# Article VI. - Planning, Zoning and Development

## Section 6.04. - Building height limit.

No structure, no part of any structure, and no attachment to any structure shall be erected to a height greater than forty-five (45) feet above crown of abutting road. Structures, if razed, shall be replaced only by structures which conform to the height limits of this section. No owners of structures destroyed or substantially damaged by explosion, fire, flood, wind, erosion, or other disaster shall be denied the right either to rebuild or to raze and rebuild to the same height in the same location. The city commission may grant a variance to individual parcels upon petition and proof that the variance will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this section would result in unnecessary hardship. To grant such a variance, the city commission must make findings of fact that the petitioner has met the legal standards for variance as set forth in the City of Cocoa Beach Code of Ordinances, and the variance must be approved by a concurring vote of four (4) members of the city commission after due notice and public hearing. A request for variance will be considered after a written petition is submitted to the city commission indicating the grounds on which the variance is sought. After the petitioner has submitted a sufficient petition, the request must be scheduled for public hearing before the city commission as expeditiously as possible, and not earlier than thirty (30) days from the day of submission of a sufficient petition. Notice and hearing requirements for such variance shall be in accordance with the provisions for variance set forth in the City of Cocoa Beach Code of Ordinances.