

**ORDINANCE NO. 30-2017**

**AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO CATERERS AND RESTAURANTS BY AMENDING THE LIMITED USES IN THE LIGHT INDUSTRIAL SERVICES AND WAREHOUSING (M-1), INDUSTRIAL (M-2) AND PLANNED INDUSTRIAL DEVELOPMENT (PID) ZONING DISTRICTS; BY AMENDING SECTION 28-167 "RESTAURANTS"; AND AMENDING SECTION 37-1 "DEFINITIONS" TO ADD CATERER AND TAKE-OUT RESTAURANT; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE.**

**WHEREAS**, the Titusville City Council desires to expand uses within the Light Industrial Services and Warehousing (M-1), Industrial (M-2) and Planned Industrial Development (PID) zoning classifications with uses that are comparable in type and intensity with current permitted uses within the M-1 and M-2 zoning classifications, and

**WHEREAS**, catering and take-out restaurants have been determined to be appropriate uses in the M-1, M-2 and PID zoning districts with limitations, and

**WHEREAS**, it is the intent of this ordinance to amend the existing Code in such a way as to promote economic development.

**BE IT ENACTED BY THE CITY OF TITUSVILLE, FLORIDA:**

**SECTION 1:** That Chapter 28 "Zoning", Article V "Use Standards" Division III "Commercial" Section 28-167 "Restaurants" of the Code of Ordinances, City of Titusville is hereby amended to read as follows:

**Sec. 28-167. – Restaurants/Caterers.**

(a) Districts where permitted

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

(b) Definitions

**Restaurant:** An establishment where food and beverages are ordered, prepared and served

**Caterer:** Food or drink is prepared in a licensed kitchen and served at another location.

**Take-out/Non-seating restaurant:** An establishment that offers take-out or delivery of food or beverages but does not permit customers to dine in.

(c) Standards for Permitted Uses with Limitations

- (1) In the *Neighborhood Commercial (NC)* zoning district, the sale of distilled spirits shall be prohibited within restaurants.
- (2) In the *Light Industrial Services and Warehousing (M-1)* zoning district, Restaurants and Bars or Brewpubs is an accessory use with a craft brewery or craft distillery manufacturing use. Caterers and Take-out restaurants (as defined herein) are permitted without the need to be accessory to a craft brewery or craft distillery manufacturing use.
- (3) In the *Industrial (M-2)* zoning district, Restaurants and Bars or Brewpubs is an accessory use with a craft brewery or craft distillery manufacturing use. Caterers and Take-out restaurants are not permitted.
- (4) In the *Planned Industrial Development (PID)* zoning district, restaurants must be accessory to permitted uses within the district. Caterers and Take-out restaurants (as defined herein) are permitted as a primary use.
- (5) In the *Urban Mixed Use (UMU)* zoning district, Restaurants:
  - a. Shall be located on property that is adjoining to an intersection of Deleon Avenue or Park Avenue.
  - b. Shall only allow any outdoor seating to operate during the hours of 6:00 a.m. to 10:00 p.m.
  - c. Shall require a conditional use permit if alcohol consumption is being requested in conjunction with the restaurant.
- (6) In the *Indian River City Neighborhood-Commercial (IRCN-C)* zoning district, any outdoor seating may only operate during the hours of 6:00 a.m. to 11:00 p.m. and shall not be located within 50 feet of a residential property line.

**SECTION 2:** That Chapter 37 "Definitions", Section 37-1 "Definitions" of the Code of Ordinances, City of Titusville is hereby amended to add the definitions below, as follows:

*Caterer:* Food or drink is prepared in a licensed kitchen and served at another location.

*Take-out/Non-seating restaurant:* An establishment that offers take-out or delivery of food or beverages but does not permit customers to dine in.

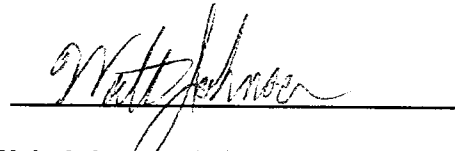
**SECTION 3:** SEVERABILITY. If any provisions of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions 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 in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

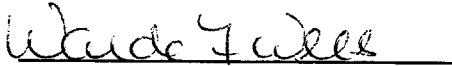
**SECTION 6: INCORPORATION INTO CODE.** This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors 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 24<sup>th</sup> day of October 2017.



**Walt Johnson, Mayor**

**ATTEST:**



**Wanda F. Wells, City Clerk**

