



Growth and Economic Development
 Planning and Zoning Division
 65 Stone Street, Cocoa, FL 32922
 Phone: (321) 433-8800

December 15, 2023

Mr. Dan Colhoun
 Vice President
 Cowan Systems, LLC
 4555 Hollins Ferry Rd.
 Baltimore, MD 21227

RE: Zoning Verification Letter 430 Cox Rd., Cocoa, FL 32926. Parcel ID: 24-35-26-00-757

Dear Mr. Colhoun:

Pursuant to your request dated November 22, 2023, please let this letter serve as a Zoning Verification Letter for the existing Zoning classification and the Future Land Use designation of the property referenced above. In addition, this letter will confirm the requested use of the property as described below is not permitted in the existing zoning district:

“To be used as a regional trucking facility and parking for trucks and trailers for the transportation of household goods and general commodities throughout the state of Florida.”

The current Future Land Use designation for the Subject property is: **IND, Industrial**

The current zoning designation for the Subject property is: **M-I, Light Industrial and Warehouse**

Adjacent property zoning designation:	<i>North:</i>	<u>M-I, Light Industrial and Warehouse</u>
	<i>South:</i>	<u>No Zoning Assigned</u>
	<i>East:</i>	<u>Brevard County:</u> <u>BU-1, General Retail Commercial;</u> <u>BU-1-A, Restricted Neighborhood Retail Commercial;</u> <u>BU-2, Retail, Warehousing, and Wholesale Commercial</u>
	<i>West:</i>	<u>C-G, General Commercial</u>

This property is not located in an overlay district.

The uses allowed in the M-1, Light Industrial and Warehouse are provided as an attachment to this letter. The M-1 zoning district also permits the allowed uses in C-W, Wholesale Commercial District. Those uses are also provided as an attachment to this letter. The proposed use of the property that you outlined in your request letter isn't specifically provided for in either the M-1 or C-W zoning districts, and therefore is a prohibited use. Further, the M-2, Manufacturing and Industrial District, already permits the following use: "Storage facilities (excluding salvage yards), including automobiles, mobile homes, *commercial vehicles and heavy equipment*, building materials, general, refrigerated, and recreational vehicles pursuant to Appendix A, Article XIII, Sec. 5 of the Code of the City of Cocoa." The proposed use falls within this description of "storage facilities" permitted only in the M-2 District and is accordingly prohibited in the Subject Property's M-1 zoning district.

Earlier this calendar year, Cowan Systems, LLC previously asked the City to provide zoning verification information for a similarly situated property located at 500 Cox Rd. That property has the same zoning (M-1) and future land use designation (IND) as the Subject Property, 430 Cox Rd. The proposed use at that time was described as a "transportation terminal for a portion of its fleet, trucks and trailers"... "used for dispatching commercial drivers, tractors and trailers, performing business and administrative functions necessary to execute supply chain management, and the other uses incidental to the operation of a transportation terminal." At that time, the City similarly provided an opinion to you (Cowan Systems, LLC) stating that the description of the proposed use did not qualify as a "transportation terminal" and, in fact, was considered a "storage facility" permitted only within the M-2 District. The communication occurring at that time revolved around whether the use qualified as a "Transportation Terminal", as that is a permitted use in the C-W zoning district. The Land Development Code does not have a specific definition of "Transportation Terminal", as a result, the City provided a definition based on the following:

Oxford Languages (New Oxford American Dictionary):

Transportation = "the action of transporting someone or something or the process of being transported."

Terminal = "the end of a railroad or other transportation route, or a station at such point."

Merriam-Webster (online):

Transportation = "an act, process, or instance of transporting or being transported."

Terminal (noun) = "either end of a carrier line having facilities for the handling of freight and passengers; a freight or passenger station that is central to a considerable area or services as a junction at any point with other lines; a town or city at the end of a carrier line; terminus."

Black's Law Dictionary (11th ed. 2019)

Transportation n. (16c) 1. The movement of goods or persons from one place to another by a carrier.

As was discussed previously, "transportation terminals," as commonly understood and defined, involve the transportation of people or goods at a station or other facility capable of handling freight and passengers. In this case, the proposed use consists of a parking lot facility where trucks may be parked when not in use in between routes. While goods may be kept in the truck trailers for temporary storage purposes, no facilities or buildings are proposed that would support or facilitate the handling of freight or passengers. Additionally, the City previously raised concerns regarding impacts of the proposed use to Cox Rd. Cox Rd. has a 1-1/2" to 2" asphalt layer. Due to the age of the roadway and the generally poor soils in the area, the City is concerned that the roadway section is not suitable for the proposed use involving heavy truck traffic. The City has already designated the M-2 District for heavy vehicle and commercial vehicle storage facilities. Many properties in the M-2 District are near the I-95 and SR 528 corridor and would be suitable for the proposed use.

Finally, please note that the National Wetlands Mapper indicates there are existing wetlands onsite and the FIRM indicates portions of the site are within a flood zone. It is advised that the applicant perform due diligence with the various state districts regarding this information and research the applicable City Comprehensive Plan policies regarding impacts to wetlands and flood zones.

This office can only provide zoning and comprehensive plan information. You may wish to contact other City agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations.

Please be advised that this Zoning Verification Letter is based upon the available records on file with the City of Cocoa as of the date of this letter. This letter is also based on the City's Comprehensive Plan and ordinances that are in effect on the date this letter was prepared. The City's Comprehensive Plan and ordinances could be subject to change. Furthermore, other than the information expressly stated in this letter, this letter does not address or verify any other information about the Property including, but not limited to, liens and taxes, as well as whether any proposed project for the Property would be deemed in compliance with the City Code.

While the City believes the information contained in this letter is accurate, each user of this letter understands that the City of Cocoa disclaims any liability for any damages in connection with its use and the user is responsible for conducting its own due diligence about the Property. The City of Cocoa is not under a continuing obligation to update this letter and assumes no responsibility for updating or correcting any error contained in this zoning verification letter.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Noto".

Stephen J. Noto, AICP
Planning & Zoning Division (Consulting Planner)

The provisions of this district are intended to apply to an area in close proximity to transportation facilities and which can serve warehousing, distribution, wholesaling and other related functions of the city and region.

(A) PRINCIPAL USES AND STRUCTURES.

- (1) All uses allowed in section 12, general commercial district except uses specifically prohibited.
- (2) Warehousing and wholesaling in enclosed structures, enclosed refrigerated storage.
- (3) Service and repair establishments, dry cleaning; and laundry plants, business services, printing plants, welding shops, taxidermists and similar uses.
- (4) Building materials supply and storage, contractor's storage yard, except scrap materials. Outside storage areas shall be effectively walled on all sides to avoid any deleterious effect on adjacent properties.
- (5) Automotive, major recreational equipment, mobile home and marine, storage and repair establishments such as body shops, tire recapping, paint shops and the like.
- (6) Freight-handling facilities, transportation terminals.
- (7) Vocational and trade schools, including those of an industrial nature.
- (8) Veterinary hospitals and clinics.
- (9) *Reserved.*
- (10) Low intensity industrial uses, such as the manufacturing and assembly of various items, which include scientific, electrical, optical and precision instruments or equipment, within an enclosed structure.
- (11) Television dish receivers and antennae as regulated by article XIII, section 21, Television dish receivers and antennae.
- (12) Electronic communication/transmission facilities and exchanges.
- (13) Service stations, subject to the provisions of article XI, section 12, C-G (General Commercial District), subsection (C)(2).
- (14) Retail automotive gasoline/fuel sales as an accessory use to convenience stores subject to the following provisions:
 - a. Access: Convenience stores selling gasoline/fuel shall be located on arterial roadways or on corner lots at intersections of collector roads or roads of higher functional classification (as identified in the City of Cocoa Comprehensive Plan). No driveway or point of access shall be permitted within one hundred (100) feet of an intersection of collector roads or roads of higher functional classification.
 - b. Minimum street frontage: One hundred fifty (150) feet on each abutting street.
 - c. Location of facilities: Gasoline/fuel pumps and other service island equipment shall be set back at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned land. In addition, pumps and other service island equipment shall not interfere with the safe and orderly movement of traffic in parking and other vehicular use areas.
 - d. Tank storage: Underground storage is required for all receptacles for combustible materials in excess of two hundred (200) gallons.
- (15) Self-service storage facilities subject to the following provisions:
 - a. Minimum lot area: An area not less than twenty thousand (20,000) square feet having a minimum width of one hundred (100) feet and a minimum depth of two hundred (200) feet.
 - b. There shall be a minimum of one (1) parking space for the office manager, one (1) parking space for each six hundred (600) square feet of office space, one (1) parking space for each fifty (50) storage units, and one (1) parking space for each five thousand (5,000) square feet of major recreational equipment storage area.
 - c. Where a self-service storage facility abuts residentially-zoned property, an opaque fence or wall, at least six (6) feet in height, shall be provided.
 - d. All lights shall be shielded to focus and direct light onto the uses established, and away from adjacent property or street/roads. The lighting may be of sufficient intensity to discourage vandalism and/or theft.
 - e. The structure shall not be utilized as a place of business by renters or lessors of space and no local business tax receipt shall be approved where the business operation takes place on the property other than that of the self-service storage facility owner/operator.
 - f. Outdoor storage of major recreational equipment shall be permitted with the following conditions:
 1. Outdoor storage areas shall be screened from view on all sides visible from rights-of-way and adjoining property by either a solid wall or opaque fence at least ten (10) feet in height or an on-site building. Where such outdoor storage area abuts a right-of-way, the required wall or fence shall be set back a minimum of five (5) feet from the property line and a landscape buffer installed between the property line and the fence. See subsection (g) below on landscaping.
 2. Gates in fencing shall be of the same opaque material as the fence. Gates in a wall shall be of an opaque material.
 3. Gate width for vehicle entry/exit and interior drive access aisles shall be sized to accommodate the turning radius needed for large vehicles.
 4. Outdoor storage of vehicles such as cars or trucks shall be permitted in an outdoor storage area, not to exceed a maximum of ten (10) vehicles.
 5. Outdoor storage of major recreational equipment exceeding thirteen and one-half (13½) feet in height shall not be permitted.
 6. On-site light, minor maintenance and cleaning of any major recreational equipment permitted by this section is allowed. However, the following shall be strictly prohibited: refueling, oil and engine fluid changes, major restoration, part salvage, major part replacement, engine repair, transmission repair, body repair, and other heavy and major repairs.
 7. No major recreational equipment may be stored which is wrecked, being stripped for parts, awaiting salvage or recycling, or inoperable.

8. Major recreational equipment permitted under this section shall not be used as living quarters.

- g. Landscaping: A five-foot landscape buffer shall be provided along all road rights-of-way and shall consist of trees and high profile shrubs together with suitable ground cover to include native grasses and mulching, where appropriate. Landscaping shall be designed, placed and maintained in such a manner as not to impair vehicle visibility at corner intersections. The landscaping requirements shall conform to article XIV, Landscaping Requirements of the zoning code, of the city.

(B) ACCESSORY USES AND STRUCTURES.

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

(C) SPECIAL EXCEPTIONS.

- (1) Planned industrial development on a minimum sized parcel of five (5) acres, subject to the conditions set forth in article XIII, section 3, Supplementary District Regulations.
- (2) Any other use in keeping with the character of the district.
- (3) Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities.
- (4) Mortuaries and funeral homes.
- (5) Security mobile home or facility located upon public or private property.
- (6) Half-way houses.
- (7) Telecommunication towers and antennas, pursuant to article XIII, section 26.

(D) PROHIBITED USES AND STRUCTURES.

- (1) Residential uses including hotels and motels.
- (2) Automobile wrecking yards, junkyards, scrap and salvage yards for secondhand building material.
- (3) Any use deemed objectionable by the standards established in Article XIV, Performance Standards.
- (4) Any other use not specifically or provisionally permitted herein.

(E) BULK REGULATIONS.

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Floor Area	Maximum Height
6,000 sq. ft.	60 ft.	100 ft.	100% except for required yards parking and loading space	300 sq. ft.	40 ft.

(F) MINIMUM YARD REQUIREMENTS.

Front setback—Twenty (20) feet.

Side interior setback—None.

Side corner lot setback—None except where a use borders a district requiring setbacks, said setbacks shall also apply in this district along the abutting property line.

Rear setback—Ten (10) feet when abutting an alley.

(Ord. No. 1618-3, § 3; Ord. No. 1618-7, § 1, 5-25-76; Ord. No. 1618-11, § 3, 5-10-77; Ord. No. 1-78, § 4, 1-10-78; Ord. No. 17-78, § 1, 11-28-78; Ord. No. 26-82, § 1, 5-25-82; Ord. No. 3-85, § 2, 1-8-85; Ord. No. 4-85, § 2, 2-12-85; Ord. No. 7-86, § 3(B), 4-8-86; Ord. No. 2-88, § 7, 2-9-88; Ord. No. 6-95, § 3, 4-11-95; Ord. No. 4-98, § 2, 1-27-98; Ord. No. 2-03, § 2, 7-22-03; Ord. No. 08-2008, § 2, 4-22-08; Ord. No. 21-2010, § 2, 10-12-2010; Ord. No. 06-2020, § 2, 7-8-2020)

Sec. 16. - District and intent—M-I, Light Industrial and Warehouse District.

The provisions of this district are intended to apply to an area located in close proximity to transportation facilities and which can serve the industrial and related functions of the city and region. Restrictions herein are intended to minimize adverse influences of the industrial activities on nearby nonindustrial areas and to eliminate unnecessary industrial traffic through nonindustrial areas.

(A) PRINCIPAL USES AND STRUCTURES. The following uses and structures are permitted for any use or group of uses that are developed, either separately, or as a unit with certain site improvements shared in common:

- (1) All uses allowed in section 15, C-W Wholesale Commercial District.
- (2) Light manufacturing, processing and assembly, such as precision manufacturing, electrical machinery, instrumentation, bottling plants, dairy products, plants, fruit packing and similar uses.
- (3) Television dish receivers and antennae regulated by article XIII, section 21, Television dish receivers and antennae.
- (4) Electronic communication/transmission facilities and exchanges.

(5) Adult entertainment establishment.

(B) ACCESSORY USES AND STRUCTURES.

(1) Customary accessory uses clearly incidental and subordinate to the principal use and in keeping with the light industrial character of the district.

(C) SPECIAL EXCEPTIONS.

(1) Sewer lift stations.

(2) Churches, rectories, parish houses, temples, synagogues, and associated buildings, including educational and recreational facilities.

(3) Security mobile home or facility located upon public or private property.

(4) Telecommunication towers and antennas, pursuant to article XIII, section 26.

(5) Electrified fencing, subject to the following conditions:

- a. The fence shall not be located adjacent to any land with a non-industrial zoning designation, including unincorporated non-industrial land of Brevard County. For purposes of this subsection electrified fencing separated from non-industrial land by a developed right of way with a designation of "collector" or higher shall not be considered adjacent to the non-industrial land;
- b. Electrified fences shall be constructed or installed in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
 - 1. The energizer for electric fences must be driven by a commercial storage battery not exceeding twelve (12) volts DC;
 - 2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of the aforementioned IEC Standard;
- c. A non-electrified painted fence shall be a minimum of six (6) feet in height and shall be separated from the electrified fence by no greater than six (6) inches. The non-electrified fence shall be installed as the outside perimeter fence ensuring no inadvertent contact with the electrified fence from the exterior of the property. The color of the non-electrified fence shall be black or green and shall blend into the surrounding area;
- d. Warning signs shall be prominently displayed at all entrances to the property, and on the non-electrified fence that surrounds the electrified fencing at an interval of not less than one hundred (100) feet;
- e. A site plan showing compliance with the above specified conditions shall be submitted simultaneously with an application for special exception approval;
- f. All fencing shall be maintained free of corrosion and damage;
- g. Property owner or operator shall provide a means of emergency access for public safety reasons as approved by the fire chief. This may include but is not limited to a Knox Box.

(6) Outdoor firearm testing facility when ancillary to a permitted firearm manufacturing use, subject to the following conditions:

- (a) No sales or consumption of alcoholic beverages shall be permitted on the property.
- (b) Hours of operation shall be established for each outdoor firearm testing facility. No nighttime testing shall be permitted.
- (c) Measures shall be implemented to mitigate the sound impacts of the facility to the surrounding community. Noise impacts caused by the facility shall not exceed 40 dBA. Outdoor sound testing shall be performed on a semi-annual basis or more frequently, as determined necessary by Cocoa, to ensure compliance with this subsection. Said sound testing shall be in accordance with American Society for Testing and Materials (ASTM) standards.
- (d) The following shall be submitted with all applications for an outdoor firearm testing facility special exception permit for informational purposes only:
 - (i) A list of the types of firearms, ammunition, and shooting to be allowed at the facility.
 - (ii) All existing and proposed structures and appurtenances at the facility including landscaping, screening, buildings, driveways, parking areas, walkways, utilities, etc.
 - (iii) Information pertaining to firing lines, firing positions, target lines, shotfall zones and related data.
 - (iv) The location, composition and dimensions of all baffles, safety berms, backstops and related safety features.
 - (v) Other information deemed necessary by the Community Development Director.

(D) PROHIBITED USES AND STRUCTURES.

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

(E) BULK REGULATIONS.

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Floor Area	Maximum Height
7,500 sq. ft.	75 ft.	100 ft.	100% except for required yards and off-street parking and loading requirements	300 sq. ft.	40 ft.

(F) MINIMUM YARD REQUIREMENTS.

Front setback—Twenty (20) feet.

Side interior lot setback—None.

Side corner lot setback— None, except where a use borders a district requiring setbacks, said setbacks shall also apply in this district along the abutting property lines.

Rear setback—Twenty (20) feet, fifteen (15) feet when abutting an alley.

(Ord. No. 1618-3, § 3; Ord. No. 1-78, § 4, 1-10-78; Ord. No. 26-82, § 1, 5-25-82; Ord. No. 3-85, § 3, 1-8-85; Ord. No. 4-85, § 3, 2-12-85; Ord. No. 7-86, § 3(C), 4-8-86; Ord. No. 6-95, § 3, 4-11-95; Ord. No. 4-98, § 2, 1-27-98; Ord. No. 3-2009, § 3, 2-24-09; Ord. No. 05-2013, § 2, 3-26-2013)