

ORDINANCE NO. 19-2017

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING CHAPTER 28 "ZONING" OF THE CODE OF ORDINANCES AND LAND DEVELOPMENT REGULATIONS; SPECIFICALLY AMENDING SECTION 28-54 "USE TABLE" TO ADD SALES OF AUTOMOBILE/VEHICLE SALES IN THE URBAN VILLAGE ZONING DISTRICT, SECTION 28-98 "AUTOMOBILE SALES" RELATED TO SALES OF MOTORIZED VEHICLES AND SECTION 28-363 "OUTDOOR DISPLAY OF MERCHANDISE" RELATED TO AUTOMOBILE/VEHICLE SALES; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES; FOR AN EFFECTIVE DATE AND FOR INCORPORATION INTO THE CODE.

WHEREAS, the City of Titusville, Florida is a municipal corporation organized and existing pursuant to Chapter 63-2001, Laws of Florida, Special Acts of 1963, Article VII, Section 2 of the Constitution of the State of Florida, and Chapter 166, Florida Statutes; and

WHEREAS, the City of Titusville possesses certain governmental, corporate, and proprietary powers to conduct and perform municipal functions; and

WHEREAS, the City of Titusville, pursuant to its Home Rule Powers, possesses full governmental authority to manage and determine growth within its corporate limits subject to and only limited by applicable law; and

WHEREAS, the City of Titusville has adopted an comprehensive plan consistent with Chapter 163, Florida Statutes; and

WHEREAS, the Titusville City Council desires to further define the definition of automobile sales to include other types of vehicles, including motorcycles, by amending the Land Development Regulations.

NOW, THEREFORE, BE IT ENACTED by the City of Titusville, Florida as follows:

SECTION 1. That Chapter 28, "Zoning", Article IV "Use Table", Section 28-54 "Use Table" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 28-54. – Use Table.

SEC. 28-54 USE TABLE

Permitted Principal Uses	Agriculture and Public			Residential Districts										Commercial Districts							Industrial Districts				Mixed Use										Standards						
	GU	OR	P	RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP	HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID	DMU				UMU	SMU	RMU					UV	IRCN		See Noted Section for Use Specific Standards			
	Key: P = Permitted L = Permitted subject to limitations C = Conditional Blank Cell = Use Prohibited																								Downtown	Uptown	Midtown	Civic Waterfront			100	200	300	400	500		C		R		
Agricultural Uses																																									
Agricultural pursuits	L																																		28-61						
Horse boarding	L																																		28-62						
Processing, packaging, and sale of agricultural products and commodities produced on-site	P																																		28-63						
Residential																																									
Additional Residential Density																																			C	28-71					
Assisted living facility (ALF)									L	L				L																					C	28-72					
Live/work unit																																				P	28-73				
Manufactured housing											P	P																									P	28-74			
Multifamily dwellings (Duplex, Triplex, Quadplex, Etc.)									P	P																	P	L								C	28-75				
Neighborhood group home				P	P	P	P	P	P	P	P	P																									P	28-76			
Patio homes																																				P	28-77				
Residential/professional use				C	C	C	C	C	C	C																										C	28-78				
Residential treatment facilities											C			C																								28-79			
Single-family dwellings (detached)	L	C		P	P	P	P	P						P																							C	28-80			
Townhomes									L	L																												P	28-81		
Commercial																																									
Advertising agency																																							P	28-91	
Animal kennel	P													L	C	L	L	C																				L	28-92		
Animal shelter	P																																						C	28-93	
Arcade Amusement Center																																							C	28-94	
Art, crafts, and hobby shop																																							P	28-95	
Art studio																																							P	28-96	
Automobile repair																																							P	28-97	
Automobile/vehicle sales																																							L	28-98	
Bakery, retail																																							P	28-99	
Barber/Beauty Shop/Salon																																							P	28-100	
Bed and breakfast inns	L	L		L	L	L	L	L	L	L																													L	28-101	
Billboard (Principal)	L																																							L	28-102

SECTION 2. That Chapter 28 “Zoning”, Article V “Use Standards”, Section 28-98 “Automobile Sales” of the Code of Ordinance of the City of Titusville is hereby amended to read as follows:

Sec. 28-98. – Automobile/Vehicle Sales.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP							
HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID							
			P	P												
GU	OR	P	DMU				UMU	SMU	RMU					UV	IRCN	
			D	U	M	C			100	200	300	400	500		C	R
			L		L		L				C	P		L	L	

(b) Definition

Automobile Sales: The use of any building or portion thereof for the display, sale, rental, or lease of motor vehicles (including, but not limited to, automobiles, trucks, boats, and motorcycles) and any warranty repair work and other repair service conducted as an accessory use.

(c) Standards for Permitted Uses with Limitations

(1) In the *Downtown Mixed Use (DMU), Downtown and Midtown sub-districts*, zoning district, Automobile Sales:

- a. Shall have all sales from a permanent structure, and the parking area must meet the requirements of the site plan and landscaping regulations.
- b. Shall have no outside storage other than vehicles for sale or rent, and all repairs must be in an enclosed structure with no bay door openings located in the front face of the building.
- c. Shall meet all DMU requirements when the use of a parcel of property is changed to allow automobile sales and storage.
- d. Shall have all gasoline or other fuel pumps supported by a dedicated standby generator to ensure continuity of service after severe weather events, or acts of God, subject to approval by the City.

(2) In the *Urban Mixed Use (UMU)* zoning district, Automobile Sales:

- a. Shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.
- b. Shall have a maximum lot size of 15,000 square feet.

(3) In the *Indian River City Neighborhood (IRCN-C)* zoning district, Automobile Sales:

- a. Minimum lot size of one acre.
- b. Must be located with frontage on South Washington Avenue.

(4) In the *Urban Village (UV)* zoning district, only Automobile/Vehicle Sales:

- a. Shall be limited only to the sales and accessory service of motorcycles as defined by Chapter 320, Florida Statutes.
- b. Motorcycle sales shall be located in proximity to the principal building and shall not impede pedestrian or traffic flow and shall not encroach into designated parking areas unless designated on a proposed plot plan approved by the Community Development Engineer and included with a Business Tax Receipt application. The designated areas shall be well maintained, provide for walking and accessibility, be free of debris, and have proper lighting, seating, and trash receptacles. All other areas of the site shall be free of merchandise.
- d. Shall limit outdoor motorcycle sales to an area less than or equal to fifteen (15) percent of the gross floor area of the building or unit in which the use is conducted.
- f. Shall have all outdoor motorcycle sales meet the following locational requirements:
 - 1. Shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk.
 - 2. Shall not be located within five (5) feet of a primary roadway access into a parcel.
 - 3. Shall not be located within five (5) feet of another outside vending location.
 - 4. Shall not be located within five (5) feet of a building exit.
 - 5. Shall not be located within fifteen (15) feet of a fire hydrant.
- g. Shall limit outdoor motorcycle sales to only during the hours of operation of the associated business. Goods displayed outdoor shall not be left outdoors when the associated business is not operating.
- h. Shall conduct all service and repair of motorcycles within an enclosed building.
- i. Shall not have bay or service doors oriented towards a public right-of-way.
- j. Shall not include paint booths.
- k. Shall not have any outdoor storage
- l. Shall not include as part of operations riding lessons or motorcycle license classes/testing.

SECTION 3. That Chapter 28 “Zoning”, Article VIII “Accessory Use Standards”, Section 28-363 “Outdoor Display of Merchandise” of the Code of Ordinance of the City of Titusville is hereby amended to read as follows:

Sec. 28-363. – Outdoor Display of Merchandise.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP							
HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID							
	L	L	L	L												
GU	OR	P	DMU				UMU	SMU	RMU			UV	IRCN			
			D	U	M	C			100	200	300	400	500		C	R
			L	L	L	L								L		

(b) Definition

Outdoor Display of Merchandise: The display of retail goods in parking areas, sidewalks, and other locations outside of an enclosed building. This section does not apply to farmers’ markets or produce stands where permitted by the applicable zoning district.

(c) Standards for Accessory Uses with Limitations

(1) In the *Regional Commercial (RC)*, *Community Commercial (CC)*, *Neighborhood Commercial (NC)*, *Tourist (T)*, *Urban Village (UV)*, and *Downtown Mixed Use (DMU)* zoning districts, outdoor display of merchandise:

- a. Shall be located adjacent to the principal building and shall not impede pedestrian or traffic flow and shall not encroach into designated parking areas. The defined areas shall be well maintained, provide for walking and accessibility, be free of debris, and have proper lighting, seating, and trash receptacles. All other areas of the site shall be free of merchandise.
- b. Shall be limited only to merchandise from the retail establishment to which it abuts.
- c. Shall be located entirely under an awning or canopy that complies with the Code of Ordinances and Land Development Regulations. If no awning or canopy is present, the goods shall be displayed on an area abutting and not more than 3 feet from the storefront.
- d. Shall not be located within fifteen (15) feet of any street intersection or pedestrian crosswalk.
- e. Shall not be located within five (5) feet of a primary roadway access into a parcel.
- f. Shall not be located within five (5) feet of another outside vending location.
- g. Shall not be located within five (5) feet of a building exit.
- h. Shall not be located within fifteen (15) feet of a fire hydrant
- i. Shall not be located within an area that abuts the display windows of a permanent business location not owned by the outside vendor

- j. Shall not be located where in the opinion of the Administrator it represents an obstruction to traffic safety or endangers the public welfare.
- k. Shall not allow the display of vehicles, auto parts, tires, heavy equipment of any kind, fireworks, or any hazardous products. Automobile/Vehicle Sales as established in Sec. 28-98 may display vehicles outdoors as part of the principal use.
- l. Second-hand dealers shall meet all requirements established in § 823.07, Florida Statute.
- m. Shall only be utilized during the hours of operation of the associated business. Goods displayed outdoors shall not be left outdoors when the associated business is not operating.
- n. In the *Regional Commercial (RC)* zoning district, an outdoor storage display plan may be submitted and reviewed by the Administrator if the business operator wishes to deviate from these regulations.

SECTION 3. SEVERABILITY. If any provisions of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be become in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

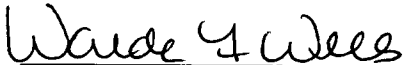
SECTION 6. INCORPORATION INTO THE CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing: Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

PASSED AND ADOPTED this 8th th day of August, 2017.


 Walt Johnson, Mayor



ATTEST:



Wanda F. Wells, City Clerk

cc: Planning
CA