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February 13, 2024

Via Email: [Marsenault@cocoaf1.gov](mailto:Marsenault@cocoaf1.gov)  
and Via Hand Delivery

Ms. Monica Arsenault  
City Clerk, City of Cocoa  
65 Stone Street  
Cocoa, FL 32922

Re: Written Notice of Appeal, App. A – Zoning, Art. XVII, Sec. 1  
Appeal of Zoning Verification Letter dated December 15, 2023  
Property: Parcel ID 24-35-26-00-757; 430 Cox Road, Cocoa, FL

Dear Ms. Arsenault:

This Firm represents the Clayton A. Casterter Revocable Trust u/t/d 4/4/2019 (the “Trust”), regarding the above-referenced Zoning Verification Letter (“ZVL”) issued by Stephen J. Noto, Consulting Planner. This is a Notice of Appeal of the ZVL issued by Mr. Noto who is the “administrative official” for purposes of this Appeal. The ZVL is enclosed herein as Exhibit “A”, along with the Request dated November 22, 2023, from Cowan Systems, LLC, Exhibit “B”. The Property is currently zoned M-1, Light Industrial and Warehouse. The BCPAO Property Detail and Map are enclosed as Exhibit “C”.

The Trust seeks a hearing before the Board of Adjustment, pursuant to Appendix A – Zoning, Art. XVII, Sec. 1 (A) of the City’s Code, as it is a party aggrieved by a decision “of an administrative official in the interpretation” of the City’s regulations. The request for a ZVL from Cowan Systems, LLC, for the Property owned by the Trust, sought a determination of whether the proposed use of “regional trucking facility and parking for trucks and trailers for the transportation of household goods and general commodities throughout the state of Florida” would be allowed by the City.

1290 U.S. Highway 1 | Suite 103 | Rockledge, FL 32955  
Office: 321.608.0892 | Fax: 321.608.0891

Mr. Noto, for the City, opined that, “the proposed use of the property . . . isn’t specifically provided for in either the M-1 or C-W zoning districts, and therefore is a prohibited use”. Because the City Code defines neither “freight-handling facilities” nor “transportation terminals”, Mr. Noto combined several dictionary sources for the individual words “transportation” and “terminal”. However, there is no ambiguity as to the two permitted use in City Code Sec. 15 (A)(6) of “freight-handling facilities, transportation terminals”. Since these are commonly understood phrases, no dictionary conglomeration was required. The proposed utilization of the Property was clearly within the permitted uses.

Regardless, in Mr. Noto’s ZVL, the last paragraph of page two, he subverted the “commonly understood” definition of “transportation terminal”, to include both freight and passengers (despite “passengers” not appearing in City Code Sec. 15 (A)(6)). He concluded that “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”. Neither City Code Sec. 15 nor Sec. 16 requires anything other than a 300 sq. ft. building in M-1 or C-w zoning districts. Moreover, there is no condition in either zoning district for “facilities or buildings” to handle freight or passengers.

Extending the ZVL beyond its intended purposes, Mr. Noto provided extraneous information regarding the condition of Cox Road, potential wetlands on the Property and the Flood Insurance Rate Map. None of these three comments are related to whether Cowan Systems, LLC’s proposed uses are permitted by the City’s Zoning Code.

This Appeal of Mr. Noto’s administrative decisions challenges the ZVL opinion that the proposed use of the Property is not permitted uses, and seeks a determination of whether the ZVL opinion was supported by competent, substantial evidence, and whether it complied with applicable law. The Trust asserts that Florida Law and common sense require reversal of the ZVL’s conclusion that the intended uses are “prohibited”.

### REASONS FOR REVERSAL

First, the definitions utilized by the City in the ZVL are inappropriate. Definitions from definitive sources are available, starting with Florida Statutes:

F.S. 316.006 (96) TERMINAL.—Any location where:

- (a) Freight originates, terminates, or is handled in the transportation process; or
- (b) Commercial motor carriers maintain operating facilities.

(103) TRANSPORTATION.—The conveyance or movement of goods, materials, livestock, or persons from one location to another on any road, street, or highway open to travel by the public.

FDOT has extensive information available regarding its Strategic Intermodal System (SIS), defined as “a statewide network of high-priority transportation facilities, including the state's largest and most significant airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways, and highways. These facilities represent the state's primary means for moving people and freight within Florida's diverse regions, as well as between Florida and other states and nations.”<sup>1</sup>

“Transport Terminals” are easily defined by reliance upon experts. In The Geography of Transport Systems, Fifth Edition, by Dr. Jean-Paul Rodrigue and Dr. Brian Slack (2020), New York: Routledge, it is stated that, “A terminal is a facility where passengers and freight are assembled or dispersed during transportation.” Further, “Terminal. Any location where freight and passengers either originate, terminate, or are handled in the transportation process. Terminals are central and intermediate locations in the mobility of passengers and freight. They often require specific facilities and equipment to accommodate the traffic they handle.”<sup>2</sup> These experts distinguish between Passenger Terminals and Freight Terminals.

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<sup>1</sup> <https://www.fdot.gov/planning/systems/divisions.shtm>

<sup>2</sup> <https://transportgeography.org/contents/chapter6/function-of-transport-terminals/>

Explaining Passenger Terminals in The Geography of Transport Systems, as, “With one exception, passenger terminals require relatively little specific equipment. Individual mobility is how passengers access buses, ferries, or trains. Indeed, services such as ticketing, shelter, food, and security are required, but the layouts and activities taking place in passenger terminals tend to be simple.”<sup>3</sup> Freight Terminals are included in The Geography of Transport Systems, too. “Freight handling requires specific loading and unloading equipment in addition to the facilities needed to accommodate ships, trucks, and trains (berths, loading bays, and freight yards, respectively).”<sup>4</sup> Additionally, “A feature of most freight activity is the need for storage. Assembling individual bundles of goods may be time-consuming, and thus some storage may be required. This requires terminals to be equipped with specialized infrastructures such as grain silos, storage tanks, refrigerated warehouses, or space to stockpile, such as for containers or bulk commodities.” *See id.*

Second, “freight-handling facilities” and “transportation terminals”, are two distinct and separate uses. Alternatively, as to the two permitted uses, the first use is specific and the second is general. Either the two uses are unambiguous and separate, in which case Cowan Systems, LLC’s use fits as a “transportation terminal”. Or, the two phrases together somehow are ambiguous and the rule of construction “ejusdem generis” applies, which requires the same result.<sup>5</sup> Therefore, the ZVL is incorrect.

Third, Mr. Noto has provided an inconsistent ZVL regarding this same Property, by an August 2, 2023, ZVL to Reger, Rizzo, Darnall, LLP. In that ZVL, the requester asked if the following use would be permitted in M-1 for “Tanker trucking facility and

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<sup>3</sup> [https://transportgeography.org/contents/chapter6/function-of-transport-terminals/#3\\_Passenger-terminals](https://transportgeography.org/contents/chapter6/function-of-transport-terminals/#3_Passenger-terminals)

<sup>4</sup> [https://transportgeography.org/contents/chapter6/function-of-transport-terminals/#4\\_Freight\\_terminals](https://transportgeography.org/contents/chapter6/function-of-transport-terminals/#4_Freight_terminals)

<sup>5</sup> Ejusdem generis should only come into play when it is necessary to construe an ambiguous statute, not to create an ambiguity in a clearly worded statute. It is similarly inappropriate to use the maxim if, as a result, the court fails to give meaning to all of the words used by the legislature. For ejusdem generis to apply, there must be a list of specific items followed by a general term or phrase. The maxim is employed to construe the general term or phrase when it is ambiguous. The grouping of the words or association with each other is critical because that is what evinces the implied intent by the author that all of the items be construed as part of the same class of items. **48A Fla. Jur 2d Statutes § 123, Florida Jurisprudence, Second Edition** (December 2023 Update).

parking for trucks and the trailers used to transport petroleum, sand and bio diesel from vegetable oil, as a truck and trailer repair and maintenance facility, and for truck cleaning. Also, will have an ancillary administrative office, a driver breakroom and an above-ground fuel storage tank to dispense fuel to its fleet of trucks.” The only possible difference between the current request of “trucking facility” and “tanker trucking facility” is the fuel storage tank, making Reger, Rizzo, Darnall, LLP’s use a more intense industrial use than the Trust’s proposed use. The August 2, 2023, letter is enclosed herein as Exhibit “D”.

Fourth, Mr. Noto asserts that the Trust’s proposed use is only allowed in M-2 zoning district as a “storage facility”, as it is more akin to the “description of storage facilities”. The only description of “storage facilities” is in City Code Sec. 19 (A) (4): “Storage facilities (excluding salvage yards), including automobiles, mobile homes, commercial vehicles and heavy equipment, building materials, general, refrigerated, and recreational vehicles. . .”. The City Code neglects to include a definition of “storage facilities”. Mr. Noto fails to cobble together a definition from Oxford, Merriam-Webster or Black’s Law Dictionary for “storage facilities”. Storage is a generic term as a place for storing; storing means, per Merriam-Webster online, means “to place or leave in a location”. “Transportation terminal” is a far more specific use than “storage facility” and specific always prevails over generic.

Unfortunately, the term “trucking facility” is without a definition, but one was located in a California Code:

17.08.778 - Truck terminals, draying, or freight (heavy trucking).

"Truck terminals, draying, or freight" means a storage and distribution facility that specializes in the transfer of freight, but excludes trucking accessory to another business. Typically, a truckload of goods will arrive at the truck terminal, empty the load of goods onto the loading dock area/cross dock, and the goods will be redistributed to other trucks where the goods will be shipped out to other destinations within a short period of time. The terminal is not the point of origin or the final destination of the freight. It includes transportation

establishments furnishing services incidental to air, motor freight, and rail transportation. . .<sup>6</sup>

Common sense requires the acknowledgement that a trucking facility is not a storage facility as many other activities other than “storage” occur.

Fifth, the Trust’s proposed use meets the intent of M-1 zoning district, “(t)he 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.” The Cocoa Zoning Map is enclosed as Exhibit “E”, and the County Zoning Map is enclosed as Exhibit “F”. This trucking facility is in close proximity to transportation facilities of “roads, streets, or highways open to travel by the public” of SR520 and I-95. This area of Cox Road is a mix of industrial use and storage uses. This trucking facility will serve the industrial needs of the City and region. The potential adverse influences to properties in the along Cox Road or along Townsend Road (to the west) are nominal or can be mitigation by buffering on the Property.

Finally, the City Code contains many undefined terms. Because zoning is in derogation of private property rights, the City must interpret its Code to favor the Trust’s proposed use. Quite possibly, the trucking facility may be permissible in M-2 zoning district, but that does not preclude that it is a permissible use in M-1 zoning district though C-W zoning district, Sec. 15 (A)(6). Nevertheless, the Trust’s proposed use is a “transportation terminal” and the ZVL opinion must be revised to allow the Trust’s proposed use.

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<sup>6</sup> Montebello Municipal Code, Ord. No. 2342, § 3, 6-22-2011.  
[https://library.municode.com/ca/montebello/codes/code\\_of\\_ordinances?nodeId=TIT17ZO\\_CH17.08DE\\_17.08.778](https://library.municode.com/ca/montebello/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.08DE_17.08.778)  
TRTEDRFRHETR



Please schedule this for hearing before the next available Board of Adjustment hearing.

Sincerely,

Kimberly Bonder Rezanka

KBR/bms  
enclosures

cc: Dan Colhoun, Cowan Systems, LLC (via email)  
Clayton Castetter (via email)  
Anthony Garganese, Esq. (via email)  
Kirstin Eick, Esq. (via email)



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**

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

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 (11<sup>th</sup> 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,



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

Sec. 15. - District and Intent—C-W, Wholesale Commercial District.

The provisions of this district are intended to apply to an area in close proximity to transportation facilities and which can serve 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: refuelling, 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)



Cowan Systems LLC  
4555 Hollins Ferry Rd  
Baltimore, MD 21227

November 22, 2023

Ms. Stacey Hopper  
Planner  
City of Cocoa  
65 Stone Street  
Cocoa, FL 32922

**Re: Request for Zoning Verification Letter (430 Cox Rd, Cocoa, FL 32926 Parcel ID: 24-35-26-00-757)**

Dear Stacey:

Per our conversation yesterday – I am pleased to request a Zoning Verification Letter for the referenced property indicating that Cowan System’s intended use at the property will be allowed under the existing Zoning classification and Future Land Use designation.

For your reference – Cowan’s intended use of the property is as follows:

*“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.*

If we plan on future development at the property that may include a maintenance facility, driver break room and ancillary offices, we acknowledge that a development plan will be needed and that a pre-application meeting will be helpful to go over the plan requirements before submission .

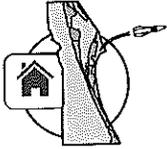
Thank you for your attention on this matter and am available to answer any question you or the City of Cocoa may have.

Sincerely,

A handwritten signature in black ink that reads "Dan Colhoun". The signature is written in a cursive, slightly slanted style.

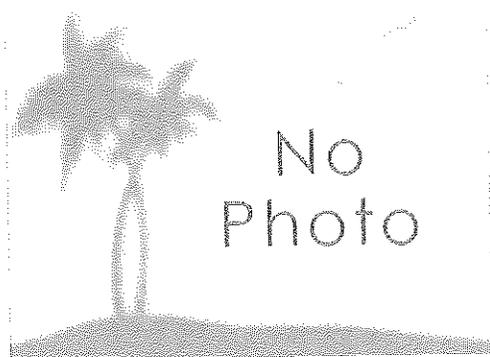
Dan Colhoun  
Vice President  
Cowan Systems, LLC

**Exhibit “B”**



**REAL PROPERTY DETAILS**  
 Account 2408029 - Roll Year 2023

Owners CLAYTON A CASTETTER REVOCABLE TRUST  
 Mailing Address PO BOX 237372 COCOA FL 32923  
 Site Address 430 COX RD COCOA FL 32926  
 Parcel ID 24-35-26-00-757  
 Taxing District 13D0 - COCOA  
 Exemptions NONE  
 Property Use 4000 - VACANT INDUSTRIAL LAND  
 Total Acres 9.80  
 Site Code 0001 - NO OTHER CODE APPL.  
 Plat Book/Page 0000/0000  
 Subdivision --  
 Land Description S 1/2 OF N 1/2 OF SE 1/4 OF SE 1/4 EX RD R/W



**VALUE SUMMARY**

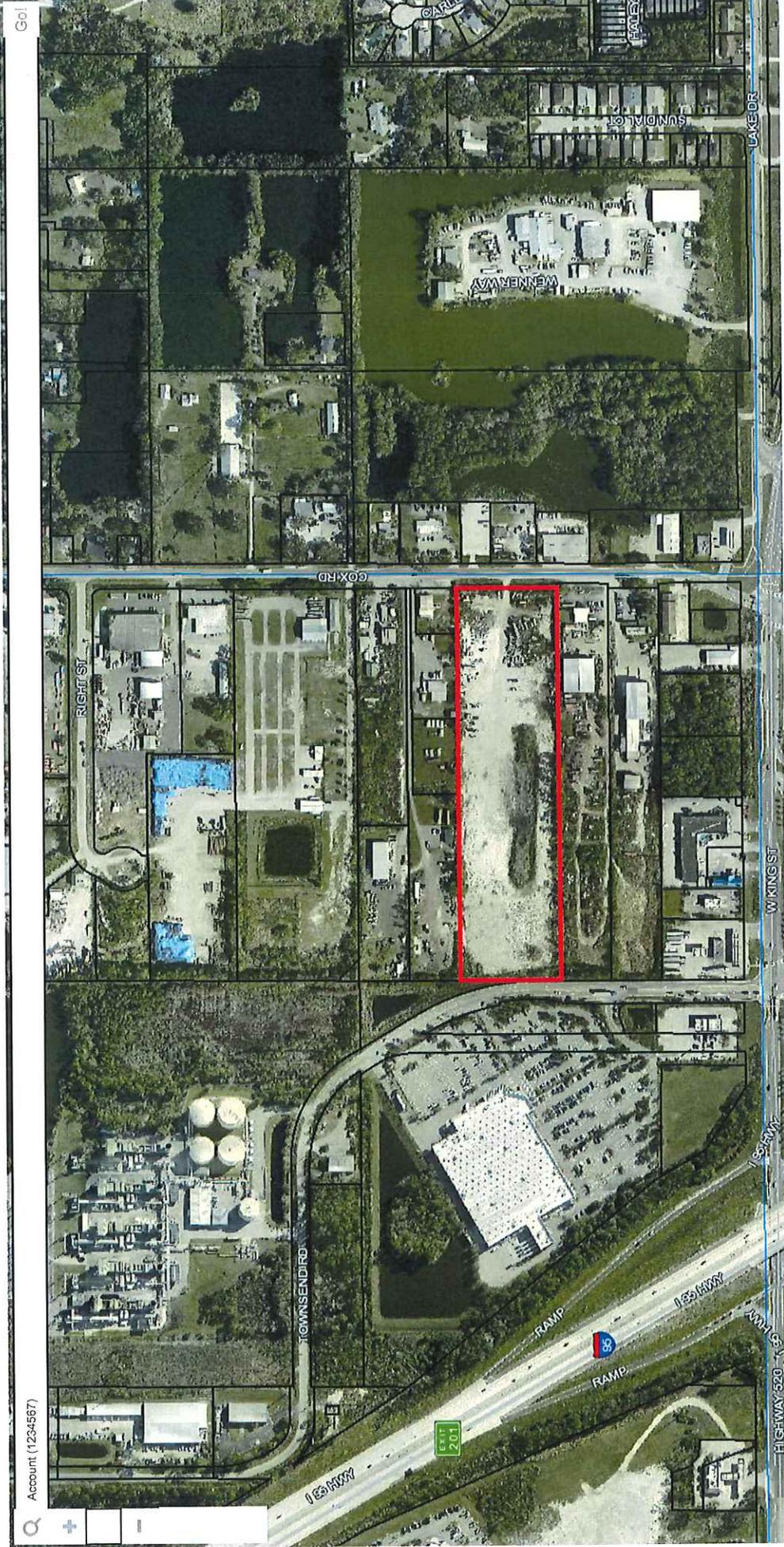
Category	2023	2022	2021
Market Value	\$408,380	\$408,380	\$370,630
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$358,210	\$325,650	\$296,050
Assessed Value School	\$408,380	\$408,380	\$370,630
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$358,210	\$325,650	\$296,050
Taxable Value School	\$408,380	\$408,380	\$370,630

**SALES / TRANSFERS**

Date	Price	Type	Instrument
03/21/2023	--	WD	9744/2802
08/01/2001	\$180,000	WD	4394/1103
03/01/1997	\$95,000	PR	3654/2956
03/01/1967	\$18,000	--	0935/0980

No Data Found

**Exhibit "C"**



Go!

Account (1234567)

Account: 2408029 Parcel ID: 24-55-26-00-757  
Sale: 6/1/2001 \$180,000  
BCPAO Market Value: \$408,380  
Owners: CLAYTON A CASTETTER REVOCABLE TRUST  
Address: 430 COX RD COCOA FL 32926



Zoom | Clear | Details | EagleView | Hide Info

BCPAO Dana Bickley, CFA, Brevard County Property Appraiser | Instructions | Disclaimer



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

August 2, 2023

Mr. Samuel J. Farris, Esq.  
 Reger, Rizzo, Darnall, LLP  
 Cira Centre, 13<sup>th</sup> Floor  
 2929 Arch St.  
 Philadelphia, PA 19104  
[sfarris@regerlaw.com](mailto:sfarris@regerlaw.com)  
 (215) 495-6516

**RE: Zoning Verification Letter RVI-ZVL-02 (430 Cox Rd., Cocoa, FL 32926. Parcel ID: 24-35-26-00-757)**

Dear Mr. Farris:

Pursuant to your request, 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 intended use of the property as:

“Tanker trucking facility and parking for trucks and the trailers used to transport petroleum, sand and bio diesel from vegetable oil, as a truck and trailer repair and maintenance facility, and for truck cleaning. Also will have an ancillary administrative office, a driver breakroom and an above-ground fuel storage tank to dispense fuel to its fleet of trucks.”

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**

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

This property is not located in an overlay district.

With regards to your question about uses, the uses allowed in the M-I, Light Industrial and Warehouse are provided as an attachment to this letter. As you've noted in your request, the M-I also allows the uses in the C-W, Wholesale Commercial District. Those uses are also attached for information. The uses that you've outlined would be considered permissible in the existing zoning and FLU. I would strongly advise that your client have a pre-application meeting with the City, when they are ready, to go over the plan requirements for the site. Information about the pre-application meeting process can be found here: <https://www.cocoafl.org/1772/Pre-Application-Meetings>.

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. Applicant will need to perform due diligence with the various state districts regarding these items. It appears the wetland may have been illegally filled based on recent aerials.

*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,



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

Sec. 15. - District and intent—C-W, Wholesale Commercial District.

The provisions of this district are intended to apply to an area in close proximity to transportation facilities and which can serve 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
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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.
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(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)



# Cocoa Zoning

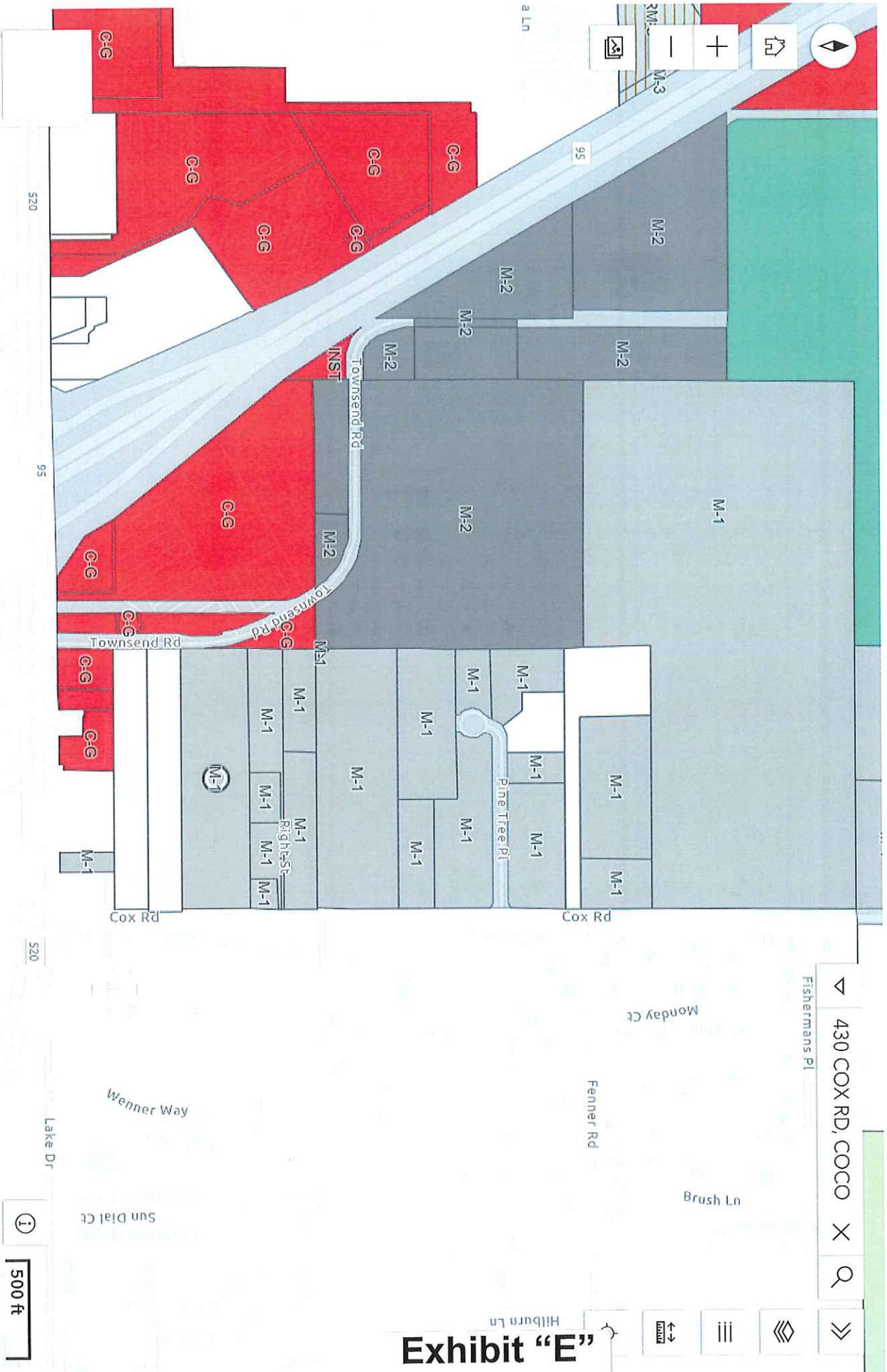


Exhibit "E"



Show search results for 2408029

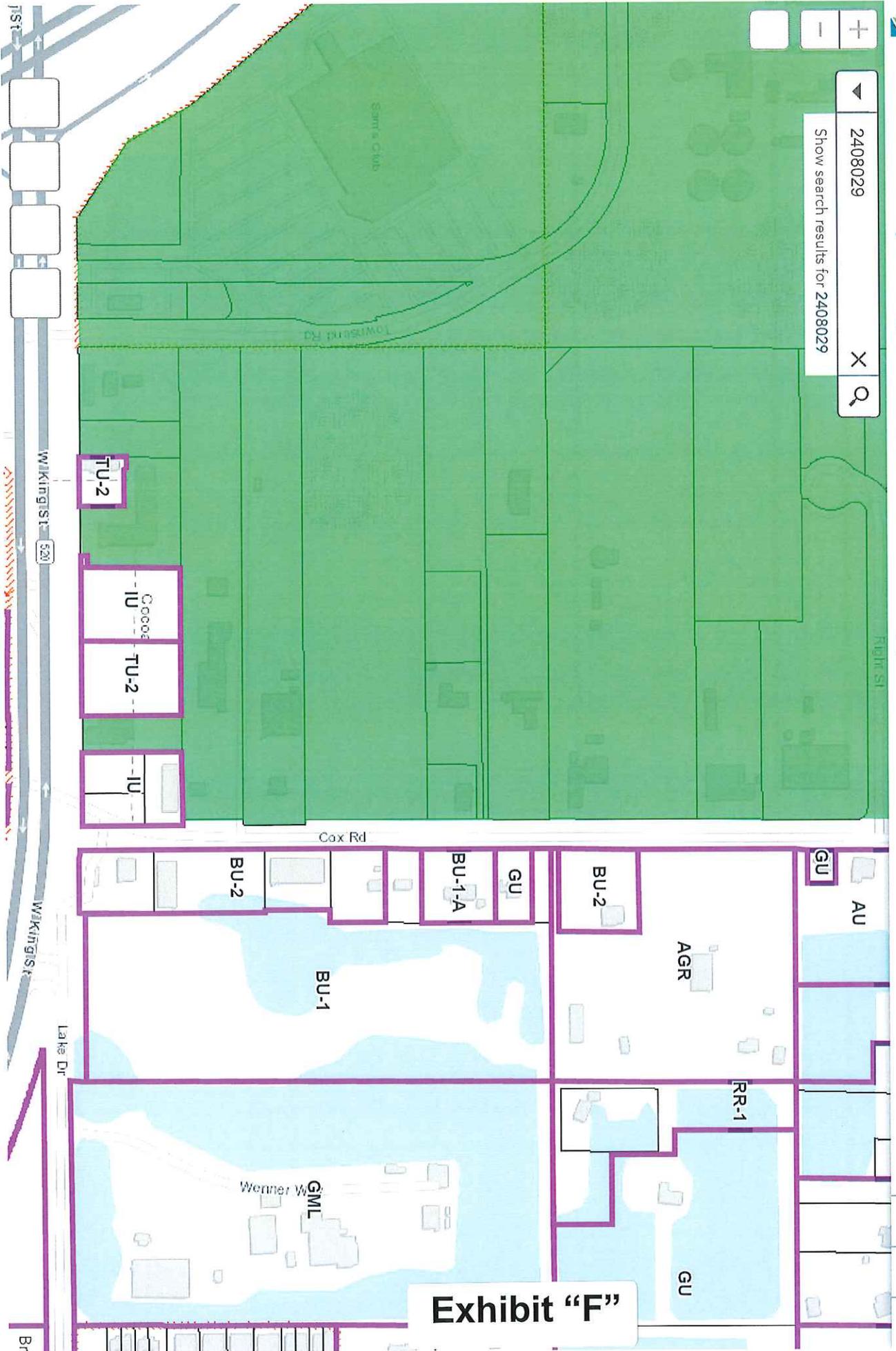


Exhibit "F"

KIMBERLY BONDER REZANKA PA  
111 FURMAN ROAD  
MERRITT ISLAND, FL 32953

1441

63-751/631 10861

2/13/24 Date

Pay to the  
Order of

City of Cocoa

Eight-hundred, fifty and <sup>00</sup>/<sub>100</sub> \$ 850.<sup>00</sup>/<sub>100</sub>  
Dollars



Wells Fargo Bank, N.A.  
Florida  
wellsfargo.com



For 430 Cox Rd Appeal Kim Rezanka

# PROPERTY OWNER LETTER OF AUTHORIZATION



**APPLICATION REQUEST:**

Appeal of Zoning Verification Letter dated December 15, 2023, to Cowan Systems, LLC

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**AFFECTED PROPERTY:** List the Parcel/Tax IDs that are subject to this Letter of Authorization. If there are more than four Parcel/Tax IDs, complete additional Letters of Authorization containing the additional Parcels/Tax IDs.

2	4	-	3	5	-	2	6	-	0	0	-	7	5	7			.		-					.				
		-			-			-			-							.		-						.		
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STATE OF Florida COUNTY OF Brevard.

I, Clayton A. Castetter as Trustee of The Clayton A. Castetter Revocable Trust u/d/d 4/44/2019 being first duly sworn, depose and say that I am the fee simple owner of the above-described property, and I hereby authorize

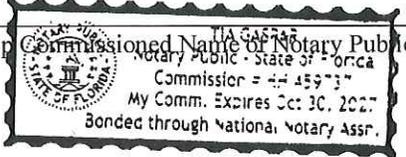
Kimberly B. Rezanka, Esq. of Lacey Lyons Rezanka to serve as agent on my behalf for the purpose of making and executing this application request. Also, I fully understand that any representation(s) made on my behalf, by my authorized representative, shall be legally binding on me and my aforesaid property as if I myself had made said representation(s).

*Clayton A. Castetter*  
(OWNER SIGNATURE)

Personally Known  OR Produced Identification

Type of I.D. Produced \_\_\_\_\_

(Print, Type, or Stamp Commissioned Name of Notary Public)



*Kimberly B. Rezanka*  
(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 13 day of February, 20 24