

ORDINANCE NO. O-24-17

AN ORDINANCE OF THE CITY OF SEBASTIAN, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 54-4-21.C.4. USE RESTRICTIONS FOR OUTDOOR STORAGE FACILITIES AS A CONDITIONAL USE IN THE TRIANGLE OVERLAY DISTRICT; LAND DEVELOPMENT CODE SECTION 54-2-6.4(28) SPECIFIC CRITERIA FOR APPROVING A CONDITIONAL USE; LAND DEVELOPMENT CODE SECTION 54-5-22.2 DEFINITION OF TERMS, NEW DEFINITION OF OUTDOOR STORAGE FACILITY; PROVIDING FOR SEVERABILITY AND REPEAL OF LAWS IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sebastian hereby finds that it is in the public interest to modify and update certain provisions of the code relating to Outdoor Storage Facilities in the Triangle Overlay District; and

WHEREAS, the City Council has determined that it is in the best interests of and would serve to promote and protect the public health, safety, and welfare to regulate the location and operation of Outdoor Storage Facilities in the City; and

WHEREAS, the City Council has the responsibility and authority pursuant to the City's home rule powers to determine uses that are suited for particular zoning categories and land use categories within the City; and

WHEREAS, the City Council has determined that given the potential impact from Outdoor Storage Facilities on the surrounding area, said facilities should be allowed within specific zoning districts as a conditional use; and

WHEREAS, the City Council has determined that it is advisable and in the public interest to consider location, site and operational requirements, and other standards in regard to the location and operation of outdoor storage facilities as a conditional use; and

WHEREAS, the City Council finds the adoption of this Ordinance is in the public interest by serving to promote and protect the public health, safety, and welfare and otherwise serves a municipal purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, as follows:

Section 1. Adoption of Recitals/Advertising. The above recitals are hereby adopted as true, correct and found to be the legislative intent of the City Council of the City of Sebastian. Further, all advertising and public notice requirements have been timely made.

Section 2. Textual Amendment.

That the *Land Development Code*, City of Sebastian, Florida, is hereby amended as follows:

Amendment 1: ARTICLE XXI. PERFORMANCE OVERLAY DISTRICTS

DIVISION C. SEBASTIAN BOULEVARD TRIANGLE OVERLAY DISTRICT REGULATIONS

Sec. 54-4-21.C.4. Use restrictions.

Notwithstanding the provisions of section 54-4-21.1, the permitted and conditional uses within the various zoning districts of this Code shall be modified for the Sebastian Boulevard Triangle Overlay District to list as follows:

CG Zone

Permitted uses:

Cultural or civic facilities.

Churches.

Clubs and lodges, public and private.

Business and professional offices, excluding drive-through facilities.

Medical services.

Commercial retail ≤ 20,000 sq. ft.

Plant nurseries.

Restaurants, excluding drive-through facilities.

Trade and skilled services.

Hotels and motels.

Administrative services, public and private.

Accessory uses to permitted uses.

Home occupations.

All uses permitted within the RM-8 Zoning District.

Conditional uses:

Bars and lounges.

Commercial retail > 20,000 sq. ft.

Business and professional offices with drive-through facilities.

Farmer's markets.

Funeral homes.

Nursing homes.

Child care services.

Utilities, public and private.

Parks and recreation, public.

Protective and emergency services, public.

Restaurants with drive-through facilities.

Veterinary services.

Wholesale trades and services.

Commercial amusements, enclosed.

Accessory uses to conditional uses.

Vehicular sales indoors.

Gasoline sales as part of retail operation.

Parking garages.

Outdoor Storage Facilities

PS Zone

{No changes}.

IN Zone

Permitted uses:

Business and professional offices, with or without drive-through facilities.

Commercial retail \leq 5,000 sq. ft.

Commercial amusements, enclosed.

Plant nurseries.

Restaurants with or without drive-through facilities.

Trades and skilled services.

Wholesale trades and services.

Veterinary services.

Clubs and lodges, public and private.

Administrative services, public and private.

Accessory watchman facilities.

Medical services.

Accessory uses to permitted uses.

Conditional uses:

Commercial retail with > 5,000 sq. ft.

Hotels and motels.

Protective and emergency services, public.

Parks and recreation, public.

Parking garages.

Utilities, public and private.

Commercial amusements, unenclosed.

Flea markets.

Electronics, research and development, and similar uses \leq 5,000 sq. ft.

Vehicular sales enclosed.

All uses permitted within the RM-8 Zoning District.

Accessory uses to conditional uses.

Outdoor Storage Facilities

Amendment 2: **ARTICLE VI. CONDITIONAL USE CRITERIA**

Sec. 54-2-6.4. Specific criteria for approving a conditional use.

In addition to satisfaction of the general provisions cited above, a conditional use shall be permitted only upon a finding that the proposed conditional use complies with the requirements for the respective conditional use as specified below:

(28A) Outdoor Storage Facilities

a. Applicable zoning districts. Outdoor Storage Facilities shall be permitted as a conditional use in the following zoning districts only within the Sebastian Triangle Overlay District: CG and IN

b. Conditional use criteria. Outdoor Storage Facilities will be allowed provided the following conditions are met:

1. All setbacks of the respective zoning district shall be used except in no case shall the setback be less than 20 feet.
2. Screening:
 - (a) All side and rear yards shall be screened in accordance with the standards established in section 54-3-14.16 of this chapter.
 - (b) Increased Landscape Buffer. Except for driveways and signage, Outdoor Storage Facilities shall have a minimum 20 foot-wide opaque vegetative buffer along all property lines, with additional plant materials if not naturally opaque.
3. Automobiles, trucks and recreational vehicles may be stored in designated areas as shown on the approved site plan. All other proposed outside storage shall be reviewed and approved by the planning and zoning commission.
4. One management office may be included provided it does not exceed 400 square feet.
5. No Business Tax Receipt other than for the main use (storage) shall be permitted.
6. No sales, garage sales, manufacturing or repair is permitted.
7. There shall not be any storage of flammable, toxic, highly combustible or other hazardous materials or substances

Amendment 3: **ARTICLE XXII. LANGUAGE AND DEFINITIONS**

Sec. 54-5-22.2. Definition of terms.

Terms not otherwise defined herein shall be interpreted first by reference to the comprehensive plan and this code; secondly, by reference to generally accepted engineering, planning, or other professional terminology if technical; and otherwise according to common usage, unless the context clearly indicates otherwise.

For the purpose of enforcing and administering this code, the following words shall have the definition and meanings herein ascribed:

Outdoor storage. The keeping in an unroofed area of any goods, material, or merchandise in the same place for more than 24 hours. The parking of motor vehicles, in operating condition which are used in the operation of a commercial establishment shall not be considered outside storage.

Outdoor Storage Facility. Any real property designed and used for the purpose of renting and leasing individual parking spaces for storage to tenants who are to have access to such space for the purpose of storing and removing personal property. Primarily for the keeping, or parking of motor vehicles, pick-up trucks, recreational vehicles and boats.

Parapet. That portion of the facade which extends above the roof line.

Section 3. Severability. In the event a court of competent jurisdiction shall determine that any part of this Ordinance is invalid, the remainder of the Ordinance shall not be affected and it shall be presumed that the City Council of the City of Sebastian did not intend to enact such invalid provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid provision, thereby causing said remainder to remain in full force and effect.

Section 4. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance shall be codified within part of the City Land Development Code and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 6. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Council.

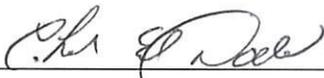
Section 7. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance was moved for adoption by Councilmember Nunn. The motion was seconded by Councilmember McPartlan and, upon being put to a vote, the vote was as follows:

Mayor Ed Dodd	<u>aye</u>
Vice-Mayor Kelly Dixon	<u>aye</u>
Councilmember Fred Jones	<u>aye</u>
Councilmember Bob McPartlan	<u>aye</u>
Councilmember Christopher Nunn	<u>aye</u>

The Mayor thereupon declared this Ordinance duly passed and adopted this 25th day of September, 2024.

CITY OF SEBASTIAN, FLORIDA

By: 
ED DODD, MAYOR



ATTEST:


JEANETTE WILLIAMS, MMC
CITY CLERK

Approved as to form and legality for reliance by the City of Sebastian only:


JENNIFER COCKCROFT, ESQ., BCS
CITY ATTORNEY