 inches and further defined by the United States EPA.
- *Computation of time.* Business/working weekdays excluding weekends and city holidays.
- *Community residential home.* A dwelling unit licensed to serve clients of the Florida Department of Children and Families, which shall be categorized by levels according to the number of assigned residents on the premises as well as the zoning district in which it is a permitted use. Residents of these homes shall be as defined in F.S. § 419.001(1)(d). Level I permits includes six (6) or fewer residents, level II permits up to nine (9) residents and level III permits up to fourteen (14) residents.
- *Conforming.* A building, land or use that complies with the LDC or any amendments thereto.
- *Construction.* Any on-site activity which will result in the change of natural or existing drainage patterns, including alterations of existing contours of the property, erection of buildings and other structures on any part thereof, or land clearing.
- *Contractor and trade operation.* An establishment that is primarily engaged in providing an off-site service but which maintains a business office and inventory or equipment at a central location, such as a general contractor or subcontractor, pest control operator, caterer, surveyor, etc.
- *Convalescent facility.* A housing or medical clinic that allows the gradual recovery of health and strength after an illness or injury.
- *Crown of road.* The elevation of the highest part of the vehicle travel-way surface on a right-of-way. If used to measure the height of buildings or structures, the elevation of the crown of road shall be calculated by averaging the three (3) elevations of the crown at the points of intersection of the crown and an extension of the property's side lot lines and at the crown located midpoint between the extensions of the property's side lot lines.
- *County.* The County of Brevard.
- *Density.* An objective measurement of the number of residential units allowed per unit of land (acre).
- *Development.* Any building, construction, renovation, material change in the use or appearance of a structure or in the land itself, which can also include the division of land into lots, a change in the intensity or use of the land, an increase in the number of dwelling units in a structure or on the land, ~~or a change in the zoning classification which intensifies the use of the land.~~

- *Development plan, site plan, plat, preliminary plat, final plat, record drawings or construction plans.* A graphic presentation, typically in the form of plans or drawings, which may include a detailed map drawn to an accepted scale, to depict how a property is or shall be developed.
- *Development review ~~Committee group (DRGC).~~* A committee group comprising ~~ed of~~ city staff, which includes the administrator, ~~city planner~~ city planning division, fire marshal, city engineer, ~~chief building official~~ building division, utilities department, ~~and representatives from the public works department and any required outside agencies.~~
- *Dormitories.* A building primarily used for and containing sleeping accommodations for students or instructors affiliated with an educational institution, churches, athletic teams, ~~and others~~ or other groups.
- *Drive-through facility.* Any establishment that provides physical facilities which allow its customers to obtain food, goods or receive services while remaining in their motor vehicles.
- *Dune.* An accumulation of sand in ridges or mounds landward of the beach.
- ~~*DRC.* See Development Review Committee.~~
- *Dwelling area.* The total internal usable space on all floors of a structure, not including porches, balconies, terraces, stoops, patios, or garages.
- *Dwelling, accessory.* A single permanent structure on the same lot as another permitted use/dwelling. Accessory dwellings can be in the same building as the other use or in a separate building.
- ~~*Dwelling or dwelling unit.* Any building or structure or portion thereof that is used exclusively for human habitation.~~
- *Dwelling, single-family.* A permanent, detached, private, residential building designed to be used as a home or residence for one (1) family. ~~This single-family dwelling unit designation also applies to a "garage" or "in-law" apartment in a detached accessory structure.~~
- *Dwelling, multi-family, townhouse, apartment building, or a house/group development.* A permanent building designed to have multiple dwelling units ~~within it~~ which are to be used by three (3) or more families. This does not include transient accommodations. ~~lodging establishments (hotels/motels).~~
- *Dwelling, two-family or duplex.* A single building designed with two (2) separate dwelling units ~~within it~~ which are to be used by two (2) separate families.
- *Easement.* A granted strip of privately owned land which shall provide access to either the general public, a governmental entity or a utility corporation, for public utilities, drainage or other specified purposes, where access is needed onto private property.

- *Fence/Wall*. An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.
- *Fingerfill*. A manmade portion of land nearly surrounded by water, containing a street ending in a cul-de-sac and having lots which typically abut both the street and waterway.
- *Finished floor elevation (FFE)*. The elevation of the top of the structural slab or foundation.
- *Fireworks*. Any combustible or explosive composition or substance or combination of substances or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, as defined by F.S. § 791.01(4)(a). The term "fireworks" does not include those devices and materials defined by F.S. § 791.01(4)(b) and (c).
- *Flea market*. An open-air or enclosed market for the sale of new or used merchandise which is typically sold by various merchants.
- *Flood control*. Any undertaking for the conveyance, control, and dispersal of flood waters.
- *Flood insurance rate maps (FIRM)*. The maps created for the National Flood Insurance Program (NFIP) used by all municipalities for determining flood zones and flood insurance rates.
- *Flood insurance study (FIS)*. A compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the National Flood Insurance Program (NFIP), the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables.
- *Floodplain administrator*. The office or position designated and charged with the administration and enforcement of floodplain resources and flood mitigation. Sometimes referred to as the floodplain manager.
- *Flood profile*. A graphical representation of the elevations of the water surface of the 100-year flood along the watercourse.
- *Floodway*. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- *Floor area ratio (FAR)*. The measurement (ratio) of the intensity of a building development on a site, most commonly applied to non-residential development. The FAR is the ratio of the gross floor developed area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing by the gross land area.

- *Floor area, gross.* The total horizontal areas of all floors, including penthouses (excluding areas in a building used for parking) measured from the exterior walls of a building.
- *Floor area, minimum.* The enclosed livable floor area within a dwelling, exclusive of open or screened porches, breezeways, terraces, carports, garages or patios.
- *Floor area, net.* The total horizontal areas of all floors, including penthouses (excluding areas in a building used for parking) measured from the interior walls/surfaces of a building, less areas of non-usable space by patrons of the building, such as walls, utility closets or mechanical rooms.
- *Florida Building Code.* The set of minimum standards which govern the design, construction, erection, alteration, modification, repair and demolition of public and private buildings, structures and facilities in Florida, and which is adopted, updated and administered by the Florida Building Commission, a division of the Department of Business and Professional Regulation (DBPR).
- *Forecourt.* A private frontage wherein a portion of the facade is close to the front property line and the central portion is set back from the front property line.
- *Gambling.* ~~Gambling shall mean participation~~ Participation, which shall include setting up, promoting, playing, participating, staking, betting or wagering, knowingly aiding, assisting or abetting, in the following events: (i) those games of cards, keno, roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value; (ii) any game or drawing of chance by lot or with dice, cards, numbers, hazards or any other gambling device whatever for, or for the disposal of money or other thing of value or under the pretext of a sale, gift or delivery thereof, or for any right, share or interest therein; and (iii) any trial or contest of skill, speed or power or endurance of human or beast. The intent of the definition is to prohibit commercialized gambling, including, but not limited to, "Las Vegas-style casinos," professional card rooms and internet gambling style cafes. It is not intended to include permitted lotteries, such as the state lottery, bingo games, such as those organized by charitable, nonprofit or veterans' organizations, penny-ante games, including, but not limited to, those games operated solely in a personal dwelling (e.g. neighborhood poker game), bowling tournaments, arcade style games wherein coupons or points may be exchanged for merchandise only, or game promotions in connection with, and incidental to, the sale of legitimate products or services or legitimate promotional giveaways.
- *Garage, parking.* A building/structure or portion thereof used exclusively for the storage or parking of vehicles.
- *Garage, private.* ~~This is an accessory~~ A detached building or a portion of the principal building, used for the storage or parking of automobiles by the property occupants. A carport is a private garage.
- *Garage Sale.* The sale of old, used or unwanted personal household items, articles and effects on a residential lot by the property owner or occupant. Garage sales

shall not include any new or used items, articles or effects which have been purchased for the purpose of resale at the garage sale.

- *Grade*. The surface of the ground.
 - *Existing grade*. The vertical elevation of the ground surface prior to any development or redevelopment activity.
 - *Finished grade*. The final grade, after development, of the site that conforms to the approved site plan.
- *Habitable space*. Any building or structure used, or intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting commercial business, or for purposes of a similar nature. Space used for storage or parking is not a habitable space.
- *Heliport/helipad*. A landing pad or area designed and built solely to land helicopters, but not to maintain or store them.
- *Home occupation*. Any lawful business use inside a residential home as defined by city codes, as a secondary use to the residential dwelling and which does not change the residential character of the neighborhood.
- *Hotel or motel*. See *transient lodging establishments accommodations*.
- *Impervious surface*. ~~These are~~ Hard-surfaced constructed areas which do not allow water to percolate into the soil and causes the water to run off the surface, unlike a pervious surface which allows the water to percolate into the loose soil. Semi-pervious surface means any type of surface which is not completely pervious, such as pervious concrete, asphalt or paving blocks which does allow water to trickle down into the soil at a slower rate or quantity than a pervious surface.
- *Industrial*. An activity involved in the research, development, manufacturing or repair of goods, materials, components, devices, equipment or systems, and associated storage.
- *Institutional*. Public and quasi-public buildings and uses for public assemblage such as, libraries, city hall buildings, fire and police stations, hospitals, sanitariums, convalescent homes, public/private schools, public/private camps and clubs, and similar types of uses.
- *Junkyard*. An area or place containing any scrap materials or whole items which are purchased or collected for the purpose of selling, storing, dismantling, recycling or processing for profit as a commercial business.
- *Kenel*. Any location where four (4) or more dogs, cats or combination of both over four (4) months old are kept.
- *Landscaping*. The use of plants, construction and grading to create a desired effect. Landscaping elements may consist of, but are not limited to, turf and other ground covers, shrubs, vines, hedges and trees.
 - *Caliper*. A nursery standard measurement of a tree's trunk diameter as measured at a predetermined point of measurement. Trunk caliper for

trees up to four (4) inches shall be measured six (6) inches above the soil line. Trees greater than four (4) inches in caliper shall be measured twelve (12) inches above the soil line.

- DBH (diameter at breast height). A standard measurement of a tree trunk diameter as measured at a predetermined point of measurement. Trunks of existing trees shall be measured at four and one-half (4 ½) feet above the soil line. For multitrunked trees, the DBH shall mean the cumulative diameter of the two largest trunks divided by two.
- Existing tree. An existing healthy species of tree with a minimum DBH of one and one-half (1 ½) inches which normally grows to a mature height of forty (40) feet or more and is not listed as a prohibited plant. Existing trees may be counted to meet some portions of this Code.
- Florida-Friendly Landscaping. A statewide program that encourages landscape design, installation, and maintenance practices that conserve water, reduce runoff of fertilizers and minimize the need for pesticides (<http://www.floridayards.org/>).
- Ground cover. A low-growing plant that grows over an area of ground providing protection from erosion and inhibiting weed growth.
- Hedge. A planting of shrubs and trees, forming a compact, dense, living barrier which screens an area from view.
- High-water use zone. An area(s) of a property that receives the application of landscape irrigation by use of rotors or sprays with application rates greater than sixty (60) gallons per hour (gph).
- Irrigation plan. A scaled plan (no greater than 1:40 scale) showing protected trees, turf and high-, moderate-, and low-water use zones separately outlined and illustrated with their separate zones of irrigation, indicating pipe size and layout, the location and type of irrigation heads and valves, and water supply.
- Landscape buffer. An area of landscaping separating two distinct land uses, or a land use and a public right-of-way, acting to soften or mitigate the effects of one land use on the other.
- Landscape plan. A scaled plan (no greater than 1:40 scale) showing the whole property, plant materials, complementary hardscape elements such as fountains, sculpture, masonry, walls, tree wells and water use areas.
- Landscape architect. A design professional registered in the state as defined by F.S. § Chapter 481, part II, Landscape Architecture
- Low-water use zone. An area(s) of a property that receives the application of landscape irrigation by only rainfall or the use of micro-irrigation.
- Ordinary high-water level. The level that the Indian River Lagoon can be expected to reach during an "ordinary" wet season.

- Prohibited plant species or invasive plant. A tree or plant that disrupts naturally occurring native plant communities as determined by the University of Florida (UF), Institute of Food and Agricultural Sciences (IFAS) Plant Directory, latest edition.
 - Rain sensor. A device connected to the automatic controller of an in-ground irrigation system that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
 - Shade tree. A species of tree which normally grows to a mature height of forty (40) feet or more, and which is a minimum of twelve (12) feet in height and a minimum of three (3) inch DBH at planting.
 - Shrub. A woody plant that is smaller than a tree and has several main stems arising at or near the ground.
 - Understory tree. A species of tree whose mature height is expected to range between fifteen (15) feet and forty (40) feet, and which is a minimum of six feet in height and a minimum of one (1) inch DBH at planting.
 - Water use zones. Distinct portions of a property that are of a low-, moderate-, or high-water use, and which are irrigated with separate irrigation zones on separate programs.
- *Laundry, self-service.* A business location where patrons go to do their laundry and pay for the use of clothes washing and drying machines and where other laundry services may be provided.
 - *Legal nonconforming.* Any characteristic of a building, property or use which lawfully existed prior to the enactment of these regulations, but does not comply with the current regulations. ~~(See chapter VI, section 6-21)~~
 - *Level of service (LOS).* A method used to measure the amount of service proposed or provided by a public facility based on its operational characteristics.
 - *Lighting.* Any fixed source of light emanating from a man-made device, including but not limited to incandescent, mercury vapor, fluorescent, halogen, or LED.
 - *Accent lighting.* Lighting used as an enhancement to an architectural feature of a building, sign or other manmade improvement and it includes lighting to enhance landscape features. Such lighting ~~shall~~ is be designed to be subtle and muted and ~~shall not to~~ create unnecessary reflection and/or glare.
 - *Animated lighting.* Flashing, moving or changing lights.
 - *Beacon.* A light with one (1) or more beams directed into the atmosphere or at one (1) or more points not on the same property as the light source, or any beam of light which rotates.
 - Foot candle. A measure of illumination on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

- *Full light cutoff.* Fixtures shielded in such a manner that all light rays emitted are projected only through the bottom of the fixture.
- *Light trespass.* Unwanted light emitted beyond the boundaries of the property on which the light fixture is located, detrimentally affecting residents, vehicle operators, watercraft operators and pedestrians.
- *Lumen.* A unit of luminous flux. One lumen per square foot is equal to one foot candle.
- *Turtle friendly lighting.* Coastal lighting which is certified and approved by the Florida Fish and Wildlife Conservation Commission (FWC).
- *Liner building.* A building constructed in front of a parking garage, cinema, supermarket, etc. to conceal large expanses of blank wall area and to face the street space with a façade that has doors and windows opening onto the sidewalk.
- *Live/work unit.* A single dwelling unit in a detached building or in a multi-family or mixed use building that also accommodates limited commercial uses within the dwelling unit. The predominant use of a live/work unit is residential, and commercial activity is a secondary use.
- *Living shoreline.* Stabilized coastal edge made of natural materials such as plants, sand, or rock.
- *Loading zone, off-street loading.* An unobstructed area on private property at least twelve (12) feet by thirty (30) feet in area that is provided and maintained for the temporary parking of trucks or other vehicles for the purpose of loading or unloading goods, wares, materials and merchandise.
- *Lot, lot of record or metes and bounds parcel.* A parcel of land with a legal description with frontage onto an improved public or private street that is recorded with the county.
 - *Corner lot.* A lot where two (2) intersecting sides abut public or private streets on perpendicular lot lines. A side lot line abutting a street, ~~and~~ which is not a front lot line as defined below, is a street side lot line.
 - *Double frontage lot.* A lot with frontage on two (2) parallel streets on opposing lot lines.
 - *Front lot line or frontage.* The property line that abuts a street, except on a corner lot where the front lot line is ~~the lot line abutting a street with the shortest dimension~~ determined by the property address, ~~or as determined by the administrator if the two (2) lot line dimensions are the same or when~~ unless special circumstances exist which requires an administrator interpretation.
 - *Interior lot.* A lot other than a corner or double frontage lot.
 - *Lot area.* The square footage of a lot measured within the lot boundary lines.

- *Lot coverage.* The ~~combined~~ area of a lot occupied by all principal and accessory structures, as measured from the exterior of building stem walls, not including building/roof overhangs.
- *Lot depth.* Distance measured in a straight line between the midpoint of front and rear lot lines.
- *Lot lines.* The property boundary lines of a lot.
- ~~*Lot length.* The average distance measured between the front and rear lot lines.~~
- *Lot split.* The division of a single lot into two (2) legal lots of record where both lots have frontage onto a public or private improved street.
- ~~*Lot width.* The distance measured between the two (2) side lot lines, along the minimum street setback line, as required for the zoning district in which the lot is located.~~
- *Rear lot line.* The lot line opposite and parallel or approximately parallel to the front lot line.
- *Reverse frontage lot.* A lot that has double frontage onto an arterial or collector street on one (1) side, and onto a local street on the opposite side of the lot.
- *Side lot line.* The two (2) lot lines that are not the front or rear lot lines, as established herein.
- *Single tier lot.* A lot where the rear lot line abuts a highway, any kind of physical barrier, or a nonresidential district that prohibits vehicular access onto the lot from the rear lot line.
- *Waterfront lot.* Any lot with a rear or side yard not separated from a waterway by any dedicated road or other platted parcel.
- *Zero lot line.* Buildings/structures built up to one lot line without setbacks.
- ~~*Lowest finished floor elevation.*~~ The floor with the lowest elevation ~~area~~ within a building or structure including sunken living rooms or basements.
- *Manufactured home.* A detached dwelling unit or office unit which is transported to the site in large pre-manufactured sections and assembled on site and on a permanent foundation.
- *Marijuana dispensary.* A location where a qualified patient or their caregiver (both as defined in state statutes) can access cannabis in a legal and safe manner.
- *Marina, commercial.* A business that stores, services, fuels, launches, and/or secures boats and may provide related services for owners, crews, and guests.
- *Marquee.* A permanently ~~roofed~~ architectural projection, the sides of which are vertical and are intended for the display of signs and which provides protection against the weather for the pedestrian, and which is supported entirely from an exterior wall of a building.

- Masonry wall. A wall and footing constructed of masonry material meeting the requirements of the Florida Building Code and Land Development Code.
- Mini or self-storage. Commercially rented storage space for incidental storage of personal effects.
- Mixed-use development. A development that includes two (2) or more physically integrated uses on one (1) site or within one (1) structure. This can be any combination of residential, retail, office, ~~industrial~~ or other uses. Mixed-use developments of less than three (3) acres are not permitted to have both permanent occupancy dwellings and transient accommodations.
- Mobile home. A detached mobile dwelling or office unit built onto its own chassis and wheels which can be transported on streets and highways.
- Mobile home park. Premises where spaces can be rented or sold for the temporary or permanent placement of a mobile home, including any land or facilities used by the mobile home occupants.
- Motor vehicle. Any self-propelled vehicle designed primarily for transportation of persons or goods along public rights-of-way.
- Multi-use path. A form of infrastructure, usually located along the side of a street but wider than a traditional sidewalk, that supports multiple recreations and pedestrian transportation opportunities, such as walking, bicycling, and skating, with access for wheelchairs and strollers.
- NAVD88 or North American Vertical Datum. The vertical control datum of orthometric height established for vertical control surveying in the United States.
- Nursery school. A day school for the care and instruction of pre-school age children.
- Nursing home. A public or private residential facility providing a high level of personal or nursing care for persons, such as the aged or chronically ill, who are unable to care for themselves.
- Ocean park and/or public beach. The city managed and maintained public beach area found within the corporate limits of the city lying between the top of the dune line of the beach and a line parallel thereto and five hundred (500) feet east therefrom. Also known as Ocean Beach Park.
- Official city maps or plans. Maps/plans officially adopted by the commission used for development, to delineate between various and different districts or for informational purposes.
- Open space. Land that is set aside to remain undeveloped and, in the case of public open spaces, may be utilized as civic/public areas. ~~space.~~
- Open storage area. An outdoor area used to store equipment, materials, or products.
- Owner. The person who owns the whole or a part of a building or land.

- *Pain management clinic.* Any privately owned office, center, clinic, or other facility unaffiliated with any hospital, hospice, and/or facility which provides any type of pain management services and/or the treatment or management of pain by prescribing or dispensing controlled substances to persons with complaints of pain, chronic or otherwise, which are required to register with the Florida Department of Health pursuant to F.S. § 458.3265, or F.S. § Ch. 459.
- *Parkway.* A wide road with trees and grass along the sides and often with a center median.
- *Pedestrian/urban trail.* A multi-use path which creates an active transportation corridor for walking, running, bicycling, skating, or similar use, through a developed environment.
- *Performance security or bond.* Sufficient funds irrevocably committed by written agreement to ensure complete performance of a contract or conditions of a subdivision development agreement in a form approved by the commission.
- *Permanent.* The opposite of temporary, mobile or moveable, that includes being permanently attached to a structure, building or land and fixed in place without change or without being capable of being moved without deconstruction and reassembly at a new location.
- *Person.* This includes agents, associations, firms, partnerships, political bodies, corporations and individuals.
- *Pet care facility.* A location where four or more domestic animals, such as dogs and cats, are provided care. A pet care facility includes, but is not limited to, veterinary facilities, boarding facilities, kennels, groomers, animal sitters/foster care, rescues, shelters, and pet stores.
- *Place of worship.* A specially designed structure or consecrated place where a group of people, such as a congregation, comes to perform acts of devotion, veneration, or religious study. Places of worship may include ancillary buildings for education, recreation, and social functions.
- *Planned development.* A contiguous land area of a minimum size, as specified, to be planned and developed using a common master plan and containing two or more uses and appurtenant common areas.
- *Porch.* A roofed area, attached at the first floor level of a building, open except for railings and support columns. Porches may be mid story and attached to the front, side or rear of a structure.
- *Principal plane.* The front of the primary mass of a building, typically the first load bearing wall. Porches, stoops, colonnades, and terraces are common architectural details and do not constitute the “principal plane” of a building.
- *Principal structure/building.* The main building on a property which is used for the primary or principal use of the property, which may or may not have accessory structures subordinate to it.

- *Public facilities and services.* The facilities and services typically provided or supervised by a governmental entity or public utility, such as streets, stormwater drainage, potable water, sanitary sewer, solid waste, electric, telecommunications, and/or recreational parks and open space. A public utility is one managed by the Florida Public Services Commission.
- *Public food service establishment.* Any building, vehicle, place, structure, or any room of a building, vehicle, place, or structure where food is prepared, served, or sold for consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered.
- *Public place.* Any government-owned land or facilities to which the public has access.
- *Public space.* An outdoor space that is maintained by a government or nonprofit entity as a civic amenity for the general public. Public spaces include parks, playgrounds, golf courses, beaches, beach accesses, boat ramps, nature preserves, etc.
- *Recreational vehicle.* A vehicle primarily designed as a temporary living quarters for recreation, camping, or travel use, which is either self-propelled or attached to or pulled by another vehicle.
- *Redevelopment.* Any proposed expansion, addition, or major façade upgrade to an existing building or structure or a demolition and rebuild of an existing building or structure. Also, to develop a site again by demolishing and rebuilding the property or to restore the building or site to an improved condition.
- ~~*Residential zoning district.* The RS 1, RM 1 and RM 2 residential zoning districts which can only be developed exclusively for residential purposes.~~ *A zoning district designated primarily for single family or multifamily housing or uses compatible with residential communities, and may also include mixed use or planned developments. The city zoning districts with this designation include RS-1, RM-1, RM-2, CR, and CV.*
- *Right-of-way (ROW or plural rights-of-way).* Publicly owned land which is dedicated and used for a street, alley, walkway, drainage, ingress, egress or other public purpose.
- *Right-of-way line.* The lines that form the boundaries of the right-of-way.
- *Riparian rights.* Right to access the water bordering a property for ingress, egress, boating, and fishing, and those rights are determined as an extension of the property lines to the ordinary high watermark of the navigable waterway, and as further defined in F.S. § Section 253.141.
- *Screen enclosure.* An enclosure consisting entirely of screen mesh, except for essential structural framework required for support.
- *Sea dune area.* That area of land immediately adjacent to the ocean beach consisting of accumulations of sand in ridges or mounds landward of the ocean beach often stabilized and covered by salt-resistant plants and vegetation

indigenous to this formation, including but not limited to sea oats, herbs, woody vegetation, and other growth common to the beach area adjacent to the coastline, which serves as an immediate buffer to the waters of the Atlantic Ocean and onshore winds.

- *Seawall/bulkhead*. Shoreline protection structures designed to combat erosion constructed along ocean and other waterway shorelines, which may also include revetments and sandbags.
- *Seawall line*. The line established by state law, along the Atlantic Ocean Coast, beyond which a seawall shall not extend, except as specifically provided by law.
- *Semi-trailer*. A freight trailer, enclosed or open, with wheels at the rear end, with the forward end being supported by the rear of a semi-trailer truck when attached and by other means, including, but not limited to, vertical extendable legs, when not attached to a semi-trailer truck.
- *Semi-trailer truck*. A truck, also called a tractor, which connects to a semi-trailer for the purpose of hauling freight. Sometimes referred to as a semi-truck or just a semi.
- *Service area*. An equipment area, loading area or dock, trash collection area, trash compaction area, truck parking area, recycling area, or other similar service function area.
- *Setbacks*. See building setback lines.
- *Shopfront/Storefront*. Display windows of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public or adjacent public or private property.
- *Sidewalk*. ~~The portion of a street right-of-way between the curb or edge of pavement and the adjacent property line used by pedestrians~~A path for pedestrians, and sometimes bicyclists, usually along the side of a street.
- *Sign*. Any words, lettering, figures, numerals, emblems, devices, trademarks, trade names, or any combination thereof, by which anything is made known and which is designed to attract attention or convey a message.
 - *Address sign*. A sign generally applied to a building wall that displays a building's address.
 - *Awning sign*. A sign incorporated into or attached to an awning.
 - ~~*Bag/slip sign*. Any sign made of flexible material which fits over an existing sign.~~
 - *Balloon/inflated sign*. ~~A~~ sign filled with gaseous elements which make it rise, dance, or float.
 - ~~*Band sign*. A sign that is attached on the exterior front, rear, or side wall of any building or other structure (Synonymous with wall mounted sign, fascia sign).~~

- *Banner or flag sign.* A sign having wording or illustrations applied to a flexible material. Banner signs are usually attached to flat wall surfaces or hang vertically. Flag signs are attached to vertical, flexible poles.
- ~~Blade sign. A sign mounted on the building façade, projecting at a 90-degree angle (synonymous with a projecting or fin sign).~~
- *Bulletin board.* A permanent sign with removable letters, words, or numerals.
- *Channel letters.* Removable letters that fit into channels on a sign or marquee.
- *Dilapidated sign.* Any sign, which is structurally unsound, fails to meet applicable building, electrical and safety codes, has defective parts or is in need of painting and/or maintenance.
- Directional sign. A sign which directs or guides traffic or people to a destination.
- Electronic message board sign. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
- *Ground or monument sign.* A freestanding permanent sign structure secured to the ground. Ground signs are typically supported by poles and monument signs typically have a solid monument structure built up from the ground without pole supports.
- *Hanging sign.* A sign attached to and extending below a marquee, roof overhang or canopy.
- *Illuminated sign.* Any sign illuminated in any way by an artificial light source.
- ~~Uniform Master sign plan (master uniform/common signage plan). A plan which includes all signage on a property or properties under single ownership which explains how all signage is or will be brought into compliance with the current LDC sign regulations. (See chapter V, article IV, section 6-24).~~
- *Message board.* A sign with changeable text that is non-electronic in nature. Non-electronic message boards typically consist of letters attached to a surface within a transparent display case.
- *Nameplate.* A sign consisting of either a panel or individual letters applied to a building listing the names of businesses or building tenants.
- ~~Off-site sign. A sign or any commercial advertising located anywhere off of the property noted or depicted in the sign or advertisement, including any public space such as the Ocean Beach.~~
- ~~On-site sign. A sign or commercial advertisement depicting the subject matter or merchandise for sale on that property.~~
- *Portable sign.* A temporary sign which is not permanently affixed to a building, structure, or the ground.

- *Reader board.* A portion of a sign which allows for modification of the message by manual, electronic, or mechanical means.
 - *Roof sign.* A sign erected upon or directly above a roof or on top of/above the parapet of a building.
 - *Sidewalk sign.* A moveable, freestanding sign that is typically double-sided and placed at the entrance to a business to attract pedestrians. (also called a sandwich board or A-frame sign).
 - *Shingle sign.* A small blade or projecting sign, usually mounted on the ground floor level.
 - *Snipe sign.* A sign of any material attached in any manner to trees, poles, stakes, fences or other objects, when displayed on public property or in the public right-of-way. This is a prohibited sign.
 - ~~*Spectacular sign.* An illuminated sign which is animated with action, moving lights, or similar devices, such as electronic reader board, moving, rotating and three dimensional signs.~~
 - *Temporary sign.* Any sign on display for a limited amount of time and not intended or designed for permanent installation.
 - *Vehicle sign.* A sign affixed to or applied to a trailer, vehicle or watercraft.
 - *Wall sign.* A sign attached flush to the ~~exterior~~ wall of a building as a single unit, with only one (1) advertising surface, including signs attached to a mansard roof and facade signs.
 - *Window sign.* A sign painted, attached or hanging on the inside of a window or other opening which is visible from outside.
- *Site plan.* A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open spaces, buildings, elevations and drainage, major landscape features, and the location of proposed utility lines. ~~See development plan definition, subsection 53.~~
 - *Special exception.* A non-permitted "use" ~~The use~~ of a property which is not permitted "by right" but is only granted after approval by the board of adjustment when it has been determined to be compatible with the permitted use(s) on a property in a specific zoning district and it is found to not be detrimental to the surrounding properties, businesses, traffic-flows or area, to the extent that such special exception is consistent with the Comprehensive Plan ~~and City Charter.~~ (See chapter II of these regulations.)
 - *Special flood hazard area.* The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.

- *State.* The State of Florida.
- *Stoop.* A small platform and/or entrance stairway at a ~~house~~ home's door, commonly covered by a secondary roof or awning.
- *Street.* ~~This includes a~~ Any public or private ~~streets~~ roadway, avenues, drives, boulevards, cul-de-sac, roads, alleys, lanes, viaducts, causeways and all other highways, roadways and rights-of-way in the city. City streets are classified as follows:
 - *Arterials—Highways—Causeways.* Major streets/highways used for fast and heavy traffic with minimal access ~~with~~ and a minimum of two (2) lanes of travel in each direction.
 - *Collectors—Boulevards—Avenues.* Mid-sized streets that bring local ~~street~~ traffic to arterials with up to two (2) lanes of travel in each direction and slower speeds.
 - *Local streets (roads/lanes/drives/cul-de-sac).* Minor streets typically found in neighborhoods with one (1) lane of travel in each direction and slow travel speeds.
 - *Alleys.* ~~Unnamed~~ Rights-of-way designed to serve as secondary access to the rear or side of properties, typically less than twenty-five (25) feet wide.
 - *Primary pedestrian street.* These streets, as designated in this code, support decreased dependence on motor vehicles, make travel on foot pleasant, safe, and easy. The development along a primary pedestrian street should: ~~1)~~ acknowledge the need to accommodate arrival by vehicle; ~~2)~~ support increased arrival by transit, carpool, bike, and on foot; ~~3)~~ and create incentives to circulate within the area by non-auto modes (on foot, by shuttle or bus, or bicycle).
- *Stores and services.* Establishments that sell merchandise or food or provide personal or professional services. The following are not considered stores and services: automotive maintenance facility, adult entertainment establishment, body piercing and/or tattoo studio, contractor and trade operations, convenience store with fuel, drive-through facilities for any use, parking lot or garage, marina, mini or self-storage, nightclub or bar, or pain management clinic.
 - *Stores and services, limited.* An establishment, as defined above, containing no greater than one thousand (1,000) square feet of enclosed floor space.
 - *Stores and services, general.* An establishment, as defined above, containing greater than one thousand (1,000) square feet but no greater than thirty thousand (30,000) square feet of enclosed floor area.
 - *Stores and services, large format.* An establishment, as defined above, containing greater than thirty thousand (30,000) square feet of enclosed floor area.

- ~~Stores and services, general.~~ Establishments that sell food or merchandise or provide personal or professional services and contain between 1000 square feet and 29,999 square feet of enclosed floor area. The following are not considered “stores and services, general”, for purposes of this code:
 - ~~Stores and services, large format~~
 - ~~Automotive maintenance facility~~
 - ~~Adult entertainment establishment~~
 - ~~Body piercing and/or tattoo salon~~
 - ~~Contractor and trade operations~~
 - ~~Convenience store with fuel~~
 - ~~Drive through facilities (for any use)~~
 - ~~Garage, parking~~
 - ~~Marina~~
 - ~~Mini or self-storage~~
 - ~~Nightclub, bar~~
 - ~~Pain management clinic~~
- ~~Stores and services, large format.~~ This category has the same meaning as “Stores and services, general” as defined in this code, except that the establishment contains over 30,000 square feet of enclosed floor area.
- ~~Stores and services, limited.~~ This category has the same meaning as “Store and services, general” as defined in this code, except that the establishment contains less than 1,000 square feet of enclosed floor space.
- Stormwater. The flow of water which results from a rainfall event.
- Stormwater management plan. Describes how the proposed stormwater drainage system for a development will be constructed to meet the requirements of the city's stormwater management plan which is managed by the city's stormwater department.
- Stormwater management system. A system or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.
- Structural alteration. Any change in the supporting members of a structure, such as load bearing walls, columns, beams, girders, or any substantial change in the roof or exterior wall of a structure, as determined by the building official.
- Structure. Any building, stand-alone system or facility, that is thirty (30) inches or more in height, that requires support by a foundation, such as a footer, stem wall, or piling, and which ~~that is constructed or installed~~ in place.
- Structure, temporary. Any structure that is not attached to a permanent foundation.

- Structure, temporary storage. A temporary structure designed primarily for storage of building materials, household items and other such material; and that is not intended for permanent installation.
- Structure, portable. A structure assembled offsite and delivered to a location as a complete unit or a structure purchased in a kit and assembled onsite, which can then be moved to another location without disassembly.
- *Structured parking.* A covered structure or portion of a covered structure that provides parking areas for motor vehicles, usually in multiple levels. (Synonymous with parking garage).
- *Subdivision, major.* The division of a tract of land into more than ten (10) lots or parcels for the purpose of individual lot sales and/or building development. This shall also include any subdivisions which have a dedication of a new public/private street or change the alignment of existing street(s).
- *Subdivision, minor.* The division of a tract of land into ten (10) or less lots or parcels for the purpose of individual lot sales and/or building development and does not include any new public/private streets or a change in the alignment of an existing street.
- *Substantial improvement.* Any alteration, repair, reconstruction or improvement of a structure, the cumulative cost of which exceeds fifty (50) percent of the current market value of the structure, as determined by the city's chief building official.
- ~~*Substantial or major construction completed.* The construction activity which has occurred on a site which exceeds fifty (50) percent of the total required construction expenditure for the project.~~
- *Summary plat.* Where two (2) or more lots are combined into one (1) lot of record under single ownership, and where no public or private streets or rights-of-way are added or altered as a result.
- *Telecommunications tower.* A mast or pole, either monopole, guyed, or free-standing, or other vertical elements that act as an antenna or to which an antenna is attached.
 - *Alternative design.* The use of camouflage design methods which cause a telecommunications tower to appear to be something other than what it really is, such as a tree, flagpole, or clock tower.
 - *Alternative structure.* Structures other than towers that may support telecommunications antennas, such as buildings, water towers, or steeples.
- Temporary sales. Any sale made by a person, firm, or corporation engaging in the temporary business of selling goods, wares, or merchandise.
- Temporary use permit. A permit approved for authorization of a particular activity for a specified length of time. The administrator is responsible to assigning applicable conditions and the approved time limit.
- *Terrace.* A level paved area or platform next to a building, a patio, or a veranda.

- Traffic impact statement/analysis. A traffic report/study/analysis to identify ~~that the~~ impact of the traffic generation and flow created by a development ~~will not adversely affect~~ and its impact on the community. This report may also contain options for addressing and identified impact.
- Transient accommodations (hotels, motels). A group of lodging units for guests which include, at a minimum, sleeping quarters with private bath(s) that may or may not include additional rooms, that are not intended to be permanent residences, and which have a centralized rental office on the property with no less than twelve (12) hours of operation every day.
- ~~Transient lodging establishments. Any unit within a building or any group of buildings with multiple units within them, or any similar place whether designated a hotel or motel room, apartment, condominium unit, cooperative unit, time share unit, single-family unit, or otherwise which is rented more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transient residents. This does not include any health care providing facility or dormitory. "Transient resident" means a temporary visitor to the community who does not use the dwelling as a principal residence.~~
- Travel trailer/camper trailer. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.
- Vacation rental. Any residential unit that is used as transient lodging, which is rented to separate guests more than three (3) times in a year, or which is rented for less than one (1) month at a time, or which is advertised as lodging for guests.
- *Valance.* The portion of an awning that hangs perpendicular to the sidewalk.
- *Variance.* ~~A variance is a~~ type of formal modification of the dimensional or numerical requirements of the LDC regulations where not contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship. As used in these regulations, a variance may be approved by the board of adjustment and it is authorized only for height, area and size of structure or size of yards and open spaces to the extent that such variance is consistent with the Comprehensive Plan and City Charter
- *Vehicle/watercraft sales.* The sale of any new or used vehicles, such as automobiles, motorcycles, golf carts, trucks, boats, watercraft, recreational vehicles, aircraft and trailers, which are advertised and/or on display for the purposes of sale.
- Vehicular use area. Any paved or unpaved ground surface area used for storage, display, temporary parking, and/or maneuvering of vehicles by employees or customers, either for compensation or to provide an accessory service to a commercial, industrial, or residential use, excluding single-family and duplex residences.
- *Waiver.* A grant of permission that authorizes an applicant to deviate from specific standards or provisions of these regulations. A waiver may be granted by the

administrator, city manager, or the city commission, where and as specifically permitted throughout these LDC regulations. (~~See chapter IV, article IV~~) Any waiver will not be contrary to the public health, safety or welfare, and may only be granted where a literal enforcement of these regulations would result in an undue hardship, due to conditions peculiar to the property and not the result of actions of the applicant. Waivers may not be requested or authorized for expansion of a nonconforming structure or use, or where otherwise prohibited.

- Watercourse. A water channel and banks, but not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the carrying capacity of the channel.
- Watercraft. A boat, canoe, raft, surfboard or other vessel designed for use on the water.
- *Waterfront launch facility.* Water dependent facilities that are open to the public and offer public access by vessels to the waters of the state that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.
- Waterway. A body of water, including any creek, canal, river, lake, bay, or any other body of water, natural or artificial, but not including a swimming pool or ornamental pond.
 - Canal. An artificial open channel or waterway constructed for one or more of the following purposes: transporting water, connecting two or more bodies of water, or serving as a waterway for watercraft.
 - Navigable waterway. A body of water, such as a river, canal or lake that is deep, wide, and slow enough for a motorized vessel to pass
- Waterside Accessory Structure. Residential and commercial piers, docks, decks, slips, boathouses, boat lifts, boat shelters, mooring posts, davits, piles, buoys, dolphins, or other similar structures.
- *Work/live unit.* A single dwelling unit in a detached building, or in a multi-family, mixed-use, or commercial building, where the predominant use of a work/live unit is commercial, and residential activity is a secondary use.
- *Workshop/studio.* An establishment for the creation or display of arts and crafts, the production or repair of clothing and jewelry, or instruction in dance, exercise, or martial arts.
- *Yard.* Open space unoccupied and unobstructed by any structure.
- *Year.* A calendar year.

ARTICLE VIII. BOARDS

Section 1-40. Establishment of the planning board and the board of adjustment.

- A. The planning board is the quasi-judicial board that serves as the local planning agency (LPA) for the city as required by state statute.
- B. The board of adjustment is the quasi-judicial board that hears and decides on variances (other than for height and density), special exceptions and appeals to administrative staff determinations and other certain appeals as required.
- C. The establishment and design of the planning board and board of adjustment:
 1. There is hereby established a planning board and a board of adjustment. Each board shall consist of five (5) regular voting members and two (2) alternate non-voting members. All regular members are appointed by the mayor or city commission members to serve for the term of office of that mayor or commissioner and they will be assigned seat numbers corresponding to the seat numbers held by the elected officials who appointed them. After election of the mayor and/or each commissioner, the corresponding board member's office shall expire, and prior to the first meeting in January of the following year, the newly elected mayor or city commissioner will appoint a board member with their corresponding seat number to the two (2) boards. The outgoing board member shall continue to serve on their respective board until the new appointment is made. The mayor and each city commissioner shall each appoint one (1) regular member to each of the two (2) boards. Vacancies shall be filled by the elected official who initially appointed the board member position that has been vacated. Within thirty (30) days of being notified of the board vacancy, the elected official shall appoint a new regular board member. Whenever possible, the outgoing board member shall continue to serve until the new appointment is made.
 2. The city commission shall appoint two (2) alternate non-voting members for terms of four (4) years. Appointment of alternates shall be made by individual commission members using a rotating schedule starting with commission seat one. Alternates are expected to attend and participate in every board meeting and absences will be reported as set forth in the board's bylaws. Alternates shall only serve as voting board members when a regular voting board member cannot attend the board meeting or is otherwise unable to vote on a particular item. The first alternate appointed shall serve in place of a regular voting member when the first vacancy occurs unless the first alternate appointed is unavailable, then the second appointed alternate shall serve. The alternates shall thereafter rotate service. In the case where one (1) alternate cannot serve the other shall serve. If an alternate position becomes vacant for any reason before completion of the term, ~~an alternate is unable to complete their term,~~ the city commissioner who appointed that alternate position ~~them~~ shall appoint a new alternate to complete the unexpired term. Any regular or alternate board member, who wishes to speak, as a directly affected party, on an agenda item, may do so after disclosure to the board and after recusing themselves, if and when it is required.

3. Furthermore, if a regular member is replaced by an alternate, the regular member shall remove themselves from the dais and they shall not speak unless they resume their position as a regular member or if they are speaking as a directly affected party to an item being considered by the board.
4. In the event a matter before the board is continued and an alternate is now required, or an alternate was originally present and the regular member is now available, the alternate or the regular member who was not present at the continued meeting may vote but they shall first acquaint themselves with the facts and issues of the case that may include reviewing any minutes, tapes and exhibits which were presented to the board members who attended the continued meeting.
5. All board members shall be appointed from among persons in a position to represent the general public interests and none shall be appointed with private or personal interests likely to conflict with the general public interests. If any person shall find that their private or personal interests are involved in any matter coming before the board, they shall recuse themselves from taking part in any action on the matter, or they may be disqualified by the board chairperson.

D. Planning board and board of adjustment—Removal from office; vacancies.

1. Board members shall serve at the pleasure of the city commission.
2. Board chairperson shall notify the city commission promptly of any vacancies on the board.
3. If any regular voting member fails to attend two (2) out of three (3) successive board meetings, without cause and without prior approval of the board chairperson, the board shall automatically declare the member's office vacant.

E. Planning board and board of adjustment—Officers, rules, employees, salaries and expenses.

1. *Membership; terms.* The board shall elect a chairperson and vice-chairperson and it may also choose to elect a secretary, through an election that includes all regular and alternate members. Terms of all elected board officers shall be for one (1) year, with eligibility for re-election.
2. *Rules; records deemed public.* The board shall adopt rules for its governance and for the transaction of its business, and shall keep a record of member attendance at meetings and of resolutions, transactions, findings and determinations, showing the vote of each member on each required vote, or if absent or abstaining from voting, indicating such fact. The records of the board shall be a public record.

3. *Meetings.* The board shall regularly schedule one (1) meeting per month, on a day established by the board, and it may hold such additional regular meetings as may be designated by the board. The board chairperson may call special meetings to be held by the board, as long as each member of the board is provided with at least three (3) day's written notice of any special meeting. Each board shall have the power to take testimony under oath and compel the attendance of witnesses.
 4. *Funding; fiscal affairs.* Subject to prior approval of the city commission and within limits set by appropriations or other funds made available, the board may employ such staff, technicians and experts as deemed necessary, and it may incur such other pre-approved expenses as may be necessary for the conduct of its affairs. Members of the board shall receive no salaries or fees for their services thereon, but may receive necessary travel, per diem and other expenses while on official business for the board if funds are available for this purpose.
- F. *Planning board and board of adjustment*—Appropriations, fees, and other income. The city commission may make available to the board such appropriations as it may see fit for salaries, fees and expenses necessary in the conduct of its work. The board shall have authority to expend all sums so appropriated and other sums made available for its use from grants, gifts, and other sources for the purposes and activities authorized by this article.

CHAPTER II. ZONING DISTRICTS

ARTICLE IV. - ESTABLISHMENT OF OVERLAY ~~DISTRICTS~~ AND PLANNED DEVELOPMENT DISTRICTS

Section 2-26. Planned development (PD).

A. Purpose and intent.

The planned development approach is an option that may be used by the private sector and city to achieve redevelopment and economic development, environmental reparation and enhancement, and social and cultural enrichment. The intent and purpose of the planned development (PD) district is to accomplish within the redevelopment districts, a more desirable environment and efficient land use pattern than would be possible through the application of conventional zoning and the form-based code, while adhering to the provisions of the comprehensive plan and applicable federal and state regulations. The purpose of the PD is further defined to:

1. Allow a more flexible management structure for the efficient, orderly, and sustainable integration of uses, consistent with and complementary to their context within the community;
2. Achieve higher quality urban design amenities, which serve to encourage redevelopment and infill development;
3. Promote a mix of commercial, retail, professional, and residential uses, with positive interactions among and between these uses that could not be readily accomplished through conventional zoning;
4. Create a greater sense of place, community, and neighborhood identity, through superlative urban design and innovation;
5. Provide an environment that encourages and is based upon a more walkable and less auto-centric community;
6. Provide a development plan that is compatible with and complements the surrounding community, creating a safe inviting environment, a sense of place, and neighborhood cohesiveness;
7. Maintain, enhance, and preserve salient or otherwise significant existing natural features, by identifying these features and designing the project to incorporate them as view-sheds, terminating vistas, focal points, and/or other scenic amenities;
8. Provide the greatest choice of realistic, safe, functional, interconnected, and convenient multi-modal transportation options within the PD and surrounding areas;
9. Limit urban sprawl, greenhouse gas emissions, stormwater runoff, and vehicle miles traveled;
10. Provide economically efficient means for delivery of government services and increased infrastructure stability;

11. Provide a mix of housing designed in pedestrian scale neighborhood unit increments;
12. Incorporate energy and water efficient land use patterns and technologies beyond the minimums required by state law or the Florida Building Code;
13. Incorporate crime prevention through environmental design (CPTED) principles compatible with the pedestrian-oriented design; and
14. Further the goals, objectives and policies of the comprehensive plan.

B. Development Agreement and Master Plan

1. Development agreement.

- a. The PD overlay district requires the review, approval, execution and recording of a development agreement between the applicant and city commission.
- b. No site work, other than that normally associated with surveying and soil boring, may be initiated prior to recordation of such development agreement
- c. Demolition of structures, wells, and/or septic systems or hazardous material cleanups may be permitted if not otherwise prohibited by this Code.

2. Master plan. The PD district requires the review and approval of a master plan, which is approved as an exhibit to or by reference in a development agreement.

3. Amendments.

- a. Proposed amendments to an approved development agreement shall be reviewed and approved in the same manner as the approved development agreement.
- b. Proposed amendments to an approved master plan shall be considered an amendment to the approved development agreement.

C. General Guidelines and Standards for Planned Developments.

1. Unified control.

- a. At the time of application, all properties within a proposed PD shall be under unified ownership or control, as demonstrated by appropriate legal documents submitted by the applicant.
- b. These documents shall be reviewed for and are subject to a determination of legal sufficiency by the City Attorney.

2. Minimum size. The minimum parcel size for a PD is three (3) acres.

3. Land use. The planned development option is available within the Redevelopment land use district.

4. Permissible uses.

- a. Permissible uses within the PD shall be established within the development agreement, consistent with the underlying future land use designation(s) identified on the future land use map of the comprehensive plan.
 - b. A PD can be comprised of a single use, such as residential, or a mixture of residential and nonresidential uses.
 - c. In furtherance of the City's Comprehensive Plan and Strategic Plan goals of promoting mixed use development, the PD may contain both residential and transient accommodations, as well as attendant non-residential uses.
 - d. When more than one (1) residential type is included within a PD, the development shall assign a designated amount of acreage to each residential type, such that the densities enumerated in the city charter are not exceeded.
 - e. In compliance with Comprehensive Plan Policy IV.2.2, non-residential development may occur at a maximum floor area ratio (FAR) of 3.0. The intensity of non-residential development shall be considered independently.
5. Size and dimensional regulations. The location, size, dimensions, and design of yards, building and parking setbacks, vehicular access, loading and unloading areas, accessory structures, and utility areas (including, but not limited to, permanent areas for dumpster enclosures, utility infrastructure, stormwater management facilities, outdoor storage of vehicles, machines, and materials) shall be identified and set forth in the development agreement and master plan, and/or preliminary engineering plans for each applicable portion of the PD.
6. Conflicts.
- a. In the event of any conflict between the requirements of this section and any declarations of covenants and restrictions governing site conditions of a PD development within the city, the more restrictive shall apply.
 - b. In the event of any conflict between the requirements of this section and any recorded development agreement approved by the city commission or court approved settlement agreement governing site conditions of a PD development within the city, the provision in the development agreement or court approved settlement agreement shall prevail.
7. Perimeter transition.
- a. General. The transition between existing development and the PD shall provide a progression of complementary uses to the greatest extent reasonably possible. The goal is to encourage interconnectivity, to avoid the need for or use of walls, earthen berms, or other obstacles, and to encourage access and positive interaction and synergy among and between uses.

b. Landscape buffers. If the City Commission determines that a buffer is required, the buffer shall be dedicated on the plat, if applicable, and shall be held in common ownership to ensure adequate and uniform maintenance. Any buffer plantings around the perimeter of the PD or any portion of the PD shall be comprised of at least seventy-five (75) percent native plant species and shall be compatible with the soil pH conditions and hydrology.

8. Street dedication and public access.

a. In new development or substantial redevelopment, emergency, pedestrian, and bicycle access shall be maximized to the extent that is reasonable, even if or when motor vehicle access cannot be expanded.

b. Intersections within the PD shall be designed to ensure pedestrian safety.

c. Pedestrian-oriented block size of approximately one-quarter (¼) mile in length, interconnected roadways, and building orientation toward the most prominent public spaces are key elements to be considered in the review of a new PD.

9. Sidewalks and trails.

a. Sidewalks, a minimum of six (6) feet in width, or pedestrian transportation trails, a minimum of eight (8) feet in width, shall be provided within any new PD or any new or redeveloped subdivision within an existing PD.

b. Sidewalks and trails shall be planned, designed, and constructed to provide maximum safe connection to mass transit, other trails and sidewalks, schools, parks, restaurants, shopping, and other activity centers.

10. Lighting and Signage.

a. Street lighting and signage which promotes aesthetics and reinforces appropriate pedestrian-oriented streetscape design is expected to be incorporated throughout the PD.

b. On-site lighting is to be designed so that off-site light spillage is limited to not more than 0.5 foot-candles, unless otherwise approved by the City Commission.

c. Adequate lighting will be provided within pedestrian walkways, trails and parking areas to ensure pedestrian safety.

d. Street and parking lot lighting within or adjacent to residential portions of the PD shall be designed to be consistent with residential development in such a manner that lights do not interfere with residential activities and light source glare is not visible from adjacent residential properties.

e. Signage will incorporate a common architectural and aesthetic integrity, context harmony, and theme, which will be subject to approval by the City Commission for aesthetics, dimensions, materials, colors, illumination,

context and location, and must be detailed within the development agreement.

11. Environmental Impact. An environmental impact assessment of the project site is required which, at a minimum, shall consist of a description of the existing environmental elements and the potential positive and negative impacts as a result of the proposed development.

12. Drainage and stormwater management.

- a. Drainage and stormwater management shall be master planned for the PD.
- b. Innovative, low impact designs shall be incorporated including, but not limited to, cisterns, green roofs, rain gardens, pervious pavement, and bioswales to limit pollution runoff, to off-set potable water use for irrigation, and to aid in efficient and economical heating and cooling of buildings.

13. Traffic Impact Study.

- a. A traffic impact study is required for both vehicular, cycling, and pedestrian traffic.
- b. The study shall include trip generation and distribution, intersection capacity and any potential trip mitigation as result of the mixed-use components creating a degree of trip capture.
- c. If the proposed PD represents the redevelopment of a property, the traffic study must include existing impacts compared to the projected impacts of the proposed redevelopment project.

14. Parking Plan.

- a. A parking/pedestrian circulation plan is required and must include the access/circulation routing for both vehicular and pedestrian traffic. The use of innovative design alternatives is encouraged.
- b. All vehicle parking should be screened, to the extent possible, from any roadway frontages.

15. Utilities.

- a. All new or relocated utility lines shall be located underground and installed or relocated at the developer's expense.
- b. Unshielded utility features shall not be visible from private or public rights-of-way or other public places. Placement of a utility feature in conflict with this provision in a new development or substantial redevelopment shall be relocated at the developer's expense.
- c. All PDs shall connect to City potable water and sanitary sewer services at the developer's expense. The applicant/developer shall extend or upgrade the utility distribution lines to accommodate the PD and adjacent properties.

- d. Where the City requests utility lines of greater capacity than required for the proposed development, the City shall be responsible for providing the greater capacity and shall reimburse the developer for such excess costs.
- e. No interim water or sewer service other than the city system shall be allowed.
- f. Where available, connection to reclaimed effluent shall be required.

16. Architectural Aesthetic Concepts.

- a. The use of innovative, as well as traditional, architectural concepts is encouraged within the PD, and will be part of the negotiated development agreement.
- b. Construction which is straightforward and functional, and which draws its ornament and variety from the assembly of genuine materials is to be considered as a key element in the selection of architectural design.

17. Landscaping.

- a. A landscape plan shall be submitted and must include the locations and layout of landscape islands, buffers, and any required or optional fencing.
- b. All planted material shall be certified as Florida number one grades and standards, most recent iteration, before installation and shall be installed pursuant to plan specifications or as approved by the City.
- c. Landscaping installation specifications shall be consistent with the Institute for Agricultural Sciences (IFAS) standards and best practices.
- d. After installation, the applicant's landscape architect shall certify that the landscape materials have been appropriately installed pursuant to the specifications set forth on the landscape plans approved by the City, relative to species, quality, height, location, spacing, quantity, site preparation, planting, and mulching.
- e. Certification by the landscape architect is required to ensure that plantings are at the prescribed and appropriate depth, in relation to adjacent grade, to ensure survivability.

18. School Capacity. For PDs which propose the additional of new residential units, a Brevard County School Impact Analysis (SIA) is required to be submitted. Upon review and approval by the Brevard County Public School District, the applicant will be issued a Capacity Determination Letter (CDL).

D. Procedures for Approval of Planned Developments (PDs).

- 1. The Master Plan for a PD shall be approved in accordance with the submittal and review procedure as detailed in Chapter IV, Article I of this code. In addition, the process for approval of the development agreement is detailed in the subsections below.

- a. If the PD involves the development of a subdivision, the process and guidelines for subdivision approval are detailed in Chapter IV, Article II of this code.
 - b. Development Agreements constitute a contract between the applicant and the City Commission of the City of Cocoa Beach.
 - (1) Since these contracts are specific to land development efforts, they shall be drafted by the development review group in concert with development of the master plan.
 - (2) The draft development agreement shall be reviewed formally by the development services department and other departments as necessary to determine the feasibility and suitability of the proposal prior to the submission of the master plan and development agreement to the planning board.
 - (3) Staff shall provide comments on the proposed master plan and development agreement in accordance with the factors set forth in this section.
2. Planning board public hearing. The planning board shall hold a public hearing to consider the master plan, proposed development agreement, and development review group comments. The board shall either recommend approval, approval with modifications/conditions, or denial of the request to the city commission, stating their reasons for such action. In making its recommendation, the planning board shall make findings of fact based upon the following:
- a. Consistency between the proposal and the City Charter, Comprehensive Plan and City Codes;
 - b. Compatibility with the surrounding land uses, both existing, approved entitlements, and those currently or actively proposed for development;
 - c. Adequacy of existing infrastructure to accommodate the development and existing entitlements;
 - d. Financial impact to the city for installed or upgraded infrastructure;
 - e. Significant ecological, geological, or aesthetic features which may be incorporated into the plan. These may include, but are not limited to approximate wetland boundaries, listed species survey, and general assessment by both an ecologist and landscape architect; and
 - f. The nature, design, and appropriateness of the proposed development arrangement to the properties involved.
3. City commission public hearing. The city commission shall review the master plan, proposed development agreement, the development review comments, and the planning board recommendations.
- a. Approval of the PD is by ordinance, heard and considered according to the requirements of F.S. § 166.041.

- b. The decision of the city commission shall be based on consideration of the facts specified as review criteria for the planning board as set forth within this section.
- c. In approving a PD, the city commission may establish any reasonable conditions or requirements in addition to those provided in this Code.
 - (1) Such additional conditions or requirements shall be entered into the development agreement and/or depicted on the master plan prior to execution of the development agreement by the City and are enforceable in the same manner and to the same extent as the other requirements of the development agreement and/or master plan.
- d. If the request is approved, the property shall have a zoning designation of PD Planned Development and shall be so designated on the official zoning map.

4. The applicant shall pay all costs to record the development agreement.

~~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.~~

CHAPTER III - DESIGN STANDARDS

ARTICLE I. - APPLICATION REQUIREMENTS AND SUBMITTALS

This chapter provides the design requirements for development of property within the City of Cocoa Beach. A site plan, as defined in chapter I, section 1-20, shall be submitted with or prior to every application for a building permit for any building or use except a single-family home or duplex.

- A. This chapter provides the design requirements for development of property within the city's municipal boundaries. These design standards apply to all land development in the city and shall be ~~shown~~ addressed on the site plan, which shall be submitted with every application for land development and construction within the corporate limits of Cocoa Beach.
- B. Chapter IV of these regulations provides the procedural requirements for the submittal, review and approval of a site plan.
- C. All proposed construction requires approval of a city building permit, according to the requirements within the Florida Building Code, latest edition, and is subject to all applicable state and federal permitting requirements.
- D. All proposed demolitions require approval of a city building permit, including completion of a demolition affidavit, asbestos notification statement, and a pest removal affidavit.
- E. Each principal use in a phased development must be allocated to an individual lot which meets all requirements set forth in this LDC. Where conflicts exist between the requirements ~~located here~~ detailed in this chapter and requirements listed elsewhere, the more stringent standard shall apply.

~~Chapter IV of these regulations provides the procedural requirements for the submittal, review and approval of a site plan.~~

ARTICLE II. ~~SCHEDULE OF LOT DIMENSIONAL DESIGN STANDARDS~~

~~The dimensional design standards for each zoning district are listed in the following Table 3.01. Specific use regulations allowed in each zoning district are provided in chapter II of these regulations.~~

SCHEDULE OF DIMENSIONAL DESIGN STANDARDS TABLE 3.01												
District	Minimum Lot Area	Minimum Lot Width ²	Minimum Lot Depth	Minimum Yard Requirements ⁴ See Table 3.01A	Maximum Building Height			Maximum Building Coverage		Minimum Floor Area	Minimum Pervious Area (4)	Minimum Open Space
					Building Height	Attachment ¹	Attachment ¹	Attachment ²	Principal (3)			
					Building Height	Attachment ¹	Attachment ¹	Attachment ²	Principal (3)	Principal Plus Accessory (3)		

S-1	⁸ 1,500 sq. ft.	⁸ 0 ft.	¹ 00 ft.		² 5 ft.	³⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	³ 5%	⁴ 5%	^{1,} 250 sq. ft.	² 0%	^{0%}
M-1	^N /A*	⁷ 5 ft. ⁶	¹ 00 ft.		³ 5 ft.	⁴⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	⁴ 0%	⁴ 5%	^{1,} 250 sq. ft. ⁵	¹ 0%	^{0%}
M-2	¹ 0,000 sq. ft.	¹ 00 ft.	^N /A*		⁴ 5 ft.	⁴⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	⁵ 0% ^{35%} ⁷	⁵ 0% ^{40%} ⁷	⁷⁵ 0 sq. ft. ⁶	¹ 0%	^{0%}
M-2A	⁷ 1,500 sq. ft.	⁷ 5 ft.	¹ 00 ft.		⁴ 5 ft.	⁴⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	⁵ 0%	⁵ 0%	^{1,} 250 sq. ft. per Dwe lling unit	¹ 0%	^{0%}
T-1	² 0,000 sq. ft.	¹ 00 ft.	^N ONE		⁴ 5 ft.	⁴⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	³ 5%	⁴ 0%	^{Sa} me as RM-2	³ 0%	^{0%}
N	⁷ 1,500 sq. ft.	⁵ 0 ft.	^N ONE		⁴ 5 ft.	⁴⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	³ 5%	⁴ 0%	^{N/} A*	¹ 0%	^{/A*}
G	^N ONE	² 5 ft.	^N ONE		⁴ 5 ft.	⁴⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	³ 5%	⁴ 0%	^{Sa} me as RM-2	¹ 0%	^{/A*}
-1	^N ONE	^N ONE	^N ONE		³ 5 ft.	⁴⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	⁵ 0%	⁵ 0%	^N ONE	⁹ 5% ⁷	^{/A*}
S-1	^N ONE	^N ONE	^N ONE		⁴ 5 ft.	⁴⁵ ft.	⁵ ft.	⁵ ft.	⁵ ft.	⁵ 0%	⁵ 0%	^N ONE	¹ 5%	^{/A*}

¹ See section 3-68 for minimum setbacks for gasoline pumps and storage tanks.

² A building permit shall not be issued unless a lot abuts for a minimum of twenty (20) feet on a street, and only one (1) principal use may be constructed on such frontage.

³ The percentage shown is an estimated amount of coverage expected, and it cannot possibly apply to every lot in every zoning district, in every area of the city. Should the applicant have solid justifications for why the coverage should be increased on a specific lot, such as: the lot was created decades previously and adhering to these restrictions would essentially leave the lot vacant and unbuildable, such as on the much smaller lots in the downtown district, or other justifications which can show good cause for the coverage percentage to be exceeded, this may be approved by the city engineer and administrator, so long as all other development requirements of the regulations have been met.

⁴ The same logic and approval process discussed in (3) above applies to the percentage of pervious area on a lot.
⁵ One thousand two hundred fifty (1,250) [square feet] for single family; two (2) or more bedroom apartment, seven hundred fifty (750) square feet; one (1) bedroom apartment, five hundred (500) square feet; efficiency apartment, four hundred (400) square feet; duplex and triplex conform to same square footage areas as apartments based on number of bedrooms.
⁶ Two (2) or more bedroom apartment, seven hundred fifty (750) square feet; one (1) bedroom apartment, five hundred (500) square feet; efficiency apartment, four hundred (400) square feet.
⁷ May be reduced to sixty (60) percent upon special exception approval.
* N/A= Not Applicable

SCHEDULE _____ OF _____ DIMENSIONAL _____ DESIGN _____ STANDARDS
MINIMUM YARD REQUIREMENTS TABLE 3.01A

DISTRICT	FRONT	SIDE AND STREET SIDE	REAR
RS-1	25 ft. Front setbacks from all streets except State Routes 520, A1A, South Banana River and Ocean Beach Boulevards, where front setbacks shall be 40 ft.	Side is 10 ft. and street side is 15 ft. from local streets and 20 ft. from all other streets and 25 ft. from State Routes 520 and A1A and Ocean Beach and South Banana River Boulevards.	15 ft. or Coastal Construction setback line on oceanfront property.
RM-1	Same as RS-1	Same as RS-1.	Same as RS-1.
RM-2 and RM-2A	Same as RS-1	Side is 15 ft. and street side is 20 ft. from local streets and 20 ft. from all other streets and 25 ft. from State Routes 520 and A1A and Ocean Beach and South Banana River Boulevards.	Same as RS-1.
CT-1	Same as RS-1	Same as RM-2 and RM-2A. All buildings exceeding 45 ft. in height shall have an additional side setback of 5 ft. on each side for the lot for each additional 10 ft. or fraction thereof of building height exceeding 45 ft., as governed by the tallest building on the lot.	25 ft. or Coastal Construction setback line on oceanfront property.
CN	Same as RS-1.	Same as CT-1.	Same as CT-1.
CG	Same as RS-1.	Same as CT-1.	Same as CT-1.

B-1	NONE
PS-1	NONE

ARTICLE II. ACCESS MANAGEMENT

This article applies to access management throughout the city, including areas for parking and rights of way. Parking placement requirements for the redevelopment districts are detailed in Chapter 2, Sections 2-42 through 2-46 of this land development code.

Section 3-01. Off-street parking regulations.

~~It is the intent of these regulations that every building and use shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, or patrons, and that certain uses provide adequate off-street loading facilities. Such off-street parking and loading shall be maintained and continued as an accessory use so long as the principle use is continued.~~

Section 3-01. Off-street parking regulations. Off street parking facilities shall be provided and maintained as required for the specific use and zoning district.

A. On property located outside the established redevelopment districts, off-street parking shall be located away from street frontages, unless the applicant clearly demonstrates, by objective evidence, that exceptional circumstances exist which preclude such placement of the parking.

B. Except as required for the downtown area overlay district, offOff-street parking facilities shall be provided for every use or part thereof in all districts as prescribed in this section. Where the parking requirements for a use are not specifically defined, or a use is not mentioned, the parking requirements for such use shall be determined by the administrator.

C. Excessive parking spaces beyond that required are not encouraged. If excess parking is requested for the site, the location must be to the rear or side of the structure and shall not be in conflict with other site development requirements, such as landscaping or drainage systems.

D. Accommodations for pedestrian traffic within all parking facilities are required.

~~A.~~

~~B. A. Number of off-street parking spaces permitted. For the purpose of computing the number of off-street parking spaces, the gross floor area (GFA) of a building is the sum of the gross horizontal area of all floors of a building measured from the exterior faces of exterior walls. Seating capacity is the total number of seats or chairs permitted for a use. For the purposes of this section, one (1) seat shall mean one seating area which can accommodate one (1) person sitting, such as one (1) chair or one (1) such area on a church pew or bench. The number of parking spaces listed below are the maximum number permitted for a development or use, not the~~

~~minimum, and the applicant is encouraged to develop a parking plan which can prove the number of actually needed spaces for a site and use, and based on the supporting evidence the administrator and city engineer can approve the applicant's parking plan.~~

~~C. When computing the number of required parking spaces, round down to the nearest whole number.~~

~~E. Excessive parking spaces beyond that required are not encouraged. If requested by the applicant and approved by the administrator, excessive parking shall not be located as part of the required principle parking facility or area, and any excess parking shall be located to the rear or side of the structure or use, when not in conflict with other site development requirements, such as landscaping. The parking space requirements listed below are a guide for computing number of spaces. The number of required spaces is dependent on usage and may be adjusted, as determined necessary by the administrator.~~

- ~~• Churches, temples or places of worship: One (1) space for each four (4) seats or seating places or one space for each one hundred twenty-five (125) square feet of floor area of the main assembly hall, whichever is greater.~~
- ~~• Colleges or vocational schools: One (1) space for each five hundred (500) square feet of gross floor area.~~
- ~~• Community residential homes, assisted living facilities, or nursing homes: One (1) space for each two (2) sleeping rooms.~~
- ~~• Dwelling units – single family or multifamily: Two (2) spaces for each dwelling unit.~~
- ~~• Hospitals or residential medical facilities: One (1) space for each patient bed.~~
- ~~• Libraries or museums: One (1) space for each eight hundred (800) square feet of gross floor area.~~
- ~~• Medical or dental clinic: One (1) space for each four hundred (400) square feet of gross floor area.~~
- ~~• Office or professional buildings: One (1) space for each five hundred (500) square feet of gross floor area.~~
- ~~• Places of assembly – restaurants, auditoriums, theatres, clubs, or lodges: One (1) space for each three (3) seats or seating places or one (1) space for every one hundred (100) square feet of floor area of the main assembly hall, whichever is greater.~~
- ~~• Retail or commercial buildings: One (1) space for each three hundred (300) square feet of gross floor area.~~
- ~~• Transient accommodations – hotels and motels: One (1) space for each guest unit plus one (1) space for each twelve (12) units for employee parking.~~

● All other uses to be determined by the administrator.

- ~~Amusement arcades and centers: One (1) space for each six hundred (600) square feet of GFA.~~
- ~~Auditoriums, bowling alleys, convention halls, theaters, or other places of assembly : One (1) space for each six (6) seats, or where viewing booths or compartments without seats exist, one (1) space for each four (4) booths or compartments.~~
- ~~Automobile rental agency: One (1) space for each four hundred (400) square feet of GFA, plus one (1) space for each automobile to be rented.~~
- ~~Automotive maintenance facility: Two (2) spaces for each stall, bay, rack or pit, plus a six-foot screened storage area, to accommodate two (2) additional spaces for each stall, bay, rack or pit to store vehicles left on the premises longer than forty eight (48) hours.~~
- ~~Banks and financial institutions: One (1) space for each three hundred (300) square feet of GFA.~~
- ~~Barber shops and beauty salons: Two (2) spaces for every beauty or barber chair.~~
- ~~Car wash: One (1) space for each auto washing machine or bay.~~
- ~~Churches or places of worship: One (1) space for each six (6) seats.~~
- ~~Clubs (including health clubs) or lodges: One (1) space for each four hundred (400) square feet of the principle area(s) of assembly, plus one (1) space for every two (2) employees. Golf courses shall furnish three (3) spaces for each golf hole, in addition to the above requirements.~~
- ~~Commercial marinas: One (1) space for every four (4) boat slips, and one (1) space per one thousand (1,000) square feet of dry boat storage area, plus one (1) per employee on the largest shift.~~
- ~~Contractor, service business and communication media and offices: One (1) space for each six hundred (600) square feet of GFA, plus one (1) space for each vehicle stored on site.~~
- ~~Dwelling units: Two (2) spaces for each dwelling unit. For condominiums and townhouses, the parking facilities may be located up to one hundred fifty (150) feet away from the dwelling units on a commonly owned lot.~~
- ~~Grocery stores and convenience marts: One (1) space for every one hundred fifty (150) square feet of floor sales area, which only the patrons are permitted to access.~~
- ~~Hospitals and sanitariums: One and one-half (1.5) spaces for every bed in the facility.~~
- ~~Hotels and motels — Transient lodging facilities:~~

- ~~One (1) space for each sleeping unit, plus one (1) space for each one and one-half (1½) employees.~~
- ~~The required number of spaces for affiliated accessory uses of restaurants, lounges, banquet, meeting rooms, convention facilities and retail sales may be reduced by up to sixty (60) percent as approved by the administrator.~~
- ~~Laundromat: One (1) space for every two (2) washing machines installed.~~
- ~~Medical and dental clinics or laboratories: Five (5) spaces, plus one (1) space for each five hundred (500) square feet of GFA.~~
- ~~Medical and dental offices: One space for each two hundred fifty (250) square feet of GFA.~~
- ~~Mini storage or self storage: Five (5) spaces, or one (1) for every fifty (50) storage bays, whichever is greater.~~
- ~~Mortuaries and funeral homes: One (1) space for every four (4) seats, plus spaces needed for funeral vehicles per each establishment's needs.~~
- ~~Nursing, convalescent or community residential homes: One (1) space for every two (2) patient beds.~~
- ~~Office or Professional buildings: One (1) space for each three hundred (300) square feet of GFA.~~
- ~~Outdoor recreation facilities: The number of needed spaces shall be as determined by a parking study, which shall be reviewed and approved by the city engineer and administrator, since no two (2) outdoor facilities are the same and they each have individual and specific parking needs.~~
- ~~Personal service establishments: A minimum of two (2) spaces, or one (1) space for each five hundred (500) square feet of GFA, whichever is greater.~~
- ~~Public libraries and museums: One (1) space for each eight hundred (800) square feet of GFA,~~
- ~~Restaurants, bars, cocktail lounges: Four (4) spaces, plus one (1) space for every four (4) seats approved for the service area.~~
- ~~Restaurants with no seating: One (1) space for every two hundred (200) square feet of GFA.~~
- ~~Retail sales: Three (3), plus one (1) space for every six hundred (600) square feet of GFA,~~
- ~~Schools:~~
- ~~Jr. High and elementary schools: Twenty (20) spaces, plus two (2) spaces per classroom.~~
- ~~High school: One (1) space for each employee, plus one (1) for every six (6) students.~~

- ~~Special exception uses: The number of spaces needed for special exception uses shall be based on the supporting evidence provided by the applicant, for the amount of needed parking for said use, which must be authorized by the administrator and approved by the board of adjustment.~~
- ~~Technical, trade and vocational schools :~~
- ~~Classrooms, planetarium: One (1) space for each five (5) seats.~~
- ~~Gymnasium, natatorium, auditorium, theater, amphitheater, and other places of public assembly: One (1) space for each four (4) seats.~~
- ~~Stadium: One (1) space for each four (4) seats.~~
- ~~Infirmary, libraries, computer center, laboratories, greenhouses, radio/TV stations, cafeteria, bookstores, retail facilities, post office, student military building, administrative offices, teacher's offices, etc.: One (1) space for each six hundred (600) square feet of GFA.~~
- Tourist homes and guest cottages: One (1) space for every two (2) sleeping rooms.

~~D.F. A change in use or occupancy of a building, and buildings existing as of December 1, 1964 not modernized, altered or repaired without providing off-street parking or loading facilities, providing there is no increase in floor area or seating capacity.~~ Existing buildings. Consideration will be given to existing buildings with limited off street parking or loading facilities which undergo renovations and/or a change of use, provided there is no increase in floor area or seating capacity. A parking plan is required and must be approved by the administrator.

~~E.G. Locations and specifications of off-street parking areas.~~ Except for single-family and duplex uses, each parking area and space required shall be each parking area and space shall comply with the following:

1. ~~1. In accordance with~~ The parking space dimensions shall be as provided in Figure 3-01. ~~the dimensions set out in Diagram 4.01 below which depict configurations accessible from a street, alley or adequate driveway, which are accessible without driving over other parking spaces.~~
2. ~~2. Access aisles and driveways shall be of sufficient size and width, as illustrated in Figure 3-01 and as approved by the administrator~~ city engineer.
3. ~~3. The required off-street parking facilities shall be designed to the city design standards listed below, shall be constructed according to the specifications provided within the city's standard construction details, and, and as approved by the city engineer.~~ city engineer
 - a. ~~a. Surfaced with~~ The surface shall be a asphalt, bituminous, concrete non-pervious material or with stabilizing hard surface, which is permitted to be pervious or semi-pervious, ~~approved and accepted semi-pervious materials and practices as approved by the administrator~~ city engineer. ~~Driveways, access aisles and parking spaces for churches may be surfaced with grass.~~

- b. There shall be a drainage retention/detention system that prevents immediate run-off into the city stormwater system. No run-off is permitted to be directed onto adjacent properties or the public right of way.
 - ~~b. b. Drained so as not to cause any nuisance on adjacent properties.~~
 - c. e. Lighted Parking areas shall be illuminated in such a manner to prevent glare and excessive light trespass onto adjacent properties.
 - ~~d. d. Arranged The design shall provide for convenient access and safety of pedestrians and vehicles.~~
 - e. Where possible, When a lot exists with an off-street parking facility which adjoins another lot in the same zoning district, a cross property access drive shall be provided together with a recorded access easement, as approved by the city engineer/administrator.
 - f. All parking spaces adjacent to any structures shall be separated from that structure by a buffer/walkway, which is to be a minimum of five (5) feet in width, as measured from the structure overhang to the wheel stop or curb.
 - ~~d.—~~
 - ~~e.g. e.—~~ Parking areas shall be landscaped and maintained as provided in section ~~3-193-55~~.
4. ~~4.—~~ Required off-street parking facilities shall be located on the same lot they are it is intended to serve; provided except that the administrator may allow for such off-street parking facilities within seven hundred (700) feet of the premises being served when:
- a. ~~a.—~~ Circumstances prevent the placement of facilities the required parking on the same lot as the premises served.
 - b. ~~b.—~~ The property owner shall enter into a written agreement with the owner of the property to be used for parking, providing that the land shall never be disposed of, except in conjunction with the sale of the building which the parking area serves, so long as the facilities are required.
 - c. ~~c.—~~ The property owner agrees to bear the expense of recording the agreement which shall bind his all heirs, successors and assigns. The agreement is eligible to be voided if other suitable off-street parking facilities are provided in accordance with these regulations.
5. Grass parking. Up to seventy-five (75) percent of the required parking for churches may be grass when deemed appropriate by the administrator.
- a. Areas shall be provided in a manner acceptable to the administrator.
 - b. In the event grass parking areas become deteriorated, as indicated by dead or dying grass, bare dirt or overgrown grass and weeds, continued use of the area for parking will be contingent upon making the necessary improvements required for a developed surface parking lot.

c. All grass parking shall be installed, irrigated, and maintained in accordance with the provisions of the city's landscaping requirements.

d. Grass parking areas shall not be eligible for use as a commercial or paid parking lot.

~~5. Compact car parking spaces may satisfy no more than twenty-five (25) percent of the required parking spaces, have appropriate signage and located no more conveniently than standard spaces.~~

H. Reduction for mixed or joint use of parking spaces. The administrator may authorize a reduction in the total number of parking spaces for two (2) or more uses jointly providing off-street parking. However, ~~in no case may the reduction be less than the minimum required parking spaces for the use which requires the largest number of parking spaces.~~

~~F.I.~~ Compact car parking spaces may satisfy no more than twenty-five (25) percent of the required parking spaces, must have appropriate signage, must be at least eight (8) feet by sixteen (16) feet, and must be located no more conveniently than standard spaces.

~~G. Employee parking. Where off-street parking facilities are required for employees, such parking shall be clearly marked and reserved for such use.~~

~~H.J.~~ Nonconforming use Change of use. No change of use, repairs, alterations or extensions that would create an increase in building area or capacity shall be permitted to a building with a nonconforming use until the off-street parking requirements for a new use have been met.

K. Off-street loading; specifications; amounts. Off-street loading facilities are required so that vehicles engaged in unloading and loading will not interfere with the public use of streets, sidewalks and alleys.

1. Off-street loading facilities may be shared by multiple uses if provided for in a joint shared parking agreement.
2. When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, ~~or it is enlarged or expanded, the full amount~~ entire space required for ~~of off-street loading space required shall be supplied and maintained within the property on which the use is located. of the use.~~
3. An off-street loading ~~space zone, as defined in section 1-20,~~ shall be an area with the minimum size dimensions required to adequately meet the needs of the property uses, as approved by the ~~city engineer~~ administrator, in accordance with the city design standards.
4. ~~H.~~ Plans for off-street loading required. A site plan shall be submitted which accurately depicts the required off-street loading spaces, including access thereto, dimensions and clearance, for final approval by the ~~administrator~~ city engineer.

5. I. ~~Limitations on off-street facilities.~~ No facilities or area supplied to meet off-street parking requirements shall be ~~utilized or deemed~~used to meet requirements for off-street loading facilities.
- ~~I.L.J.~~ Bicycle parking. Credit ~~shall~~may be granted toward the required number of parking spaces for no less than two (2), and up to four (4) percent of the required parking spaces. Bicycle parking facilities shall be of a design approved by the administrator and constructed according to the requirements of the city standard construction details. ~~Bicycle parking facilities shall be as outlined in the city design standards and be of an acceptable design as approved by the city engineer.~~
- ~~M. K.~~ ADA handicap accessible parking space requirements. ADA handicapped accessible parking spaces shall be as required by the most recent Florida Building Code and ADA standards. Handicapped Accessible parking spaces shall have priority and they shall ~~all~~ be located as close as reasonably possible to the entrances ~~to~~ of the commercial business, as approved by the administrator. One ADA accessible space is required for each twenty-five (25) parking spaces or portion thereof.
- ~~J.N.~~ Landscaped buffers and islands in parking areas. All off street parking areas, except those which serve single-family and duplex structures, shall meet the landscape requirements within Section 3-55.
- ~~O. L.~~ Landscaped islands required in parking lots. Parking areas with more than one hundred (100) spaces on a site shall ~~not~~ have no more than twenty (20) consecutive spaces in a row without providing an interior landscaped island.

Figure 3-01 Parking Design Dimensions (Page 1 of 2)

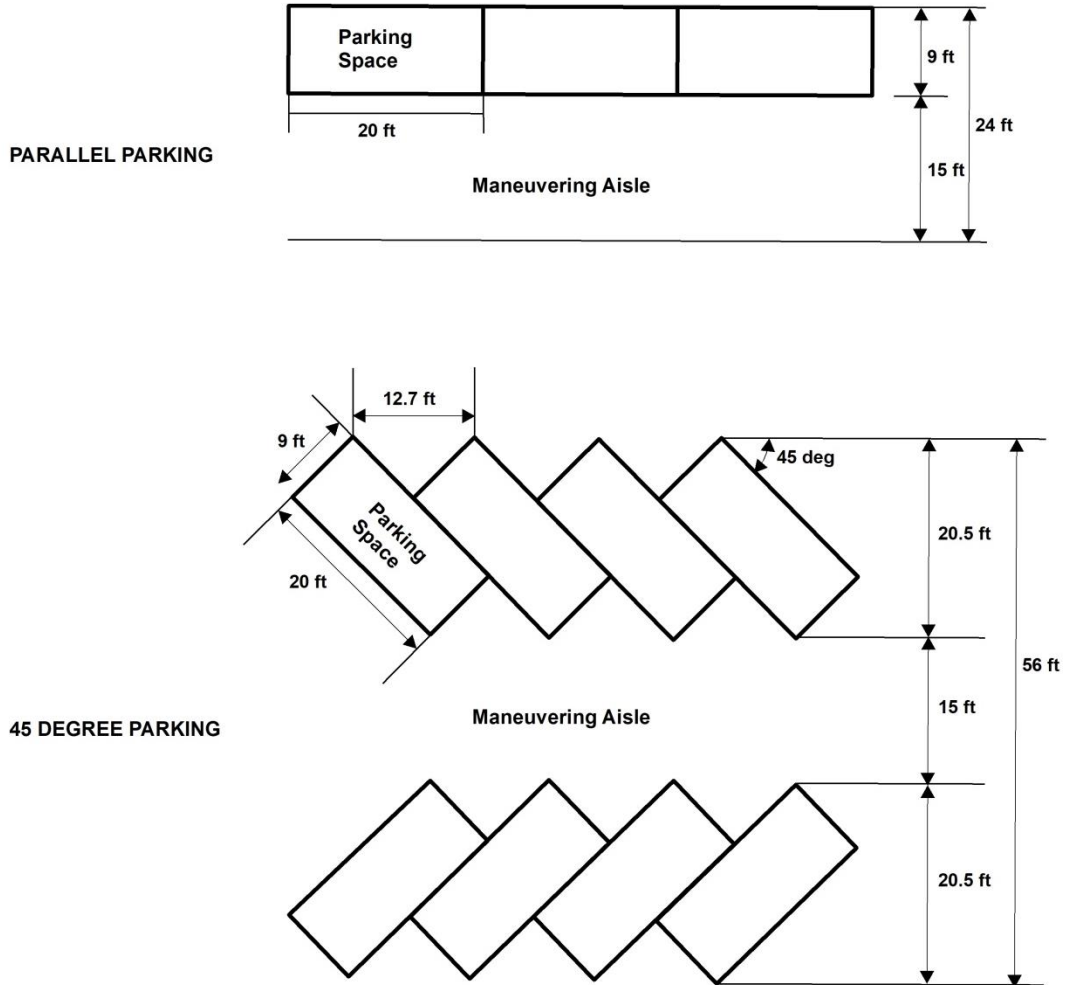
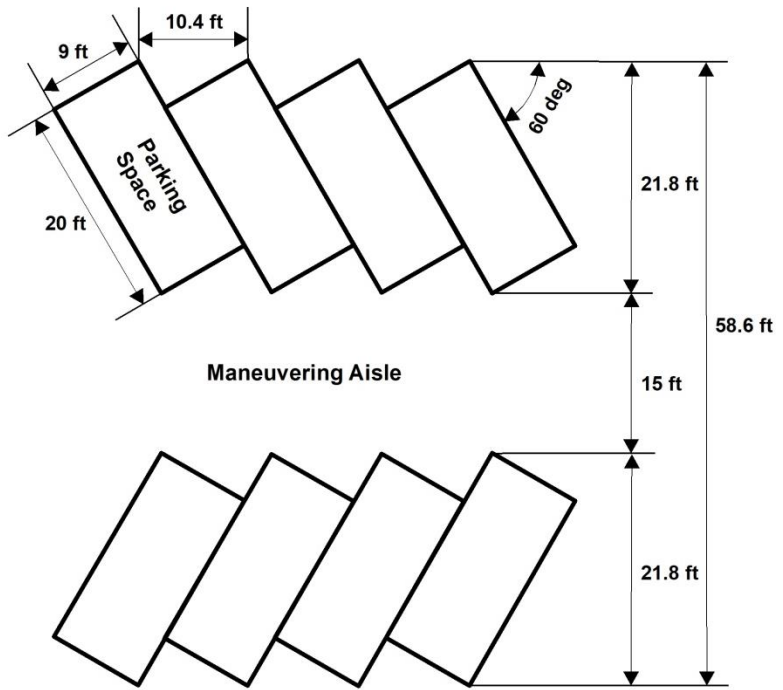
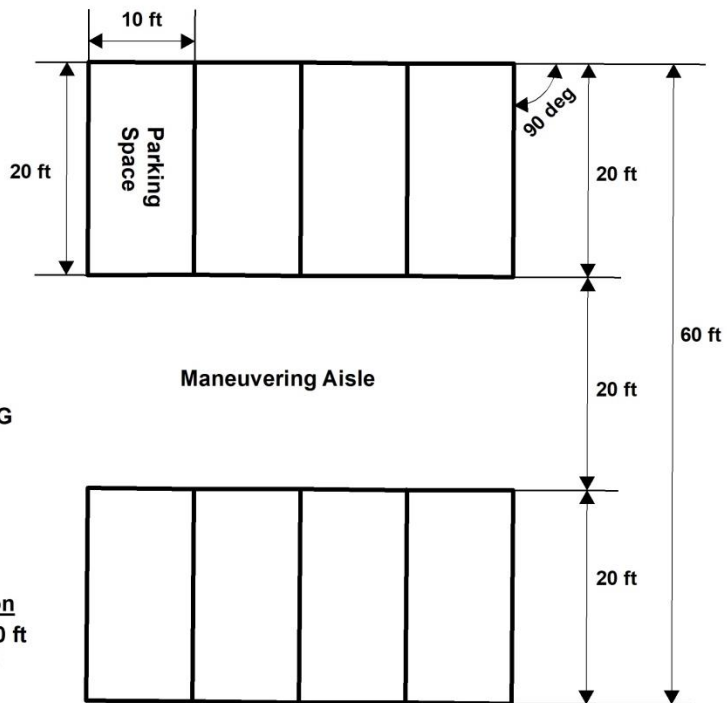


Figure 3-01 Parking Design Dimensions (Page 2 of 2)



60 DEGREE PARKING



90 DEGREE PARKING

90 Degree Parking Option
Parking Space: 9 ft by 20 ft
Maneuvering Aisle: 23 ft

Section 3-022. – ~~Special commercial district use of on-street and public parking~~Parking requirements within the redevelopment districts.

Parking within the established redevelopment districts, especially within the downtown, may rely on a combination of off-street, on-street, and structured parking in an effort to provide adequate amounts of parking while decreasing the auto-centric nature and dependence on surface parking associated with conventional zoning districts.

A. *Purposes, intent and objective:* It is the intent of this section to relax the normal required parking standards in these special mixed-use districts, where the business owner may count a certain percentage of on-street and public parking towards the required parking for their place of business, with the objective to help stimulate the revitalization of the redevelopment districts.

B. *A. Scope:* The on-street and public parking regulations in this section only apply to those specific commercial land uses and areas of the city commonly known as the "downtown overlay district" and the "uptown/resort overlay district".the mixed-use redevelopment districts of Downtown, Midtown, Uptown and North Cocoa Beach. Any ~~business owner~~applicant, who seeks a permit to renovate, redevelop, revitalize or reuse an existing commercial building, may also seek permission to provide a reduced number of parking spaces in ~~conformance~~ compliance with this section.

~~A. *This section must not apply to any residential development, located within these special commercial districts, since it is not the intent of the city to encourage the survival of nonconforming or other prohibited land uses.*~~

~~B. *B. Findings: The city commission has declared that it is necessary to establish the special commercial districts which allows on-street and public parking to be counted towards the total parking of commercial businesses in these districts, to protect the nature and character of these historic areas, encourage a sense of community pride, and protect the health, safety and welfare of the residents. The following findings of fact are made:*~~

~~C. *These special commercial districts should be protected and promoted; and*~~

~~D. *Pedestrian traffic should be encouraged in these special commercial district areas; and*~~

~~E. *Insufficient land area exists in these special commercial districts to allow for the construction of sufficient off-street parking to support new and existing businesses in these areas; and*~~

~~F. *Requiring owners seeking new construction and redevelopment permits to construct the code required off-street parking could require the razing of an inordinate percentage of certain historic structures and damage the unique character of these areas; and*~~

~~G. *Owners and tenants who seek to redevelop existing commercial lots should be encouraged to preserve the unique character of these special commercial districts; and*~~

~~H. Allowing owners and tenants to utilize a certain amount of existing on-street and public parking in association with the redevelopment of their own properties may stimulate creative design solutions and promote a sense of relatedness among properties in these special commercial districts.~~

~~I. C. Purposes, intent and objective: It is the intent of this section to relax the normal required parking standards in these special commercial districts, where the business owner may count a certain percentage of on-street and public parking towards the required parking for their place of business, with the objective to help stimulate the revitalization of these original commercial areas.~~

~~J. D. Areas described:~~

~~K. 1. Cocoa Beach Causeway area, to be known as the "uptown/resort overlay district": All tracts of land as described and defined as the "uptown/resort overlay district" in chapter II, article V, establishment of form-based zoning districts; said district legally described in an exhibit and map on file in the office of the city manager; and~~

~~L. 2. Historic downtown area, to be known as the "downtown area overlay district": Those lands bounded by the rights-of-way of North 4th Street, Brevard Avenue, South 2nd Street and the city "seawall line"; said district legally described in an exhibit and map on file in the office of the city manager.~~

M.C. E.—**Reduced parking requirement:** Parking requirements for commercial land uses in the redevelopment districts ~~only these areas~~ may be reduced by the administrator by up to seventy-five (75) percent of the required off-street parking. When a public parking lot or facility can accommodate one hundred (100) percent of a commercial land use's parking requirement within five hundred (500) feet of that land use, parking requirements may be reduced by up to ninety-five (95) percent of the required off-street parking. Such reduction in required off-street parking does not waive any requirements to improve any off-street parking area, including but not limited to, stormwater management, handicap parking, and landscaping. When authorizing a reduction in required off-street parking, the administrator may impose certain conditions necessary to promote the intent and implement the requirements of these regulations. In determining the amount of parking required for a particular use or location, the administrator's determination shall be based on the following criteria:

~~1. 1.~~ 1. A site parking plan provided by the applicant calculating the ~~number of off-street parking required and available for the use~~ proposed parking.

~~1.2.~~ 2. A site drainage plan indicating, at a minimum, the drainage site patterns, both surface and structured, as well as the location and capacity of any retention/detention facilities.;

~~2.~~ The amount and availability of on-street and public parking in the vicinity of the use;

~~2.3. 3.~~— The present demand on existing on-street and public parking in the vicinity of the use;

~~4. 4.~~— Future availability of on-street and public parking in the vicinity of the use.

5. Bicycle parking spaces. Credit shall be granted towards the required number of parking spaces for no less than two (2) and up to four (4) percent of the required parking spaces.

~~N. F. Variances: Landowners seeking additional reduction in parking requirements must request variance approval with the board of adjustment.~~

~~G. Exemptions: This section shall not apply to any residential land use development located within these special commercial districts.~~

~~H. Non-conforming uses: The relief granted by this section must not be used to encourage the survival of nonconforming or other prohibited land uses.~~

~~1. Notwithstanding any other provisions in the LDC regulations, the minimum off-street parking spaces as required in section 3-01, will not apply to commercial buildings and uses in existence as of January 1, 2006, in the following described lands and areas:~~

~~a. Those lands located within the downtown area overlay district, more specifically, 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 city building restriction line to the east. In the Cocoa Beach Subdivision Plat Book 3, Page 54,~~

~~2. Any commercial building and/or uses in existence as of January 1, 2006, located in the area identified in subsection 1 above, may expand and increase the structure and or use area no more than twenty-five (25) percent without satisfying off-street parking spaces requirements, as required in section 3-01.~~

Section 3-03. Vehicle parking.

A. General.

1. Vehicles, including cars, trucks, semi-trucks or temporary structures, of any kind are not permitted to be parked or left unattended on vacant parcels.

2. Vehicles of any kind, including non-motorized vehicles, are not permitted to be parked on public sidewalks.

B. Vehicle parking in commercial districts.

1. On commercial properties a semi-truck or tractor trailer, as defined in section 1-20, shall be parked in a designated area that is separate from standard vehicle parking areas.

2. Overnight storage of a semi-truck or tractor trailer shall be behind a six (6) foot high opaque fence.

C. Vehicle parking in residential districts.

1. On residential properties the parking of a semi-truck or tractor trailer shall be restricted to loading and unloading.
2. Unless restricted by other prohibitions, vehicles under twenty-six (26) feet in length are permitted to be parked on any private residential lot which contains a permitted permanent structure.
3. Any recreational vehicle, whether wheeled, motorized, or in an unassembled state, including trailers, boats and boat trailers separately or in combination, exceeding twenty-six (26) feet in length shall not be permanently parked, stored or located on private property in a residential zoning district unless parked in an enclosed garage, or as provided below.
 - a. The length of the vehicle shall be the length of the vehicle with accessories including hitches, masts, outboard motors, trailers, or any vehicle temporarily attached to it.
 - b. Recreational vehicles including trailers, boats and boat trailers exceeding twenty-six (26) feet in length may be parked on owner's property, subject to the following parking and use regulations:
 - (1) The vehicle may be parked in the side or rear yard, if accessible, or in the front yard if space is available to meet the following regulations.
 - I. The vehicle may not be parked closer than two (2) feet to any abutting property line.
 - II. The vehicle shall be parked on a driveway or other prepared surface.
 - III. Vehicles parked in the front yard must be perpendicular to the front curb.
 - IV. The vehicle must be at least eight (8) feet from the face of a curb or edge of street pavement and no part of the vehicle may extend over a public sidewalk or bike path.
 - V. Vehicles shall not obstruct the sight visibility triangle at intersections, as detailed in section 3-07.
 - VI. If the vehicle is parked within the side or rear yard and within ten (10) feet of an adjacent property, a minimum six (6) foot high wall or opaque fence along the adjacent property line must be provided.
 - VII. Vehicles shall not be used as a residential detached dwelling unit, be connected to any public utilities, used for storage, or as an office for business purposes.
 - VIII. Vehicles must be operable, and have a current license plate and registration.
 - IX. Only one (1) vehicle exceeding twenty-six (26) feet in length may be parked on the property at any one (1) time.

- c. Any vehicle that cannot comply with the parking regulations above, may park at the owner's property a maximum of one day per week for maintenance, loading, unloading, and trip preparation. For the purposes of this presumption, a day is defined as a twenty-four (24) hour period.

Section 3-04. Streets.

These regulations are for all streets within the city. Streets within the redevelopment districts shall also be in compliance with the requirements of Section 2-48.

A. General requirements:

1. The design of all proposed streets and bridges shall be in conformity with the city standard construction details and approved by the city engineer.
2. If an extension of a city street is required to provide access to an adjoining property, the extension shall be approved by development services, public works, the city engineer, and the city commission.
3. Where a subdivision borders on or contains a major street or thoroughfare, ancillary streets may be required to limit access to the major thoroughfare. A landscaped buffer may be required in connection with such subdivisions.
4. Prior to the development of any lot, the lot shall be connected to the city's street system by roadways which provide access for emergency service and utility service vehicles. The streets shall be subject to review by the city engineer and shall be constructed to the city standard construction details at the developer's expense.

B. Street names. Proposed streets, which are in alignment with others existing and named, shall bear the assigned name of the existing streets, with the same spelling. In no case shall the name for a proposed new street duplicate or be phonetically similar to existing street names. Street names shall require the approval of E911 addressing for Brevard County, the city commission, and the postmaster of the U.S. Postal Service, Cocoa Beach.

C. Alleys. Alleys to the rear of lots are permitted in a neighborhood or commercial planned development.

Section 3-05. Sidewalks and bike paths.

When a property within a standard zoning district is developed or redeveloped, sidewalks are required to be constructed according to the standards below. Sidewalks within the redevelopment districts must also comply with the requirements of section 2-49.

- A. Sidewalks, with a minimum width of six (6) feet, shall be constructed on at least one (1) side of all local public streets. Single family or duplex residential lots are exempt only when sidewalks do not exist on the street.
- B. Sidewalks, with a minimum width of eight (8) feet, are required to be constructed on at least one (1) side of all state maintained roadways.

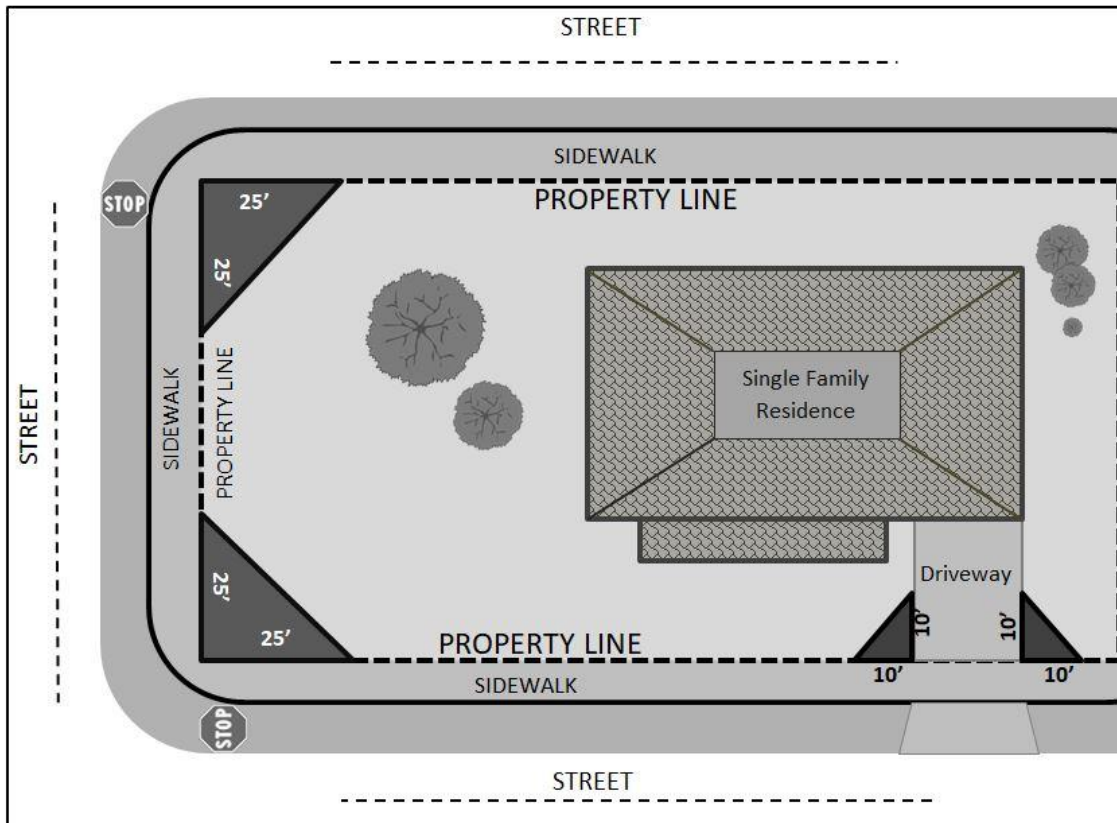
- C. Bicycle paths, with a minimum width of eight (8) feet, shall be required by the city when the bicycle path would be part of an adopted mobility plan or system.
- D. Sidewalks and bicycle paths shall be located within the right-of-way, or dedicated easement, and constructed in accordance with the city design standards.
- E. When a public sidewalk exists, the landowner is responsible for any maintenance, repair or replacement of the sidewalk or bike path when damaged by the property owner or private contractor.
- F. An approved building permit is required prior to construction. On state roadways a Florida Department of Transportation (FDOT) permit or written exemption is also required.
- G. The city's public works department is responsible for the review and approval of all bicycle paths and sidewalks.

Section 3-06. Reserved.

Section 3-07. Visibility at intersections.

- A. Generally. Visibility triangles are required at street intersections and intersections of streets and driveways. The requirements below are summarized in Figure 3-07.
- B. Obstructions. Visibility triangles shall be maintained free of visual obstructions, including structures and vegetation, from a height of thirty-six (36) inches to a height of six (6) feet above the centerlines of the abutting intersecting streets. This requirement may be waived by the administrator if:
 - 1. The encroachment into the sight triangle is by a healthy, mature, non-invasive tree and results in a de minimus impact on visibility and public safety concerns.
- C. Visibility triangle at street intersections.
 - 1. For street intersections the sides of visibility triangles are measured from the point of intersection of the right of way lines.
 - 2. For local streets the length of each side of the visibility triangle shall be at least twenty-five (25) feet.
 - 3. Intersections accessing state roadways shall be in compliance with Index 546 of the Florida Department of Transportation's Design Standards, latest edition.
- D. Visibility triangle at driveways.
 - 1. For driveways the visibility triangle is measured from the point of intersection between the right of way line and the driveway.
 - 2. For local streets the length of each side of the visibility triangle shall be at least ten (10) feet.

E. Exceptions. Visibility triangles may be modified, as determined by the administrator, if engineering standards indicate a greater clear area is necessary or if the clear area does not contribute to the safe operation of the street, intersection or driveway.



Section 3-08. - Bridges.

Bridges shall only be permitted in compliance with the City Charter Section 6.02 and shall be constructed in accordance with Florida Department of Transportation Design Standards Chapter 115, latest addition.

~~3. Notwithstanding provisions of section 3-01.C., of this code, any commercial building in existence as of January 1, 2006, located in the area identified in subsection 1. above, may change use or occupancy without having to satisfy the off-street parking space requirements in section 3-01.~~

~~4. Bicycle parking spaces. Credit shall be granted towards the required number of parking spaces for no less than two (2) and up to four (4) percent of the required parking spaces.~~

~~5. The downtown area parking study adopted by the city commission in 2015, shall be the city reference manual in further making determinations of reduced parking requirements for commercial uses in the downtown area overlay district.~~

~~Section 3-03. Reserved.~~

~~ARTICLE IV. ACCESS MANAGEMENT~~

~~All driveways constructed or removed in the city shall comply with the requirements of this section. Unauthorized activities declared unlawful. It shall be unlawful for any person to construct, cut, break out or remove any curb along a street or alley except as authorized by this article.~~

Section 3-0904. – Driveways~~Design considerations.~~

The following considerations and specifications must be considered when designing a driveway.

- A. All driveways must be properly permitted through the city prior to construction.
- B. All driveway sections, extending into the public right of way, shall be surfaced in compliance with the specifications of the city standard construction details.
- C. Driveways accessing a state roadway require a permit from the Florida Department of Transportation (FDOT).
- D. The number of access driveways onto public rights-of-way shall be kept to a practical minimum to reduce potential conflicts.
- E. It shall be unlawful for any person to construct, cut, break out or remove any curb along a public right of way except as authorized by the City of Cocoa Beach.
- F. No curb shall be cut unless a driveway is constructed to the full width of the opening with a transition curb on each end.
- G. Driveways shall be constructed to conform to the existing paved street grade or grade approved by the city engineer.
- H. Driveways shall be constructed as nearly to a right angle to the street or roadway as possible. Any deviation from the right angle requirement that exceeds ten (10) degrees in either direction is subject to review and approval by the city engineer.
- I. Driveways shall cross the sidewalk at a grade not to exceed the maximum cross-slope as established by the latest version of the Florida Accessibility Code for Building Construction.
- J. No driveway shall be constructed in the radius return of an intersection.
- K. All driveways shall be constructed with a minimum setback distance of five (5) feet from the side property line.
- L. No driveway shall be constructed closer than twenty-five (25) feet from the intersection of street right-of-way lines.
- M. Existing driveway(s) shall not be relocated, altered or reconstructed without an approved building permit and shall be subject to the provisions of this section.
- N. All costs for repairs or replacement of driveways within the public right of way, as a result of necessary access by property owners or their private contractors, are the responsibility of the property owner.

O. Costs for repairs or replacement of driveways comprised of pavers or materials other than concrete/asphalt, where the damage is the result of gaining necessary access to utilities, shall be the responsibility of the property owner.

P. The driveway apron shall extend between three (3) feet and five (5) feet on each side, to be measured at the property line and the roadway connection.

Q. Driveways accessing residential properties must be in compliance with the following regulations, and as summarized in Figure 3-09, below:

1. Driveways are required for all new residential development and are permitted separately from building construction.
2. One (1) driveway shall be permitted for ingress and egress to a lot.
3. Two (2) driveways may be permitted for ingress and egress from certain properties, in accordance with the requirements of this section.
4. The minimum distance between two (2) driveways on the same parcel shall equal or exceed twenty (20) feet.
5. The driveway width, per single driveway opening, shall be a minimum of ten (10) feet and a maximum of twenty (20) feet, to be measured at the property line.
6. When a driveway is shared between two abutting properties the combined width shall be a maximum of thirty (30) feet.

R. Driveways accessing commercial properties shall be constructed in compliance with the following regulations, and as summarized in Figure 3-09, below:

1. The area to which the driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading, and parking maneuvers to be carried out on private property and completely off the street right-of-way.
2. The driveway width, for driveways accommodating one-way traffic, shall be a minimum of twelve (12) feet, to be measured at the property line.
3. The driveway width, for driveways accommodating two-way traffic, shall be a minimum of twenty (20) feet and a maximum of forty (40) feet.
4. The minimum distance from the right-of-way line to the centerline of the intersection of the first drive aisle or the nearest edge of the first parking space shall be twenty-five (25) feet.
- 4.5. Where pedestrian and vehicular hazards exist, driveways may be restricted to a one-way operation, as required by the city engineer.
6. Signage shall be installed according to the latest edition of the Manual on Uniform Traffic Control Devices.

7. Where a standard non-mountable curb or similar barrier exists, similar type curbing shall be installed along the driveway from the street right-of-way line to the first interior service drive or parking space.
8. The protection of landscaped areas is required through the use of wheel stops or six (6) inch raised curbs.
9. Joint-use driveways may be approved, where feasible, as approved by the administrator, in consultation with the city engineer.
10. More than two (2) driveways may be permitted for ingress and egress to a lot when:
 - a. The lot exceeds five (5) acres in total land area; and
 - b. The lot has more than one hundred (100) automobile parking spaces; and
 - c. The minimum distance between driveways meets or exceeds one hundred fifty (150) feet.

Figure 3-09. Driveway dimensions summary

<u>Location</u>	<u>Side setback</u>	<u>Maximum width, per single opening</u>	<u>Minimum width, per single opening</u>	<u>Distance between drive aisles</u>	<u>Apron width, at curb connection</u>	<u>Distance from driveway to ROW intersection</u>
<u>Residential</u>	<u>5 ft.</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>20 ft.</u>	<u>3 ft.</u>	<u>25 ft.</u>
<u>Commercial, two way</u>		<u>40 ft.</u>	<u>20 ft.</u>		<u>3-5 ft.</u>	
<u>Commercial, one way</u>			<u>12 ft.</u>			

- ~~2. The number of access facilities (driveways) onto public rights-of way shall be kept to the practical minimum to reduce potential conflicts.~~
- ~~3. The area to which the driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading, and parking maneuvers to be carried out on private property and completely off the street right-of-way.~~
- ~~4. Driveways shall be constructed to conform to the existing paved street grade or grade approved by the city engineer.~~
- ~~5. 1. Back-out parking on a public right-of-way shall not be permitted.~~

- ~~6. 2. The minimum distance from the street right-of-way line at any driveway to any interior service drive or parking space shall be twenty (20) feet.~~
- ~~7. 3. The minimum distance from the street right-of-way line on any street driveway, as defined in section 3-07.B., to any interior service drive or parking space shall be one hundred (100) feet.~~
- ~~8. 4. Where a six-inch standard curb or similar barrier exists, similar type curbing shall be installed along the driveway from the street right-of-way line to the first interior service drive or parking space described in subsections C.2 and C.3 above. Material other than concrete or asphalt curb may be used if approved by the city engineer or chief building official.~~
- ~~9. Section 3-05. Specifications generally; costs.~~
- ~~10.A. All driveways shall be hard surfaced in conformance with the standards and specifications of the city standard construction details.~~
- ~~11.B. Driveways shall cross the sidewalk area at a grade not to exceed the maximum cross-slope as established by the latest version of the Florida Accessibility Code for Building Construction.~~
- ~~12.C. Driveways shall be constructed as nearly to a right angle to the street or roadway as possible.~~
- ~~13.D. Where pedestrian and vehicular hazards may be encountered, driveways may be restricted to a one-way operation. Signage shall be installed according to the latest Manual on Uniform Traffic Control Devices and be approved by the city engineer.~~
- ~~14.E. All costs for any change to city infrastructure shall be borne by the property owner.~~
 - ~~F. All costs and responsibilities for maintenance and/or repair of any driveway or related signing shall be borne by the property owner.~~

~~Section 3-06. Number and location.~~

~~To promote safety and traffic flow, the number and location of driveways shall be regulated as follows:~~

- ~~A. One (1) driveway shall be permitted for ingress and egress to a lot, as defined in section 1-20.~~
 - ~~1. As approved in subsections B. and C. below; or~~
 - ~~2. Joint-use driveways as approved by the city in accordance with these regulations.~~
- ~~B. Two (2) driveways shall be permitted for ingress and egress from a lot provided:~~
 - ~~1. All other requirements of this article are met; and~~
 - ~~2. The minimum distance between the two (2) driveways equals or exceeds twenty (20) feet; and~~

- ~~3. Where the applicant demonstrates need; or~~
- ~~4. Property zoned and in use for a detached single-family or duplex dwelling abutting a local street, provided the maximum cumulative width of all driveways at the point of connection to the street right-of-way does not exceed thirty (30) feet; and~~
- ~~5. Factors for considering two (2) driveways include:

 - ~~a. Necessity of emergency or service vehicle access.~~
 - ~~b. Recommendation by the city engineer that public safety will be enhanced.~~
 - ~~c. Other physical features unique to the site.~~~~
- ~~C. More than two (2) driveways shall maybe permitted for ingress and egress to a lot when:

 - ~~1. The applicant clearly demonstrates by objective evidence to the city engineer, or to the planning board when their site plan review is required, that exceptional circumstances exist which cannot be mitigated without the additional driveways; or~~
 - ~~2. Where the lot meets the following thresholds:

 - ~~a. The lot exceeds ten (10) acres in total land area; and~~
 - ~~b. The lot has more than one thousand (1,000) automobile parking spaces; and~~
 - ~~c. The minimum distance between driveways meets or exceeds three hundred (300) feet.~~~~~~

~~Section 3-07. Types.~~

~~A. Ramp-type driveway, width.~~

- ~~1. The width of a ramp-type driveway shall be within the minimum and maximum limits as specified below: (Adjusted table spacing to be more condensed).~~

Location	Minimum (feet)	Maximum (feet)
Single-family residential	10	30
Residential other than single-family	12	30
All other uses:		
One-way	15	24
Two-way	24	40

- ~~2. All driveway widths shall be measured at the street right-of-way line.~~
- ~~3. For single-family residential driveways, the width of the curb opening shall not be less than sixteen (16) feet measured from the edge to outside edge of the curb transition.~~

~~4. For all other ramp type driveways the width of curb opening shall not exceed the driveway width by more than three (3) feet on each side.~~

~~B. Street type driveway, width.~~

~~1. The width of street type driveways shall be within the minimum and maximum limits as specified below:~~

Location	Minimum (feet)	Maximum (feet)
Shopping centers and apartment complexes (with parking for three hundred (300) or more vehicles)	24	60

Section 3-10 to 3-19. Reserved.

~~Section 3-08. Areas of limited street improvements.~~

~~A. No driveway shall be constructed in the radius return of an intersection.~~

~~B. No driveway shall be constructed nearer than twenty five (25) feet from the intersection of street right of way lines.~~

~~C. All driveways shall be constructed with a minimum setback distance of five (5) feet from any interior property line, and with a two foot minimum offset from the property line at the roadway connection except where a joint use driveway is required or approved. These offsets may be reduced for single family residences upon approval by the city engineer.~~

~~D. To prevent parked vehicles from overhanging landscaped areas, sidewalks or drainage areas the city engineer may require the construction of a six inch raised curb to protect such areas. Section 3-09. Curbs to be provided.~~

~~No curb shall be cut unless a driveway is constructed the full width of the opening with a transition curb on each end.~~

~~Section 3-10. Existing driveways, unnecessary driveways.~~

~~A. Existing driveway(s) shall not be relocated, altered or reconstructed without a permit and they shall be subject to the provisions of this article.~~

~~B. When the use of any driveway is found to be unnecessary, the owner of the abutting property shall, at his/her expense, replace all necessary curbs, gutters, sidewalks, and grass areas. Sections 3-11—3-13. Reserved.~~

ARTICLE III. – DEVELOPMENT AND CONSTRUCTION

Section 3-20. Purpose.

The purpose of this article is to establish design standards for the development and subdivision of real estate within the city in an effort to insure the orderly layout and appropriate use of lands; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which help conserve and protect the physical and economic resources of the city; and promote the public health, safety, and general welfare.

Section 3-21. Blocks.

The maximum and minimum lengths and widths of blocks shall be as follows:

- A. *Length.* Block lengths including landfill fingers shall not exceed one thousand five hundred (1,500) feet nor be less than five hundred (500) feet. Where deemed necessary by the administrator, a pedestrian crosswalk of at least eight (8) feet in width shall be provided.
- B. *Width.* Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or nonresidential uses and on landfill fingers.
- C. *Nonresidential blocks.* Such blocks shall require a length sufficient to serve the intended use without adversely affecting traffic circulation of existing or proposed surrounding streets. The width shall be sufficient to provide adequate service areas and parking without requiring excessive points of ingress and egress on abutting streets, or requiring vehicular maneuvering on public rights-of-way. Lots with such blocks shall require a common vehicular access easement dedicated to the use, maintenance and benefit of all lots within the block, or a marginal access street shall be provided, to prevent points of ingress and egress from each lot to the abutting street.

Section 3-22. Lots.

- A. All lots shall front onto a public or private street. Where land is subdivided into larger than normal lots, such lots shall be arranged to allow for the opening of future streets and logical further subdivision.
- B. Those properties located outside of the redevelopment district shall be in compliance with zoning regulations as to width, depth and area.
- C. *Width.* All lots fronting onto a curve shall have the minimum required width, as measured at the minimum permitted front setback line, needed to build the principal structure. Corner lots shall be fifteen (15) percent greater in width and area than interior lots.
- D. *Orientation.* Side lot lines shall be substantially at right angles or radial to street lines

Section 3-23. Yards/Setback encroachment.

Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for normal architectural features attached to a building which shall

not extend into the required yard more than thirty (30) inches. This does not apply to fences, accessory structures or any air-conditioning or required mechanical equipment located in any required side or rear yard. No stairways, balconies or fire escapes shall project beyond any building setback line.

Section 3-24. Easements.

Utility and other easements shall be provided as follows:

- A. Utility easements centered on rear or side lot lines shall be provided, when determined necessary by the administrator, and shall be at least fifteen (15) feet in width.
- B. Contingency easements may be required for the repair, extension or maintenance of public facilities and utilities by public agencies, as determined by the city engineer, and may be shown on the plat by note.
- C. The city is empowered to prohibit structures in easements. Under certain circumstances the city may allow fences or other removable structures in easements, if requested, only after review and approval by the city public works, stormwater, and water reclamation departments.
- D. Existing structures within easements are subject to removal, as needed, to access public utilities. Replacement or repair of structures within easements is the responsibility of the property owner.

Section 3-25. Utilities.

- A. The utility services of water, sewer, reuse, and stormwater distribution systems, natural gas, electric, telecommunications, and others shall be installed and connected at the applicant's expense.
- B. Any necessary lift stations, capacity increase of existing lift stations or installation/upgrade of sewer lines required by any proposed development shall be done at the applicant's expense. No package treatment plants shall be permitted.
- C. All new utility services shall be installed underground from the nearest main line service point to the structure or property improvement.
- D. Within those areas of the city designated as special flood hazard areas, no new or replacement water supply system or sanitary sewer system shall be installed unless they are designed to prevent infiltration and exfiltration during a flood event.
- E. Mechanical systems and equipment and other service facilities shall be designed or located so as to prevent water from entering and/or accumulating within the components during a flood event.

Section 3-26. Waterfront developments.

- A. Inland waterway development.

1. Dredge, fill and excavation permits. Before any work can be done by an applicant for any dredge, fill or excavation work, the proper city and state permits shall be obtained. The chief building official shall strictly enforce this requirement and shall issue a stop work order effective immediately upon delivery.
2. Canals and waterways. Canals shall be constructed to a minimum width of one hundred (100) feet. Waterways shall be constructed to a minimum width of two hundred (200) feet. A minimum depth of minus nine (-9) feet from mean sea level for a continuous bottom width of twenty (20) feet shall be required at the center section of all canals and waterways. When possible, canals and waterways shall provide for adequate flushing action by variable winds.
3. Land development shall be conducted in such a manner so as to not destroy, remove or injure existing mangroves or subaqueous grasses.

B. Coastal development

1. All construction east of the most currently defined Florida Department of Environmental Protection (FDEP) Coastal Construction Control Line (CCCL) is required to have a permit or written exemption from FDEP prior to the issuance of a city building permit.
2. The rear setback for properties abutting the Atlantic Ocean is the most currently defined FDEP General Permit (GP) line.
3. Construction beyond the GP line shall be restricted to fences, swimming pools, screen enclosures, open decks, or dune crossovers.
4. Structures are permitted to have a cantilevered overhang which encroaches no more than four (4) feet eastward of the GP line, provided that the encroachment does not affect the structural foundation or require any foundation support eastward of the GP line.
5. The side and front setbacks, building height and property usage parameters are governed by the requirements of the zoning district, a planned development, state and local restrictions, or any other land development regulations.
6. Existing structures which are nonconforming may be expanded or extended only in compliance with the parameters of LDC section 6-21.
7. Approval of a variance is required before any construction, other than as provided above, can be located east of the GP line.
 - a. When deciding on requests for a variance, the board of adjustment must determine that the proposed structure and associated activities will not detrimentally affect the dune area or the essential character of the locality.
 - b. Variance approvals are conditioned on approval by FDEP prior to the issuance of a city building permit and approval of a variance does not guarantee approval of a building permit.

8. Use of the dune area is restricted to beach access only, which shall be by a dune crossover/walkover designed in accordance with section 3-29 of this chapter.

Section 3-27. Reserved.

Section 3-28. Seawalls and waterside accessory structures.

A. Generally. All seawalls and waterside accessory structures shall comply with the following:

1. Construction of any seawall or waterside accessory structure requires approval of a building permit.
 - a. A property boundary survey must be provided by the applicant with the permit application.
 - b. If, during inspection, the location of the property line relative to required setbacks cannot be determined, the inspection will be failed and an updated survey of the property corners will be required.
2. For properties affected by statewide coastal construction or aquatic preserve restrictions, an approved FDEP permit or written exemption is required prior to approval of a city building permit.
3. Structures along canals and rivers shall be constructed in accordance with requirements of this section and the standards of the Florida Building Code.
4. Tires shall not be affixed to any waterside structure.
5. Property owners shall not allow tidal waters entering their property, as a result of a deficient seawall or other shoreline stabilization, to impact adjacent properties or public rights-of-way.
6. Property owners in violation of any provision within this section shall be cited according to the provisions of the city code of ordinances chapter 30.
7. The datum used to determine elevation is the North American Vertical Datum of 1988 (NAVD88). For the purposes of this section only, for non-oceanfront properties the top of the barnacle line is assumed to have an elevation of zero, and may be used as a beginning point for measuring elevations.

B. Seawalls.

1. A seawall may be installed to protect land from water action and erosion, upon approval of a construction design and approval and issuance of a city building permit.
2. Construction of a replacement seawall shall be in its previous location or within one (1) foot its previous location.
3. When a waterfront property contains a utility outfall pipe, construction of the seawall shall incorporate and accommodate the pipe in accordance with city construction standards and Florida Building Code.

4. The top surface of a seawall shall have a minimum elevation of three and nine tenths (3.9) feet NAVD88.
5. The top surface of a seawall shall have a maximum elevation of five (5) feet NAVD88 or equal to the base flood elevation (BFE) for the property, whichever is greater.
- 4.6. A maximum ground slope of 4:1 (4 horizontal units to 1 vertical unit) shall be utilized for lands abutting a seawall.
7. Grading shall incorporate a water detention area to limit direct runoff into the waterway.
8. Seawall improvements, repairs or renovations beyond fifty (50) percent of the value, as determined by the building official, shall meet the construction requirements provided within this section.
9. All property owners shall maintain their seawalls in good repair. A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public rights-of-way.

C. Living shoreline.

Shoreline stabilization through a living shoreline is considered an environmentally and economically viable choice. Natural vegetation is usually less expensive than other options, is resilient, protects the property from water and storm surge, and provides important habitat for aquatic life. Natural vegetation often facilitates accretion, which is the build-up of sediment along a shoreline and the opposite of erosion.

1. When a partial living shoreline installation involves a structure of any kind, approval of a city building permit is required.
2. When a living shoreline involves the addition or removal of land material, approval of a city building permit is required.
 - a. The applicant shall submit an engineered site plan, which at a minimum must detail grading and drainage patterns for the site.
 - b. A dredge and fill permit may be required, if the site meets the criteria detailed in Chapter IV Article VIII. Such requirements are determined by the administrator.
3. An approved permit or written authorization from Florida Department of Environmental Protection (FDEP) may be required.

D. Piers, docks, decks, boathouses and other waterside accessory structures.

1. *Applicability.* These regulations shall apply to all residential and commercial piers, docks, decks, slips, davits, boathouses, boat lifts, boat shelters, mooring posts, piles and buoys, further known as waterside accessory structures.
2. No waterside accessory structure shall project into any waterway more than twenty (20) percent of the width of the waterway to a maximum of thirty (30) feet.

- a. The width of any waterway shall be determined by either of the following methods:
 - 1) As indicated on a survey.
 - 2) As determined from an aerial map using data provided by the Brevard County Property Appraiser.
- b. For any construction projecting more than twenty (20) feet into any waterway the following provisions shall apply:
 - 1) The cumulative area of all waterside accessory structures projecting beyond twenty (20) feet into the waterway shall not exceed two hundred (200) square feet.
 - 2) The farthest projecting installation beyond twenty (20) feet shall be marked with reflectors, navigation lights, or reflective tape or paint.
- c. The maximum height of any installed mooring posts, platforms, piles, or buoys shall not exceed an elevation of ten (10) feet NAVD88.
- d. The maximum height of any boathouse, boat lift, boat shelter, or shade structure shall not exceed eighteen (18) feet in elevation NAVD88.
 - 1) Shade structures shall be constructed in accordance with all building and fire code requirements, including those requirements for wind mitigation.
 - 2) Structures shall only consist of a roof and structural supports and shall not be partially or wholly enclosed with any structural elements.
 - 3) No boathouse or other waterside accessory structure shall be used as a dwelling.
- e. Side setbacks for any waterside accessory structure shall be twenty (20) percent of the lot width or a minimum of fifteen (15) feet from any side property line, whichever is greater. The property width shall be measured along the rear property line.
- f. A walkway, which projects no more than three (3) feet into the water, may be constructed with a minimum side setback of five (5) feet.
- g. Riparian rights, as defined in Florida State Statutes 253.141, shall be maintained to allow ingress and egress.
 - 1) The area of riparian rights is located within the extension of the side property lines into the waterway to the ordinary high watermark.
 - 2) If the property configuration prevents the visual determination of riparian rights, a survey to determine such rights will be required.
 - 3) No waterside accessory structure shall be permitted to infringe on equal right of access by an adjoining property owner.

- 4) If a waterside vehicle is docked or moored within fifteen (15) feet of the side property line, it shall be done so in such a manner that does not significantly impede docking or mooring at an adjacent property.
 - 5) Operation and mooring of all waterway vehicles shall be in compliance with the city Code of Ordinances Chapter 5 Article I.
 - 6) Waterway vehicle parking is permitted to encumber no more than one third of the width of the waterway.
- h. In no case shall waterside accessory structures be allowed within the front yard setback.
 - i. All waterside accessory structures shall be maintained in a state of good repair and are subject to immediate removal, as determined by the city building official or code enforcement officer, if the structure becomes deteriorated or dilapidated.

Section 3-29. Dune crossovers/walkovers.

- A. The sea dune is to be protected in compliance with the provisions provided within the city code of ordinances section 5-60.
- B. Any multiple dwelling structure containing more than three (3) living units constructed on oceanfront property, after the adoption date of Ordinance 1627, shall have a dune crossover/walkover built as a part of its required improvements in accordance with plans and specifications contained in the city standard construction details.
- C. Construction of any new or renovated beach access structure shall be a dune crossover/walkover which is in compliance with the requirements of this section.
- D. All dune crossovers shall be approved by the Florida Department of Environmental Protection (FDEP) prior to approval of a city building permit.
- E. Common dune crossovers between adjacent multiple-family dwelling projects are acceptable and encouraged.
- F. Existing beach access structures constructed prior to the date of this article shall be modified to comply with the specifications set forth in this article at such time as they require repair or replacement beyond fifty (50) percent of the current value, as determined by the administrator.

Section 3-30. Public sites and open spaces.

- A. When a proposed park, playground, school or other public use is shown in the Comprehensive Plan and is located in whole or in part in a proposed subdivision, the planning board and city commission shall require the dedication or reservation of such areas.
- B. Large scale subdivisions, planned developments or other developments not anticipated by the Comprehensive Plan may be required to dedicate or reserve areas suitable for development of schools, parks, or other neighborhood amenities.

C. Traffic islands, including those within cul-de-sacs, shall be landscaped in accordance with the city's landscaping and beautification requirements. The city will maintain those traffic islands on public streets. On private streets landscaping maintenance is the responsibility of the property owners.

D. Development of public sites and open spaces within the redevelopment district are subject to the requirements of section 2-47.

Section 3-31. Swimming pools and required enclosures.

A. Swimming pools shall conform to the specific requirements of this section, subject to approval of a city building permit.

B. No construction of swimming pools, pool enclosures or pool decks shall be permitted over any public drainage or utility easement.

C. Pools are not permitted beyond the front face of the structure.

D. All residential pool installations must be in compliance with F.S. Chapter 515.

E. All commercial installations of swimming pools shall be in compliance with F.S. Chapter 514.

F. The setback for each vertical wall of a pool shall be a minimum of eight (8) feet from the side and rear property lines.

G. The setback of any screen enclosure, as defined in section 1-20, shall be a minimum of five (5) feet from the side and rear property lines. An attached structure with a roof other than screening material is not a screen enclosure and must comply with the setback requirements for the principal structure.

H. On waterfront lots the closest vertical wall of any swimming pool shall be constructed no less than fifteen (15) feet to the waterside lot line. Exceptions are as follows:

1. The city is provided with a determination, by a Florida registered structural engineer, that construction closer to the seawall than fifteen (15) feet will not damage the seawall or adjacent properties.

2. A notarized statement that any required maintenance or repairs to adjacent properties are the responsibility of the pool property owner.

3. In no event shall the vertical wall of a pool be permitted with a setback less than eight (8) feet from the seawall or the side property lines.

Section 3-32. Fences and walls.

Fences, as defined in section 1-20, shall comply with the provisions listed below

A. All fence installations or replacements require an approved building permit.

B. Fences made of mesh, fabric, or other similar material, are not permitted for permanent installation.

C. Fences or walls which abut or face a public right of way shall be constructed so that the finished side faces the public right of way.

- D. No fence is permitted to interfere with sight visibility at intersections or between roadways and driveways, as further explained in section 3-07.
- E. Fences constructed on the landward side and parallel to a seawall, bulkhead or shoreline shall be a maximum height of four (4) feet.
- F. No fence is permitted to be constructed so as to damage a shoreline, seawall or bulkhead.
- G. Fences which are to extend east of the Coastal Construction Control Line (CCCL) are required to obtain a permit or written exemption from FDEP.
- H. The height of a fence shall be measured from existing grade, measured within one (1) foot of the fence location. In certain situations the following shall apply:
1. When the grade has a slope, such as toward the water, fence height shall be measured following the grade of the slope.
 2. When the elevation of a property has been raised or a fence is constructed on a retaining wall, the existing grade of the adjoining property shall be used for the measurement of fence height.
 3. When a fence is to be constructed on a deck or dock a height limit of four (4) feet above the finished floor of the deck/dock shall apply.
 4. In situations where minimum fence heights are applicable, such as when securing a pool area, the average between two grades may be used or the administrator may approve a compromise, whereby both properties benefit and there is no encroachment into stormwater or utility systems.
- I. Within residential zoning districts:
1. Fences within the side and rear of the property may be constructed to a maximum height of six (6) feet.
 2. On a corner lot, a fence constructed along the side property line abutting the right of way shall have a maximum height of four (4) feet. Alternatively, if the fence is set back a minimum of ten (10) feet from the property line abutting the right of way, the fence height is permitted to be a maximum of six (6) feet.
 3. On double frontage lots, portions of fences within fifteen (15) feet of the right of way line abutting the rear property line may be constructed to a maximum height of four (4) feet.
 4. Portions of fences constructed within fifteen (15) feet of a waterway may be constructed to a maximum height of four (4) feet.
 5. Portions of fences which extend past the front face of the principal structure may be constructed to a maximum height of four (4) feet, but may include a transition distance of six (6) feet, which must begin at or behind the front face.
 6. Residential properties which are abutting commercial property may construct a fence along the abutting property line to a maximum height of eight (8) feet, subject to the location restrictions of this section.

J. Within commercial zoning districts:

1. Fences within the side and rear of the property may be constructed to a maximum height of eight (8) feet.
2. On a corner lot, a fence constructed along the property line abutting the right of way shall have a maximum height of four (4) feet. If the fence is set back a minimum of ten (10) feet from the property line abutting the right of way, the fence height is permitted to be a maximum of eight (8) feet.
3. On double frontage lots, portions of fences within fifteen (15) feet of the right of way line abutting the rear property line may be constructed to a maximum height of four (4) feet.
4. Portions of fences which extend beyond the front face of the principal structures may be constructed to a maximum height of four (4) feet.
5. Fence enclosures around private parking areas located on properties with at least one principal structure are permitted to be constructed to a maximum height of eight (8) feet, subject to the location restrictions of this section.
6. Fence enclosures around private parking areas located on properties with no principal structure shall be constructed to a maximum height of six (6) feet, subject to the location restrictions of this section.
7. Fence enclosures around tennis courts, basketball courts, and similar recreation areas are permitted to be constructed to a maximum height of twelve (12) feet and may include a wind screen.

K. Commercial trash dumpster enclosures.

1. All commercial trash dumpsters and their holding areas shall be wholly enclosed within an opaque enclosure on three (3) sides, with an operable opaque gate on the access side.
2. The enclosure shall be six (6) feet in height.
3. All commercial trash dumpsters shall have lids which shall remain closed at all times, except when being filled or dumped.
4. The location of a dumpster enclosure shall not interfere with the site visibility triangle for intersections, as further referenced in Section 3-07.

Section 3-33. Accessory structures.

Accessory structures, as defined in section 1-20, shall comply with the following regulations.

- A. Structures greater in height than thirty (30) inches are required to have an approved building permit.
- B. Structures which are attached to the principal structure are not accessory structures and must comply with the zoning and construction requirements for the principal structure.

- C. Detached garages are not accessory structures and shall comply with the zoning and construction requirements for the principal structure.
- D. Roofed structures which are attached to the principal structure, with the exception of a screen enclosure, must comply with the zoning and setback requirements for the principal structure.
- E. Structures such as sheds or storage buildings must be located to the rear of the front building line. Any such structure visible from the street must be screened behind a six (6) foot high opaque fence or designed to match or complement the principal structure.
- F. The side and rear setback shall be a minimum of five (5) feet. The street side setback shall be a minimum of ten (10) feet.
- G. The maximum absolute height of an accessory structure is twelve (12) feet, measured from existing grade within one (1) foot of the structure location.
- H. The maximum area of a detached accessory structure shall be thirty (30) percent of the air conditioned square footage of the principal structure, up to five hundred (500) square feet.
- I. Structures, such as a trellis or arbor are permitted in the front, provided the following guidelines are followed:
1. The area is a maximum of fifteen (15) square feet, measured at the base, with a twelve (12) inch allowance for overhang.
 2. The absolute height is a maximum of eight (8) feet.
 3. The sides and roof are not enclosed with any structural elements.
 4. The location is in compliance with the front setback requirements for the principal structure or a minimum of fifteen (15) feet from the front property line and a minimum of five (5) feet from the side property line.
- J. Swimming pool screen enclosures shall comply with the regulations found in section 3-31.
- A.K. Accessory structures on commercial property shall comply with the setback requirements for the principal structure.
- L. Accessory structures shall not be used within any zoning district as a permanent place of business.
- M. Detached accessory dwelling units are limited to a maximum area of thirty-five (35) percent of the air conditioned area of the principal structure, up to eight hundred (800) square feet and shall comply with the zoning, density and building requirements for the principal structure. Accessory dwellings for properties within the redevelopment districts must be in compliance with Section 2-34.
- N. Accessory structures such as flagpoles, wind turbines, bat houses, and other pole structures are subject to the following guidelines:

1. Freestanding pole structures shall maintain a minimum ten (10) foot setback from all property lines and a minimum twenty (20) foot setback from any property corner located at a roadway intersection.
2. An approved building permit is required prior to construction of any type of pole structure above twelve (12) feet.
3. When the intended height of a pole structure is to be above twenty (20) feet, submission of an engineered site plan, including wind load calculations, is required.
4. On residential properties, the maximum height shall be thirty-five (35) feet above grade, measured within one (1) foot of the base of the structure.
5. On commercial properties the maximum height shall be forty-five (45) feet above grade, measured within one (1) foot of the base of the structure.

Section 3-34. Height limits.

Chimneys and smokestacks; water and fire towers; church spires, domes, cupolas; elevator and roof access enclosures; and lightning arresters and flagpoles may be erected above the height limits herein established upon the issuance of a permit by the chief building official after approval by the fire marshal. Height restrictions shall be imposed, however, by law, charter or other applicable regulations, including the absolute building height limitations herein established.

Section 3-35. Temporary and portable structures.

A. Generally.

1. The location of a temporary or portable building shall be on private property, outside of any utility or access easements, and shall not interfere with the existing flow of water runoff or impede access to any utilities.
2. During construction, with an approved and active building permit, a dumpster or temporary storage container is permitted onsite.
3. Temporary or portable structures for the purpose of soliciting, collecting, or storing donated clothing or other salvageable items are prohibited.
4. Food trucks or trailers are only permitted on a temporary basis in connection with a city approved special event, in accordance with the city Code of Ordinances Chapter 14.

B. Inclement weather.

1. In the event of an impending tropical storm or hurricane, the city shall have the right to order the removal of all unsecured temporary and portable buildings.
2. In situations where the structure is not removed, the city shall have the right to enter the property and remove or secure the temporary or portable structure.

3. Expenses incurred by the city as a result of actions necessary to remove or secure temporary or portable structures are the responsibility of the property owner, and the enforcement of payment of such expenses shall be under the terms of the city code of ordinances chapter 31.

C. Portable structures.

1. Portable structures intended for permanent installation shall be done so only upon approval of a building permit.
2. The intended installation shall be in compliance with city and state requirements for site preparation, construction, and wind load minimums.

D. Temporary storage structure.

1. A temporary storage structure, as defined in section 1-20, is permitted on private property at a specific address for up to three (3) consecutive days up to two (2) times within a calendar year, with an approved building permit.
 - a. An extension may be approved by the administrator if a situation exists where there is a reasonable risk or threat to life, health or property.
 - b. An extension shall be no more than thirty (30) days per extension.
2. The city may permit the use of a temporary storage structure on a commercially or municipally zoned property for an extended time under the following conditions:
 - a. Storage of items for golf cart delivery, from midnight October 15 until midnight January 31 of each year, as authorized by and within the requirements of F.S. 316.2126(3)(a).

E. Mobile home, travel trailer, or camper trailer.

1. A mobile home or travel trailer may be used as a temporary construction office incidental to a construction project, located on the construction site, during the time construction is actively underway, and shall be removed within thirty (30) calendar days of completion of the project.
2. Mobile homes and travel trailers shall not be used as a permanent residence in any zoning district.
3. Mobile homes and travel trailers may be used for a temporary residence only under the following conditions:
 - b. Construction of residence following disaster. If a fire or disaster renders a single-family or duplex residence unfit for human habitation, the temporary use of a mobile home or travel trailer may be allowed on the lot. The maximum duration of the temporary use of the mobile home or travel trailer is eighteen (18) months after the date of a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is one hundred eighty (180) calendar days. When circumstances warrant it, the

city manager or a designee may extend the permit for a period not to exceed sixty (60) calendar days.

- c. Construction of damaged business. Any business damaged by a major or catastrophic disaster may be permitted to use a mobile home or travel trailer to carry out their activities until the damaged structure is rebuilt or replaced, in accordance with the zoning regulations. The maximum duration of the temporary use is the same period as provided in subsection J.1 above.
- d. Potable water and sanitary facilities must be provided for habitation or use of a mobile home or travel trailer, which must first be permitted by and placed in accordance with the requirements established by the chief building official.
- e. The mobile home or travel trailer must be removed from the property within ten (10) calendar days of receiving the certificate of occupancy for the reconstructed residence or business, or within ten (10) calendar days after the expiration of the temporary use permit, whichever occurs first.

Section 3-36. Gasoline pumps (fuel dispensing facility) and storage tanks.

- A. Minimum setback requirements for gasoline pumps, storage tanks, buildings, vents, pump islands, and canopies shall be fifteen (15) feet from any lot line or the building setback established for the district, whichever is greater, and all gasoline storage tanks shall be installed underground and conform to state regulations.
- B. No gasoline pump or gasoline storage tank shall be erected within two hundred (200) feet of the property line of any existing church, hospital, public or private school or playground, or public assembly facility; provided, however, that nothing herein shall prohibit the operation of existing gasoline and automotive maintenance facilities or service stations, or the improvement, alteration or reconstruction of any existing gasoline and automotive maintenance facilities or service stations.
- C. Buffers. When lots to be used for automotive service stations or fueling stations are abutting any property which is residentially zoned, there shall be a finished concrete, solid block wall, and a minimum ten (10) foot wide landscape buffer along the adjoining property line. The wall shall be a minimum of six (6) feet and a maximum of eight (8) feet in height, except where sight triangle considerations are necessary at intersections with streets, driveways, and sidewalks. The wall and buffer shall be continuous with no openings or gaps except that a wall along an alley line may have a four (4) foot wide opening which shall be closed by a solid gate when not in use.
- D. There shall be no more than six (6) individual vehicle fueling positions within any one (1) fueling station property or location.

Section 3-37 to 3-39. Reserved.

ARTICLE IV. STANDARDS FOR OPERATIONS

Section 3-40. Alcoholic beverage establishments.

- A. A location for on-premises consumption of alcoholic beverages shall not be approved when the location is within five hundred (500) feet of an established public or private school, in accordance with F.S. § 562.45(2), or within five hundred (500) feet of an existing church.
- B. For purposes of measuring distance, the straight line measurement shall be taken from the nearest point of the alcoholic business establishment structure (a building or leased space) to the nearest property line of the school or church location.
- C. The distance requirement between an alcoholic beverage establishment and an existing church does not apply for those properties within the redevelopment districts.
- D. The distance requirement does not apply to restaurants which derive at least fifty-one (51) percent of gross revenues from the sale of food and nonalcoholic beverages.
- E. The distance requirement does not apply to alcoholic beverages sold and consumed under the provisions of a special event permit approved in accordance with city Code of Ordinances Chapter 14.

Section 3-41. Conversion of transient accommodations to other dwellings.

Transient accommodations (hotel, motel) shall not be converted to other types of residential dwellings at more than the density permitted for each residential type within the zoning district, and in compliance with the Comprehensive Plan and City Charter.

Section 3-42. Home occupations.

Any lawful home occupation use, which is clearly incidental and secondary to the use of the structure as a dwelling; which is conducted entirely within a dwelling and carried on by occupants of the dwelling; and does not change the residential character of the neighborhood, shall be permitted. The following conditions shall apply:

- A. No unauthorized employees or persons other than the residents of the dwelling and employees pre-approved by the administrator shall be engaged in such occupations.
- B. Home occupations must be accessory to the principal residential use.
- C. There shall be no visible change in the outside appearance of the dwelling or premises to conduct such occupations.
- D. There shall be no occupation advertising signs located on residentially zoned properties or public rights-of-way to advertise such occupation.
- E. The home occupation shall not displace the normal use of residential and accessory structures.

- F. There shall be no outside storage of materials or products on the premises visible from the property boundaries, and all such materials or products shall be stored in a wholly enclosed structure located in only the side or rear yards of the property. No toxic or noxious chemicals or materials are permitted to be stored in amounts in excess of those normally found in a residential dwelling. No additional and separate entrance will be constructed to conduct the occupation.
- G. No display of products will be permitted to be visible from outside the building.
- H. No traffic generated by the home occupation shall increase the volume normally found in a residential neighborhood.
- I. Additional driveways or paved areas to serve such occupations shall not be permitted.
- J. A reasonable number of occupation-related product deliveries shall be permitted, but in no instance shall more than three (3) deliveries per day be allowed. No occupations shall be permitted to interfere with, or share a driveway or off-street parking space with an adjoining property.
- K. No equipment or process shall be used in such occupation which creates any type of nuisance such as noise, vibration, glare, fumes, odors, or heat, which is detectable to the human senses from any adjacent or abutting lot, or which is harmful in any way to persons, animals, flora or fauna on or off the premises. No equipment or process shall be used which creates visual or audible electrical interference with any radio or television receivers, or with any other electronic equipment on any adjacent or abutting lot.
- L. A person desiring to conduct a home occupation in a district where it is permitted shall first pay the non-refundable application fee and complete the home occupation application.
- M. Upon compliance with these regulations, the administrator or his appointed designee shall issue a permit for such home occupation. Any home occupation permit is subject to revocation by the administrator or his designee ten (10) calendar days after being documented that the home occupation has become a public nuisance and/or is not in compliance with the City Codes. The applicant shall have this ten-day notice period to either cure the violation(s) or shut down the home occupation.
- N. The administrator or any applicant whose home occupation license has been denied or revoked may request an appeal at a public hearing before the board of adjustment as outlined in chapter I, article VIII.
- O. A home occupation license is only valid for a period of one (1) year, and must be renewed by the business tax receipt (BTR) annual deadline date of September 30. A city BTR that is not renewed by October 1 is subject to penalties outlined in the city code of ordinances section 13-6(b).
- P. Home occupations shall be limited to uses that have minimal to no impact on the residential character of neighborhoods.

Section 3-43. Adult entertainment establishments.

A. Where permitted.

1. Notwithstanding any other provision of these regulations or any provision of chapter 2.5 of the City Code of Ordinances, no person shall propose, cause or permit the operation of, or expansion of (except when an expansion may be required by law), an adult entertainment establishment which, while in operation or after expansion, would or will be located within:
 - a. One thousand five hundred (1,500) feet of a preexisting adult entertainment establishment;
 - b. Nine hundred (900) feet of a preexisting religious institution;
 - c. Nine hundred (900) feet of a preexisting educational institution, or the distance restrictions set forth in F.S. § 847.0134, whichever is greater;
 - d. Nine hundred (900) feet of a preexisting public library;
 - e. One hundred seventy-five (175) feet of an area zoned city B-1 public and recreational use district or city PS-1 public and semi-public district;
 - g. One thousand two hundred (1,200) feet of the Banana River Aquatic Preserve as delineated on the official map thereof as provided by the State of Florida; or,
 - h. Four hundred (400) feet of any residentially zoned property.

C. The distance requirements of subsection A. above, are independent of and do not supersede the distance requirements for alcoholic beverage establishment contained in section 3-40 above.

D. Measurement of distance. The distance from a proposed or existing adult entertainment establishment to any of the preexisting structures or zoning districts listed in subsection A. above shall be measured by drawing a straight line between the closest point of the proposed or existing adult entertainment establishment structure (be it a building or leased space in a building) to the closest point of the preexisting building or structure or leased space in a building or zoning district boundary.

E. Nonconforming uses and amortization.

Any establishment that satisfies the definition of an adult entertainment establishment contained in Cocoa Beach Code of Ordinances Section 2.5-5, that is in operation on the date City of Cocoa Beach Ordinance No. 1388 (July 1, 2004) takes effect, and that is not in compliance with this section shall be permitted to operate as a nonconforming adult entertainment establishment, subject to abandonment of use, as described below.

Any nonconforming adult entertainment establishment shall be deemed abandoned if operations have been discontinued for ninety (90) consecutive days or more, for

any reason whatsoever. Upon such abandonment the future use of the land shall conform to the uses permitted in the district where the establishment was located.

Section 3-44. Temporary sales.

A. Temporary sales.

1. Temporary sales are subject to the permitting requirements defined in the city Code of Ordinances Chapter 13.
2. Temporary sales, as defined in section 1-20, shall not be permitted for any operation that involves mobile solicitation or sales from a vehicle, including but not limited to, a cart, wagon, bicycle, car or truck.
3. No use that is prohibited in the zoning district where the temporary sales are proposed shall be permitted.
4. The temporary sale of fireworks is prohibited.
5. Temporary sales are prohibited on properties being used as an automobile service station, on public sidewalks, on public rights-of-way, within public parks including beach parks, or in any residential developments, including multifamily developments.
6. No permanent lighting shall be installed without an electrical permit and inspection.
7. Temporary signage shall be in compliance with Chapter V of these regulations.
8. Hours of operation shall be specified and confined to that noted on the approved permit.
9. Outdoor sales are permitted only on commercially zoned private property, on the same property where the permanent business is located, and all operations shall be in compliance with city regulations for zoning.
10. Temporary/seasonal sales, per site (property), shall be conducted no more than twenty-eight (28) consecutive days, with no more than four (4) temporary sale events permitted within one calendar year.
11. If tents or canopies are used as temporary structures for temporary sales, and are larger in area than one hundred (100) square feet, an approved temporary building permit, with inspections, is required.
12. The display and location of temporary sales shall not reduce the required Americans with Disabilities Act (ADA) accessibility requirements for sidewalks, the number of parking spaces or landscaped areas and shall not adversely impact abutting properties.
13. A minimum of five (5) feet in width for all sidewalks affected by a temporary sale shall be maintained unobstructed in accordance with ADA standards and for pedestrian traffic.

B. Garage sales. Garage sales are permitted in all residentially zoned districts, subject to the following provisions:

1. Garage sales are for the purpose of offering for sale old, used or unwanted personal household items, articles and effects on a residential lot by the property owner or occupant.
2. Garage sales shall not include any new or used items, articles or effects which have been purchased for the purpose of resale.
3. Nothing in this section shall be construed or interpreted to mean that the property owner or occupant cannot sell their isolated personal property, such as a vehicle, a piano, an appliance, and other similar isolated household items typically found in a residential dwelling. A garage sale permit is not required for the sale of these isolated personal items, which are typically noticed to the public for sale through an advertising medium.
4. An estate sale is considered a garage sale, and shall be conducted in compliance with this section.
5. On residentially zoned properties a garage sale is permitted for no more than two (2) calendar days, not including holidays, and no more than two (2) times within one (1) calendar year from any single lot.
6. Within a multifamily development a communitywide garage sale is permitted for a maximum of two (2) calendar days, not including holidays, a maximum of two (2) times per calendar year. Individual units are not permitted to conduct a garage sale outside of the referenced communitywide sale.
7. At the conclusion of the garage sale, all unsold articles and items shall be removed so as not to be visible from any public street or abutting property.
8. A garage sale permit is required, and is available free of charge from the city, for all garage or estate sales, and it must be displayed on the garage sale property for the duration of the sale.

Section 3-45. Vehicle sales.

A. Purpose and intent. The intent of this regulation is to allow a private citizen to sell privately-owned vehicles. It is not the intent of this section to allow for any form of commercial vehicle sales which are otherwise prohibited by law in the City of Cocoa Beach. For the purposes of these regulations, the word "vehicle" includes any motorized automobile, motorcycle, scooter, golf cart, pickup truck, boat, jet ski, watercraft, aircraft, recreational vehicle, and/or any trailer used to haul vehicles.

B. General.

1. The display of a privately-owned vehicle for sale is allowed only on improved and occupied residential property when the private vehicle to be sold is owned by the residential property owner or occupant.
2. No vehicles offered for sale shall be displayed on any vacant, unimproved, or undeveloped property.

3. On residential properties, the owner of the private vehicle for sale must have a residential occupancy interest on the property where the vehicle is displayed for sale.
4. If the vehicle for sale is displayed on commercial property for a period greater than four (4) hours, the vehicle shall be displayed only when the owner of the vehicle is on the property, and during normal operating hours of the business.
5. Any vehicle for sale must be properly licensed, registered and operable.
6. Only one (1) vehicle offered for sale is allowed on any one (1) parcel at any one (1) time within six (6) calendar months.
7. Vehicles offered for sale shall be displayed in a parking area, and shall not be located on any public right of way, sidewalk, landscape area or buffer.
8. Signage advertising the vehicle for sale shall not be greater than four (4) square feet in total area, and must be affixed inside the vehicle, or in the case of motorcycles, boats, and trailers, securely affixed to the vehicle.

Section 3-46. Dog friendly dining.

Pursuant to F.S. § 509.233(2), there is hereby created in the city, a local exemption procedure to allow patrons' dogs, which is not a service dog, within certain designated outdoor areas of a public food service establishment. Service dogs are provided equal access in compliance with F.S. 413.08.

A. Permit required; submittals.

1. In order to allow a patron's dogs on their premises, a food service establishment shall secure a valid permit issued in accordance with this section.
2. Applications for a permit to meet the requirements of F.S. § 509.233(4)(b), shall include:
 - a. The name, location, and mailing address of the public food service establishment;
 - b. The name, mailing address, and telephone contact information of the permit applicant;
 - c. A diagram and description of the outdoor area designated as available to patrons' dogs, and the boundaries of the designated area and other outdoor dining areas not available for patrons' dogs. The diagram or plan and the dimensions shown shall be accurate but it does not need to be prepared by a design professional; and,
 - d. The days of the week and hours when patrons' dogs are permitted in the area.
3. The city commission may adopt by resolution reasonable fees necessary to:

- a. Recoup the costs of processing the initial application, permitting, and inspections.
- b. Provide for an annual renewal and enforcement.

B. General regulations; cooperation; enforcement.

1. In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued are subject to the requirements contained within F.S. § 509.233(4)(c) and shall include the following:
 - a. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs.
 - b. Waterless hand sanitizer shall be provided at tables in the designated outdoor area.
 - c. Patrons shall keep their dogs on a leash at all times and under control.
 - d. Dogs shall not be allowed on chairs, tables, or other furnishings.
 - e. All table and chair surfaces shall be maintained and kept clean with an approved product between seating of patrons.
 - f. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate cleaning products shall be kept near the designated outdoor area.
 - g. At least one (1) sign reminding patrons and employees of the applicable rules shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and printed in easily legible typeface of not less than twenty (20) point font size.
 - h. A sign shall be posted in a conspicuous and public location near all entrances to the designated area to place patrons on notice that the designated area permits dogs to accompany their owners. The sign shall be a minimum of twelve (12) inches by fifteen (15) inches and printed in easily legible typeface of not less than twenty (20) point font size that "Dogs are permitted in outdoor seating areas."
 - i. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions where dogs are not permitted.
2. A permit issued pursuant to this subsection shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer.
3. Permits shall expire each year, with any required annual renewal fee being due and payable on or before September 30, concurrent with payment of the annual business tax receipt (BTR).

4. Any public food service establishment that fails to comply with the requirements of this section shall be subject to any and all enforcement proceedings consistent with the applicable provisions of city codes and state statutes, as detailed below:
 - a. Failure to follow the procedures required by this subsection shall result in the immediate revocation of the permit, with notice, as prescribed by the code enforcement notification requirements set for in F.S. § 162.12 and shall result in the issuance of a Class III citation in accordance with the city code of ordinances chapter 30.
 - b. A public food service establishment may appeal the revocation of the permit within fifteen (15) calendar days of the receipt of notice of revocation by providing notice of such appeal to the administrator.

Section 3-47 to 3-49. Reserved.

ARTICLE V. - LANDSCAPING AND BUFFER REQUIREMENTS

Section 3-50. Purpose and Intent.

- A. These regulations are enacted by the City of Cocoa Beach for the following purposes:
1. Maintaining and protecting property values;
 2. Providing an acceptable degree of transition between abutting property uses;
 3. Providing appropriate barriers and relief from traffic, noise, heat, glare, and the spread of dust and debris;
 4. Enhancing the visual and aesthetic appearance of the community;
 5. Creating landscape areas of an adequate size to enable plant material to successfully mature; and
 6. Protect local waterways through the development of environmentally sustainable landscaping practices.

Section 3-51. General landscape requirements.

- A. The use of appropriate Florida-Friendly Landscaping (<http://www.floridayards.org/>) is encouraged in order to reduce irrigation needs and to minimize the chemical additives (fertilizers and pesticide) contained in runoff water. The nine principles of this design methodology are as follows:
1. Right Plant, Right Place: Plants selected to suit a specific site will require minimal amounts of water, fertilizers and pesticides.
 2. Water Efficiently: Irrigate only when your lawn needs water. Efficient watering is the key to a healthy yard and conservation of limited resources.
 3. Fertilize Appropriately: Less is often best. Over-use of fertilizers can be hazardous to your yard and the environment.

4. Mulch: Maintain two to three inches of mulch to help retain soil moisture, prevent erosion and suppress weeds.
 5. Attract Wildlife: Plants in your yard that provide food, water and shelter can conserve Florida's diverse wildlife.
 6. Manage Yard Pests Responsibly: Unwise use of pesticides can harm people, pets, beneficial organisms and the environment.
 7. Recycle: Grass clippings, leaves and yard trimmings composted and recycled on site provide nutrients to the soil and reduce waste disposal.
 8. Reduce Stormwater Runoff: Water running off your yard can carry pollutants, such as fertilizer, pesticides, soil and debris that can harm water quality. Reduction of this runoff will help prevent pollution.
 9. Protect the Waterfront: Waterfront property, whether on a river, stream, pond, canal, bay or beach, is very fragile and should be carefully protected to maintain freshwater and marine ecosystems.
- B. Preservation and protection of existing native and non-invasive plant species is required wherever possible. Where additional plants are to be included in an existing landscaped area, there shall be minimum disturbance to native species during the installation of new plant material.
- C. The planting of invasive species, as identified by the University of Florida Institute of Food and Agricultural Sciences (IFAS), is prohibited.
- D. At the time of planning, landscaping shall be in accordance with the following standards:
1. All plants shall be sound, healthy and vigorous, free from mutilation, plant diseases, pest insects or their eggs, or fungus, and shall have healthy root systems.
 2. Diameter at breast height (DBH), as defined in section 1-20, height measurement, bare root and ball dimensions, number of canes, types of vines and ground covers, etc., shall conform to the most recently adopted American Standards for Nursery Stock (ASNS), published by the American Association of Nurserymen, Inc.
 3. Trees shall be installed at a minimum of two (2) inches DBH. Trees shall not be planted any closer than four (4) feet from the edge of any parking areas or within ten (10) feet of any ingress/egress points.
 4. Shrubs shall be planted at a minimum of twelve (12) inches high with eighteen (18) inches of spread for internal landscaped areas of parking lots, and a minimum of twenty-four (24) inches high for landscaped strips between parking areas, and public or private streets.
 5. A continuous hedge shall be a minimum of thirty-six (36) inches high upon planting, or if in a constrained area, twenty-four (24) inches high when permitted and approved by the administrator.

6. Ground covers shall be planted to provide complete coverage within one (1) year.
 7. Grass species shall be those normally grown within the area, and may be sodded or plugged. Sod and/or ground cover plants are required for slopes greater than 4:1 (four horizontal units to one vertical unit).
 8. Installation of all landscaping shall conform to standard acceptable horticultural practices.
 9. Deviations due to topography, building layout, or other special circumstances may be granted by the administrator, on a case-by-case basis subject to meeting the intent of the landscape regulations.
- E. Where it is not possible to retain existing natural ground cover, landscaped areas shall be provided with other acceptable ground cover.
 - F. Landscaping that aids in soil stabilization and protection of local waterways shall be used to minimize potential erosion.
 - G. Landscaping should maximize shading of the lot and off-street parking areas.
 - H. Where berms are used, side slopes shall not exceed 3:1 (three horizontal units to one vertical unit) and the berm shall be completely covered with vegetation.
 - I. Maintenance of all landscaping is required by the property owner. Failure to maintain landscaped areas, keeping plants and underbrush in an orderly and healthy state, is a violation of the International Property Maintenance Code and subject to enforcement as provided for in Chapter 30 of the City's Code of Ordinances.
 - J. Landscaping shall meet the requirements of the sight visibility triangle, as detailed in section 3-07.
 - K. Per State of Florida Statutes, call Sunshine State One (811 or <http://www.callsunshine.com>) 72 hours prior to digging to have all utilities located.
 - L. All automatic in-ground irrigation systems shall have a functioning rain or soil moisture sensor.
 - M. No person shall wash, sweep, or blow off fertilizers, vegetative material, and/or vegetative debris into stormwater drains, ditches, canals, conveyances, water bodies, wetlands, sidewalks or roads. Such practice is punishable under the city code of ordinances chapter 30.
 - N. Fertilizer applications must be in compliance with the fertilizer use requirements provided within the city code of ordinances chapter 28 article V.

Section 3-52. New construction, renovation, or expansion.

- A. As a condition for the issuance of a building permit, all properties undergoing initial development or redevelopment involving construction, renovation, or expansion over fifty (50) percent of the value, as determined by the chief building official (CBO), shall be required to conform to the landscape requirements in this section prior to the issuance of a certificate of occupancy.

- B. Applications for construction, as detailed in subsection A. above, shall include a landscape plan, submitted as part of the site plan transmittal package. Landscape plans shall include:
1. The genus/species, variety, quality and size of plant material proposed for use. Existing native/beneficial vegetation shall be retained wherever possible and accurately shown on the landscape plan.
 2. An irrigation plan, including water supply locations, valve and supply pipe layout, and sprinkler head type and coverage.
 3. The locations of all existing or proposed structures and improvements.
 4. The location of parking area landscaping.
 5. Tree information, including trunk diameter at breast height (DBH), genus/species, and whether containerized or bare root.
 6. Information about the trees to remain onsite, with the protective barrier and drip line locations for each tree, as detailed in section 3-56.
 7. Reasonable measures shall be taken to design and locate the proposed improvements so the number of trees to be removed is minimized. Authorization for removal of a tree shall be granted when one (1) or more of the following conditions exist:
 - a. A permitted use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
 - b. The tree is located in such proximity to an existing or proposed structure that the structural integrity will be materially impaired.
 - c. The tree will interfere with the location or servicing of utility lines or services.
 - d. The tree creates a physical or visual impairment to motor, bicycle, or pedestrian traffic.
 - e. The tree is dead, diseased, or weakened and is likely to cause injury or damage to people, buildings, or other improvements.
 - f. Any law or regulation requires the removal.
 8. The topography of the site shall be shown on the landscape plan.
 9. Use of shade and understory trees.
 - g. Shade trees shall be spaced no closer than 25 feet on center from each other.
 - h. When there are more than five shade trees required on a site, a minimum of two different tree species are required. When more than ten shade trees are required on a site, a minimum of three different tree species are required.

- i. In certain situations, as determined by the administrator, understory trees may be substituted for shade trees at a ratio of 2:1 (two understory for one shade).
 - j. Understory trees shall be used instead of shade trees under and within 15 feet of overhead power lines.
 - k. Shade and understory tree trunks measured from the trunk centerline shall be a minimum distance of four (4) feet from curbs, walks, pavement, walls, and underground utilities.
10. All invasive plant species shall be removed from each site prior to the beginning of construction.
- C. All development shall protect Florida-friendly and non-invasive trees through preservation or replacement in accordance with the city's existing standards and the following criteria:
- 1. One Florida-friendly tree, as listed within the Florida-friendly plant database, is required for each three thousand (3,000) square feet of total land area on the lot being developed. Trees are permitted to be spaced or clustered, as appropriate for the development and dependent on the species of the trees.
- D. Replacement trees shall not be located so as to interfere with underground or overhead utilities.
- E. Replacement trees shall have comparable shade and area of coverage to trees that were removed.
- F. All trees planted shall have a rooting area necessary for the full growth of the tree.
- G. All trees planted shall, in general, not be planted within ten (10) feet of any existing building, within twenty (20) feet of any existing tree, within six (6) feet of any pavement, nor within any utility easement. If space constraints prevent strict adherence to this criteria, an alternative proposal may be presented for consideration by the administrator.
- H. Trees listed on the Florida Exotic Pest Plant Council (FEPPC) Invasive Plant List are prohibited.

Section 3-53. Waterfront properties.

For water-edge properties

- A. The use of any fertilizer is prohibited within 20 feet of the mean high-water level or seawall.
- B. Grading, construction or the clearing of any vegetation other than invasive plants is prohibited within ten (10) feet of the mean high water level or seawall.
- C. The removal of mangroves or subaqueous grasses is prohibited, except as permitted by FDEP.

- D. Berms installed for protecting water bodies must be maintained as designed and permitted.
- E. Natural wetland vegetation should be enhanced with additional plantings. The University of Florida Institute of Food and Agricultural Sciences (IFAS) is an excellent resource on these types of plant material.

Section 3-54. Landscape buffers.

A landscape buffer is designed to provide a barrier or screen between conflicting uses or between commercial and residential zoning districts. The buffer may be comprised wholly of landscaping, or it may also include a fence, wall, hedge, or berm where such additional screening is necessary to achieve the desired degree of buffering.

- A. Landscape buffers which include a fence or wall which is visually opaque shall only be required to be five (5) feet in width, unless otherwise stated. Landscape buffers composed wholly of vegetative plants are required to be a minimum of ten (10) feet wide.
- B. Landscape buffers shall meet the minimum requirements listed in section 3-51, general landscape requirements.
- C. The landscape buffers shall be noted on the landscape plan as part of the site plan transmittal package for review and approval by the administrator or the city commission. Deviations from these landscape design standards and alternative designs will be considered when they are shown to meet the minimum requirements of these standards.
- D. The following uses shall not be allowed in a required buffer: principal or accessory structures, storage facilities, parking facilities, play fields, swimming pools, tennis courts or similar active recreation uses.
- E. Buffers may contain stormwater retention/detention, as long as the required plantings are provided and the landscaping does not interfere with proper functioning of the drainage system and the design water depth does not harm the viability of the plantings.
- F. Buffers shall be located wholly on the property which contains the use it is serving, along the property boundary between the conflicting uses or zoning districts and extending the entire length of the lot. Where an existing utility easement is partially or completely within a required buffer, plantings may be adapted to minimize utility damage within the easement, subject to approval by the administrator.
- G. Shared buffers between adjoining properties shall be considered, provided there is a written/recorded agreement between property owners and the requirements of this section are followed.
- H. Within a proposed mixed-use development, landscape buffers are not required between mixed-uses located on the same lot, or between mixed-uses on adjacent lots under same ownership.

I. Screen fencing for the purposes of buffers, security or protection is permitted within all landscape buffers provided it is constructed in compliance with the following standards:

1. Screen fencing shall be opaque and shall be a minimum of five (5) feet in height.
2. Chain-link fencing with slats is not permitted as an approved form of screen fencing and chain link fencing is prohibited along any property boundaries which abut a street.
3. Wherever a screen fence already exists and is built in accordance with these regulations, and it is located on an abutting lot, a second screen fence shall not be required on the proposed lot for development. Should the existing screen fence on the abutting property ever be removed, the applicant of the proposed lot for development shall, within thirty (30) calendar days, submit a building permit for and construct a screen fence.

Section 3-55. Landscaping in off-street parking areas.

Required landscape buffers and islands within parking areas shall comply with the standards within this section.

A. Development or redevelopment of off-street parking areas shall meet the landscaping requirements detailed below. In the case of redevelopment, when an existing structure is expanded greater than thirty (30) percent of its gross floor area or improved more than fifty (50) percent of the total assessed value, the off-street parking areas shall be brought into compliance with the landscaping and buffer requirements.

B. All landscaped areas serving the parking area shall be protected from encroachment by a curb, wheel stop, or similar barrier.

C. Landscape buffers shall be provided around the perimeter of parking areas abutting public or private rights of way or between any residentially zoned properties. The buffer width shall be a minimum of ten (10) feet without a fence or a minimum of five (5) feet in width with the inclusion of an opaque fence with a height minimum of four (4) feet. The maximum permitted fence height is determined by the requirements of section 3-32.

D. Interior landscaping shall be provided within the guidelines provided below:

1. Interior landscaping, not including the required perimeter buffers, equal to eight (8) percent of the total off-street parking area shall be provided in the interior of the parking area.
2. Interior landscaping shall include at least one (1) tree for every four hundred (400) square feet, or fraction thereof, of interior landscaped area, and they shall be planted in areas capable of sustaining the full growth of the tree species proposed.
3. Landscape islands are required for parking areas with more than one hundred (100) parking spaces to provide relief from a large expanse of paving. These

landscape islands shall count toward the interior landscape requirement of eight (8) percent.

4. For all sites, there shall be no more than twenty (20) consecutive parking spaces without a landscape island. A minimum of one (1) tree shall be planted within each island. The remainder of the island shall be landscaped with grass sod, groundcover or shrubbery.
5. The number of parking spaces may be reduced by the administrator, up to ten (10) percent of the required parking count, if additional landscaping, equal to a minimum of ten (10) percent of the total off-street parking area, is provided. This reduction shall be based on the administrator determination that a parking reduction will not adversely affect the operation of the parking facility.
6. Maintenance of landscaping within parking areas is the responsibility of the property owner. Violations shall be cited under the property maintenance provisions provided within the city code of ordinances chapter 30.

Section 3-56. Tree preservation and protection.

It is the intent of this section to provide regulations to protect and preserve specified tree species, minimize removal of beneficial trees, encourage maintenance of natural vegetation, and offset loss of injury to trees as a result of development.

A. Generally, tree removal is subject to the following:

1. Removal or trimming of trees upon the dunes is prohibited, except as permitted by Florida Department of Environmental Protection (FDEP).
2. Removal or trimming of mangroves is prohibited, except as permitted by FDEP.
3. Trees with active nests of protected or endangered animal species will not be permitted for removal or disturbance until such time as the nest becomes inactive.

B. When proposed tree removal is not part of an approved site plan the following shall apply:

1. Trees which are encroaching into structures, utility installations, or public property are eligible for consideration of a tree removal permit.
2. If the proposed tree to be removed is determined not to be in a location of encroachment, approval for removal is subject to the following:
 - a. Each tree that is removed must be replaced by a tree which shall have comparable shade and area coverage to the tree to be removed.
 - b. The proposed location for replacement trees shall not interfere with utilities, easements, structures, or rights of way.
3. Homeowners who wish to remove individual trees from lots containing existing single family residences or duplexes shall apply for a residential tree removal permit.

4. Owners of commercial or multifamily residential properties shall apply for a commercial tree removal permit.
 5. No tree removal permit shall be required for the following:
 - a. Removal or maintenance of trees located within the public right of way or utility easement when work is done by the city public works department or public utility contractors.
 - b. Removal of invasive or exotic species of trees, as listed on the Florida Exotic Pest Plant Council (FEPPC) Invasive Plant List.
 - c. Removal of dead or diseased trees, after a determination by a certified arborist.
- C. When proposed tree removal is part of a site plan submittal, the requirements found in section 3-52 shall apply.
- D. *Tree protection standards during development.* To assure the health and survival of protected trees that are not to be removed during development activities, trees shall be protected in accordance with the following guidelines and standards:
1. The applicant shall take every precaution possible to prevent the following kinds of tree injuries from occurring during all phases of development: mechanical injury to roots, trunk, and branches; chemical poisoning; and injuries caused by grade changes, excavations or filling, paving, or from equipment or vehicular traffic.
 2. A minimum forty-eight (48) inch high protective barrier, made of wood or other substantial material shall be placed around all protected trees prior to any lot development activities taking place, as follows:
 - a. No closer than twenty (20) feet from a protected tree or encompassing one hundred (100) percent of the area within the tree canopy drip line. The same applies wherever clumps or groups of trees are protected together (See Figure 3-56A).
 - b. The barrier shall be easily seen by equipment operators. Should a barrier make vehicular access to the property impossible, an access route will be allowed, which is no wider than fifteen (15) feet, and no closer than ten (10) feet from any protected tree.
 - c. No attachment, wires (other than properly installed supportive wires), signs, or permits shall be nailed or otherwise fastened to any protected tree and no equipment, materials or debris shall be placed within the protective barrier.
 - d. Landscaping activities within the protective barrier shall be accomplished with light machinery or manual labor.
 - e. Where larger groupings are to be protected, the applicant may instead designate areas large enough to contain the protected trees where no

development activities will occur. The area shall be designated by placing stakes a maximum of twenty (20) feet apart and connecting them with colorful construction type ribbon or tape along the outside perimeter of the tree canopy drip line of all trees being protected within this area.

f. Protective barriers and perimeter lines shall remain until all construction activity within the affected area has concluded.

g. When trees are to be relocated, the roots and canopy shall be pruned according to horticultural best management practices to aid in maintaining tree vigor.

3. Grade changes shall not be made within the canopy drip line unless the following protective measures are taken:

a. Raising the grade:

1) Option #1: Existing sod, vegetation, and leaf litter shall be removed and the soil loosened without injuring the roots. The area within the drip line shall be properly fertilized, in accordance with the city code of ordinances chapter 28 article V.

2) Option #2: Porous drain tiles shall be laid over the soil to drain water away from the trunk, with a drop of at least one-eighth (1/8) inch per foot, and designed to provide adequate drainage of the existing configuration of the trees. The number of drains shall depend upon soil material, where lighter sandy soils or porous gravelly material is located fewer drains are required than nonporous soils. Aeration shall be provided by installing vertical tiles along the system. Vertical tiles shall be filled with gravel and capped with heavy-duty mesh to keep out trash and debris (Figure 3-56C).

3) Option #3: Dry wells shall accommodate the maximum growth of the tree trunk. To prevent washing material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill and be constructed of materials that permit passage of air and water (3-56C).

4) Concrete blocks backed with galvanized screening may be used for the sides of the well. Gratings or barriers shall be used around openings large enough to present a hazard to pedestrians. Open wells should be cleaned regularly to remove sediment, leaves, and debris that might interfere with free passage of air and water.

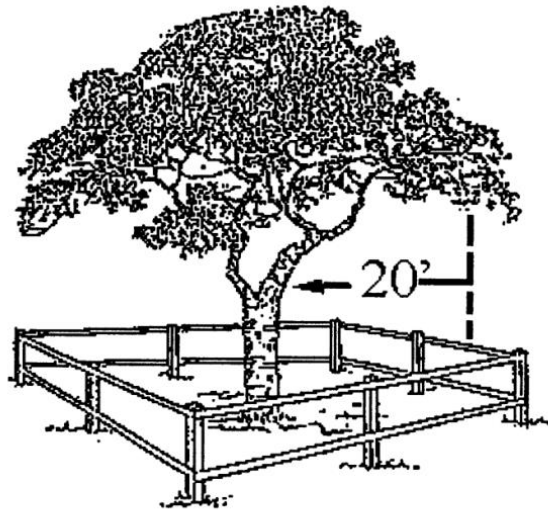
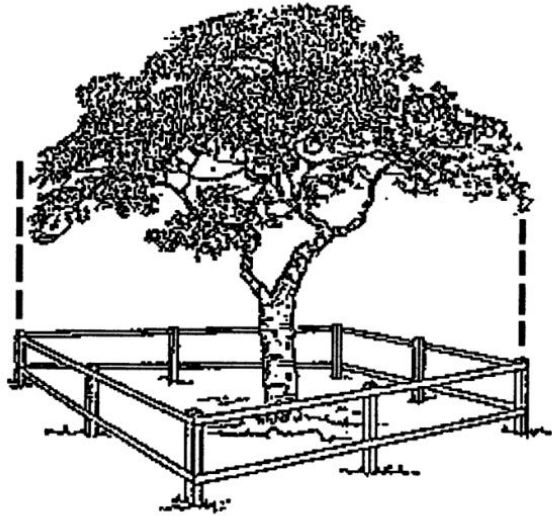
5) Filling. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line. A layer of gravel shall be placed over the stones and fill shall be completed with a layer of porous soil.

b. Lowering the grade:

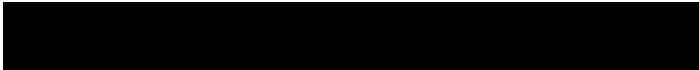
- 1) When lowering the grade of soil around a protected tree, the maximum number of tree roots within the drip line shall be preserved by terracing to leave the area within the drip line at original grade, or adding a dry retaining wall, or a combination of both (3-56B).

[REDACTED]

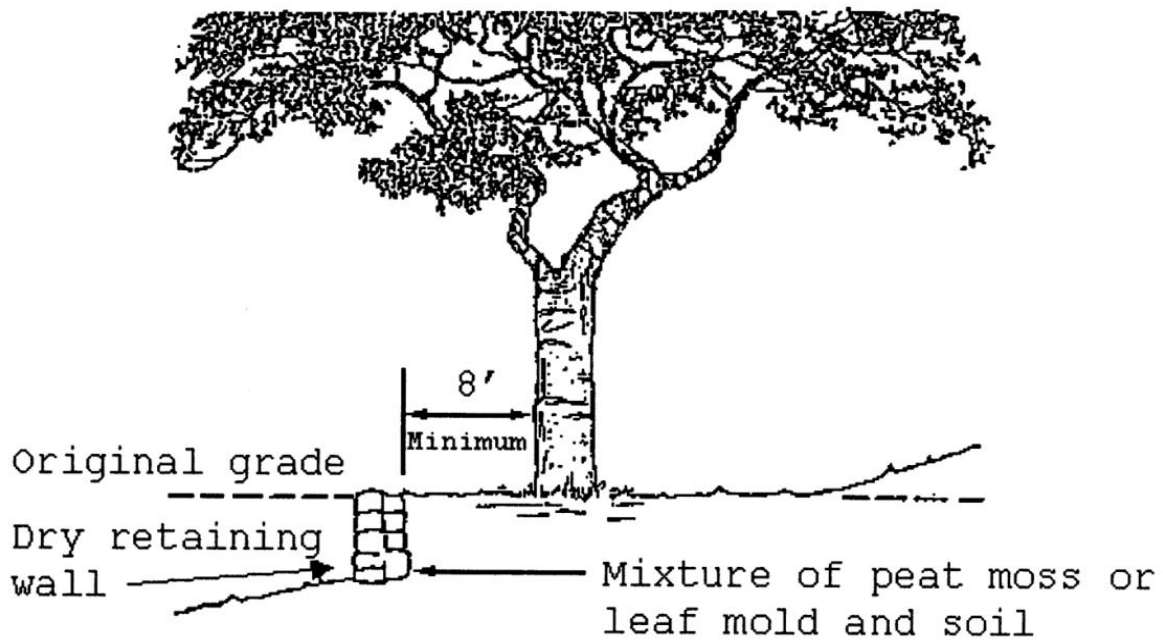
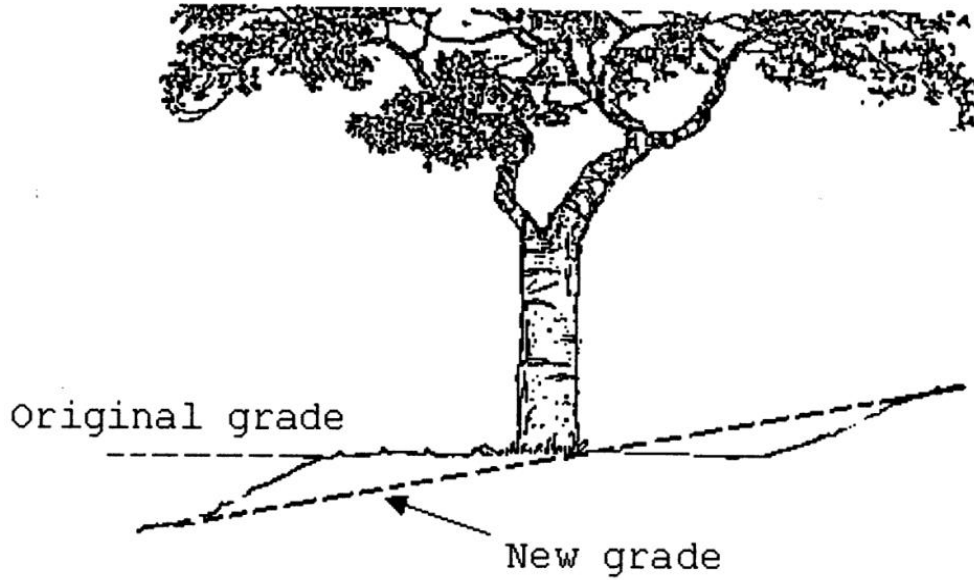
Barricade for tree protection during construction



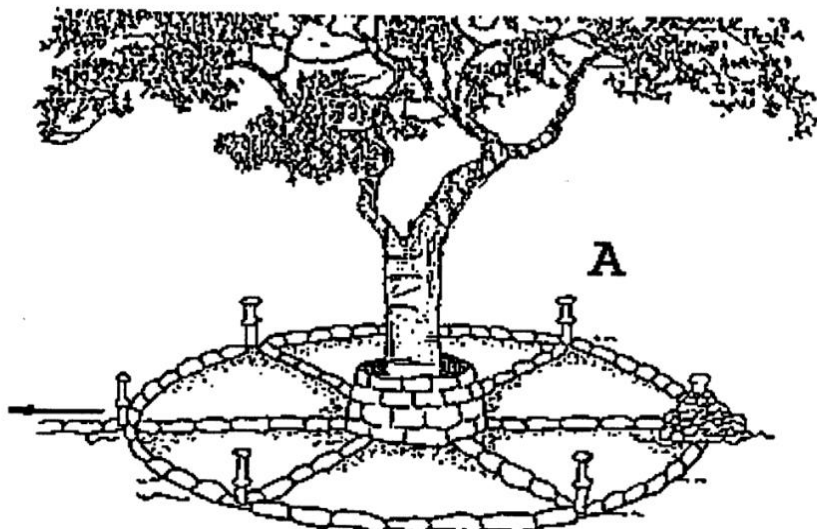
Properly constructed barricade protects the total area within the drip line or a radius of 20' whichever is less



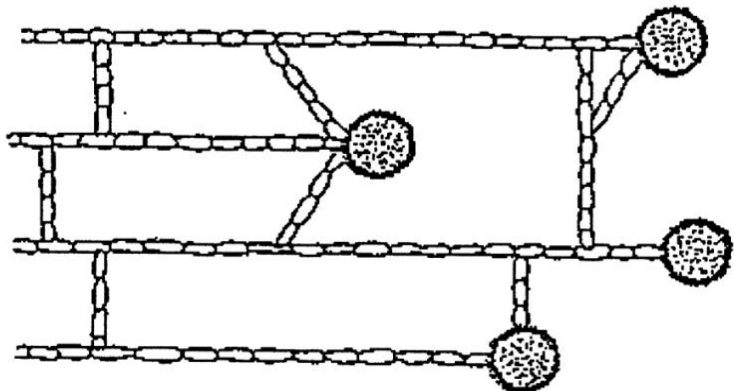
Tree protection



Tree protection



Dry well around tree permits air and water circulation. Tiles on ground are sloped to drain away from trunk and off roots (arrow). Vertical bell tiles (A) are connected with drain to permit additional air circulation: one on the extreme right is held erect by loose stones.



This drawing shows a grid pattern of tiles for draining a strand of trees.

~~Section 3-23.—Tree preservation and reforestation standards.~~

~~All development not exempt from the provisions in section 3-54, shall protect all beneficial, native and non-invasive trees through preservation or replacement in accordance with the city's existing standards and the following criteria:~~

~~A.— One protected tree for each three thousand (3,000) square feet of total land area on the lot being developed. This does not require that each three thousand (3,000) square foot area of the lot must contain a tree, since the total number of trees preserved resulting from this calculation may end up being grouped closer together.~~

~~B.— Protected trees shall be those beneficial, native and non-invasive species of trees, as defined by a Florida licensed arborist, with a trunk circumference of six (6) inches (two (2) inches in diameter) measured at breast height. Protected trees approved for removal shall be replaced with an equal number of trunk circumference or diameter inches.~~

~~C.— Replacement trees shall be the same circumference and diameter as protected trees and at least fifty (50) percent of these trees shall be beneficial trees.~~

~~D.— All replacement trees shall be selected for appropriateness to this area, located to conform to accepted horticultural practice, and comply with general landscape requirements of section 3-51.~~

~~E.— Replacement trees shall not be located as to interfere with underground or overhead utilities.~~

~~F.— Replacement trees shall have equal shade potential and features comparable to trees removed.~~

~~G.— All trees planted shall have a rooting area necessary for the full growth of the tree.~~

~~H.— All trees planted shall, in general, not be planted within ten (10) feet of any existing building or property line, within twenty (20) feet of any existing tree, within six (6) feet of any pavement, nor within any utility easement. If space constraints prevent strict adherence to this criteria, an alternative proposal may be presented for consideration by the administrator.~~

~~I.— Endangered species of trees shall be counted as meeting twice the number of other trees.~~

~~J. — Trees identified as invasive exotic plants as listed within F.S. § 369.251, shall not be planted or utilized. Where nuisance species are present in numbers, up to thirty (30) percent reduction in required replacement circumference may be obtained by eliminating the problem species from the site. Such a request shall be made in writing at the time of site plan submittal.~~

~~K. — As determined by the administrator and in lieu of site tree replacement, the applicant may be permitted to contribute cash to an arbor fund in an amount equal to the value in dollars of the replacement trees, including planting, as prepared by a licensed arborist.~~

~~Section 3-24. — Tree protection standards.~~

~~To assure the health and survival of protected trees that are not to be removed during development activities, trees shall be protected in accordance with the following guidelines and standards:~~

~~A. — The applicant shall take every precaution possible to prevent the following kinds of tree injuries from occurring during all phases of development: mechanical injury to roots, trunk, and branches; chemical poisoning; and injuries caused by grade changes, excavations or filling, paving, or from equipment or vehicular traffic.~~

~~B. — A minimum forty eight (48) inch high protective barrier, made of wood or other substantial material shall be placed around all protected trees prior to any lot development activities taking place, as follows:~~

~~1. — No closer than ten (10) feet from a protected tree or encompassing one hundred (100) percent of the area within the tree canopy drip line. The same applies wherever clumps or groups of trees are protected together (See Figure 4-5).~~

~~2. — The barrier shall be easily seen by equipment operators. Should a barrier make vehicular access to the property impossible, an access route will be allowed which is no wider than fifteen (15) feet, and no closer than ten (10) feet from any protected tree.~~

~~C. — No attachment, wires (other than properly installed supportive wires), signs, or permits shall be nailed or otherwise fastened to any protected tree and no equipment, materials or debris shall be placed within the protective barrier.~~

~~D. — Landscaping activities within the protective barrier shall be accomplished with light machinery or manual labor.~~

~~E. — In lieu of constructing the barriers above, the applicant may instead designate areas large enough to contain the protected trees where no development activities will~~

~~occur. The area shall be designated by placing stakes a maximum of twenty (20) feet apart and connecting them with colorful construction type ribbon or tape along the outside perimeter of the tree canopy drip line of all trees being protected within this area.~~

~~F. Protective barriers and perimeter lines shall remain until all construction activity has concluded.~~

~~G. Because changes in soil grade within the canopy drip line of trees can cause extensive root damage and death within the first two (2) years, grade changes shall not be made within the canopy drip line unless, the following protective measures are taken:~~

~~1. Raising the grade:~~

~~a. Option #1: Existing sod, vegetation, and leaf litter shall be removed and the soil loosened without injuring the roots. The area within the drip line shall be properly fertilized to improve the vigor and growth of the roots.~~

~~b. Option #2: Porous drain tiles shall be laid over the soil to drain water away from the trunk, with a drop of at least one eighth (1/8) inch per foot, and be designed to provide adequate drainage of the existing configuration of the trees. The number of drains shall depend upon soil material, where lighter sandy soils and porous gravelly material require fewer drains than nonporous soils. Aeration shall be provided by installing vertical tiles along the system. Vertical tiles shall be filled with gravel and capped with heavy duty mesh to keep out trash and debris (See Figures 5-57A-C).~~

~~c. Option #3: Dry wells shall accommodate the maximum growth of the tree trunk. To prevent washing material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill and be constructed of materials that permit passage of air and water (See Figures 5-57A-C).~~

~~d. Concrete blocks backed with galvanized screening may be used for the sides of the well. Gratings or barriers shall be used around openings large enough to present a hazard to pedestrians. Open wells should be cleaned regularly to remove sediment, leaves, and debris that might interfere with free passage of air and water.~~

~~e. Filling. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line. A layer of gravel shall be placed over the stones and fill shall be completed with a layer of porous soil (See Figures 5-57A-C).~~

~~2. Lowering the grade:~~

~~a. When lowering the grade of soil around a protected tree, the maximum number of tree roots within the drip line shall be preserved by terracing to leave the area within the drip line at original grade, or adding a dry retaining wall, or a combination of both.~~

~~b. In addition to the above, roots shall be cut cleanly and trimmed after excavation and the canopy shall be pruned to aid in maintaining tree v~~

Section 3-57 to 3-59. Reserved.

ARTICLE VI. - OUTDOOR LIGHTING

Section 3-60. Purpose and intent.

A. The purpose and intent of this section is as follows:

1. Protect against direct glare and excessive lighting;
2. Eliminate the increase of lighting levels on competing sites;
3. Provide safe roadways for motorists, cyclists and pedestrians;
4. Prevent light trespass in all areas, especially onto the beach, and on residentially zoned property;
5. Promote efficient and cost effective lighting to conserve valuable natural resources;
6. Ensure that sufficient lighting can be provided where needed to promote safety and security;
7. Provide lighting guidelines; and,
8. Guide property owners/occupants on how to bring nonconforming lighting into compliance.

Section 3-61. Light trespass and glare control.

A. All light fixtures, except street lighting, shall be located, designed, aimed, shielded, installed, and maintained to limit illumination only to the target area where the fixture exists, and to minimize light trespass onto any adjacent, abutting or neighboring properties.

B. All lighting shall be directed to avoid producing light source glare and shall not become a nuisance or safety hazard.

C. Site lighting fixtures, whether mounted on structures, roofs, or poles, shall be shielded, and angled downward, so that the light shines at a maximum of minus sixty-two (-62) degrees as measured from the horizontal line created from the center of the light fixture down to the ground. The light shall not cause glare or light trespass on any adjacent, abutting or neighboring properties.

D. With the exception of lighting for flagpoles and low wattage landscape lighting, all commercial lighting shall be angled downward, and only on the intended site.

E. Accent lighting, such as rope or string lighting, shall be shielded to eliminate glare but still provide illumination.

Section 3-62. Reserved.

Section 3-63. Commercial business lighting.

A. Lighting plan review and permit.

1. Permit required. All commercial electrical installations, including lighting, require a permit and all installations must be performed by a licensed electrical contractor.
2. New site plan. When a new site plan is proposed which includes site lighting installations, the applicant must submit a lighting plan in compliance with the regulations within this section.

B. Design standards.

1. When a commercial site abuts residentially zoned property the lighting must be designed and installed to direct light onsite only and completely away from the residential property.
2. All site lighting, and specifically illumination for parking areas, shall be planned and installed to be as minimally intrusive to residentially zoned property as possible.
3. Designed illumination levels shall not exceed two (2) footcandles at the property line.

Section 3-64. Beachfront lighting standards.

In order to provide the highest level of protection for nesting marine turtles and their hatchlings, and in compliance with the Marine Turtle Protection Act Florida Statute 379.2431, the following standards are required for artificial lighting within three hundred (300) feet of the beach dune line.

A. Exterior artificial light fixtures shall be designed and positioned so that:

1. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
2. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
3. Areas seaward of the frontal dune are not cumulatively illuminated.
4. All lighting lumens shall fall to zero at the dune line.

B. Exterior artificial light within direct line-of-sight of the beach shall have fixtures which are completely shielded or recessed with non-reflective interior surfaces. Bulbs shall be turtle friendly amber or red LED, as approved by the Florida Fish and Wildlife Conservation Commission (FWC).

C. All fixtures shall be mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures.

- D. Floodlights, uplights or spotlights for decorative and accent purposes that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, are prohibited.
- E. Exterior lights used expressly for safety or security purposes, with an illumination maximum of five (5) footcandles, shall be limited to the minimum number and configuration required. The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are preferred.
- F. Only low intensity lighting, as detailed in subsection B. above, shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
1. Set on a base which raises the source of light no higher than 48 inches off the ground; and
 2. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.
- G. Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.
- H. Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long-term damage to the dune system.
- I. Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.
- J. Existing lighting installations shall incorporate one or more of the following measures to eliminate the negative effects of exterior artificial lighting:
1. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
 2. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
 3. Replace traditional light bulbs with low wattage turtle friendly bulbs, such as amber or red LED or similar, as approved by the Florida Fish and Wildlife Conservation Commission (FWC);
 4. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 5. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so

that the light source or any reflective surface of the light fixture is not visible from the beach;

6. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

7. Replace existing bulbs with the lowest wattage lighting possible for the specific application;

8. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;

9. Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach/dune system;

10. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.

K. One or more of the following measures shall be taken to eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:

1. Rearrange lamps and other moveable fixtures away from windows;

2. Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; and

3. Turn off unnecessary lights.

Section 3-65. Waterway lighting.

The intent of this section is to prevent lighting that trespasses onto waterways, causes water surface reflections, and/or in any way hinders or interferes with a boater's ability to visually locate and access universal navigation markers at night.

A. All shoreline lights in navigable waterways shall either be installed new, and/or retrofitted to effectively be redirected or shielded to remove all non-target lighting and water surface reflections away from waterway and universal navigation markers.

B. Discontinue, redirect or shield all unnecessary shoreline lighting to improve visibility of the universal navigation markers whenever deemed necessary by the code enforcement officer or city police.

C. Violations and enforcement.

1. It shall be unlawful to install, erect, construct, enlarge, alter, repair, move, improve, convert, or operate a light fixture in violation of this section.

2. The city shall require corrective action for any lighting installation that becomes nonconforming, due to damage or lack of maintenance.

3. Violations and enforcement of these provisions shall be in accordance with those procedures identified in the city code of ordinance chapter 30.

Section 3-66 to 3-69. Reserved

~~ARTICLE VI. – SUPPLEMENTAL DESIGN STANDARDS~~

~~Section 3-29. – Purpose.~~

~~The purpose of this article is to establish design standards for the development and subdivision of real estate within the city in an effort to insure the orderly layout and appropriate use of lands; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which help conserve and protect the physical and economic resources of the city; and promote the public health, safety, and general welfare.~~

~~Section 3-30. – Streets.~~

~~A. – *General requirements:*~~

- ~~1. The design of all proposed streets and bridges shall be in conformity with the city design standards and approved by the city engineer.~~
- ~~2. If an extension of a city street is required, for instance, to provide access to an adjoining property, the extension shall be approved by the city engineer and then by the planning board and city commission.~~
- ~~3. There shall be no private streets or reserve strips platted in any subdivision.~~
- ~~4. Where a subdivision borders on or contains a major street or thoroughfare, ancillary streets may be required to limit access to the major thoroughfare. A landscaped or decorative buffer may be required in connection with such subdivisions.~~
- ~~5. Prior to the development of any lot, said lot shall be connected to the city's street system by roadways and bridges to provide access for emergency service and utility service vehicles. The streets shall be subject to review of the LDC and shall be constructed to the city design standards at the developer's expense.~~

~~B. *Street names.* Proposed streets, which are in alignment with others existing and named, shall bear the assigned name of the existing streets, with the same spelling. In no case shall the name for a proposed street duplicate or be phonetically similar to existing street names, and the street shall also be designated the same as the existing streets, such as street, avenue, boulevard, etc. Street names shall require the approval of the city commission, E-911 addressing for Brevard County, and the postmaster of the U.S. Postal Office, Cocoa Beach.~~

~~C. *Alleys.* Alleys may be required in a neighborhood or commercial plan to the rear of lots used for other than residential purposes. Alleys are prohibited in residential blocks unless such are recommended by the planning board, and approved by the city commission.~~

~~Section 3-31. – Sidewalks and bike paths.~~

- ~~A. *General.* At a minimum, sidewalks shall be constructed on one (1) side of all public streets, as indicated on the city Comprehensive Plan sidewalk/bike path master plan, unless exempt as written below. Bicycle paths may be required by the city when the bicycle path would be part of an adopted plan or system. Sidewalks and bicycle paths shall be located within the right of way, or dedicated easement, and constructed in accordance with the city design standards.~~
- ~~B. *Exemptions.* Sidewalks must be constructed in accordance with subsection A., above, at the time of property development or redevelopment. In the circumstances below, sidewalk or bike path construction may not be required.~~
- ~~1. Development or redevelopment of single family or duplex residential lots, where sidewalks do not exist on the street.~~
 - ~~2. When the city's sidewalk/bike path master plan does not identify future sidewalk improvements for the street.~~
- ~~C. *Repair required.* When a public sidewalk exists, the landowner is responsible for any repair or replacement of sidewalk or bike path which is damaged by the landowner or builder.~~
- ~~D. *Future capital improvements.* The city's public works department is responsible for the review and implementation of all bicycle paths and sidewalks in conformance with the city's sidewalk/bike path master plan.~~

~~Section 3-32. Visibility at intersections.~~

~~Intersections shall be free of visual obstructions and comply with the standards and details described in Index 546 of the Florida Department of Transportation's Design Standards, latest edition for sight distance standards for State Routes A1A and 520 only. Visibility at intersections of city streets, such as collectors and local streets shall be as approved by the city engineer, based on the specific traffic counts, speed limits, street width and other design considerations present at the development.~~

~~Section 3-33. Bridges.~~

~~Bridges shall be constructed in accordance with the city standard construction details.~~

~~Section 3-34. Waterfront developments.~~

~~Development on waterways and canals shall comply with the following requirements:~~

- ~~A. *Dredge, fill and excavation permits.* Before any work can be done by an applicant for any dredge, fill or excavation work, the proper city permits shall be obtained. The chief building official shall strictly enforce this requirement and shall promptly charge a violator with a notice of violation after a two-day notice has been provided to the applicant to cease such work.~~
- ~~B. *Canals and waterways.* Canals shall be constructed to a minimum width of one hundred (100) feet. Waterways shall be constructed to a minimum width of two hundred (200) feet. A minimum depth of minus nine (9) feet from mean sea~~

~~level for a continuous bottom width of twenty (20) feet shall be required at the center section of all canals and waterways. When possible, canals and waterways shall provide for adequate flushing action by variable winds.~~

- ~~C. *Mangroves.* Land development shall be conducted in such a manner so as to not destroy, remove or injure existing mangroves.~~

~~Section 3-35. Seawalls.~~

~~A seawall may be installed to protect land from water action and erosion, but shall be designed and installed to city requirements and a city permit shall be required and approved by the city prior to construction.~~

- ~~1. *Atlantic Ocean.* It shall be unlawful to build, construct or alter any seawall or revetment fronting along the Atlantic Ocean without obtaining a variance and permit from the Department of Environmental Protection (DEP) and a city building permit. All such work shall be to the standards approved by the DEP. All work will be done under the supervision of a registered professional engineer.~~
- ~~2. *Canals and rivers.* Seawalls along canals and rivers shall be constructed in accordance with the city design standards.~~
- ~~3. *Reconstruction.* Reconstruction of an existing seawall shall be constructed in accordance with the city design standards. All unnecessary material remaining shall be removed from the site.~~
- ~~4. *State permit required.* When a permit from a state regulating agency is required for construction of any aforesaid structure, the application may be submitted concurrently to the city.~~

~~Section 3-36. Yards.~~

~~Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for normal architectural features attached to a building which shall not extend into the required yard more than thirty (30) inches. This does not apply to fences, swimming pool enclosures, accessory structures or any air conditioning or required mechanical equipment located in any required side or rear yard. No stairways, balconies or fire escapes shall project beyond any building setback line.~~

- ~~B. On double frontage lots, the required front yard shall be provided on each street, unless otherwise provided by these regulations.~~

- ~~C. Whenever the rear of a lot abuts a public alley, one-half (½) of the alley width up to ten (10) feet may be considered as a portion of the required rear yard.~~

~~Section 3-37. Lots.~~

~~All lots shall front onto a public street. Double frontage lots shall be avoided except where the rear yard abuts an arterial or collector street, in which case, access to the arterial or collector street shall be prohibited by a deed restriction. Where land is subdivided into larger than normal lots, such lots shall be arranged to allow for the opening of future streets and logical further subdivision. Residential lots shall comply~~

with the requirements of these regulations as to width, depth and area. In addition, the following requirements shall apply to residential lots:

- A. ~~Width.~~ All lots fronting onto a curve shall have the minimum width needed to build the principle structure, if required at that location on the lot. Corner lots shall be fifteen (15) percent greater in width and area than interior lots.
- B. ~~Orientation.~~ Side lot lines shall be substantially at right angles or radial to street lines.

Section 3-38. ~~Blocks.~~

The maximum and minimum lengths and widths of blocks shall be as follows:

- A. ~~Length.~~ Block lengths including landfill fingers shall not exceed one thousand five hundred (1,500) feet nor be less than five hundred (500) feet. Where deemed necessary by the city engineer, a pedestrian crosswalk of at least eight (8) feet in width shall be provided.
- B. ~~Width.~~ Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth. Blocks may consist of single tier lots where such are required to separate residential development from through vehicular traffic or nonresidential uses and on landfill fingers.
- C. ~~Nonresidential blocks.~~ Such blocks shall require a length sufficient to serve the intended use without adversely affecting traffic circulation of existing or proposed surrounding streets. The width shall be sufficient to provide adequate service areas and parking without requiring excessive points of ingress and egress on abutting streets, or requiring vehicular maneuvering on public rights-of-way. Lots with such blocks shall require a common vehicular access easement dedicated to the use, maintenance and benefit of all lots within the block, or a marginal access street shall be provided, to prevent points of ingress and egress from each lot to the abutting street.

Section 3-39. ~~Easements.~~

Utility and other easements shall be provided as follows:

- A. ~~Utility easements centered on rear or side lot lines shall be provided and be at least fifteen (15) feet in width or as determined necessary by the city engineer.~~
- B. ~~Contingency easements centered on side lot lines of every lot shall be at least five (5) feet in width for the purpose of repair, extension or maintenance of public facilities and utilities by public agencies; and, may be shown on the plat by note.~~
- C. ~~As determined by the city engineer to ensure retaining and continued operation of an easement which may be required shall be designated as "to remain unobstructed."~~
- E. D. ~~The city is empowered to prohibit structures in easements. Under certain circumstances the city may allow fences or other removable structures in~~

~~easements, if requested, only after review and approval by the city public works, stormwater, and water reclamation departments.~~

~~Section 3-40. – Utilities.~~

~~A. The utility services of water, sewer and stormwater distribution systems, natural gas, electric, telephone, television cable, and others shall be installed and connected to existing utilities at the applicant's expense. Any necessary lift stations, increase in capacity of existing lift stations or existing sewer lines occasioned by the proposed development shall be done at the applicant's expense. No package treatment plants shall be permitted.~~

~~C. B. All new utility services shall be installed underground from the nearest main line service point to the structure or property improvement. Exemption may be authorized by the chief building official when the main line service point is in a location not suitable for future underground main line service.~~

~~Section 3-41. – Requirements for utility construction.~~

~~Within those areas of the city designated as special flood hazard areas, no new or replacement water supply system or sanitary sewer system shall be installed unless they are designed to prevent infiltration and exfiltration during a flood event. Mechanical systems and equipment and other service facilities shall be designed or located so as to prevent water from entering and/or accumulating within the components during a flood event.~~

~~Section 3-42. – Public sites and open spaces.~~

~~Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a proposed subdivision, the planning board and city commission may require the dedication or reservation of such areas. A site of three (3) acres shall be considered minimum.~~

~~Cul-de-sac and other traffic islands shall be landscaped in accordance with the city's landscaping and beautification requirements or ordinances. Maintenance of such areas shall be the responsibility of the property owners association.~~

~~Where deemed essential by the planning board and approved by the city commission, in large scale subdivisions or developments not anticipated by the Comprehensive Plan, the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks and for other neighborhood purposes may be required.~~

~~**ARTICLE VII. – STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL**~~

~~Section 3-43. – Stormwater management exemptions.~~

~~For the purposes of this section, the following activities may be exempt from further consideration under the provisions set forth herein if so determined by the chief building official:~~

- ~~A. Agricultural land uses, where no artificial drainage system will be used to increase the flow of water from the land.~~
- ~~B. Maintenance work done on existing and previously permitted stormwater management systems.~~
- ~~C. Any alteration, reconstruction or improvement to an existing, previously permitted or established structure or system not materially changing or affecting the rate or volume of stormwater runoff.~~
- ~~D. Investigative work such as topographical surveys and soil testing.~~
- ~~E. The above exemptions are subject to all laws and requirements outside of the LDC, such as: (Florida law requires a landowner to accept surface water from higher elevation lands that it received historically before the upstream land was first developed. In turn, the landowner is permitted to discharge all naturally occurring surface water originating from his land, including water that has discharged onto his land from upper lands above his property.~~

~~Section 3-44. Stormwater management prohibitions.~~

~~No person may subdivide or make any changes in the use of land; construct or reconstruct a structure or change the size of a structure, unless exempted in section 3-43; or conduct any activities, including those listed below, which may alter or disrupt existing stormwater runoff patterns, without first submitting a stormwater management plan for review and approval by the city engineer, prior to obtaining a building permit for construction.~~

- ~~A. Clearing and/or drainage of land, including the removal or moving of earth on a parcel.~~
- ~~Converting agricultural land to nonagricultural uses.~~
- ~~B. Re-platting recorded subdivisions and development of recorded and unrecorded subdivisions.~~
- ~~C. Altering the shoreline or banks of any surface water body.~~
- ~~D. Altering any structures, ditches, terraces, berms, swales or other stormwater management facility.~~
- ~~E. Altering the impervious area of any tract, lot or parcel of land.~~
- ~~F. Any operation that would materially affect the location of the established, natural water table.~~

~~Section 3-45. Stormwater management requirements.~~

- ~~A. New development or redevelopment will be designed to prevent flooding of the intended lot without negatively impacting or discharging into adjacent lots or the city's stormwater system or roadway, except during a hurricane or storm event. All stormwater facilities shall incorporate designs certified by a professional engineer registered in the State of Florida, in accordance with the city standard construction details, for review and approval by the city engineer, and any other~~

~~agencies which may have jurisdiction. Erosion and sediment control best management practices shall be used prior to and during construction to retain sediment on site.~~

~~B. A. The proposed stormwater system should attempt to utilize low impact development (LID) design techniques where practical and feasible. Examples of LID include, but are not limited to, permeable pavement, vegetated swales, green roof systems, bio-retention basins or rain gardens and stormwater harvesting or reuse. The city engineer will review and approve the LID design.~~

~~C. B. Side slopes for retention/detention areas shall have at least a ratio of four (4) horizontal to one (1) vertical. Ponds with steeper than 4:1 side slopes shall be fenced to prevent access by the public.~~

~~D. C. No surface or stormwater shall be directed into a sanitary sewer system.~~

~~E. D. All stormwater management plans shall conform to the city stormwater master _____ plan.~~

~~Section 3-46. Contents of stormwater management plan.~~

~~A. It is the responsibility of the applicant to include in the stormwater management plan sufficient information for the city to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions and explanations and citations to supporting references, as appropriate to communicate the information required by this section. The plan shall meet the most recently adopted submittal requirements of the SJRWMD unless determined otherwise by the city engineer. Upon review of the plan, the city engineer may waive certain requirements or may request additional information which they deem necessary to make a reasonable evaluation of the proposal.~~

~~Section 3-47. Stormwater management facility maintenance.~~

~~A. Prior to the issuance of a building permit, a written maintenance plan shall be submitted to the city containing documentation sufficient to name the legal entity empowered and obligated to perpetually maintain the stormwater management facilities.~~

~~1. B. The legal entity shall execute and record a document acceptable to the city attorney and city engineer, which defines: its authority and responsibility for maintenance of the stormwater management system; how the maintenance is to be performed; and, provides a legal mechanism assuring the perpetuation of the maintenance.~~

~~C. Maintenance of stormwater facilities shall include the performance of the system as originally designed and permitted by the city and/or appropriate governmental agencies and as stated in the written plan.~~

~~D. If inspection reveals that the legal entity is not maintaining the system in accordance with this section, the city shall have legal remedies for corrective action under City Code chapter 31.~~

~~Section 3-48. Requirements for redevelopment or renovation of a stormwater management facility.~~

~~Any redevelopment or renovation projects that require the alteration of the majority of an existing site (greater than fifty (50) percent) shall conform to all drainage requirements of these regulations.~~

~~Section 3-49. Erosion and sediment control.~~

~~A. *Purpose and intent.* The purpose of this section is to minimize or eliminate sediment transport and deposition into the air and/or water within the city and to ensure compliance with the city's NPDES MS4 stormwater permit. Implementation of this section is through the development services and public works departments with support from the fire and police departments in order to protect environmental resources, while allowing responsible development.~~

~~B. *Scope.* Any person proposing a land disturbance activity within the city shall apply for the approval of a stormwater pollution prevention plan (SWPPP) that is specifically designed for any activity that is permitted through development services and/or public works. The rules, definitions and regulations established by the Environmental Protection Agency's (EPA) NPDES program shall be adhered to for compliance with the Federal Clean Water Act. This may include but is not limited to: typical construction sites, utilities/right-of-way public construction, roadway construction, waterway construction (seawall, dock, canal/lagoon construction), small residential building permits (e.g., driveways, pools, additions, major landscaping modifications). Land disturbing activities that do not require a permit must conduct those activities in a manner so that local, state and federal water quality standards are met. For purposes of administering this section, the exemptions set forth in section 3-43 are not applicable, and all applicable provisions of this section shall prevail when there is any land disturbance activity.~~

~~C. *Definitions.* Please reference the EPA NPDES program for all appropriate stormwater definitions.~~

~~D. *Site plan and applicable building permits requirements.* All site development plans, subdivision plans, and building permits which will cause land disturbance activity will be designed with sound engineering practices and will reference the Florida Development Manual: A Guide to Sound Land and Water Management (DEP 1988) and the State of Florida's Erosion and Sediment Control Manual for Designer and Reviewers (DEP/DOT/UCF, et al 2007).~~

~~1. All submitted site plans, subdivision plans, and applicable building permits shall include a complete erosion and sediment control component for the development.~~

~~2. *General provisions:*~~

- ~~a. Applicant will install and maintain proper construction waste management best management practices (BMPs) throughout the construction site for the life of the project.~~
- ~~b. Applicant will take actions to limit the amount of disturbed area and will conduct business to limit the duration of the land disturbance by phasing construction and stabilizing areas as soon as possible.~~
- ~~c. BMPs are implemented and city inspection is required prior to land disturbance.~~
- ~~d. Erosion and sediment controls are installed and maintained properly to eliminate off site impacts until final stabilization is reached.~~
- ~~e. If the site requires a NPDES generic construction permit, the applicant submits a copy of the signed NOI to the city.~~
- ~~f. A properly designed and implemented NPDES generic construction permit SWPPP will suffice to comply with this section and must be submitted for approval by city engineer.~~
- ~~g. The SWPPP must be kept on site and made available to city inspectors during construction activities.~~
- ~~h. Inspections required weekly and within twenty four (24) hours after a 0.5-inch rain event.~~
- ~~i. Applicant designates a qualified inspector to inspect site for erosion and sediment control and stormwater pollution prevention performance and records condition of controls in a standard stormwater, erosion and sediment control inspection report.~~
- ~~j. Weekly inspection reports shall be kept on site for the duration of construction activities.~~
- ~~k. Maintenance activities required to correct BMP failures must be implemented before the next rain event and in no case later than twenty-four (24) hours from being identified on the inspection report.~~
- ~~l. Any off site impacts will be corrected immediately (sediment removed from roadways, storm inlets, storm pipes, canals, etc.) by applicant.~~
- ~~m. Applicant will develop contingency plans for city approval which deals with all weather conditions, including severe rain events which may occur repeatedly throughout the year.~~

~~E. *Authority and enforcement.*~~

- ~~1. The City of Cocoa Beach must comply with the federal NPDES MS4 permit, which requires the city to eliminate or minimize the amount of pollutants entering the city's storm sewer system and waterbodies. The city's administrator and city engineer have the authority to inspect and enforce this section in accordance with City Code.~~

~~2. Stop-work order; revocation of permit. In the event that any site development permit holder violates the terms of the permit, or implements any site development which adversely affect the health, welfare, or safety of persons residing or working in the city, or who damages property or improvements under the city's jurisdiction, the development services department may suspend or revoke any city issued permit.~~

~~1. Any person responsible for pollutant discharge into any natural waters or stormwater systems and who fails to correct any prohibited condition or discontinue any prohibited activity at the city's request shall be responsible to pay the necessary expenses incurred by the city in carrying out the pollution abatement, including any expenses incurred in testing, measuring, sampling, collecting, removing, containing, treating, and disposing of the pollutant materials.~~

~~F. Exemptions. Minor landscaping, repairs, or improvements on single family and duplex residential lots shall be exempt from the requirements of this section, unless in the opinion of the building official or city engineer such undertakings are likely to constitute a land disturbance activity, then the owner shall be required to comply with this section.~~

~~G. Violation and penalties. It shall be unlawful for any person to violate or fail to comply with any provisions of the regulations of this section, or such violation shall be enforced as follows:~~

~~1. The issuance of a Class III citation in accordance with City Code chapter 31; or~~

~~2. Enforcement by other means including, but not limited to: a summons; a notice to appear in the county or circuit court; an arrest; an action before the code enforcement special magistrate and/or board; or a civil action for injunctive relief; or~~

~~3. Punished in accordance with general penalty set forth in City Code section 1-8.~~

~~Each such person shall be considered guilty of a separate offense for each and every day or portion thereof where any violations of any of the provisions of this code are committed or continued. Nothing herein contained shall prevent the city manager or his designee from taking such other lawful actions as is necessary to prevent or remedy any violation.~~

~~Sections 3-50—3-52. – Reserved.~~

ARTICLE VIII. - SANITARY SEWER

Section 3-7053. –~~Area of authority~~Sanitary sewer connection requirements.

All buildings or structures within the city wastewater district shall connect to the Cocoa Beach wastewater system, in accordance with the guidelines listed below.

A. It shall be unlawful for any person owning or occupying any structure situated within the City of Cocoa Beach corporate limits to connect to or use any means

or methods for collection, purification, treatment or disposal of sewage other than through the city sanitary sewer system.

- B. The lateral connection pipe, leading from the structure to the city main, shall be maintained by the property owner in a manner so as to prevent materials such as sand, grit, gravel, roots or groundwater from entering the main and causing damage to city lines and pumping facilities.
- C. Where sewer service is requested beyond the limits of the city collection system, the applicant shall pay all costs for such extension including any pumping stations required. All such extensions will have plans and specifications prepared by a Florida registered engineer and approved by the city engineer before any extension is made.
- D. It shall be unlawful for any person to tap, cut or in any way use any line, branch or part of the city sewage collection and sewage treatment facilities without an approved building permit issued by the city. The applicant shall pay all rates and charges required by the city for the use of such facilities.
- E. Installation or replacement of a septic tank on any properties within the City of Cocoa Beach is prohibited.
- A.F. It shall be unlawful to install or permit to be installed any inside, drop-type connections to any sanitary sewer manhole within the city sanitary sewer system without an approved city building permit.

Section 3-7157. –Prohibited wastes generally.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, roof runoff, groundwater, swimming pool water, subsurface drainage, cooling water of any type, industrial, or ~~unpolluted~~ commercial water into any sanitary sewer.
- B. ~~Nor~~ No person shall ~~any person~~ discharge or cause to be discharged any sanitary wastewater into the storm sewer system.

~~It shall be unlawful for any person owning or occupying any building or structure situated on lands within the city wastewater district or area of authority and which can use the facilities and services of the city sanitary sewer system, to connect to or use any means or methods for collection, purification, treatment or disposal of sewage from said building or structure other than the city sanitary sewer system.~~

- ~~A. All buildings or structures within the city wastewater district or area shall connect to this system in accordance with the regulations and guidelines located herein. The lateral connection pipe leading from the plumbing to the city main, shall be maintained by the property owner in a proper manner so as to prevent materials such as sand, grit, gravel, roots or excessive groundwater from entering said main therefore causing damage to city lines and pumping facilities.~~
- ~~B. Where sewer service is requested beyond the limits of the city collection system, the applicant shall pay all costs for such extension including any pumping stations required. All such extensions will have plans and specifications prepared~~

~~by a registered engineer and approved by the city engineer before any extension is made.~~

~~C. No person shall connect into any city owned sewer without the written consent of the city, and then said connection shall be made under the direction and supervision of the city.~~

~~D. Whenever an existing sewer system is to be connected to the city sewer system, the applicant shall notify the city in writing. Any connection without prior written approval from the city shall, upon conviction, be subject to the penalties hereinafter provided.~~

~~E. It shall be unlawful for any person to tap, cut or in any way use any line, branch or part of the city sewage collection and sewage treatment facilities without a written permit issued by the city. The applicant shall pay all rates and charges required by the city for the use of such facilities.~~

~~Every residence and building built or remodeled in which humans reside, are employed or congregate, shall be required to have a sanitary method of disposing of human excrement, namely either a sanitary water closet connected to the city sewer, or another city approved disposal system.~~

~~Section 3-54. – Notice to connect.~~

~~The requirements contained in this section shall not apply to the owner or occupant of a building or structure until thirty (30) days after receipt of written notice from the city stating that the sanitary sewer system is ready to serve the property. If connections are not made within thirty (30) days after notification by the city, the owner shall pay the actual costs of the installation of the necessary service line to the property line as established by the city and billing for sewer service shall commence upon completion of the connection with the city's sewer system or thirty (30) days after notice, whichever occurs first.~~

~~Section 3-55. – Septic tanks; restrictions.~~

~~It shall be unlawful to install or to permit installation of a septic tank on any property if the city's sanitary service system is available to serve the property. Said prohibitions shall apply to replacement of septic tanks on property which is presently being improved or which may be improved hereafter.~~

~~Section 3-56. – Manhole connections; restrictions.~~

~~It shall be unlawful to install or permit to install any inside, drop-type connections to any sanitary sewer manhole within the city limit without written approval of the city's wastewater department.~~

~~Sections 3-58 – 3-60. – Reserved.~~

~~ARTICLE IX. – MISCELLANEOUS DESIGN STANDARDS AND REGULATIONS~~

~~Section 3-61. – Building line, oceanfront property.~~

~~The rear setback line for properties abutting the Atlantic Ocean is established contiguous with the Coastal Construction Line (CCL) set by the State of Florida, as established by the Department of Environmental Protection (DEP) and recorded in 1981, and as amended periodically. The board of adjustment, when ruling on variances for structures other than seawalls or revetments, must also determine that the proposed structure does not detrimentally affect the dune area or the essential character of the locality. Use of any dune area is restricted to beach access only which shall be by dune crossover as designed according to article X of this chapter.~~

~~Section 3-62. Permitted uses of land between building restriction line and seawall line. Replaced with coastal construction guidelines~~

~~The land between the seawall line and the building restriction line, or the actual constructed building or structure, may be used for boardwalks, pedestrian thoroughfares, promenades, revetments, fences, existing (as of September 20, 2001) public parking facilities, all supporting infrastructure and dune protection structures. Any portion of said area not so used shall be stabilized by planting sod or other suitable vegetation. No structure or use except for temporary structures authorized by the city's license agreements, shall be erected or objects placed east of the seawall line except approved dune crossovers and temporary sun shelters; except as otherwise provided below: (Please see definitions in Section 1-20)~~

~~A. A portion of the seawall may be constructed east of the seawall line to tie into existing seawalls when the city engineer finds this necessary to maintain the integrity of the beach area.~~

~~B. When a lawful nonconforming structure exists, east of the building restriction line, as of September 20, 2001, the board of adjustment can consider variances to allow expansion or additions to such structures, provided that no variance be granted that authorizes additional encroachment eastward of the existing structure stem wall. Overhangs to an existing roof which are cantilevered eastward no more than six (6) feet from the exterior face of the stem wall, which does not affect or require any additional foundation or stem wall for support may also be considered as a variance. Any existing structures in compliance with this subsection is hereby deemed and determined to be legal and valid.~~

~~C. When a lawful nonconforming structure exists, east of the building restriction line as of September 20, 2001, and it is partially or completely destroyed by storm or other act, the city commission shall not unreasonably withhold approval of the reconstruction of the damaged or destroyed structure. All reconstruction work shall be in compliance with all building codes in effect at time of reconstruction.~~

~~D. In determining the setback location of the building or structure, the line of the building shall be the easternmost projection of any porch, balcony or building stem wall exterior face, excepting eaves not exceeding four (4) feet from the building wall. The location of the front and side setbacks of such structures shall be governed by other zoning requirements which may exist.~~

~~For administering this section, a "structure" shall be defined as a permanent, principal improvement thirty (30) inches or more in height which requires support by a foundation, stem-wall, or piling.~~

~~Section 3-63. Swimming pools and required enclosures.~~

~~Swimming pools are considered as an accessory use that shall conform to the specific requirements of this section and the requirements of the city building permit as approved by the chief building official. Commercial swimming pools are prohibited in residential districts.~~

~~Swimming pools shall be located in accordance with the zoning district's front and side yard setback requirements plus an additional three (3) feet to the pools closest vertical wall.~~

~~On waterfront lots the closest vertical wall of any swimming pool may not be built less than fifteen (15) feet to the rear lot line unless it is determined by a certified engineer that such construction shall not be harmful to be built closer to the seawall. The certified engineer shall provide an analysis to the chief building official which indicates that building the swimming pool closer than fifteen (15) feet to the rear lot line is acceptable and it will not in any way damage the seawall. Also included shall be a certified statement declaring that all construction and required maintenance shall be at the expense of the owner and will create no damage to adjacent property owners or existing construction or structures.~~

~~Swimming pools shall always be located wholly within an enclosure of a permanent nature, not less than four (4) feet high, which prevents access to the pool through the enclosure walls or gate structure by any persons who may attempt to gain access from outside of the pool enclosure. All gates, doorways or entranceways into the pool area shall be equipped with a permanent locking mechanism which prevents any unauthorized persons from gaining access into the pool enclosure.~~

~~The enclosure may include solid walls, fencing of a mesh type, wood, screen wire or any other material of a like nature, but the enclosure shall not be constructed to provide any foot-holds that would permit the enclosure or gate to be easily climbed over.~~

~~Approved swimming pool and/or screen enclosures shall conform to the zoning district's front and side setback requirements but may be constructed to a minimum of seven and one-half (7½) feet from the rear lot line. (Note: Florida rooms (need definition) are not screen enclosures and shall meet principal structure regulations as provided by these regulations.)~~

~~No construction of swimming pools, pool enclosures or concrete pool decks shall be permitted over any public or utility easement, unless approved by the city engineer.~~

~~Section 3-64. Fences, walls and hedges.~~

~~Fences, walls, and hedges shall comply with the following provisions; and, they shall each require valid applicable building permits:~~

~~A. Front yard requirements: Fences, walls, and hedges located in the front yard of any district shall not exceed four (4) feet in height as measured from natural grade or crown of abutting road whichever is higher, except:~~

~~1. As further restricted at intersections for sight triangles by section 3-32.~~

~~2. In residential districts, fences, walls, and hedges may be erected to a maximum height of six (6) feet if located no closer than fifteen (15) feet from the front property line except as further restricted at intersections by section 3-32, for front yards that abut:~~

~~a. Atlantic Avenue, north of Minutemen Causeway.~~

~~b. Any street east of Atlantic Avenue and south of Minutemen Causeway.~~

~~c. 2nd Street North, west of Cedar Avenue.~~

~~d. Front yards between Brevard Avenue and Tom Warriner Boulevard that are south of and abut Minutemen Causeway.~~

~~e. North Banana River Boulevard between Cocoa Beach Causeway and South Shepard Drive, and when a property does not have a North Banana River Drive address.~~

~~B. Side and rear yard requirements: For any fence, wall, and hedge not regulated by subsection A. above, the following regulations shall apply:~~

~~1. A wing wall attached to the building may be erected to a maximum height of a one story eave. Said wall is not to be roofed and must run approximately parallel to the front of the building and must reduce to six (6) feet in height at the side property line.~~

~~2. Fences, walls, and hedges with a maximum of six (6) feet in height may be located on or within any residential side or rear lot line.~~

~~3. Fences, walls, and hedges eight (8) feet in height may be erected along any side or rear residential property line which abuts commercial property.~~

~~4. In commercial districts fences, walls, and hedges eight (8) feet in height may be erected rear of the front building setback line.~~

~~5. No wall or fence shall be erected so as to endanger either a bulkhead or the dune line.~~

~~6. The height of fences, walls, and hedges shall be measured from the natural grade of the site.~~

~~C. In no case shall a fence, wall or hedge be higher than four (4) feet from grade when it lies within ten (10) feet of a driveway which intersects with a public right-of-way or sidewalk.~~

~~D. Fences and walls which abut or face a public right-of-way shall be constructed so that the finished side faces the public right-of-way.~~

~~E. For properties abutting two (2) streets, the fences, hedges or walls shall not exceed four (4) feet in height along said streets for sight visibility purposes as described in section 3-32.~~

~~Section 3-65.— Location of accessory buildings and uses in residential areas. Accessory buildings and uses in residential areas shall comply with the following provisions and require building permits:~~

~~A.— Accessory buildings shall meet established setback and other requirements for the district in which they are located, as follows:~~

~~1.— Accessory buildings are prohibited in the required front yard, or in front of the front wall of the principal structure.~~

~~2.— Accessory building located in a side yard shall be screened by a six-foot high fence.~~

~~3.— Maximum height of an accessory structure shall not exceed twelve (12) feet.~~

~~4.— Side setback shall be a minimum of five (5) feet.~~

~~5.— On waterfront lots, the rear setback shall be fifteen (15) feet; on all other lots five (5) feet.~~

~~6.— Detached garages shall comply with regulatory setbacks.~~

~~B.— Piers, docks, decks, boathouses and other waterside accessory structures.~~

~~1.— Applicability. These regulations shall apply to all residential and commercial piers, docks, decks, slips, boathouses, boat lifts, boat shelters, mooring posts, piles, buoys and dolphins, further known as waterside accessory structures.~~

~~2.— Permit required. A building permit and fee are required for the new construction or complete reconstruction of a waterside accessory structure which involves the new placement or replacement of the structure pilings. Replacement or reconstruction of any part of the structure which does not include the structural pilings does not require a permit. An accurate property boundary survey must be provided by the applicant with the permit application.~~

~~3.— Accessory to permitted uses only. Waterside accessory structures, and accessory shade structures including tiki huts, shall comply with applicable regulations for the principal use of the property to which they are affixed and may be permitted subject to the following:~~

~~a.— No waterside accessory structure shall project into any waterways more than thirty (30) feet or twenty (20) percent of the width of said waterway, whichever is less. Projections greater than twenty (20) feet into any waterway, shall comply with the special provisions as set forth in subsection (4)(e) below. The width of any waterway shall be measured from the edge of the waterway or bulkhead at approximate mean water level, to the nearest opposite edge of waterway, bulkhead or line of channel markers delineating the far side of the waterway, or if none of these exist, then to the point where the water is a minimum of three (3) feet deep (at approximate mean water level) on the far side of the waterway. A variance may be granted on only newly constructed projections greater than thirty (30) feet into a waterway, but it shall not exceed the twenty (20) percent limit stated herein. Location of any waterside accessory structure shall further comply with the special provisions as set forth herein.~~

~~b. — Maximum height of any boathouse, boat lift, boat shelter, or shade structure shall not be higher than plus sixteen (16) feet above the 1929 National Geodetic Vertical Datum (NGVD). Applicants may locate a reference marker at McNabb Park.~~

~~c. — Side setbacks shall be the same as other structures in the same district. In the RS-1 district the side setbacks shall be twenty (20) percent of the lot width or a minimum of fifteen (15) feet from any side property line, whichever is greater. Lot lines shall be extended into the waterway for purposes of the measurement. No part of any waterside accessory structure may extend beyond any property lot line. For purposes of implementing this subsection only, lot width will be measured at the rear property line. Variance to provisions of setback requirements may be requested through the board of adjustment.~~

~~d. — In no case shall structures be allowed within the extended line of the front yard setback.~~

~~e. — All new or reusable materials shall be used and the exterior materials shall closely match those utilized on the principal structure. For shade structures native materials may be used if constructed in accordance with all building and fire code requirements. Shade structures shall only consist of a roof and structural supports and it shall not be partially or wholly enclosed in any way.~~

~~f. — The structure, or accessory structure, shall be maintained in a state of good repair and is subject to immediate removal upon notice by the city building official or code enforcement officer if it becomes deteriorated or dilapidated.~~

~~g. — No boathouse or other waterside accessory structure shall be used as a dwelling.~~

~~h. — Any bulkhead severed to provide a boathouse slip shall be returned to its original structural strength, and this action does require a permit.~~

~~i. — Tires shall not be affixed to any waterside accessory structure as fenders.~~

~~4. — Special provisions:~~

~~a. — Nothing contained herein shall allow projections that reduce the navigable width of the waterway (depths of three (3) feet or more at approximate mean water level) to less than thirty-five (35) feet. No waterside accessory structure shall be permitted that infringe on equal right of access by an adjoining property to said waterway. (See also mooring regulations under the City Code of Ordinances, section 5-15.)~~

~~b. — Construction of a three-foot minimum dock/deck/walkway into the waterway with a minimum three-foot side yard setback to neighboring single family residential property lines is allowable with a permit.~~

~~c. — Only waterside accessory structures projecting more than three (3) feet into the waterway may be located nearer, but no closer than seven and one half (7½) feet, to any property side lot line than as required in subsection 3.d., above and only after:~~

~~(1) — Notification to all adjacent waterside property owners by U.S. Certified Mail, return receipt requested.~~

~~(2) — Applicant must provide address labels of these property owners, as identified in the most recent Brevard County property appraiser records. The applicant shall pay all costs of postage for such notification.~~

~~(3) — Adjacent waterside property owners have indicated no objection to placement of the structure requested by the applicant. A lack of response within fifteen (15) days of the receipt of the notice will serve as indication of no objection to the requested installation.~~

~~d. — The board of adjustment is authorized to grant variances to side setbacks, subject to the following restrictions:~~

~~(1) — Only waterside accessory structures projecting more than three (3) feet into the waterway may be granted a variance which allows for such improvements to be located up to zero (0) feet from any side property line.~~

~~(2) — Boathouses, boat lifts, boat shelters, or shade structures with a maximum width of fourteen (14) feet may be granted a variance which allows for such improvements to be located up to five (5) feet from any side property line.~~

~~e. — For any improvement/installation projecting more than twenty (20) feet into any waterway the following provisions shall apply:~~

~~(1) — The cumulative area of all docks, decks, terminal platform, or walkways shall not exceed two hundred (200) square feet.~~

~~(2) — The maximum height of any installed mooring posts, piles, buoys, dolphins, or lift shall not exceed ten (10) feet above the 1929 National Geodetic Vertical Datum (NGVD).~~

~~(3) — The farthest projecting installation(s) must be marked with reflective tape or paint.~~

~~5. — Nonconforming water related structures. Any residential and commercial waterside accessory structures which do not meet the standards of these regulations upon the date these regulations are adopted shall be considered a nonconforming structure. Should the structure or any portion thereof, be removed or destroyed by any means to an extent of more than fifty (50) percent of the current cost of the entire structure, through a cost estimate provided by a contractor licensed to do said work, and/or in the case of an owner builder, as approved by the chief building official, it shall only be reconstructed in accordance with all city adopted codes.~~

~~6. — Additional regulations for commercial facilities. Commercial marinas, where permitted by these regulations, may have waterside accessory structures within an established bulkhead line, provided that, in the absence of an established bulkhead line, their projection into or obstruction of the width of any waterway shall not exceed a distance of thirty (30) feet or twenty (20) percent of said width, whichever is less, measured as aforesaid.~~

~~7. — State permit required. When a permit from a state regulating agency is required for construction of any aforesaid structure, the application shall be submitted first to the~~

~~city before its submission to the state regulatory agency, and no construction or reconstruction work can take place until all required city and state permits have been granted.~~

~~Section 3-66. Exclusions from height limits.~~

~~Chimneys and smokestacks; water and fire towers; church spires, domes, cupolas; and elevator and roof access enclosures; lightning arresters and flagpoles may be erected above the height limits herein established upon the issuance of a permit by the building official after approval by the fire marshal. Height restrictions shall be imposed, however, by law, charter or other applicable regulations, including the absolute building height limitations herein established.~~

~~Section 3-67. Garage sales.~~

~~"Garage sales" as hereinafter defined are permitted in all residentially zoned land use classifications; provided, however, such garage sales are subject to the following conditions:~~

~~A. "Garage sales" shall mean the sale of old, used or unwanted personal household items, articles and effects on a residential lot by the property owner or occupant. Said garage sales shall not include any new or used items, articles or effects which have been purchased for the purpose of resale at the garage sale. Nothing in this section shall be construed or interpreted to mean that the property owner or occupant cannot sell their isolated personal property, such as a family vehicle, a piano, an appliance, and other similar isolated household items typically found in a residential dwelling, without first obtaining a garage sale permit. A garage sale permit is not required for the sale of these isolated personal items, which are typically noticed to the public for sale through the newspaper or other media. An estate sale is considered a garage sale, and it does require a garage sale permit.~~

~~Garage sale shall not be carried on for more than two (2) consecutive days and no more than two (2) such sales shall be permitted within one (1) calendar year from any single lot. Garage sales shall only be conducted by and the items sold shall be owned by the residential property owner/occupant.~~

~~At the conclusion of such garage sales, all unsold articles and items shall be removed so as not to be visible from any public streets or abutting property.~~

~~A garage sale permit is required free of charge from the city for all garage or estate sales, and it must be displayed on the garage sale property for the duration of the sale.~~

~~Section 3-68. Gasoline pumps (fuel dispensing facilities) and storage tanks.~~

~~Minimum setback for gasoline pumps, storage tanks, buildings, vents, pump islands, and canopies shall be fifteen (15) feet from any lot line or the building setback established for the district, whichever is greater, and all gasoline storage tanks shall be installed underground and conform to state regulations.~~

~~No gasoline pumps or gasoline storage tanks shall be erected within two hundred (200) feet of the property line of any existing church, hospital, public or church school or~~

~~playground, or public assembly facility; provided, however, that nothing herein shall prohibit the operation of existing gasoline and oil automotive maintenance facilities or service stations, or the improvement, alteration or reconstruction of any existing gasoline and oil automotive maintenance facilities or service stations which were not nonconforming uses on June 9, 1960.~~

~~C. — A minimum straight distance of one thousand (1,500) feet shall be maintained between the nearest point of a lot or lots used for filling stations or automotive service stations.~~

~~Buffer walls. Where lots to be used for automotive service stations or filling stations abut on any property which is residentially zoned, there shall be a finished concrete, solid block wall with a cap, and a ten-foot wide landscape buffer. The wall and landscape buffer shall be six (6) feet in height, except where sight triangle issues come into play at intersections with streets and sidewalks. The wall and buffer shall be continuous with no openings or gaps except that a wall along an alley line may have a three-foot wide opening which shall be closed by a solid gate when not in use.~~

~~There shall be no more than six (6) individual vehicle fueling positions within any one (1) filling station property or location, whether said filling station is located on one (1) or more lots.~~

~~Section 3-69. — Temporary building use.~~

~~Temporary buildings used in connection with construction work, and not used for residential occupancy except for a single night watchman, may be used during the period of construction in any district. Such building shall be promptly removed within thirty (30) days of completion of construction. (need definition, in COO section 13.1)~~

~~C. — Construction of residence following disaster. If a fire or disaster renders a single-family or duplex residence unfit for human habitation, the temporary use of a mobile home or travel trailer may be allowed on the lot, subject to the regulations set forth in this section. The maximum duration of the temporary use of the mobile home or travel trailer is eighteen (18) months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is one hundred eighty (180) days. The city manager or his designee may extend the permit once for a period not to exceed sixty (60) days, in the event of circumstances beyond the owner's control.~~

~~D. — Construction of damaged business. Any business damaged by a major or catastrophic disaster may be permitted to use a mobile home or travel trailer to carry out their activities until the damaged structure(s) is rebuilt or replaced, in accordance with the LDC regulations. The maximum duration of the temporary use is the same period as permitted in subsection C. above.~~

~~E. — Potable water and sanitary facilities must be provided for habitation or use of a mobile home or travel trailer, which must first be permitted by and placed in accordance with the requirements of the chief building official.~~

~~F. — The mobile home or travel trailer must be removed from the property within ten (10) days of receiving the certificate of occupancy for the reconstructed residence or business, or within ten (10) days after the expiration of the temporary use permit, whichever occurs first.~~

~~Section 3-70. — Mobile homes and travel trailers.~~

~~A. — Mobile homes and travel trailers used for housing exhibits, broadcasting or as mobile X-ray or blood mobiles may be temporarily placed on any property not in RS-1 and RM-1 zones for a period up to ten (10) days, with prior approval from the city manager.~~

~~B. — It is the intent of this section that mobile homes, travel trailers and mobile home parks used only for residential purposes shall be prohibited within any zoning districts within the city limits. Individual mobile homes as a principal or accessory building on individual lots are prohibited in all zoning districts. A mobile home or travel trailer may be used as a temporary construction office incidental to construction of the premises upon which it is located only during the time construction is actively under way; such mobile home shall be removed within thirty (30) days of completion of construction.~~

~~C. — Construction of residence following disaster. If a fire or disaster renders a single-family or duplex residence unfit for human habitation, the temporary use of a mobile home or travel trailer may be allowed on the lot, subject to the regulations set forth in this section. The maximum duration of the temporary use of the mobile home or travel trailer is eighteen (18) months after the date the President of the United States issues a disaster declaration. If no disaster declaration is issued, the maximum duration of the use is one hundred eighty (180) days. The city manager or his designee may extend the permit once for a period not to exceed sixty (60) days, in the event of circumstances beyond the owner's control.~~

~~D. — Construction of damaged business. Any business damaged by a major or catastrophic disaster may be permitted to use a mobile home or travel trailer to carry out their activities until the damaged structure(s) is rebuilt or replaced, in accordance with the LDC regulations. The maximum duration of the temporary use is the same period as permitted in subsection C. above.~~

~~E. — Potable water and sanitary facilities must be provided for habitation or use of a mobile home or travel trailer, which must first be permitted by and placed in accordance with the requirements of the chief building official.~~

~~F. — The mobile home or travel trailer must be removed from the property within ten (10) days of receiving the certificate of occupancy for the reconstructed residence or business, or within ten (10) days after the expiration of the temporary use permit, whichever occurs first.~~

~~Section 3-71. — Alcoholic beverage establishment distance from church or school.~~

~~No person shall operate an alcoholic beverage establishment within the city which is located within five hundred (500) feet of an established church or school in accordance with F.S. § 562.45(2), and no license shall be issued for the operation of any such~~

~~business within the prohibited area. For purposes of measuring the distance between an alcoholic beverage establishment and a church or school, the straight line measurement of five hundred (500) feet shall be taken from the closest point of the alcoholic business establishment structure (a building, leased space in a building, or location of outside sales) to the closest property line or edge of leased space of the church or school. This restriction and distance regulation does not apply to the sale of alcoholic beverages sold and consumed under provisions of a "special event" approved in accordance with City Code of Ordinances chapter 14.~~

~~Please see chapter II, article III, for specific distance requirements for pain management clinics and marijuana dispensaries/medical marijuana treatment centers in the commercial zoning districts.~~

~~Section 3-72. Conversion of transient lodging facilities to other dwellings.~~

~~Transient lodging facilities may not be converted to other types of residential dwellings at more than the density required in these regulations for such dwellings, as required by those zoning districts which permit residential dwellings within the city.~~

~~Section 3-73. Vehicles exceeding twenty six feet in RS 1, RM 1, and RM 2 zones.~~

~~A. Vehicles exceeding twenty six (26) feet in a residential zoning district.~~

~~Any recreational vehicle, whether wheeled, motorized, or in an unassembled state, including trailers, boats and boat trailers separately or in combination, exceeding twenty six (26) feet in length shall not be permanently parked, stored or located on private property in a residential zoning district unless parked in an enclosed garage, or as otherwise provided herein.~~

~~The length of the vehicle shall be the (registered hull length for boats) length of the vehicle without accessories, not including hitches, masts, outboard motors, trailers, nor any vehicle temporarily attached to it.~~

~~Recreational vehicles including trailers, boats and boat trailers exceeding twenty six (26) feet in length may be parked at owner's property subject to the following parking and use regulations:~~

~~The vehicle may be parked in the side or rear yard, if accessible, or in the front yard if space is available to meet the following regulations.~~

~~Such vehicle may not be parked closer than two (2) feet to any abutting property line.~~

~~Such vehicle in the front yard must be parked perpendicular to the front curb.~~

~~Such vehicle shall be parked on a driveway or other prepared surface.~~

~~The vehicle must be at least eight (8) feet from the face of a curb or edge of pavement on a street and no part of the vehicle may extend over a public sidewalk or bike path.~~

~~Such vehicle shall not obstruct the sight triangle at intersections as defined in section 4-32.~~

~~If parked within ten (10) feet of an adjacent property, a minimum three-foot wall, fence, or vegetative hedge must be provided to screen the vehicle from the adjacent property. Vegetation must reach the minimum three-foot height within three (3) years.~~

~~Such vehicle shall not be used as a residential detached dwelling unit, or be connected to any public utilities, or used for storage, or as an office for business purposes.~~

~~Such vehicle must be operable, in good visible condition, in regular use, and have a current license and registration.~~

~~Only one (1) vehicle exceeding twenty-six (26) feet in length may be parked on the property at any one (1) time.~~

~~Any vehicle that cannot comply with the parking regulations in [subsection c.] above, may park at the owner's property home a maximum of three (3) periods in any calendar week for the purposes of loading, unloading and trip preparation. For the purpose of this presumption, a period is defined as any length of time within any calendar day.~~

~~Any owner who stores his vehicle off property, but needs to do maintenance on it or prepare it for a trip at their home may do so up to two (2) thirty (30) consecutive day periods per calendar year, providing it complies with all location criteria in this section. He must notify the administrator by email, telephone, or in person, giving his name, address, date of arrival and departure and reason for stay.~~

Section 3-72 to 3-74. Reserved.

ARTICLE VIII. WIRELESS COMMUNICATION FACILITIES.

Section 3-75. Small wireless facilities in rights-of-way

A. Purpose.

1. To insure that a proposed improvement within a city-controlled right-of-way or easement is non-injurious to the public use or any contiguous and/or other directly affected properties.
2. To provide guidelines and procedures to ensure that the permitted improvements contain the essential information and data, both graphic and written, necessary for applicable city departments and the city commission to reach fair and equitable decisions.
3. To provide the applicant with a specific set of procedures and requirements which, if followed, will substantially reduce the applicant's probability of encountering unnecessary delays.
4. To set out and fully describe the policies and conditions under which the review of a site development plan will be evaluated.
5. To implement the local government regulatory authority granted in the Advanced Wireless Infrastructure Deployment Act, F.S. § 337.401(7), and establish reasonable development standards for the location of small wireless facilities on city-owned utility poles, infrastructure or improvements in the public rights-of-way, while minimizing the potential negative impacts of such facilities.

B. Penalty.

1. It shall be unlawful for any person to construct any improvement or any part of an improvement within a right-of-way or easement dedicated to the city without a valid permit
2. Any person damaging any city road or easement shall be required to either restore the road or easement to its condition prior to the damage, or shall pay to the city the sum of money determined by the city engineer and public works department to be necessary to restore the road or easement to its condition prior to the damage.
3. No person shall knowingly affix, install, place, attach, maintain, or fail to remove an unauthorized attachment to city-owned infrastructure or other city property upon demand by the city or any authorized representative thereof.
4. No person shall use an attachment on city-owned infrastructure or other property of the city to provide a service not authorized by a permit.
5. It is a violation of this article to fail to pay the costs to remove abandoned improvements from the right-of-way.
6. Each unauthorized attachment or use is a separate offense. Each day a violation of this article continues is a separate offense.

C. Emergency repair or removal.

1. Nothing in this article shall prohibit any utility company or owner of said improvement from repairing or removing improvements in a city right-of-way in the event of an emergency which threatens life or property. The person performing, or at whose direction the emergency repair, replacement, or removal is performed, shall, within seventy-two (72) hours, apply for a permit if required, for the emergency repairs and shall repair and replace any damage to city improvements caused by emergency repair or removal.
2. Nothing in this article shall prohibit the emergency removal of public or private improvements within a right-of-way or easement dedicated to the city by the city in the event of an emergency. In the event of such removal, the owner of the improvement shall be responsible for the cost of permitting and replacement of the improvement in accordance with this article.

D. Small wireless facilities and support structures.

1. General.

- a. Small wireless facilities and support structures that comply with the requirements of this article may be installed and located within city public rights-of-way through the right-of-way/easement permitting process. The cost of maintaining such collocated facilities is the responsibility of the permittee.
- b. A person is not authorized to collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately owned utility pole, a utility pole owned by an electric cooperative or a

- municipal electric utility, a privately owned wireless support structure, or other private property without the consent of the property owner.
- c. Approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this division does not authorize the provision of any voice, data, or video communications services or the installation, placement, maintenance, or operation of any communications facilities other than small wireless facilities in the right-of-way.
 - d. Collocation of small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, is prohibited in the public right-of-way located within a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.
 - e. Collocation of small wireless facilities or micro wireless facilities on a city utility pole or placement of a wireless support structure is prohibited in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This limitation does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.
 - f. A wireless provider shall, in relation to a small wireless facility or support structure in the public rights-of-way, comply with nondiscriminatory undergrounding requirements that prohibit above-ground structures in public rights-of-way. Any such requirements may be waived by the administrator.

2. Standards.

- a. Height. The height of a small wireless facility is limited to 10 feet above the utility pole or wireless support structure upon which the small wireless facility is to be collocated. Unless waived by the city, the height for a new utility pole or wireless support structure is limited to the tallest existing utility pole or wireless support structure, located in the same right-of-way, other than a utility pole or wireless support structure for which a waiver has previously been granted, measured from grade in place within five hundred (500) feet of the proposed location. If there is no utility pole or wireless support structure within five hundred (500) feet, the height is limited to fifty (50) feet. A structure granted a permit and installed pursuant to this subsection shall comply with state and federal regulations pertaining to airport airspace protections.
- b. If more than 220 volts are necessary for the operation of the small wireless facility and are utilized in the utility pole or wireless support structure, a sign shall be attached to the utility pole or wireless support structure stating in large, bold, high contrast letters (minimum height of each letter four (4) inches): "HIGH VOLTAGE - DANGER."

- c. All small wireless facilities and support structures shall have a plaque placed upon it for the purpose of identification (either by the ASR registration number or other identifying information) including the party responsible for the operation and maintenance of the facility or structure. The plaque shall not exceed 0.25 square feet. No other signage, other than a high voltage - danger sign, if applicable, or any signage required by the FCC, is allowed on a small wireless facility, utility pole or wireless support structure.
- d. All wiring and fiber shall be concealed within the support structure and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure must also be buried unless service lines in the area of the support structure are aerial. In that event, service lines to the utility pole or wireless support structure may also be aerial, except for any service drop crossing a street or right-of-way which would need to be bored and placed under such street or right-of-way.
- e. New support structures and small wireless facilities shall be designed to blend into the surrounding environment and complement existing streetscape elements through the use of color, camouflaging and architectural treatment. Any equipment mounted to the support structures shall also match the support structure in color and general design. These design standards may be waived by the administrator, in consultation with the city engineer and public works department, upon showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within forty-five (45) calendar days after the date of the request.
- f. Any proposed new support structure shall be designed and engineered structurally, electrically and in all other respects, to accommodate both the initial small cell facility and one (1) or more additional small wireless facilities.
- g. Small wireless facilities shall be flush-mounted onto support structures, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- h. All small wireless facilities and support structures shall be designed and constructed to conform to all applicable provisions of this article, the Florida Building Code, as amended, and the Florida Department of Transportation Manual, as amended.
- i. All wireless facilities in the public rights-of-way shall comply with current radio frequency emissions standards of the Federal Communications Commission (FCC) and any other applicable FCC rules.
- j. All proposed collocations and ancillary equipment shall comply with the ANSI/EIA/TIA-222 (as amended) code for the city, if applicable.

- k. All small wireless facilities and support structures shall be constructed to conform with the requirements of the Occupational Safety and Health Administration (OSHA).
- l. All small wireless facilities, utility poles and wireless support structures shall be designed and constructed to conform to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.
- m. All small wireless facilities and support structures must be located to avoid any physical or visual obstruction to pedestrian, bicycle, or vehicular traffic or to otherwise create safety hazards to pedestrians, bicyclists or motorists.
- n. The placement of small wireless facilities on existing support structures in public rights-of-way is encouraged and preferred over the installation of new support structures. An applicant must provide satisfactory evidence to the city that no existing support structures can be reasonably used or replaced for use for the proposed collocation.
- o. All new support structures must be constructed to permit collocation by other wireless service providers where feasible. The term "where feasible," as it applies to collocation, means that utilization of a support structure by another party would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair the support structure's utilization by existing users, would not unduly burden the structural integrity of the support structure, and would not otherwise materially and adversely impact existing users.
- p. Reasonable terms for use of a support structure that may be imposed by the owner include a requirement for reasonable rent or fees, taking into consideration the capitalized cost of the support structure and land, the incremental cost of designing and constructing the support structure so as to accommodate additional users, increases in maintenance expenses relating to the support structure and a fair return on investment, provided such amount is also consistent with rates paid by other providers at comparable support structure sites.

E. Permit application for small wireless facilities and support structures.

- 1. A rights-of-way/easement permit is required to (1) collocate a small wireless facility on a support structure; (2) install a new support structure for collocation; or (3) perform a substantial modification to an existing small wireless facility or support structure.
- 2. A permit is not required for:
 - a. Routine maintenance;
 - b. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services

provider authorized to occupy the rights-of-way and who is remitting taxes under F.S., Chapter 202.

3. An applicant shall demonstrate that the proposed small wireless facility, support structure or substantial modification complies with all applicable laws and ordinances.
4. Two paper copies and a digital copy of the plans and supporting documents shall be submitted to the building department. In addition to the standard permit submittal requirements, applications for small wireless facilities, support structures or substantial modifications shall submit plans which include the following:
 - a. Name, address, phone number and email address of the applicant's primary contact person in connection with the application and the person to contact in case of an emergency.
 - b. Evidence of and proof of insurance adequate to defend and cover claims insurance coverage.
 - c. A copy of federal or state certification authorizing the applicant to provide wireless services as a wireless services provider or telecommunications services as a wireless infrastructure provider.
 - d. If the applicant is a corporation or limited liability company, proof of authority to do business in the State of Florida.
 - e. For utilization of support structures not owned by the city, a notarized affidavit signed by an authorized representative of the support structure owner verifying consent to collocate on their support structure.
 - f. An applicant for a new support structure must demonstrate that an existing structure is not reasonably available for collocation. A report and supporting technical data shall be submitted, demonstrating the following:
 - (1) All antenna attachments and collocations, including all potentially useable cross country utility distribution towers, existing support structures and other elevated structures within the proposed service area and alternative antenna configurations have been examined, and found unacceptable.
 - (2) Reasoning as to why existing facilities such as cross country utility distribution and other elevated structures or existing structures are not acceptable alternatives to a new support structure.
 - (3) Reasoning as to why the adequacy of existing support structures or the mitigation of existing support structures are not acceptable in meeting the applicant's need or the needs of service providers shall consist of any of the following:
 - i. No existing support structures located within the geographic area meet the applicant's engineering requirements, and why.

- ii. Existing support structures do not have sufficient structural integrity to support a small wireless facility and the existing support structures cannot be sufficiently improved.
 - iii. Other limiting factors that render existing support structures unsuitable.
- g. Signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards. A copy of the radio frequency emissions report verifying compliance with FCC standards shall be included with the signed statement. Any signage required or recommended by the FCC to warn of RF emissions associated with the small wireless facility shall be posted by the applicant on the support structure.
- h. A stamped or sealed structural analysis of the proposed tower prepared by a registered professional engineer licensed by the State of Florida indicating the proposed and future loading capacity of the utility pole is compliant with the Florida Building Code, as amended, or other applicable requirements.
- i. Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property.
- j. Simulated photographic depiction of the proposed and/or appearance from vantage points approved by the city, including the facility types the applicant has considered including:
 - (1) Overall height.
 - (2) Configuration.
 - (3) Physical location.
 - (4) Mass and scale.
 - (5) Materials and color.
 - (6) Illumination, if applicable.
- k. Proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.
- l. Signal propagation map for the purposes of determining potential interference with traffic control devices.
- m. All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this article.
- n. Site plan. Signed and sealed site plans shall include the following:
 - (1) Name of project and date

- (2) The limits of right-of-way and limits of work where work shall be performed.
- (3) The state plane coordinates and GIS coordinates of the proposed location.
- (4) Deed book, survey book, road plat or official records book and page reference
- (5) Scale, north arrow, and vicinity map
- (6) Maximum height of the proposed structure and proposed and future mounting elevations of future antenna, including individual measurement of the base, support structure, and lightning rod.
- (7) Location and size of all major public or private streets and rights-of-way.
- (8) Depict and identify within a minimum of fifty (50) feet of work all above ground infrastructure and improvements, including without limitation, pavement, curb, sidewalks, landscaping and vegetation, buildings, utility poles, etc. and all below ground infrastructure and utilities, including without limitation foundations, tanks, utilities. etc. within limits of work.
- (9) Depict and identify all existing easements within limits of work and any additional easement(s) acquired (e.g.. access easement, temporary construction easement or other easement) for construction of work. Easements must denote recording information.
- (10) For new support structures, the location of existing support structures within a one hundred (100) foot radius and the height of existing support structures within five hundred (500) feet of the proposed structure in either direction on the same side of the right-of-way.
- (11) A statement or statements certifying that the construction of wireless communication facilities proposed to be located in the public rights-of- way will comply with all applicable standards, codes, rules and regulations referenced in this article.
- (12) A statement describing the proposed support structure's capacity to permit multiple users, including an example of the number and type of antennas or other attachments that can be accommodated on support structures.
- (13) Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation. In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.

F. Application and review procedure for small wireless facilities and support structures.

1. A right-of-way/easement permit application for collocation of small wireless facilities, installation of a new support structure or substantial modification is subject to the application review timeframes in this section.

2. Permit applications for new support structures must include an affidavit that small wireless facilities will be collocated on the utility pole or wireless support structure and will be used by a wireless services provider to provide service within nine (9) months after the date the application is approved. A permit application for the collocation of small wireless facilities may be included with an application to install a new support structure.
3. Determination of completion/defects. Within fourteen (14) calendar days after receiving an application, the city must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the city must specifically identify the missing information. An application is deemed complete if the city fails to provide notification to the applicant within fourteen (14) calendar days. If the city determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness shall cure the defects and resubmit the corrected application within thirty (30) calendar days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.
4. A complete application is deemed approved if the city fails to approve or deny the application within sixty (60) calendar days after receipt of the application. If the city does not use the thirty-day negotiation period provided in below, the parties may mutually agree in writing to extend the sixty-day application review period. The city shall grant or deny the application at the end of the extended period
5. Alternative location. The city may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative city utility pole or support structure or may place a new utility pole. The city and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for thirty (30) calendar days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the city of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the city of such non-agreement and the city must grant or deny the original application within ninety (90) calendar days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
6. The city must notify the applicant of approval or denial by electronic mail. The city shall approve a complete application unless it does not meet the applicable codes. If the application is denied, the city must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the city denies the application. The applicant may cure the deficiencies identified by the

city and resubmit the application within thirty (30) calendar days after notice of the denial is sent to the applicant. The city shall approve or deny the revised application within thirty (30) calendar days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

7. Denial. The city may deny a permit application for a small wireless facility, support structure or substantial modification where:
 - a. The applicant fails to submit a complete application;
 - b. The applicant fails to supplement its application with additional information as requested in the evaluation of the application;
 - c. The proposed installation or modification materially interferes with the safe operation of traffic control equipment.
 - d. The proposed installation or modification materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
 - e. The proposed installation or modification materially interferes with compliance with the Americans with Disabilities Act, as amended, or similar federal or state standards regarding pedestrian access or movement.
 - f. The proposed installation or modification materially fails to comply with the latest edition of the Florida Department of Transportation Utility Accommodation Manual.
 - g. The proposed installation or modification is not in compliance with the provisions of this article.

G. Bonding requirements.

Any permittee placing or installing any structure or object on city-owned utility poles, equipment or structures within the right-of-way shall ensure that, at least thirty (30) calendar days prior to the commencement of any work on city utility poles, equipment or structures, performance security is provided to the city, in the form of a letter of credit, in a form deemed legally sufficient by the city attorney, bond or cash, posted in the amount of one hundred twenty-five (125) percent of the estimated costs of replacing the utility pole or equipment or structure. Ten percent of that amount shall be provided as a cash bond. The estimate shall be prepared by an engineer registered in the State of Florida to practice professional engineering. Upon completion and approval of all permitted improvements, ninety (90) calendar percent of the posted security will be released by the city. Ten (10) percent of the performance security shall remain in place at all times the attachment, structure or object remains installed or placed on city utility poles or other city-owned equipment within the public right-of-way. If at any time the security funds are not in place, the structure or object shall be deemed abandoned and shall be subject to removal pursuant to subsection K, below.

H. Indemnification and insurance.

1. As a condition of a permittee having its improvements or equipment located in a city public right-of-way or attached to city-owned utility poles, equipment or structures placed within the public right-of-way, the permittee agrees to and shall, to the extent permitted by law, defend, indemnify and hold harmless the city, its employees, officers, agents and contractors against any claim of liability or loss of any kind, including administrative orders and regulations, and specifically including, without limitation, any claim of liability or loss from personal injury or property damage resulting from or arising out of the presence of the permittee's equipment in the city right-of-way or attached to city-owned utility poles, equipment or structures placed within the right-of-way and also as to any willful misconduct of the user, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the willful misconduct of the city, or its employees, officers, contractors or agents.
2. The permittee agrees as a condition of permit issuance to indemnify the city and pay the cost of the city's legal defenses, including fees of attorneys as may be selected by the city, for all claims described in the hold harmless clause above. Such payment on behalf of the city shall be in addition to any and all other legal remedies available to the city and shall not be considered to be the city's exclusive remedy.
3. Any permittee placing or installing any structure or object on a city-owned utility pole, equipment or structure located within the public right-of-way shall ensure that, at least thirty (30) calendar days prior to the commencement of any work the permittee provides to the city a certificate or certificates issued by an insurer or insurers authorized to conduct business in Florida that is rated not less than category A-VII by A.M. Best, subject to approval by the city, verifying the following minimum policy coverage amounts:
 - a. General Liability Insurance policy with a one million dollar (\$1,000,000.00) combined single limit for each occurrence to include the following coverage: Operations, Products and Completed Operations, Personal Injury, Contractual Liability covering the right-of-way/easement permit, "X-C-U" hazards, and Errors & Omissions.
 - b. Auto Liability Insurance which includes coverage for all owned, non-owned and rented vehicles with a one million dollar (\$1,000,000.00) combined single limit for each occurrence.
 - c. Workers' compensation and employer's liability insurance covering all employees of the permittee and subcontractors, as required by law.
 - d. In the event the permit activity involves professional or consulting services, in addition to the aforementioned insurance requirements, the permittee shall also procure and maintain a Professional Liability Insurance Policy in the amount of one million dollar (\$1,000,000.00) per claim.
 - e. In the event the permit activity involves services related to building construction projects the permittee shall also procure and maintain a Builders

Risk Insurance Policy with loss limits equal to the value of the construction project.

4. In addition to the above, specialty insurance policies covering specific risks of loss (including but not limited to, for example; Longshore coverage, Crane and Rigging, Inland Marine, etc.) may be required by the city. Any additional specialty insurance coverage requirement will be dictated by the specific activity proposed under the right-of-way/easement permit and insurance underwriting standards, practices, procedures or products available in the commercial insurance market at the time of the contract inception. The permittee is required to procure and maintain all such specialty coverage in accordance with prudent business practices within the permittee's industry.
5. The permittee shall provide certificates of insurance to the city demonstrating that the aforementioned insurance requirements have been met prior to the commencement of work under the right-of-way/easement permit. The certificates of insurance shall indicate that the policies have been endorsed to cover the city as an additional insured (a waiver of subrogation in lieu of additional insured status on the workers compensation policy is acceptable) and that these policies may not be canceled or modified without thirty (30) calendar days prior written notice to the city. The policies shall remain effective until all wireless facilities are removed from city-owned utility poles, infrastructure or other improvements.
6. The insurance coverage enumerated above constitutes the minimum requirements and shall in no way lessen or limit the liability of the permittee against any and all claims for bodily injury, sickness, disease, death, personal injury, damage to property or loss of use of any property or assets is caused in whole or in part by any negligent act or omission of the city.
7. The city shall not be liable to a permittee, or any of its respective agents, representatives, or employees for any lost revenue, lost profits, loss of technology, use of rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if the city has been advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise that is related to, arises out of, flows from or is, in some part, caused by permittee's attachment to or use of city-owned infrastructure.
8. A permittee may not construe a permit, correspondence, or other communication as affecting a right, privilege or duty previously conferred or imposed by the city to or on another person. The city reserves the right to continue or extend a right, privilege, or duty or to contract with additional users of city-owned rights-of-way without regard to resulting economic competition.
9. A permittee is solely responsible for the risk and expense of installation, operation, and maintenance of the permittee's attachments, structures or improvements. The city does not warrant that city-owned utility poles, equipment or structures are suitable for placement of a permittee's attachments. A permittee must accept the city-owned infrastructure "as is" and "where is" and assumes all

risks related to the use. The city is not liable for any damage to attachment(s) due to an event of damage to the pole or premises.

10. A permittee may not transfer, assign, convey, or sublet a permit to collocate on city-owned utility poles, equipment or structures without the city commission prior written consent. A transfer, assignment, conveyance, or subletting of a collocation permit without the city commission's prior written consent is not binding on the city. A written request to approve such a change shall be submitted to the city. A written response will be provided within thirty (30) calendar days of receipt of the request.

I. Waivers.

1. Where the city manager or designees, and affected agencies find that undue hardship or unreasonable practical difficulty may result from strict compliance with this article, the city manager may approve a waiver to the requirements of this article if the waiver serves the public interest. However, if in the opinion of the city manager, the intensity and location of the development warrants an evaluation by the city commission, the city manager may require that the applicant obtain commission approval. The applicant shall be advised by the city, when it is determined that board action will be required.

2. Conditions. An applicant seeking a waiver shall submit a written request to the city manager for the waiver stating the reasons for the waiver and the facts which support such waiver. All requests for waivers must be submitted prior to or in conjunction with a right-of-way/easement permit application, preliminary plat, final engineering, final plat approval, or other applicable land development application. The following are considerations for the granting of a waiver:

a. The particular physical conditions, shape or topography, of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out.

b. The granting of the waiver will not be injurious to neighboring properties.

c. The conditions, upon which a request for waiver are based, are peculiar to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant; and

d. The waiver is consistent with the intent and purpose of the city zoning regulations, the city land use plan and the requirements of this article.

e. Delays attributed to state or federal permits.

f. Natural disasters.

g. The city engineer and affected agencies, applicable, concur that an undue hardship was placed on the applicant.

h. If the city manager approves a waiver, the city engineer may attach such conditions to the waiver to assure that the waiver will comply with the intent and purpose of this land development code.

J. Appeals.

The city commission shall hear appeals relating to any administrative decision or determination concerning implementation or application of these provisions, and shall make the final decision approving or disapproving the decision or interpretation. Any request for appeal shall be submitted to the city clerk within thirty (30) calendar days of any decision or determination. The city clerk shall schedule a hearing before the city commission within thirty (30) calendar days of receipt of the written request. The request shall contain the basis for the appeal and appropriate fees. An administrative decision or determination may only be reversed or overturned by a four-fifths ($\frac{4}{5}$) vote of the entire commission entitled to vote on such appeal.

K. Abandonment, termination and removal.

1. A person does not have the right to place any object, structure or improvement in the public right-of-way or place an attachment or object on city-owned utility poles, equipment or structures located in the public right-of-way except as authorized in this article. If an unauthorized object, structure, improvement or attachment is discovered, the city may immediately remove it without incurring liability to the owner, and at the owner's sole expense, if the owner of the unauthorized attachment does not (1) remove the unauthorized structure or attachment within three (3) business days of notification; or (2) apply for permission to have the attachment on city-owned infrastructure within three (3) business days of notification, including payment of applicable charges or penalties.
2. Any object, structure, improvement or attachment located in the public right-of-way may be removed immediately by the city if necessary to protect public safety or prevent imminent damage to city-owned utility poles, equipment or structures.
3. Notwithstanding any section of this article to the contrary, the city may terminate any permit or authorization to locate utilities and associated infrastructure or attachments thereto in the public right-of-way, when determined by the city engineer as necessary to accommodate a city right-of-way or traffic safety improvement project. Such utilities, associated infrastructure or attachments shall be removed as soon as practicable with a time frame coordinated by the city engineer. The permittee or utility is responsible for any removal and relocation costs.
4. Any permitted attachment to a city-owned utility pole, infrastructure or other improvement that is not operated for a continuous period of three (3) months shall be considered abandoned. The failure to pay any required fee adopted by the city commission for the location of an attachment on a city-owned utility pole, infrastructure or other improvement is also deemed abandonment. The owner of such facility shall remove the same, including any antennas, attachments, other related appurtenances, and equipment enclosure, within thirty (30) calendar days of receipt of notice from the city notifying the owner of such abandonment. Any new support structure that does not collocate a small wireless facility to provide

service within nine (9) months after the date the support structure permit is approved is considered abandoned.

a. If there are two or more service providers using a single utility pole or wireless support structure, then the abandonment period for the structure shall not begin until all such service providers have ceased operation.

b. If, within the thirty-day notice period, the abandoned small wireless facility or support structure is not removed the city shall have the authority to remove said facility.

5. The failure to comply with this section will result in immediate removal of the object, structure, improvement or attachment by the city and the imposition of penalties as described herein. The public right-of-way shall be restored to its original condition prior to the construction of the structure or improvement at the expense of the owner or permittee. The city will invoice the owner or permittee for all costs associated with removal and restoration, plus a ten (10) percent penalty fee.

Section 3-~~76~~74. –Television, radio and satellite antenna requirements.

A. Antenna support structures and satellite television receiving antennas located in residentially zoned areas shall be governed by the following restrictions:

1. ~~1. —~~ Height limitations. ~~The height of noncommercial television, and radio and similar information receiving antennas excluding satellite receiving dishes shall be limited to thirty five~~ fifty-five (3555) feet, or as may be further restricted by other local and state law, charter or regulations.

2. ~~2. —~~ Size limitations. ~~Satellite and similar types of noncommercial microwave receiving antennas of parabolic "like" construction shall be limited in size to eighteen (18) inches in diameter. No roof mounting of satellite dish antennas is permitted.~~

2. ~~3. —~~ Locations of antenna, antenna support structures, and satellite receiving antennas. ~~Antennas and support structures shall be located within the established side and or rear setback lines. No antenna element or supporting structure shall be located closer to any overhead power line than eight (8) feet a distance equal to one and one half (1½) times the height of the tower from any overhead power line.~~

B. *Structural integrity requirements.* All antennas and their support structures, rotors, equipment and positioners shall be designed to withstand ~~minimum~~ horizontal winds to 150 mph pressures and shall be corrosion-proof in accordance with the ~~city building codes~~ Florida Building Code.

~~C. Commercial and multifamily installation. Each installation of antenna towers to be used by commercial establishments, including multifamily dwellings and condominiums must receive approval of the development services department.~~

~~D.C.~~ Permit requirements. A building permit shall be obtained prior to the installation or modification of any antenna or supporting structure in excess of twenty (20) feet in height or a satellite antenna ~~or supporting structure in excess of eighteen (18) inches in diameter or fifty (50) pounds in weight, within a residentially zoned district.~~

~~E.D.~~ Applications for a building permit to install, construct or increase the height of a television or radio antenna or satellite receiving antenna shall include the following with the application:

1. A location plan for the antenna support structure or the satellite-receiving antenna.
2. Manufacturer's specifications for the antenna support structure, the required guy wire system, corrosion-proofing and details for the required footings and or other structures required to support or assist in the support of the antenna structure or the satellite dish.

Section 3-77. Wireless communications towers and antennas.

A. Purpose. The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goal is to protect residential areas from the potential of adverse impacts; encourage the joint use of new and existing tower sites as a primary option; enhance the ability of telecommunications providers to provide such services to the community quickly, effectively and efficiently; and avoid potential damage to adjacent properties through the use of effective engineering and careful siting of tower structures.

B. Exceptions. All new towers or antennas shall be subject to these regulations, except as provided below.

1. Amateur radio station operators or receive only antennas owned and operated by a federally licensed amateur radio station operator.
2. Residential or satellite television use antennas.

C. Principal or accessory use. Antennas or towers may be considered either a principal or accessory use. This determination will govern the applicable zoning codes which shall apply.

D. Lighting. Towers and antennas shall be lighted only as required by applicable local, state and federal authorities for safety.

E. State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas, as periodically updated.

F. Maintenance. All towers and antennas shall be maintained in compliance with Florida Building Code, latest edition, and all other applicable local, state and federal regulations.

G. Franchises. Owners and operators of towers and antennas shall certify that all franchises required by law for the construction and operation of a wireless

communication system have been obtained. A copy of all required agreements shall be provided prior to the issuance of a building permit.

H. Signs. Signage is permitted only as required for safety and notification.

I. Buildings and support structures. Construction of all structures to support communication towers or antennas shall comply with all local, state and federal regulations.

J. Height. The height of communications towers and antennas shall be a maximum of two hundred fifty (250) feet.

K. Antennas on existing structures. Any antenna which is attached to an existing structure will be considered an accessory use to the principal commercial, professional, multifamily, or mixed use, provided the installation will comply with all local, state and federal regulations.

L. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed.

~~Section 3-75. Telecommunications or wireless telecommunications facility (WTF).~~

~~A. The purpose and intent is to minimize the negative impact of a wireless telecommunications facility (WTF), establish a fair, expedient and efficient process for review and approval of all applications, protect the health, safety and welfare of the citizens, utilize stealth technology on any new or reconstructed WTF as defined in chapter I, section 1-20, and insure all new and reconstructed facilities are built to accommodate future projected growth demands and needs.~~

~~B. Exclusions; the following shall be exempt from this section:~~

- ~~1. The fire, police, and other public service facilities owned and operated by the local, county, state, or federal government.~~
- ~~2. Any facilities expressly exempt for the city's citing, building, and permitting authority.~~
- ~~3. Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multi-channel, multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals and are primarily used for reception.~~
- ~~4. Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, and other similar non-commercial telecommunications.~~
- ~~5. FCC licensed amateur radio facilities require administrator approval and are exempt from all aspects of this section except logical screening, setback, placement, construction, height and health and safety standards in accordance with state and local building codes.~~

- ~~6. Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g (WiFi and Bluetooth)) where the facility does not require a new tower.~~

~~C. Permit application process and other requirements.~~

- ~~1. Applicants for a new, reconstructed or replacement WTF permit shall comply with the requirements set forth herein. The city commission designates that applications shall be submitted to the administrator, who is authorized to review, analyze, evaluate and make decisions with respect to granting, not granting, or revoking permits. Denied applications and permits may be appealed by the applicant to the city manager and/or board of adjustment as outlined in chapter I, article IX of these regulations.~~
- ~~2. The applicant shall do the following to assist the administrator in expediting the process:~~
 - ~~a. Obtain and review this WTF section and discuss any questions regarding the requirements with administrator before making application.~~
 - ~~b. Determine the best potential location for the WTF facility, taking into consideration the city's defined priorities that meet the applicant's requirements for service. The application requires an explanation for a selected location not using the highest priority available to the applicant. The city's priorities (listed from highest to lowest) are: on existing towers or structures without increasing their height; on city owned properties; on commercially zoned properties; and finally, on residentially zoned properties.~~
 - ~~c. Attend the pre application meeting to address issues to help expedite the review and permitting process, which shall also include a site visit. The pre-application meeting will: determine the types of applications being made; define information required to support the proposed location; and, define the specific application requirements for what is needed for review and consideration by the city. Requirements will vary based on the specific location, type of facility selected and its potential impact to the city and its citizens.~~
 - ~~d. Determine if application falls under the Spectrum Act, Section 6409 requirements for review and approvals, with supporting documentation being provided by the applicant upon submission of the application. If the application does fall under Section 6409, the "shot clock" deadline for review and approval of the application is sixty (60) days. If the application does not fall under Section 6409, the "shot clock" deadline for review and approval of site modification and colocation applications of ninety (90) days shall apply, and one hundred fifty (150) days for new cell site applications, unless otherwise agreed upon by the applicant and city.~~
 - ~~e. Submit three (3) copies of applications to the administrator and officially begin the sixty-day, ninety-day or one hundred-fifty-day "shot clock"~~

~~deadline for approval time period, as determined by subsection C.2.d. above, on the day the application is received by the city development services department. Incomplete applications will not be accepted.~~

- ~~3. The administrator will review the application to verify completeness and that it meets the requirements of these regulations. Based on the review the administrator may:
 - ~~a. The city has twenty (20) days from the date stamped date of submission of the application to request any and all missing information needed to make the application complete. When the applicant resubmits the application package, the city then has ten (10) days to identify which previously requested pieces of information are still missing, and the city shall not request new and/or additional information outside the scope of the original request.~~
 - ~~b. Approve, approve with conditions or deny a WTF permit within the "shot-clock" deadline period, or the application is deemed approved, after written notice to the city that the approval time period has elapsed. The decision shall be in writing and supported by any evidence contained in a written record. The burden of proof for the granting of the permit shall always be on the applicant.~~
 - ~~c. Based on the agreed upon location for a new tower, if it is located in a zone other than a commercial zone, or if any variance is required, this application may require a public hearing through the board of adjustment.~~~~
- ~~4. The city's approval/denial of an application shall be provided to the applicant in writing within the "shot clock" period agreed to by the applicant and city, prior to submission of the application.~~
- ~~5. The city and applicant agree to communicate during the tolling and notice period for incomplete applications to ensure the application is not held up any longer than is absolutely necessary, on the part of either party, while proper information needed for a complete application is acquired.~~
- ~~6. Anyone can appeal the decision of the administrator to the city manager and/or the board of adjustment by submitting written notification to the administrator. The appeal process as outlined in chapter I, article IX of these regulations shall be followed.~~
- ~~7. Limitations. A proposed rezoning, special exception or variance which has been denied by the city on a particular tract of land for a particular purpose cannot again be applied for within one (1) year from the date of denial, unless the new request is determined by the administrator to be substantially different from the original request (i.e., applying for a different but not necessarily more restrictive zoning district, use, distance, area, height, use of stealth technology, etc.)~~
- ~~8. An applicant that receives an approved permit may proceed to the construction phase of the project by applying for the building permit for the tower and any~~

~~additional and required support buildings. The city will conduct its normal building inspection process during construction.~~

- ~~9. When the city has verified that the site is constructed in accordance with the approved application, and the applicant has paid all monies due to the city, the city will issue a certificate of occupancy to the applicant that allows operational use of the site.~~

~~D. Permit application contents and other requirements.~~

- ~~1. All applications shall demonstrate how the proposed facility will utilize stealth technology and be sited so as to be the least visually intrusive as reasonably possible, and contain the information herein set forth.~~
- ~~2. The application requirements may vary based on the type of facility and its location. Final determination of the specific information to be included with each application will be defined in the pre-application meeting, but will generally follow the established guidelines set forth below:~~
 - ~~a. An application to co locate on an existing structure or modify an existing structure without increasing its height shall include: the names, addresses, and phone numbers of the person preparing application; the applicant; the WTF facility owner; the property owner; the building contractors; the postal address and legal description of the property and its zoning designation; written verification that the facility complies with state and federal rules and regulations; a copy of the state license; and, documentation that verifies the ownership of the site, and all lease or sublease agreements.~~
 - ~~b. The applicant shall furnish a visual impact assessment, which includes: a narrative and pictorial representation of how the tower will utilize stealth technology to blend in with the surroundings; a "zone of visibility map" to determine locations from which the tower may be seen; and, pictorial "before and after" representations of proposed facility.~~
 - ~~c. A certified site plan which shall include: the location, size, and height of all structures on the property to scale; landscaping, irrigation, and fencing; a description of the proposed tower/antenna for aesthetics; grounding; parking and turn around facilities; signage; and, demonstrate how it will efficiently screen from view the base and all related structures.~~
 - ~~d. A copy of the geotechnical sub-surface soils investigation, evaluation report, drainage report and foundation recommendation for a proposed or existing tower site.~~
 - ~~e. Certification that the WTF facility, foundation and attachments are designed and will be constructed to meet all local building code requirements for structural and wind loads.~~
 - ~~f. Verification that proposed facility complies with current FCC RF emissions guidelines.~~

- ~~g. Documentation that satisfies the liability insurance requirements.~~
- ~~h. Documentation that satisfies the performance bond requirements.~~
- ~~i. Applications to co-locate on or modify an existing structure where an increase in height is requested requires items (a) through (h) above, and: documentation demonstrating the need for the proposed height of the facility; propagation studies of the proposed site and all adjoining proposed and existing sites; certified structural drawings verifying structure can handle the load of additional antennas and/or structure; supporting documents showing actual intended transmission and the maximum effective radiated power of the antenna(s); and, equipment specification sheets for the proposed radio, combiner, isolator, and antennas planned for the proposed and adjoining sites.~~
- ~~j. An application to install a new or replacement tower or facility will include the above information, and: the number, type, and design of the tower(s)/antenna(s) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users; and, the applicant shall submit documentation demonstrating its meaningful efforts to secure shared use of existing tower(s) or other structures within the city. Copies of written requests and responses for shared use shall be provided to the city in the application.~~

~~E. Visibility of wireless telecommunications facilities.~~

- ~~1. WTFs shall not be lighted or marked, except as required by law.~~
- ~~2. Towers shall be galvanized and at a minimum, use stealth technology of an approved color and design to best allow the WTF to harmonize and blend in with the surroundings and it shall be maintained for the life of the tower.~~
- ~~3. If lighting of the tower is required by FAA or other agency requirements, applicant shall provide a detailed plan for sufficient lighting as inoffensive as permissible under state and federal regulations. Applicant shall also be in compliance with the Florida turtle nesting laws.~~

~~F. Security of wireless telecommunications facilities; all WTF, towers and antennas shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access.~~

~~G. Signage.~~

- ~~1. WTFs shall contain signs no larger than four (4) square feet to notify persons of the presence of RF radiation or to control exposure to RF radiation and a sign with the I.D. number and emergency phone number(s) located on the equipment shelter or cabinet and visible from the access point of the site. On tower sites, an FCC registration site shall also be present. The signs shall not be lighted, unless required by law, rule, or regulation. No other signage shall be permitted, such as advertising.~~

- ~~2. The applicant or future owner of the site shall update the site identification number and emergency phone numbers of the WTF as displayed on the required sign within six (6) months of any sale, assignment, or transfer.~~

~~H. Parameters of WTF permits.~~

- ~~1. Permit shall not be assigned, transferred, or conveyed without written notice to and approval from the city within six (6) months.~~
- ~~2. Such permit may, following a code enforcement special magistrate and/or board hearing upon due prior notice of violation being provided to the applicant, be revoked, canceled, or terminated for violation of the conditions and provisions of the WTF permit or for a material violation of this section after notice and the applicant is given an opportunity to cure the same.~~

- ~~I. Application fee: At the time a person submits an application for a WTF permit for a new tower or requires an increase in height to an existing tower, such applicant shall pay a non-refundable application fee of four thousand five hundred (\$4,500.00) to the city. If the application is for a WTF permit for co-locating on an existing tower or other suitable structure, where no increase in height of the tower or structure is required, the non-refundable fee shall be two thousand five hundred (\$2,500.00).~~

~~J. Liability insurance.~~

- ~~1. A holder of a permit for a WTF shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage and umbrella insurance coverage for the duration of the permit in amounts as set forth below:
 - ~~a. Commercial general liability and automobile coverage: one million dollars (\$1,000,000.00)/occurrence and two million dollars (\$2,000,000.00) aggregate.~~
 - ~~b. Workers compensation and disability: statutory amounts:~~~~
- ~~2. The commercial general liability insurance policy shall specifically include the city and its officers, employees, agents, and consultants as additional named insured's.~~
- ~~3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a "best's" rating of at least A.~~
- ~~4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the city with at least thirty (30) days' prior written notice of the cancellation of the insurance.~~
- ~~5. Renewal or replacement policies or certificates shall be delivered to the city at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.~~
- ~~6. Provide the city the policies/certificates before construction, but in no instance later than fifteen (15) days after the granting of the permit.~~

- ~~K. Indemnification: Any application for WTF that is proposed on city property, pursuant to these regulations, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the city, and its officers, employees, commission members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges, arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therein, either from law or inequity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, exempting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the city, or its servants or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the city.~~
- ~~L. Default and/or revocation. If WTF are repaired, rebuilt, placed, moved, relocated, modified, or maintained in a way not in compliance with these regulations or the WTF permit, then the city shall notify the permit holder in writing of such violation. After receiving written notice of violation, a permit holder has sixty (60) days to cure said violations. The city shall consider extensions to the cure period as necessary upon the permit holder demonstrating that despite its good faith efforts, such default cannot be reasonably cured within the provided time. A permit holder still in violation after the expiration of the cure period may be considered in default, subject to fines as set forth in these and other city regulations, and the permit is subject to revocation.~~
- ~~M. Temporary tower facilities, such as communications on wheels (COW) for emergency use.~~
- ~~1. If a COW or other type of temporary tower facility becomes inoperable due to force majeure or acts of God, it must be removed from the site within thirty (30) days.~~
 - ~~2. If a COW or other type of temporary tower facility must be used, it must be removed from the site within forty-eight (48) hours of the conclusion of the event.~~
 - ~~3. In the event of an emergency or natural disaster which renders other forms of communication nonviable, thus necessitating a COW or other temporary tower facility, the city and the telecommunications provider shall agree to special terms and conditions as required to meet the needs of both entities, and the general public at large.~~
- ~~N. Relief: Any applicant desiring relief, waiver or exemption from any requirement of these regulations may request such at the pre-application meeting. The burden of proving the need for the request lies solely with the applicant. The applicant shall bear all costs to the city in considering the request, which may or may not require~~

~~approval from the administrator or the board of adjustment, depending upon the nature of the request. No request shall be approved unless the applicant provides convincing evidence that the request will have no significant effect on the health, safety and welfare of the city or its residents.~~

- ~~O. Removal/replacement of nonconforming wireless telecommunications facilities (WTF): A wireless telecommunication facility (WTF) which is lawfully in existence or which was lawfully installed prior to the adoption of these LDC regulations, which does not conform to the provisions of this section are declared to be a nonconforming WTF. It is the intent of this section to recognize that the eventual elimination of nonconforming WTFs as expeditiously and fairly as possible is as much a subject of health, safety, and aesthetics as is the prohibition of a new WTF that would violate the provisions of this section. It is also the intent of this section that the elimination of a nonconforming WTF shall be effected so as to avoid any unreasonable invasion of established property rights. No nonconforming WTF shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.~~

~~Section 3-76. – Home occupations.~~

~~Any lawful home occupation use shall be permitted, which is clearly incidental and secondary to dwelling purposes, which is conducted entirely within a dwelling and carried on by occupants and it does not change the residential character thereof; and provided that all of the following conditions are met:~~

~~No unauthorized employees or persons other than the dwelling residents and employees pre approved by the administrator shall be engaged in such occupations.~~

~~Home occupations must be clearly accessory to the principal residential use.~~

~~There shall be no visible change in the outside appearance of the dwelling or premises to conduct such occupations.~~

~~There shall be no occupation advertising signs located on residentially zoned properties or public right-of-way to advertise such occupation.~~

~~The home occupation shall not displace the normal use of residential and accessory structures.~~

~~There shall be no outside storage of materials or products on the premises visible from the property boundaries, and all shall be stored in a wholly enclosed structure located in only the side or rear yards of the property. No toxic or noxious chemicals or materials may be stored in amounts in excess of those normally found in a residential dwelling. No additional and separate entrance will be constructed to conduct the occupation.~~

~~Only commodities approved to be made and sold on premises can only be sold from within the building; and, no display of such products will be permitted which is visible from outside the building.~~

~~No traffic generated by such occupation shall increase the volume normally found in a residential neighborhood, plus the three (3) permitted deliveries per day outlined in subsection J. below. Any needed parking generated by such occupation shall be located on premises or within the street right of way directly adjacent to the premises.~~

~~Additional driveways or paved areas to serve such occupations shall not be permitted.~~

~~A reasonable number of occupation-related product deliveries shall be permitted, but in no instance shall there be more than three (3) deliveries per day. No occupations shall be permitted to interfere with, or share a driveway or off-street parking space with an adjoining property.~~

~~No equipment or process shall be used in such occupation which creates any type of nuisance such as noise, vibration, glare, fumes, odors, or heat, which is detectable to the normal human senses from any adjacent or abutting lot, or which are harmful in any way to persons, animals, flora or fauna on or off the premises. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receivers, or in any other electronic equipment on any adjacent or abutting lot.~~

~~A person desiring to conduct a home occupation in a district where it is permitted shall first pay the non-refundable application fee and complete the home occupation application which shall include, but not be limited to, the following information:~~

- ~~1. Name of applicant, property owner and/or entity, and any requested employees.~~
- ~~2. Notarized statement of approval of home occupation use from property owner or entity.~~
- ~~3. Property address.~~
- ~~4. Home occupation name and telephone number.~~
- ~~5. A diagram and description of the occupation signage requested.~~
- ~~6. Type of business or service to be provided by the home occupation.~~
- ~~7. Days and hours of operation for the home occupation.~~
- ~~8. Signature of applicant, property owner and/or entity.~~

~~Upon compliance with these regulations, the administrator or his appointed designee shall issue a permit for such home occupation. Any home occupation permit may be revoked by the administrator or his designee ten (10) days after being noticed that the home occupation has become a public nuisance and/or is not in compliance with the City Codes. Applicant shall have this ten-day notice period to either cure the violation(s) or shut down their home occupation.~~

~~The administrator or any applicant whose home occupation license has been denied or revoked may request an appeal at a public hearing before the board of adjustment as outlined in chapter I, article IX.~~

~~A home occupation license is only valid for a period of one (1) year, and must be renewed by the business tax receipt (BTR) annual deadline date of August 31. Renewal requests not made prior to the annual BTR deadline date shall require completion of a new application and payment of the approved non-refundable application fee.~~

~~Home occupations shall in no case be construed to mean or include barbershops, beauty parlors, tea rooms, food processing, restaurants, sale of antiques, tourist homes, animal hospitals, nursing homes, retail stores, dancing instruction, and commercial kennels. Home occupations shall be limited to uses that have minimal to no impact on residential zoning districts and neighborhoods.~~

~~Section 3-77. – Permitted parking in residential districts.~~

~~Notwithstanding other prohibitions in, but subject to any period of time, or length, location and/or number of vehicles permitted to be parked in any residential district, on an improved and developed residential lot, with a permitted structure on it, any number and combination of the following types of motor vehicles or trailers, may be parked on the residential lot, which includes: cars, motorcycles, boats, jet skis, light vans, pickup trucks, jeeps, sand buggies or rails or other similar types of motor vehicles typically found on residential properties.~~

~~Section 3-78. – Adult entertainment establishments.~~

~~A. *Where permitted.*~~

- ~~1. Notwithstanding any other provision of these regulations or any provision of chapter 2.5 of the City Code of Ordinances, no person shall propose, cause or permit the operation of, or enlargement of (except when an enlargement may be required by law), an adult entertainment establishment which, while in operation or after enlargement, would or will be located within:~~
 - ~~a. One thousand five hundred (1,500) feet of a preexisting adult entertainment establishment;~~
 - ~~b. Nine hundred (900) feet of a preexisting religious institution;~~
 - ~~c. Nine hundred (900) feet of a preexisting educational institution, or the distance restrictions set forth in F.S. § 847.0134, whichever is greater;~~
 - ~~d. Nine hundred (900) feet of a preexisting public library;~~
 - ~~e. One hundred seventy five (175) feet of an area zoned city B-1 public and recreational use district or city PS-1 public and semi-public district;~~
 - ~~f. Five hundred (500) feet of the city seawall line as described and drawn on the official map thereof on file in the office of the city manager;~~
 - ~~g. One thousand two hundred (1,200) feet of the Banana River Aquatic Preserve as described and/or delineated on the official map thereof as provided by the State of Florida;~~
 - ~~h. Four hundred (400) feet of an area zoned city RS-1 single family residential district;~~

- ~~i. Four hundred (400) feet of an area zoned city RM-1 multifamily residential district;
or,~~
- ~~j. Four hundred (400) feet of an area zoned city RM-2 multifamily professional district.~~
- ~~B. In addition to the distance requirements in subsection A. above, an adult entertainment establishment shall not be allowed to open, operate or be enlarged (except when an enlargement may be required by law) anywhere except in a CN neighborhood commercial or a CG general commercial zoning district.~~
- ~~C. The distance requirements of subsection A. above, are independent of and do not supersede the distance requirements for alcoholic beverage establishment contained in section 3-71 above.~~
- ~~D. *Measurement of distance.* The distance from a proposed or existing adult entertainment establishment to any of the preexisting structures or zoning districts listed in subsection A. above shall be measured by drawing a straight line between the closest point of the proposed or existing adult entertainment establishment structure (be it a building or leased space in a building) to the closest point of the preexisting building or structure or leased space in a building or zoning district boundary.~~
- ~~E. *Nonconforming uses and amortization.*~~
 - ~~1. Any establishment that satisfies the definition of an adult entertainment establishment contained in Cocoa Beach Code section 2.5-5, that is in operation on the date City of Cocoa Beach Ordinance No. 1388 (July 1, 2004) takes effect, and that is not in compliance with this section shall be permitted status as a nonconforming adult entertainment establishment, for the limited purposes of complying with this section. No other nonconforming adult entertainment establishment shall be permitted unless specifically addressed in this chapter.~~
 - ~~2. Any nonconforming adult entertainment establishment shall be deemed abandoned if such establishment has been discontinued for ninety (90) consecutive days or more, for any reason whatsoever. A conversion of nonconforming adult entertainment establishment classification to another adult entertainment establishment classification is considered to be an abandonment of the adult entertainment establishment use after ninety (90) days. Upon such abandonment the future use of the land whereon the nonconforming adult entertainment establishment was located shall revert to and conform to the uses permitted in the district in which the establishment was located.~~

~~Any nonconforming adult entertainment establishment pursuant to this section may continue to operate as a nonconforming use subject to abandonment of use as defined in subsection 2. above, and provided the establishment maintains its classification as described in section 2.5-9 of the City Code of Ordinances.~~

~~Section 3-79. – Temporary retail sales and uses.~~

~~A. General provisions.~~

~~Purpose. The purpose of this section is to specify regulations applicable to certain temporary retail sales and uses which, because of the impact on surrounding land uses, require a temporary use permit and may require a temporary business tax receipt (BTR) or other permits as may be required by other sections of the City Code of Ordinances or state law.~~

~~2. Compatibility. Temporary commercial uses are hereby declared to be incompatible with residentially zoned areas or land uses, including multifamily developments.~~

~~Prohibited uses. No use that is prohibited in the zoning district where the temporary sales are proposed shall be allowed.~~

~~Temporary sales are prohibited on premises being used as an automobile service station, on public sidewalks (sidewalk vending and sales), on public rights-of-way, or in any residential developments, except those sales that may be regulated by and permitted under City Code chapter 14, special events, or under section 3-67, garage sales, of these regulations.~~

~~5. Permit required. No temporary use shall be established until a temporary use permit has been obtained from the development services department.~~

~~Lighting. No permanent/temporary lighting shall be installed without an electrical permit and inspection.~~

~~Hours of operation. Hours of operation shall be specified and confined to that noted on the approved permit.~~

~~B. Except as permitted under "seasonal sales" or those sales that may be regulated by and permitted under City Code chapter 14, special events, or under section 3-67 of these regulations, only bona fide licensed commercial businesses in the City of Cocoa Beach shall be allowed to obtain a temporary use permit for outdoor sales in the following zoning districts: CG general commercial; CN neighborhood commercial; PS-1 public and semi-public; and, the B-1 public and recreational use districts. Businesses with a home occupational license shall not be permitted to obtain a temporary use permit. Temporary uses must be conducted on the same property as where the permanent business is located. Off-site temporary sales are prohibited in the city. Temporary sales may be permitted provided the following requirements are met:~~

~~Temporary sales per site (property) shall not be conducted for more than twenty-eight (28) consecutive days per calendar year, with no more than four (4) temporary sales allowed per site within that period. A temporary business tax receipt (BTR) shall be required for each sale and the fee paid for each of the four (4) permitted sales, and shall be as established by resolution by the city commission from time to time.~~

~~The location and size of the temporary sale shall be reviewed and approved by the administrator to determine the impact of the function on the overall site and abutting properties.~~

~~If tents are utilized for sales, they shall be permitted separately from the temporary sales permit.~~

~~Sales shall be for the purposes of displaying and retailing merchandise that is normally owned and/or offered for sale by the business or for specialty merchandise related to but not normally sold by said business. The decision of which sales may be permitted under this section rests solely at the discretion of the administrator, with appeal to the board of adjustment in accordance with provisions of chapter I, article IX of these regulations.~~

~~The display and location of temporary sales shall not reduce the required Americans with Disabilities Act (ADA) accessibility requirements for sidewalks, the number of parking spaces or the landscaped areas located and shall not adversely impact abutting properties.~~

~~A minimum of five (5) feet in width for all sidewalks shall be maintained unobstructed in accordance with ADA standards and for pedestrian traffic.~~

~~C. Seasonal temporary sales are permitted subject to the following:~~

- ~~1. Location shall only be allowed in commercial zoning districts that allow retail sales.~~
- ~~2. Applicant shall provide written notarized permission from the property owner, to allow the use.~~
- ~~3. Use of any required parking spaces for such sales shall not be permitted (based on current parking regulations).~~
- ~~4. There shall be no more than two (2) seasonal temporary sales on any one property per calendar year, within any given thirty (30) consecutive calendar days.~~
- ~~5. The following is the list of holidays approved for purposes of this section: New Year's, Easter, Memorial Day, Fourth of July, Labor Day, Halloween, Thanksgiving and Christmas.~~
- ~~6. Minimum setbacks shall be fifty (50) feet from state roadways (i.e., SR A1A, SR 520) and twenty five (25) feet from all other streets and property lines.~~
- ~~7. Proper and normal property ingress and egress shall be required and maintained for the duration of the sale.~~
- ~~8. Temporary or portable signs, as referenced in chapter V, shall be permitted.~~
- ~~9. To ensure the public health, safety and welfare, the applicant may be required to satisfy other regulations, as determined by the administrator.~~
- ~~10. Following filing of a temporary BTR license and permit application, staff shall be allowed a maximum of ten (10) business days to issue the temporary BTR and sales permit. After review of the applications, the city shall approve, deny, or approve with conditions the license/permit.~~

~~D. Exemptions from temporary BTR licensing and permitting. Outdoor sales that do not involve a large quantity of merchandise, as determined by the administrator or which are not housed in tents or portable structures are exempt from permitting provided:~~

~~The sale is for the purposes of retailing merchandise normally sold from the business and there are no prohibitions for such sales elsewhere in City Code. The decision of which sales may be permitted under this section rests solely at the discretion of the administrator, with appeal to the board of adjustment in accordance with chapter I, article IX of these regulations.~~

~~All sales shall be held on the licensed premises. The business shall have been licensed for a minimum of ninety (90) days prior to the outside sales commencing.~~

~~Sales shall not encroach into rights-of-way or approved vehicular circulation patterns or divert pedestrian traffic into vehicular traffic lanes. The display of merchandise shall not reduce the sight visibility triangle, parking requirements or the landscaped areas located on the premises.~~

~~A minimum of five (5) feet in width for all sidewalks shall be maintained unobstructed in accordance with the ADA accessibility requirements.~~

~~Section 3-80. Vehicle sales.~~

~~A. *Purpose and intent.* The intent of this regulation is to allow a private citizen to sell privately owned vehicles for private sales. It is not the intent of this section to allow for any form of commercial vehicle sales which are otherwise prohibited by law in the City of Cocoa Beach. For the purposes of these regulations, the word "vehicle" includes any motorized automobile, motorcycle, scooter, golf cart, pickup truck, boat, jet ski, watercraft, aircraft, recreational vehicle, and/or any trailer used to haul vehicles.~~

~~B. *General.*~~

- ~~1. The display of a privately owned vehicle for private sale is allowed only on improved and occupied residential property when the private vehicle to be sold is owned by the residential property owner or occupant.~~
- ~~2. No vehicles offered for private sale shall be displayed on any vacant, unimproved, or undeveloped property.~~
- ~~3. The owner of the private vehicle for private sale must have a residential occupancy interest on the property where the vehicle is displayed for sale. If the vehicle for sale is displayed at a commercial location for a period greater than four (4) hours, the vehicle may be displayed only when the owner of the vehicle is on the property, and during normal operating hours of the business. Only automobiles including cars, pick-up trucks and standard or mini vans, principally used for personal transportation, may be displayed for sale upon any property in the city.~~
- ~~4. Any vehicle for sale must be properly licensed, registered and operable.~~
- ~~5. Only (1) vehicle offered for sale is allowed on any one (1) parcel at any one (1) time, and there shall be no more than one (1) vehicle for sale on any one (1) parcel within any six-month period. (how enforce?)~~

- ~~6. Vehicles offered for sale must be displayed in a parking area, and must not be located on any public right of way, landscape area or buffer, or any other non-parking development feature.~~
- ~~7. Signage advertising the vehicle for sale shall not be greater than four (4) square feet in total area, and it must be affixed inside the vehicle, or in the case of motorcycles, boats, and trailers, securely affixed to the vehicle.~~

~~Section 3-81. – Public food service requirements and exemptions.~~

~~A. For the purposes of these regulations, the words, "public food service establishment" means any building, vehicle, place, or structure, or any room of a building, vehicle, place, or structure where food is prepared, served, or sold for consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered.~~

~~B. Pursuant to F.S. § 509.233(2), there is hereby created in the city, a local exemption procedure to allow patrons' dogs within certain designated outdoor areas of food service establishments.~~

~~1. *Permit required; submittals.*~~

~~a. In order to allow patron's dogs on their premises, a food service establishment shall secure a valid permit issued in accordance with this section.~~

~~b. Applications for a permit to meet the requirements of F.S. § 509.233(4)(b), shall include:~~

~~(1) The name, location, and mailing address of the public food service establishment;~~

~~(2) The name, mailing address, and telephone contact information of the permit applicant;~~

~~(3) A diagram and description of the designated outdoor area designated as available to patrons' dogs, and the boundaries of the designated area and other outdoor dining areas not available for patrons' dogs. The diagram or plan and the dimensions shown shall be accurate but it does not need to be prepared by a design professional; and,~~

~~(4) The days of the week and hours when patrons' dogs are permitted in the area.~~

~~c. The city commission may adopt by resolution reasonable fees necessary to:~~

~~(1) Recoup the costs of processing the initial application, permitting, and inspections.~~

~~(2) Provide for an annual renewal, and enforcement.~~

~~2. *General regulations; cooperation; enforcement.*~~

~~a. In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued are subject to the requirements contained within F.S. § 509.233(4)(c) and shall include the following:~~

~~(1) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs.~~

- ~~(2) Waterless hand sanitizer shall be provided at tables in the designated outdoor area.~~
- ~~(3) Patrons shall keep their dogs on a leash at all times and under reasonable control.~~
- ~~(4) Dogs shall not be allowed on chairs, tables, or other furnishings.~~
- ~~(5) All table and chair surfaces shall be maintained and kept clean with an approved product between seating of patrons.~~
- ~~(6) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate cleaning products shall be kept near the designated outdoor area.~~
- ~~(7) At least one (1) sign reminding patrons and employees of the applicable rules shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half (8½) inches in width and eleven (11) inches in height and printed in easily legible typeface of not less than twenty-point font size.~~
- ~~(8) A sign shall be posted in a conspicuous and public location near all entrances to the designated area to place patrons on notice that the designated area permits dogs to accompany their owners. The sign shall be not less than twelve (12) inches in width and fifteen (15) inches in height and printed in easily legible typeface of not less than twenty-point font size that "Dogs are permitted in outdoor seating areas."~~
- ~~(9) Dogs shall not be permitted to travel through indoor or non-designated outdoor portions where dogs are not permitted.~~
- ~~b. A permit issued pursuant to this subsection shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer.~~
- ~~c. Permits shall expire each year, with any required annual renewal fee being due and payable on or before August 30, concurrent with payment of the annual business tax receipt (BTR) occupational license.~~
- ~~d. Any public food service establishment that fails to comply with the requirements of this section shall be subject to any and all enforcement proceedings consistent with the applicable provisions of the City Code and general law, including but not limited to:~~
- ~~(1) Failure to follow procedures, rules, and requirements of subsection 2.a., above shall result in immediate revocation of permit with notice as prescribed by code enforcement notifications set for in F.S. § 162.12. A public food service establishment may appeal the revocation of the permit within fifteen (15) days of the receipt of notice of revocation by providing notice of such appeal to the administrator. Such appeal shall follow the process and guidelines established in chapter I, article IX; or,~~
- ~~(2) The issuance of Class III citation in accordance with City Code chapter 31; or,~~

- ~~(3) Enforcement by other means including, but not limited to: a summons; a notice to appear in the county or circuit court; an arrest; an action before the code enforcement special magistrate and/or board; or a civil action for injunctive relief; or,~~
- ~~(4) Punished in accordance with general penalty set forth in City Code chapter 1, section 1-8. Each day a violation exists shall constitute a distinct and separate offense.~~

~~ARTICLE X. – DUNE CROSSOVERS~~

~~Section 3-82. – Requirements.~~

~~Any multiple dwelling structure containing more than three (3) living units constructed on oceanfront property shall have a dune crossover built as a part of its required improvements in accordance with plans and specifications contained in the city standard construction details. The dune crossovers shall also be approved by the Florida Department of Environmental Protection (FDEP). Common dune crossovers between adjacent multiple family dwelling projects are acceptable and encouraged. No dune crossovers constructed after the date of this article shall be constructed except in conformance with the guidelines and detail contained herein.~~

~~Section 3-83. – Existing dune crossovers.~~

~~Existing dune crossovers constructed prior to the date of this article shall be modified to comply with the specifications set forth in sections 3-82 and 3-84 at such time as they _____ require _____ repair _____ or _____ replacement.~~

~~Section 3-84. – Dune and beach crossover construction.~~

~~Construction of a dune or beach crossover shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the FDEP Beach and Dune Walkover Guidelines (latest edition). On grade, permeable, dune crossings may be approved if reviewed and approved by both the city engineer and FDEP. See Figure 4-8 below for a typical elevation of a crossover.~~

~~ARTICLE XI. – OUTDOOR LIGHTING AND ROAD GLARE~~

~~Section 3-85. – Purpose and intent.~~

~~The purpose and intent of this section is as follows:~~

- ~~A. To protect against direct glare and excessive lighting;~~
- ~~B. To eliminate the increase of lighting levels on competing sites;~~
- ~~C. To provide safe roadways for motorists, cyclists and pedestrians;~~
- ~~D. To protect and improve the ability to view the night sky, and improve the quality of life;~~
- ~~E. To prevent light trespass in all areas which abut the beach, and residentially zoned property;~~

- ~~F. To promote efficient and cost effective lighting to conserve valuable natural resources;~~
- ~~G. To ensure that sufficient lighting can be provided where needed to promote safety and security;~~
- ~~H. To provide lighting guidelines; and,~~
- ~~I. Guide property owners/occupants on how to bring nonconforming lighting into conformance.~~

~~Section 3-86. – Light fixture source types regulated.~~

- ~~A. All of the following light fixture source types and wattages shall be subject to these regulations:
 - ~~1. All metal halide, fluorescent, compact fluorescent lamp (CFL), LED lighting (light-emitting diodes), fiber optic and mercury vapor.~~
 - ~~2. High pressure sodium: exceeding thirty-five (35) watts.~~
 - ~~3. Low pressure sodium: exceeding eighteen (18) watts.~~
 - ~~4. Incandescent and quartz halogen: exceeding forty (40) watts.~~
 - ~~5. Any new technology, or light fixture source types, not included in subsections 1—4 above, which is determined to be compatible with the listed light fixture source types, can be regulated as if listed, as determined by the administrator.~~~~
- ~~B. Filtering of source types. Mercury vapor, fluorescent, and metal halide lamps shall be installed in light fixtures enclosed by acrylic, translucent material, or glass which filters out ultraviolet light; quartz glass does not qualify.~~

~~Section 3-87. – Light trespasses.~~

- ~~A. All light fixtures, except street lighting, shall be located, designed, aimed, shielded, installed, and maintained to limit illumination only to the target on the lot where the fixture exists, and to minimize light trespass onto any adjacent, abutting or neighboring properties. Non-directional decorative lighting used on single family or duplex dwellings shall be exempt from this provision.~~
- ~~B. Directional light fixtures such as floodlights, wall pack lights, sconces, and spotlights shall be aimed so that the center of the beam is not more than sixty-two (62) degrees away from the ground. Directional luminaries shall be shielded as needed for minimizing misdirected light.~~
- ~~C. With the exception of lighting for flagpoles and accent lighting, all commercial lighting referenced to and focused upward from the ground is hereby prohibited. Existing commercial lighting facilities which are not consistent with this requirement are determined to be nonconforming facilities. Existing nonconforming facilities must be brought into compliance with this regulation by May 1, 2020, or be in violation of this section. (max lumins?)~~

~~Section 3-88. – Glare control.~~

- ~~A. All lighting including, but not limited to, parking and building lighting, shall be focused, directed, and arranged so as to avoid producing glare and/or becoming a nuisance, a traffic or safety hazard.~~
- ~~B. Partial or full shielding may be required for any light source to eliminate glare.~~
- ~~C. Site lighting using spot or floodlight fixtures mounted on building walls, roofs, or poles shall be shielded, and angled downward, so that the light shines at a maximum of minus sixty-two (-62) degrees as measured from the vertical line created from the center of the light fixture down to the ground, and the light shall not cause glare or light trespass on any adjacent, abutting or neighboring properties. Under no circumstances shall LED lighting be used for site lighting.~~
- ~~D. The use of fixtures with motion detectors, photocells, or timers that allow a floodlight to turn on at dusk and turn off by 11:00 p.m. shall be encouraged.~~

~~Section 3-89. – Commercial business lighting.~~

~~A. *Lighting plan review and permit.*~~

- ~~1. *Permit required.* All commercial electrical installations require a permit and must be performed by a licensed electrical contractor.~~
- ~~2. *New site plan.* When a new site plan is proposed which includes site lighting installations, the applicant must submit a lighting plan for review to determine consistency with these regulations, which must be approved prior to the commencement of construction.~~
- ~~3. *Sports complex.* Sports complexes must comply with commercial business lighting regulations.~~

~~B. *Design standards.*~~

- ~~1. When a commercial site abuts residentially zoned property the lighting must be designed and installed to direct light both vertically down and completely away from the residential property, and under no circumstances shall LED lighting be permitted to be located on the side of the property which abuts a residentially zoned property.~~
- ~~2. Whenever possible, all site lighting, and specifically illumination for parking areas, must be planned and installed to be as minimally intrusive to residentially zoned property as possible.~~

~~Section 3-90. – Restrictions on lighting.~~

~~It is the policy of the city commission to minimize artificial light illuminating the entire city. To meet this intent, all nonconforming artificial lighting of existing buildings, structures or signs shall be brought into compliance with this section, or be granted a variance from the board of adjustment by January 1, 2018, or be found in violation. This deadline date shall not be extended. The purpose and intent of this section is to protect and conserve the natural resources found in the Ocean, Banana River Lagoon and other waterways, and prevent light trespass onto adjoining _____ properties _____ within _____ the _____ city.~~

~~Section 3-91. – Beachfront lighting.~~

~~Lighting fixtures located within one hundred (100) yards of the beach must be modified to comply with the following, or extinguished from sunset to sunrise:~~

- ~~A. Light fixtures shall be designed, positioned, shielded, or otherwise modified so that the source of light and any reflective surfaces of the fixture shall not be visible by a person who is in a prone position anywhere on the beach. Under no circumstance shall LED lighting be permitted within one hundred (100) yards of the beach.~~
- ~~B. Lights shall not directly or indirectly illuminate the beach during the sea turtle nesting season except, in order to insure public safety. Spill over and reflective lighting onto the beach will be permitted to the extent necessary to meet the minimum safe lighting standards for particular property uses as published in the IES Lighting Handbook by the Illuminating Engineering Society of North America.~~
- ~~C. Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that they do not illuminate the beach. The source of the light shall not be visible by a person who is in a prone position anywhere on the beach.~~
- ~~D. True red neon light (tubular lamps containing neon gas) or fiber optic light may be used for signage, parking lot or decorative purposes, whether or not the source of such light is visible by a person lying anywhere on the beach.~~
- ~~E. Streetlights, and lighting at parks or other publicly owned beach access points shall be designed, positioned, shielded, or otherwise modified such that they shall not illuminate the beach and the source of the light shall not be visible by a person who is in a prone position anywhere on the beach.~~
- ~~F. Property or condominium owners, tenants or residents in buildings located within one hundred (100) yards of the beach shall eliminate direct illumination from interior lights visible by a person who is in a prone position anywhere on the beach. Methods which may be utilized include but are not limited to the following:
 - ~~1. Apply window tint or film that meets standards of the Department of Environmental Protection for tinted glass;~~
 - ~~2. Rearrange lamps and other moveable fixtures away from windows;~~
 - ~~3. Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; and~~
 - ~~4. Turn off all lights which cannot comply with items 1, 2 or 3 above.~~~~
- ~~G. Specifically exempted from the terms of this section are lights which are aids to navigation, motion sensors and traffic control devices.~~
- ~~H. This section is adopted to provide protection for sea turtles as a matter of local, county and state policies. It is the intent of the city that this section be consistent with, and in furtherance of, the provisions of the Endangered Species Act, 16 U.S.C. §§ 1531 through 1544, and that it satisfy any obligation the city may have under the~~

~~act to prevent harm to sea turtles by its election to adopt and enforce these regulations.~~

~~Section 3-92. – Waterway lighting.~~

~~The intent of this section is to prevent unshielded shoreline lighting that trespasses unto waterways, causes water surface reflections, and/or in any way hinders or interferes with the boater's ability to visually locate and access universal navigation markers at night.~~

- ~~A. All shoreline lights in waterways navigable at night, where universal navigation markers exist, shall either be installed new, and/or retrofitted to effectively be redirected or shielded to remove all non-target lighting and water surface reflections away from waterway and universal navigation markers.~~
- ~~B. Discontinue, redirect or shield all unnecessary shoreline lighting to improve visibility of the universal navigation markers whenever deemed necessary by the code enforcement officer or city police.~~

~~Section 3-93. – Federal, state and county regulations.~~

~~Such restrictions as shall have been adopted by the federal, state or county governments or administrative agencies are and remain in full force and effect.~~

~~Section 3-94. – Violations and enforcement.~~

- ~~A. It shall be unlawful to install, erect, construct, enlarge, alter; repair, move, improve, convert, or operate a light fixture in violation of this section.~~
- ~~B. The city shall require corrective action for any lighting installation that becomes nonconforming, due to damage or lack of maintenance, except that lighting damaged as result of a natural disaster may be repaired or replaced with like kind fixtures if such natural disaster damage occurs prior to the January 1, 2018, amortization deadline.~~
- ~~C. The city is authorized to order the modification of any light fixture that it finds to be a definite hazard or gross nuisance to the public and sea turtles during the nesting period, and particularly a light fixture that causes objectionable glare to the users of a roadway.~~
- ~~D. Violations and enforcement of these provisions shall be in accordance with those procedures identified in chapter I, article V, "penalty".~~

CHAPTER IV. APPLICATION AND REVIEW PROCESSES

ARTICLE I. SITE PLAN APPLICATION PROCEDURE

Section 4-01. - General.

- A. Site plans, as defined in section 1-20, shall be submitted for all commercial and residential development or redevelopment and all site improvements or building additions which impact the site infrastructure, parking, stormwater, and landscaping shall be detailed.
1. The site plan shall be sealed by a Florida certified professional and drawn to an industry acceptable engineer's scale, but in no instance less than one (1) inch to forty (40) feet.
 2. The requirements of this section shall be determined and expressed to the applicant at the pre-application meeting.
 3. The site plan shall show the location of the structure in relation to property lines, setbacks, easements, off-street parking and loading spaces, service areas, walls, fences, public streets, driveways, open spaces and sidewalks, utilities, and the location and types of signs, and site lighting.
 4. Lot areas, percentage of building ground coverage, floor elevations and square footage in each structure shall also be included.
 5. An up to date property boundary survey is also required with any site plan application.
 6. A stormwater plan, as detailed in chapter VII, is required, which includes, but is not limited to, ground elevations, grading and drainage.
 7. A landscape plan, as detailed in section 3-52, is required, which includes, but is not limited to, existing trees, site topography, and proposed improvements.

~~Site plans, as defined in chapter I, section 1-20, shall be submitted for all commercial and multi-family residential developments and redevelopments, and are not required for single-family or duplex residential dwellings. In order to obtain a building permit, a site plan application must be made for the following:~~

- ~~A. New commercial site, or multifamily residential development.~~
- ~~B. Modifications or amendments to the approved site plan, prior to or during construction, as required by the administrator.~~
- ~~C. Special development overlay district applications.~~
- ~~D. Site improvements and/or building additions which impact the site infrastructure, parking, stormwater, or landscaping as determined by the administrator.~~

~~The site plan shall be drawn to an industry acceptable engineer's scale, but in no instance less than one (1) inch to twenty (20) feet. The requirements of this article shall be determined and expressed to the applicant at the pre-application meeting. The site plan shall show the location of the structure in relation to property lines, setbacks, easements, off-street parking and loading spaces, service areas, walls, fences, public~~

~~streets, driveways, open spaces and sidewalks, utilities, landscaping, stormwater drainage, and the location and type of signs, pole and site lighting. In addition, lot areas, percentage of building ground coverage, floor elevations and square footage in each structure shall also be included. The location, screening and control of noise producing devices, and information concerning abutting, adjacent and neighboring properties, such as land use and zoning, existing structures and existing streets or other rights-of-way shall also be included. An up to date property boundary survey, with topographic information, is also required with any site plan application, unless exempted as indicated herein.~~

CHAPTER VII – STORMWATER MANAGEMENT AND FLOOD CONTROL

ARTICLE I. STORMWATER MANAGEMENT

Section 7-1. Stormwater management requirements

All development, as defined in section 1-20 of this Land Development Code, shall be in compliance with this chapter and with the provisions required by the City Code of Ordinances Chapter 28. Any redevelopment or renovation project that requires the modification of an existing site, with respect to ground elevations and grading, shall conform to all drainage requirements of these regulations.

- A. The discharge of stormwater, into the city stormwater management system or any waterway, that contains pollutants, such as, but not limited to, paints, oils, fertilizers, yard waste, garbage or discarded objects is prohibited.
- B. All runoff shall be first diverted to retention facilities which shall have a minimum volume of:
 - 1. One (1) inch times the square footage of the property for a site of less than one hundred (100) acres, or
 - 2. This minimum volume shall be calculated at a level, at least one (1) foot above the highest wet water table.
- C. All retention facilities shall incorporate designs which will provide for percolation, recovery and other pertinent factors, as required by the St. Johns River Water Management District.
- D. All retention facilities shall incorporate designs in compliance with the Cocoa Beach Standard Construction Details.
- E. In addition to meeting the retention requirements, the project shall have detention capacity sufficient to ensure that post development runoff will not exceed predevelopment runoff for a ten-year, twenty-four-hour storm event. Hydrograph analysis for this purpose shall be based on realistic and applicable methods for time of concentration of less than fifteen (15) minutes.
- F. In all cases, outfall from retention/detention facilities must be connected by approved means to the city storm drainage system. Where the outfall cannot be connected to the city storm drainage system, stormwater management shall be designed according to the criteria established by the city engineer. In any event no overflow through the city curb and gutter or street system (overland) shall be permitted.
- G. An exfiltration or porous pavement system may be designed in lieu of a retention/detention system. The design shall be based on the criteria set by the city engineer who will take into account the size and type of the project, soil and water table conditions, impact on the surrounding area, and other applicable conditions.
- H. Final stormwater storage locations shall not impound water against roadway or building structural sections.

- I. Side slopes for retention/detention areas shall have at least a ratio of three (3) horizontal to one (1) vertical.
- J. Floodways and floodplains, levels of flood flows or velocities, of adjacent streams, impoundments or other watercourses must not be altered so as to adversely impact the off-site storage or conveyance capacities of the water resources. Any proposed alteration of floodways or floodplains must be approved by all agencies which have jurisdiction over such activities.
- K. Erosion and sediment control best management practices shall be used during construction to retain sediment on site. Land which has been cleared for development and upon which construction will not begin within thirty (30) days shall be protected from erosion and sedimentation by adequate methods acceptable to the city. Wetlands and other water bodies shall not be used as sediment traps during or after development.
- L. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
- M. The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this ordinance by a professional engineer, registered in the state.
- N. No surface water shall be channeled or directed into a sanitary sewer.

Section 7-2. Contents of a stormwater management plan

- A. It is the responsibility of the applicant to include in the stormwater management plan sufficient information for the city to evaluate the environmental characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts.
- A-B. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions and explanations and citations to supporting references, as appropriate to communicate the information required by this section.
- C. The plan shall meet the most recently adopted submittal requirements of the St. Johns River Water Management District unless determined otherwise by the building official. Upon review of the plan, the city engineer may waive certain requirements or may request additional information which he deems necessary to make a reasonable evaluation of the proposal.

Section 7-3. Stormwater management facility maintenance

- A. The property owner is responsible for maintenance of the stormwater management facility.
- B. Maintenance requires that of the system perform as originally designed and permitted by the city and/or state.

- A.C. Lack of maintenance of a stormwater management facility shall be result in violations in accordance with the Cocoa Beach Code of Ordinances Chapter 30.

ARTICLE II. EROSION AND SEDIMENT CONTROL

Section 7-4. Authority and enforcement.

- A. The City of Cocoa Beach must comply with the federal NPDES MS4 permit, which requires the city to minimize or eliminate the amount of pollutants entering the city's storm sewer system and waterbodies. The stormwater division has the authority for inspection and enforcement in accordance with city codes.
- B. In the event that any person holding a site development permit violates the terms of the permit, or implements site development practices which are detrimental to the public welfare or injurious to private or public property, the stormwater division may suspend or revoke the site development permit.
- C. Any person responsible for pollutant discharge into any natural waters, into the stormwater system or who fails to correct any prohibited condition or to discontinue any prohibited activity shall be responsible to pay the necessary expenses incurred by the city in carrying out the pollution abatement, including any resulting expenses from testing, measuring, sampling, collecting, removing, containing, treating, and disposing of the pollutant materials.
- D. It shall be unlawful for any person, company, corporation or agent to violate or fail to comply with any provisions of the regulations in this land development code. Enforcement shall be in accordance with the city code of ordinances chapter 30.
- E. Each person, company, corporations or agent shall be guilty of a separate offence for each day in which the violation is committed or continues.
- F. The city manager, or his designee, is authorized to implement other lawful actions as necessary to prevent or remedy a violation.

Section 7-5. Site development.

Any development or construction activity which in any way disturbs the existing site has the potential for altering water runoff patterns and is subject to review and compliance with the site development requirements listed below.

- A. All site plans submitted for review shall include a complete erosion and sediment control component for the development.
- B. Site development within Cocoa Beach must be in compliance with the erosion and sediment control standards listed below and within the State of Florida Erosion and Sediment Control Designer and Review Manual, latest edition.
- C. Best management practices, developed by Cocoa Beach as part of the city's National Pollutant Discharge Elimination System (NPDES) permit, shall be implemented prior to land disturbance and throughout the duration of the project.

- D. If the site requires a NPDES construction generic permit (CGP), the applicant shall submit a copy of the signed Notice of Intent (NOI) with the site plan submittal.
- E. In compliance with the CGP permit a Stormwater Pollution Prevention Plan (SWPPP) must be developed and implemented. A copy of the plan must be kept onsite and made available to city inspectors during construction activities.
- F. Sediment basins and traps, perimeter silt fencing, perimeter dikes, catch basin matting, filter cloth, sediment barriers, storm drain filters and other measures intended to contain sediment on-site shall be constructed as a first step in any land disturbing activity and shall be functional before any land disturbance takes place.
- G. After any significant rainfall, sediment control structures shall be inspected for integrity and any failing measures or devices shall be corrected immediately.
- H. Sediment will be prevented from entering any storm drain system, ditch or channel. All storm facilities that are made operable during construction shall be protected so that sediment and sediment laden water cannot enter the system without first being filtered or otherwise treated to remove sediment.
- I. All public drainage structures and roads will be protected from disturbed sediment by FDOT-approved sediment control devices and methods.
- J. Public rights of way must be properly cleaned daily and no materials or vehicles may be stored within the right of way.

Sections 7-6 to 7-9. Reserved.

ARTICLE III. FLOOD DAMAGE PREVENTION

Section 7-10. General.

- A. *Title.* These regulations shall be known as the floodplain management chapter of the City of Cocoa Beach.
- B. *Scope.* The provisions of this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- C. *Intent.* The purposes of this chapter and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

D. *Coordination with the Florida Building Code.* This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

E. *Warning.* The degree of flood protection required by this chapter and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.

F. *Disclaimer of liability.* This chapter shall not create liability on the part of the City Commission of the City of Cocoa Beach or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

Section 7-11. Applicability.

- A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. Areas to which this chapter applies. This chapter shall apply to all flood hazard areas within the City of Cocoa Beach, as established in subsection C of this section.
- C. Basis for establishing flood hazard areas. The flood insurance study for Brevard County, Florida and incorporated areas dated March 17, 2014, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Development Services Department, 2 S. Orlando Ave., Cocoa Beach.
- D. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 7-14 of this chapter the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the flood plain administrator indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- E. Other laws. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.
- F. Abrogation and greater restrictions. This chapter supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this chapter and any other ordinance, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.
- G. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 7-12. Duties and powers of the floodplain administrator.

- A. Designation. The chief building official is designated as the floodplain administrator.
- B. General. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of these provisions and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to chapter IV of this LDC.
- C. Applications and permits. The floodplain administrator, in coordination with other pertinent offices of the community, shall:
 1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of these provisions;
 3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with these provisions are demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.
- D. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this chapter is required.

E. *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to chapter IV of this LDC.

F. *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

G. *Inspections.* The floodplain administrator shall make the required inspections as specified in section 7-15 of this chapter for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including, but not limited to:

1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 7-12 of this chapter;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
 4. Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code and this chapter to determine that such certifications and documentations are complete;
 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Cocoa Beach are modified; and
 6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "coastal barrier resource system areas" and "otherwise protected areas."
- I. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Development Services Department, 2 S. Orlando Ave., Cocoa Beach.

Section 7-13. Reserved.

Section 7-14. Site plans and construction documents.

- A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:
1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

2. Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 7-14 of this chapter.
 3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with section 7-14 of this chapter.
 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
 8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
 9. Existing and proposed alignment of any proposed alteration of a watercourse.
- B. The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.
- C. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:
1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- D. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 7-14 of this chapter and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
 2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 7-14 of this chapter.

4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

E. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 7-15. Inspections.

A. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

B. Development other than buildings and structures. The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

C. Buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

D. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 7-14. of this chapter, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

E. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 7-15 of this chapter.

F. *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

Section 7-16. Reserved.

Section 7-17. Violations.

A. *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter, shall be deemed a violation of the Land Development Code. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this chapter or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

B. *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 7-18. Reserved.

ARTICLE IV. RESERVED

Sections 7-19 to 7-20. Reserved

ARTICLE V. FLOOD RESISTANT DEVELOPMENT

Section 7-21. Buildings and structures.

A. *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 7-27 of this chapter.

B. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
2. Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.

Section 7-22. Subdivisions.

- A. *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- B. *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 1.5(b)(1) of this chapter; and
 3. Compliance with the site improvement and utilities requirements of section 7-23 of this chapter.

Section 7-23. Site improvements, utilities and limitations.

- A. *Minimum requirements.* All proposed new development shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

- A. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.
- B. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- C. Limitations on sites in regulatory floodways. No development, including, but not limited to, site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 7-14 of this chapter demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- D. Limitations on placement of fill. Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- E. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 7-14 of this chapter demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 7-27 of this chapter.

Section 7-24. Manufactured homes.

- A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- B. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this chapter.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this chapter.

C. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

D. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with section 7-24 of this chapter, as applicable.

E. General elevation requirement. Unless subject to the requirements of section 7-24 of this chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

F. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to section 7-24 of this chapter, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.

G. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

H. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

Section 7-25. Recreational vehicles and park trailers.

- A. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
 2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- B. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection (a) of this section for temporary placement shall meet the requirements of section 7-24 of this chapter for manufactured homes

Section 7-26. Tanks.

- A. *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- B. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of section 7-26 of this chapter shall:
1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 2. Not be permitted in coastal high hazard areas (Zone V).
- C. *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- D. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Section 7-27. Other development.

- A. *General requirements for other development.* All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, shall:
1. Be located and constructed to minimize flood damage;
 2. Meet the limitations of section 7-23 of this chapter if located in a regulated floodway;
 3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 4. Be constructed of flood damage-resistant materials; and
 5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 7-23 of this chapter.
- C. *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 7-23 of this chapter.
- D. *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 7-23 of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 7-14 of this chapter.
- E. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
1. Structurally independent of the foundation system of the building or structure;
 2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 3. Have a maximum slab thickness of not more than four (4) inches.

F. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

G. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

H. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one (1) unit vertical to five (5) units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
4. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.
- 3.

ORDINANCE NO. 1627

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ayes: _____
Nays: _____
Absent or Abstaining _____

Ben Malik,
Mayor-Commissioner

ATTEST:

Loredana Kalaghchy, CMC
City Clerk

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

**City of Cocoa Beach Commission
Agenda Item Summary**

1. DEPARTMENT MAKING REQUEST/NAME:

Randy Stevenson, Director of Development Services
Sue Ryan, City Planner
Christie Hawkins, Associate Planner

2. MEETING DATE:

March 7, 2019

3. REQUESTED MOTION/ACTION (SUMMARY THAT WILL APPEAR ON THE AGENDA):

Adopt Ordinance 1627 on second reading, which provides updates to the City's Land Development Code (LDC) in the form of amendments to Chapter 1 Sections 1-20 and 1-40, amendments to Chapter II Section 2-26, amendments to Chapter III All sections, amendments to Chapter IV Section 4-01, the creation of Chapter VII and the deletion of Appendix C. The updates provide greater clarity of language for building permit reviews and proposed land development; adds more definitions; provides for the creation of a planned development; and combines all sections related to the management of stormwater into a new chapter within the land development code rather than in a separate appendix.

4. AGENDA

- STAFF PRESENTATION
- CONSENT
- SITE PLAN CONSENT
- UNFINISHED BUSINESS
- NEW BUSINESS

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: Yes No **IF NO, CITY ACTION REQUIRED** N/A

DETAILED ANALYSIS ATTACHED?: Yes No

BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT ACTION WILL BE ACCOMPLISHED, (WHO, WHERE, WHEN & HOW))

Over the last several months, city staff members have been working with the Planning Board to provide some updates to the City's Land Development Code (LDC). The updates are intended to revise and clarify some outdated language and improve the ability of citizens to understand land development regulations within the City. The changes are summarized below.

- Chapter I Purpose and General Provisions
 - Section 1-20, some definitions were added and others were clarified or deleted
 - Section 1-40, some language related to Board alternate positions was revised.
- Chapter II Zoning Districts
 - Section 2-26, the language related to the creation of a special development overlay district was deleted and replaced with guidelines for the creation of a planned development (PD).
- Chapter III Design Standards
 - All sections were reorganized for improved organization, language was clarified and outdated requirements were revised.
- Chapter IV Application and Review Process
 - Section 4-01, the site plan submittal procedures were revised
- Chapter VII Stormwater Management and Flood Control
 - A new chapter within the LDC, which was created by relocating Appendix C and moving the stormwater and erosion control sections from Chapter III.

Note: Revisions from the first reading are indicated below and highlighted within the text:

- Chapter I Section 1-20, definition for Mixed-use development (page 15 of 28)
- Chapter II Section 2-26.C.4, Permissible uses (page 3 of 13)

The Planning Board discussed this item on multiple occasions, with final consideration occurring on January 7, 2019, whereby the Board recommended approval. First reading of this Ordinance was approved on February 7, 2019. Legal advertising for Ordinance 1627 occurred on January 24, 2019. Ordinance 1627 and the proposed LDC updates are attached.