

ORDINANCE NO. 44-2017

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO SHIPPING CONTAINERS; BY AMENDING CHAPTER 28 "ZONING", SPECIFICALLY AMENDING SECTION 28-357 "DETACHED ACCESSORY BUILDING/STRUCTURE", AND SECTION 28-365 "PARKING OR STORAGE OF MOTOR VEHICLES, RECREATIONAL VEHICLES, BOATS, AIRBOATS, OR TRAILERS IN RESIDENTIAL DISTRICTS" TO PROHIBIT SHIPPING CONTAINERS AS WITH RESIDENTIALLY ZONED OR USED PROPERTIES; SPECIFICALLY AMENDING SECTION 28-373 "TEMPORARY STORAGE UNITS" RELATING TO SHIPPING CONTAINERS AND RENUMBERING SUBSEQUENT SECTIONS; AMENDING CHAPTER 34 "PROCEDURES", SPECIFICALLY CREATING SECTION 34-353 "NONCONFORMING STRUCTURES - SHIPPING CONTAINERS" AND RENUMBERING SUBSEQUENT SECTIONS; AMENDING CHAPTER 37 "DEFINITIONS" TO ADD THE DEFINITION OF SHIPPING CONTAINER; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE.

WHEREAS, shipping containers (also known as cargo containers) are being more widely utilized for secondary purposes, such as accessory structures, in residential areas; and

WHEREAS, shipping containers are typically quite large in height, length and scale, usually exceeding the maximum height of a fence permitted in residential areas by up to forty (40) percent; and

WHEREAS, shipping containers may have a useful and valid purpose when properly used and located in commercial and industrial areas; and

WHEREAS, the improper use and location of shipping containers can be unsightly, dangerous and inappropriate so as to affect property values, enjoyment of property, and the overall health, safety and welfare of residential property owners within the City of Titusville; and

WHEREAS, the Titusville City Council desires to regulate the proper use of shipping containers in order to protect the health, safety and welfare of the citizens of Titusville;

BE IT ENACTED BY THE CITY OF TITUSVILLE, FLORIDA:

SECTION 1: That Chapter 28 "Zoning", Article VIII "Accessory Use Standards", Section 28-357 "Detached Accessory Building/Structure" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 28-357. – Detached Accessory Building/Structure.

(a) Districts where permitted

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

(b) Definition

Detached Building/Structure: A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith. Examples of detached accessory building/structure are: a garage, shed, carport or similar detached accessory building/structure.

(c) Standards

- (1) For all districts, a covered walkway open at least two (2) sides may be attached to the principal structure. The required separation shall be the distance measured between the vertical planes established from the eaves to the ground. Principal and accessory structures shall not be connected by any type of enclosed passageway or room addition unless all structures meet principal structure setbacks. If this walkway is enclosed between the accessory structure will be deemed attached to the principal structure and shall meet the minimum principal structure setbacks.
- (2) Regulations for nonconforming detached metal carports are established in Sec. 34-315.
- (3) The placement or use of any shipping container and other transport containers as an accessory building, storage building, living unit, or in any other matter on residentially zoned land and/or land used for residential purposes is prohibited. Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a City building permit.

SECTION 2: That Chapter 28 “Zoning”, Article VIII “Accessory Use Standards”, Section 28-365 “Parking or Storage of Motor Vehicles, Recreational Vehicles, Boats, Airboats, or Trailers in Residential Districts” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 28-365. – Parking or Storage of Motor Vehicles, Recreational Vehicles, Boats, Airboats, or Trailers in Residential Districts.

(a) Districts where permitted

RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP							
L	L	L	L	L	L	L	L	L	L							
HM	T	NC	CC	RC	OP	M-1	M-2	M-3	PID							
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	L						C	R

(b) Reserved

(c) Standards for Permitted Accessory Uses with Limitations.

- (1) Parking or storage of motor vehicles, recreation vehicles, boats, airboats, or trailers in residential districts shall adhere to the regulations in Section 20-58 of the Code of Ordinances.
- (2) The placement or use of any shipping container as an accessory building, storage building, or living unit on residentially zoned land and/or land used for residential purposes is prohibited. Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a City building permit.

SECTION 3: That Chapter 28 “Zoning”, Article VIII “Accessory Use Standards”, Section 28-373 “Temporary Storage Units” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 28-373. – Temporary Storage Units.

(a) Districts where permitted

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

(b) Definition

Temporary Storage Units: Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential and commercial properties. This definition does not include storage units authorized by the Florida Building Code pursuant to Section 553.73, Fla.Stat. Truck bodies, shipping containers (except as described below) and semi-trailers are prohibited.

(c) Standards for Temporary Accessory Uses

- (1) Temporary Storage Units are permitted provided the following criteria are met:
 - a. A maximum of one (1) temporary storage unit is permitted per lot with a maximum of one (1) placement permitted per year. Additional units may be placed in Special and Commercial zoning districts provided they are approved by the administrator and criteria items below are met. In the event that additional units are permitted, they will not exceed two (2) placements per year;
 - b. The maximum size of the temporary storage unit is eight (8) feet wide, twenty-four (24) feet long, and nine (9) feet high;
 - c. The maximum time a temporary storage unit is permitted to remain on the lot is thirty (30) consecutive days;
 - d. The temporary storage unit shall not be placed in any right-of-way or easement and shall not create a sight obstruction for any vehicular or pedestrian traffic;
 - e. The temporary storage unit shall not be utilized for the storage of live animals, hazardous or flammable materials, or human habitation;
 - f. Advertising is prohibited on the temporary storage unit with the exception of the name and phone number of the vendor of the unit;
 - g. The exterior of the temporary storage unit shall be maintained in good repair, structurally sound and sanitary. Peeling, flaking and chipped paint shall be prohibited;
 - h. The applicant must affix a placard, issued at the time of permitting and clearly visible from the nearest roadway, to the temporary storage unit which provides information identifying the placement date, date of required removal, and the number to report violations to the Code Enforcement Department. . Any person who violates this article shall upon conviction be punished as provided in section 1-15, "General penalty; continuing violations", Each day the violation exists shall constitute a separate violation for the purposes of this article and shall be punishable as such and/or said violation may be processed as a code violation pursuant to F.S. Ch. 162 and the municipal code enforcement board.
 - i. For storage units associated with commercial, multifamily, and office uses, the units shall not be located on required parking spaces.
 - j. Stacking of temporary storage units shall be prohibited.
- (1) Exemptions. The above regulations shall not apply to temporary storage units that are placed for construction purposes (truck bodies, shipping containers and semi-trailers are prohibited from use as construction offices on project sites) in connection with a valid building permit or during any period of declared emergency by federal, state or local official action.

SECTION 4: That Chapter 34 "Procedures", Article VII "Nonconforming Uses, Structures/Vested Rights", Division 1, "Nonconforming Uses and Structures", is amended by adding a section to be numbered Section 34-353 "Nonconforming structures – Shipping Containers" of the Code of Ordinances of the City of Titusville which said section reads as follows:

Sec. 34-353. –Nonconforming structures—Shipping Containers.

- (a) All nonconforming shipping containers, except as provided herein, shall be removed immediately.
- (b) Existing nonconforming shipping containers on residentially zoned or residentially used property for which a permit was issued as of the effective date of this regulation (December 12, 2017) and remains valid, or for which a final inspection has been completed as of the effective date of this regulation, shall be permitted to continue for eighteen (18) months from the date of this regulation. During this eighteen (18) month period, such nonconforming shipping container shall be removed from the property within sixty (60) days of the change of ownership of the residentially zoned or residentially utilized property.
- (c) Alternatively, existing nonconforming shipping containers on residentially zoned or residentially used property that have a valid, current building permit as of the effective date of this regulation will be considered legal non-conforming structures governed by section 34-345 and 34-346 if the container is not visible from the property line(s) or is architecturally compatible within six (6) months of the effective date of this ordinance. Architectural compatibility shall include a pitched roof, siding and paint color consistent with the primary residential structure on the property as determined by the Administrator. This period may be extended for an additional sixty (60) days to allow completion of improvements which are underway if the Administrator determines such extension is warranted due to hardship.
- (d) Any shipping container remaining on residentially zoned or residentially used property shall be removed or be subject to code enforcement action.

SECTION 5: That Chapter 34 "Procedures", Article VII "Nonconforming Uses, Structures/Vested Rights", Division 1, "Nonconforming Uses and Structures", Sections 34-354 – 34.-360 "Reserved" of the Code of Ordinances of the City of Titusville are hereby renumbered to read as follows:

Secs. 34-354—34-360. - Reserved.

SECTION 6: That Chapter 37 "Definitions" of the Code of Ordinances of the City of Titusville is hereby amended to add the definition as follows:

Sec. 37-1 – Definitions

Shipping container: A standardized, reusable metal vessel that originally was designed for, or used in, packing, shipping, movement or transportation of freight, articles, goods or commodities by commercial trucks, trains and/or ships.

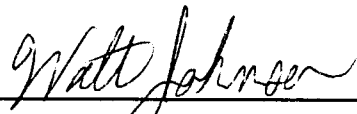
SECTION 7: SEVERABILITY. If any provisions of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8: 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 9: 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.

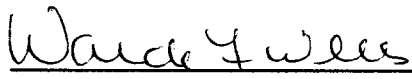
SECTION 10: INCORPORATION INTO CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may 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 day 12th of December, 2017.



Walt Johnson, Mayor

ATTEST:



Wanda F. Wells, City Clerk

