

**ZONING AND BUILDING
ORDINANCE**

**TOWN OF COCOA BEACH,
FLORIDA**

Approved July 17, 1937

AN ORDINANCE DISTRICTING AND ZONING THE TOWN OF COCOA BEACH, FOR THE PURPOSE OF REGULATING THE LOCATION OF TRADES, INDUSTRIES, APARTMENT HOUSES, DWELLINGS AND OTHER USES OF PROPERTY THEREIN AND THE LOCATION OF BUILDINGS ON LOTS, AND THE CONSTRUCTION, IMPROVEMENT, ALTERATION OR REPAIR OF THE SAME; TO PROVIDE A PENALTY FOR THE VIOLATION OF SAME AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF COCOA BEACH, FLORIDA:

Section 1. This ordinance is adopted pursuant to the provisions of Paragraph bb., Section 3, Article I, of Chapter 10411, Laws of Florida, 1925, establishing the Town of Cocoa Beach, and in the interest of public health, safety, order, convenience, comfort, prosperity and general welfare of the citizens of said town.

Section 2. Where reference is made in this ordinance to lots, blocks, streets and avenues the same applies to such lots, blocks, streets, and avenues as defined in the plat of Cocoa Beach recorded in the public records of Brevard County, Florida in plat book 3 at page 54.

Section 3. For the purpose of this ordinance the Town of Cocoa Beach is divided into the following districts:

District A, embracing all lots bordering on Cocoa Avenue, lots numbered 2, 3, and 4 in Block 1, lot numbered 11 in Block A and the unplatted lands extending a distance of 120 feet, north and south from Cocoa Avenue and extending west to the western limits of the town.

District B, embracing all of Blocks A, B, C, 1, 32 and 33 and the unplatted lands 600 feet north and south from Cocoa Avenue west to Brevard Avenue, projected north (except those portions of said blocks and lands contained in District A.)

District C, all of Blocks 2, 3, 4, 5, 6, 7, 8, 9, 10, 23, 24, 25, 26, 27, 28, 29, 30, 31 and D, and the unplatted lands between Atlantic Avenue and the projection of Orlando Avenue, north and not included in Districts A and B.

District D, embracing Blocks 11, 12, 13, 14, 15, 16, 16A, 17A, 17, 18, 19, 20, 21 and 22.

District E, embracing all other land in the Town of Cocoa Beach except public streets, public parks and those areas designated in this ordinance as Districts A, B, C, D, F and G.

District F, embracing the unplatted lands South of First Street North, projected West; North of District A; West of Brevard Avenue, projected, and extending West to the town limits.

District G, embracing the lands directly North of District F to the town limits, with the Eastern boundary Brevard Avenue projected and the Western boundary the Western limits of the town.

Section 4. It shall be unlawful to erect or place any building to be used for business or industrial purposes, or to engage in any business or trade or industrial pur-

suit, except those specially allowed in other districts, in any part of the Town of Cocoa Beach other than in District A. Business, trade and industrial purposes and pursuits shall include all places where trade or barter is practiced for gain, including bath houses not in connection with a hotel and all places where goods are manufactured or processed.

Residences and businesses, permitted in Districts B and C, may also be allowed in District A.

Section 5. (a) It shall be unlawful to erect or to conduct any hotel, restaurant, apartment building, bungalow court, theatre or other place where entertainment, food, lodging or other apartments for rent are furnished for compensation (except hospitals conducted strictly as such and conforming to the provisions of Section 8 of this ordinance), except in Districts A and B.

(b) The transaction of business, chiefly for the accommodation of guests, including the sale of magazines, periodicals, candies, tobacco and other articles incidental to the needs of hotel guests, may be permitted in hotels and in apartment houses of forty apartments or more.

(c) Residences may be erected in District B, provided they conform to the requirements set forth in Sections 6 and 7 of this ordinance. This shall not apply to bungalow courts.

(d) No building shall be erected in District B closer than 10 feet to the street line and no building shall be erected in this District closer than 10 feet apart, except accessory buildings. No building shall be erected in this District nearer than 20 feet to the outer edge of the normal ocean bluff.

Section 6. (a) No building shall be erected in District C except residences and private garages, including garage apartments, servants' quarters, guest houses and other accessory buildings reasonably connected with a private residence, and no accessory building shall be erected prior to the erection of the residence to which it is accessory.

(b) None of the area in District C shall be used for business, manufacturing, hotels, restaurants, apartment houses, bungalow courts or theatres.

(c) In District C only one residence may be erected on each 50 foot width of lot; no guest house may be erected unless the width of the lot for the residence and guest house is at least 100 feet; no building shall be erected nearer than 25 feet to the street line of Atlantic Avenue or nearer than 10 feet to the line of any East and West Street or nearer than 20 feet to the outer crest edge of the normal ocean bluff or nearer than 5 feet to the inside lot line of the property, except unenclosed porches with outer eaves not closer than one foot to the side lot line.

(d) No signs, except sign not exceeding 150 inches in area indicating the name of the occupant of the property or its name or that the premises are for rent or for sale, may be erected in District C.

Section 7. So far as applicable the provisions of Section 6 of this ordinance shall apply to District D.

See Amendment

Section 8. Hospitals may be erected in either Districts A, B, C, D, or E, but before a permit for such hospital may be given the consent of two-thirds of the property owners within 300 feet of the ground to be occupied by same shall be obtained.

Section 9. So far as applicable the provisions of Section 6 of this ordinance shall apply to District E, except: That farming, truck gardening, poultry farming, dairying, fruit raising, horticultural pursuits and kindred pursuits may be carried on in this District provided they do not become a menace to the health, comfort or general welfare of the inhabitants of the Town and provided that same shall not constitute a nuisance or become obnoxious to the inhabitants of the Town. All poultry and cattle shall be confined.

In the event that any of the said occupations shall be conducted in such a manner as to affect the health, comfort or convenience of the inhabitants of the Town the Commission may, after investigation and deliberation declare the same to be a nuisance and demand that the owner or operator abate the same, upon thirty days notice, in writing.

Section 10. No tourist camp or trailer camp shall be permitted, and no person shall be allowed to park and leave a trailer used for living purposes or to camp in any portion of Cocoa Beach except in District F, and only in said district after due sanitary, health and lighting conditions have been met with as may be outlined by the Commission, and approved by them.

Section 11. (a) That District G is hereby set apart as a section wherein negroes and others than of the white race, may have their residence, and no white person shall have residence in this District.

(b) And it shall be unlawful for any person other than a member of the white race to have their residence in Districts A, B, C, D, E, or F.

(c) By "residence" is meant a place of abode in which the occupant may live; and the occupying of a place set apart for servants actually employed shall not constitute "residence" and servants of a race, other than the white race, when so employed, may reside in servants' quarters in any section of the town.

Section 12. No sewer or drain other than a drain strictly to conduct rain water shall be operated to drain east of, or through the ocean bluff or to the ocean or ocean beach.

Section 13. The ocean bluff shall not be torn down or cut except in the process of grading to a level thereof at the top, and no alterations to the face of the ocean bluff shall be made except on written permit as hereinafter prescribed for the erection or alteration of buildings.

Section 14. No shade trees in the streets or parks of the Town of Cocoa Beach shall be cut down or trimmed at the top or sides except upon express authority of the Commission.

Section 15. (a) No lands or tracts within the Town of Cocoa Beach shall be subdivided except upon permit issued by the Commission as hereafter set out in this ordinance, as in the case of the proposed erection or

2 Sec. Amendment

alteration of buildings.

(b) Application, with a plat of such subdivision, shall be made to the Commission for such permit to subdivide land, and thereupon for the Commission shall give notice of a hearing on said application, to be posted in the Town Hall. At such hearing any property owner within 600 feet of the proposed subdivision may examine the plans for the proposed subdivision and make any objections he may have to said subdivision. The Commission may take into consideration the effect of said subdivision upon the general plan of the town, the health, morals, convenience and general welfare of the inhabitants of the town, and shall have power to require changes in the plat or plans. No lands may be subdivided and platted except as herein provided.

Section 16. No person shall make any improvements, additions or repairs to any building with an estimated cost of over \$100, or erect or cause to be erected any building or any alterations of lands or plat any lands or subdivide them, except upon permit issued under authority of the Commission, as herein provided.

Section 17. (a) That the Commission of the Town of Cocoa Beach, or a quorum thereof consisting of two Commissioners shall be constituted the Zoning and Building Commission of the Town of Cocoa Beach, and shall have the duties and authority conferred by this ordinance upon the Commission.

(b) In every instance where it is desired that alterations or repairs in excess of \$100, or construction, as outlined in this ordinance, be made, application in writing, with plans sufficient to fully explain the matter, shall be submitted to the Zoning and Building Commission and a permit in writing secured before work on same is started.

(c) For every permit issued by such Commission a charge of one dollar (\$1.00) shall be made if the proposed project is to cost not more than one hundred dollars (\$100); two dollars (\$2.00) if the cost is to be above one hundred dollars (\$100) and not over two hundred and fifty dollars (\$250); and five dollars (\$5.00) if over two hundred and fifty dollars (\$250) and the funds so paid for the permit shall be deposited in the treasury of the Town of Cocoa Beach.

Section 18. (a) FOUNDATIONS—All foundations shall be of such size and materials as will carry the weight of the building without danger of settlement or cracking.

(b) ROOFS—All buildings shall have roof coverings of approved standard quality, such as tile, slate, highest grade tin roofing, asbestos shingles or built up roofing felt with gravel or slag surface, or built up asbestos roofing, or other roofings of like grade which would rank as class "A" or class "B" under the Test Specifications of National Board of Fire Underwriters.

(c) FRAME BUILDINGS—No frame building hereafter erected or altered shall exceed two stories or 30 feet in height, except that private dwellings may be three stories or 35 feet high.

In no case shall a frame building be erected in District A within 5 feet of the side lot line, nor within 10 feet of another building, unless the space between the studs on such side be filled solidly with not less than 2½ inches of brick work or other equivalent incombustible material.

(d) ELECTRICAL INSTALLATION—All electrical installations shall be in accordance with the National Electrical Code and no installation of electrical equipment shall be made, except in conformity thereto.

(e) CHIMNEYS, FLUES AND FIREPLACES—Except as herein provided, all chimneys in every building hereafter erected, and all chimneys hereafter altered or rebuilt, shall be constructed of brick, stone or reinforced concrete. No masonry chimney shall have walls less than 8 inches thick, unless it be lined on the side with well-burned terra cotta or fire clay chimney tile set in portland cement mortar, in which case the wall shall be not less than 4 inches thick. The lining shall be continuous from the bottom of the flue to its extreme height.

No chimney shall be corbeled out more than 8 inches from the wall, and such corbeling shall consist of at least five courses of brick.

Brick set on edge shall not be permitted in chimney construction.

All chimneys shall project at least three feet above the point of contact with a flat roof, or two feet above the ridge of a pitched roof.

Portland cement mortar only shall be used in the construction of chimneys.

No chimney in any building shall have wooden supports of any kind. Supports shall be incombustible, and shall rest upon the ground or the foundation.

All chimneys or flues which, in the opinion of the Town Commission, or from any cause considered dangerous or unsafe, shall be repaired and made safe or taken down.

(f) PLUMBING—Every building erected in the Town of Cocoa Beach shall be properly plumbed according to approved sanitary principles.

Before the installation of any equipment, specifications for the same must be approved by the Commission.

Section 19. HOTELS, APARTMENTS, ROOMING HOUSES, CABIN ROOMING HOUSES, AND RESTAURANTS—Before the erection, enlargement or remodeling of any building for use as a hotel, apartment house, rooming house, or restaurant is begun, plans and specifications for the work, prepared, signed and sealed by an architect registered in the State of Florida shall be submitted to the Supervising Architect of the State of Florida for his approval.

This permit is necessary to erect hotels, etc., within the State of Florida and a permit will be granted by the Town Commission when this State permit is obtained provided the hotel or other building is not to be erected within the residential district of Cocoa Beach.

Section 20. Any person, whether acting for himself or for any firm or corporation, who violates, disobeys,

omits, neglects or refuses to comply with or restricts the enforcement of this ordinance or any provision of this ordinance shall upon conviction be fined in the sum not exceeding one hundred dollars (\$100), or confined in jail for a period of not more than thirty (30) days. Each day that there shall be a violation of this ordinance shall constitute a separate offense and shall be punishable as such.

Section 21. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 22. Should any part of this ordinance be declared unconstitutional or ineffective for any purpose, the remainder of such ordinance shall continue to be of full force and effect if it may be effective without such portion thereof which shall be declared unconstitutional or ineffective.

Section 23. This Ordinance shall become effective upon its passage and upon being signed by the Mayor.

Passed in adjourned session this 16th day of July, A. D. 1937.

F. J. G. PULSIPHER, Commissioner.
JOHN H. WITTER, Commissioner

Attest: EVA O. PULSIPHER,
Town Clerk.

Approved this 17th day of July, A. D. 1937.

F. J. G. PULSIPHER,
Mayor, Town of Cocoa Beach, Florida

LEGAL NOTICE

AN ORDINANCE AMENDING AN ORDINANCE ADOPTED JULY 16, 1937, APPROVED JULY 17, 1937, ENTITLED "AN ORDINANCE DISTRICTING AND ZONING THE TOWN OF COCOA BEACH, FOR THE PURPOSE OF REGULATING THE LOCATION OF TRADES, INDUSTRIES, APARTMENT HOUSES, DWELLINGS AND OTHER USES OF PROPERTY THEREIN, AND THE LOCATION OF BUILDINGS ON LOTS, AND THE CONSTRUCTION, IMPROVEMENT, ALTERATION OR REPAIR OF THE SAME: TO PROVIDE A PENALTY FOR THE VIOLATION OF SAME, AND FOR OTHER PURPOSES" TO DEFINE THE TERMS "BUNGALOW COURT" AND "TOURIST CAMP" CONTAINED IN SAID ORDINANCE.

BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF COCOA BEACH, FLORIDA:

SECTION 1. An ordinance entitled "An Ordinance Districting and Zoning the Town of Cocoa Beach, for the Purpose of Regulating the Location of Trades, Industries, Apartment Houses, Dwellings and Other Uses of Property Therein, and the Location of Buildings on Lots, and the Construction, Improvement, Alteration or Repair of the Same, and to provide a Penalty for the Violation of Same, and for other purposes," adopted on July 16, 1937, and approved July 17, 1937, be, and the same is hereby, amended as follows:

(a) By adding to section 5 of said ordinance a new sub-section to be designated "Section 5(e)" reading as follows:

The term bungalow court is defined as a group of one story bungalows, each containing at least two rooms and bath, each of which shall be located on a tract of land containing not less than two thousand five hundred square feet with no other bungalow thereon, to be of the better type construction and appearance, and designed primarily for occupancy by tenants for periods longer than overnight stays, thus distinguishing the same from tourist camps; provided that for each three bungalows containing two rooms and bath there may be built one bungalow with one room and bath but located with the same land area as herein defined; and provided further that any bungalow court may have connected therewith housing accommodations for servants, caretakers and garages consisting of buildings of the same type of construction and appearance and designed primarily for the sole accommodation of servants and caretakers, or for vehicles of the occupants of the bungalows in such bungalow court.

(b) By adding to section 10 of said ordinance a new sub-section to be designated as "Section 10(a)," reading as follows:

A tourist camp is defined as a group of cabins, buildings or other houses of permanent construction designed for use for temporary occupancy by transients and not intended for occupancy by tenants other than transient guests. A trailer camp is defined as a place provided for the parking of trailers and automobiles used therewith, and used for residence purposes for either a temporary, permanent or indefinite length of time.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. Should any part of this ordinance be declared unconstitutional or ineffective for any purpose, the remainder of such ordinance shall continue to be of full force and effect if it may be effective without such portion thereof which shall be declared unconstitutional or ineffective.

SECTION 4. This ordinance shall become effective upon its passage and upon being signed by the Mayor.

ADOPTED at a regular meeting of the Town Commission of the Town of Cocoa Beach, held this 20th day of April, 1940,

J. A. HAISTEN,
Commissioner.
JOHN M. WITTER,
Commissioner.

ATTEST:
EVA O. PULSIPHER,
Town Clerk.

APPROVED this 24th day of April, 1940.
F. J. G. PULSIPHER,
Mayor, Town of Cocoa Beach, Florida.