

## ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 98, ZONING, ARTICLE III. DISTRICTS, OF THE CODE OF ORDINANCES TO AMEND DIVISION 22, GATEWAY INTERCHANGE DISTRICT (GTWY-I), SECTION 98-843 CONDITIONAL USES, TO ALLOW GAS STATIONS AS A CONDITIONAL USE IN THE GTWY-I (GATEWAY INTERCHANGE) DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of West Melbourne, Florida has a zoning district for the areas west of I-95 and on either side of the St. Johns Heritage Parkway known as Gateway Interchange to encourage a mixture of land uses; and

**WHEREAS**, the Gateway Interchange zoning district prohibits gas stations; and

**WHEREAS**, the developer of the Space Coast Town Center master plan has interest from a gas station to be placed along US 192 in the Gateway Interchange zoning district; and

**WHEREAS**, the Space Coast Town Center developer had submitted a code change to allow gas stations in the Gateway Interchange zoning district; and

**WHEREAS**, staff reviewed the proposed code change to allow gas stations in the Gateway Interchange zoning district to ensure compliance with our existing codes that allow gas stations and to ensure Statutory compliance; now therefore,

**BE IT ORDAINED** by the City Council of the City of West Melbourne, Brevard County, Florida, that:

**Section 1. Findings.** The foregoing “Whereas” clauses are hereby ratified and incorporated as findings of the City Council and the legislative intent of this ordinance.

**Section 2. Revised Gateway Interchange District (GTWY-I).** Chapter 98, Zoning, Article III, Districts, Division 22, Gateway Interchange District (GTWY-I), Section 98-843, Conditional Uses of the Code of Ordinances shall be amended to add “Gas Stations” as a conditional use in the GTWY-I, and read as set forth in **Exhibit “A”** attached hereto and incorporated by reference herein.

**Section 3. Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Conflict with Other Ordinances.** The provisions of this ordinance shall supersede any provision of existing ordinances in conflict herewith to the extent of said conflict.

**Section 5. Inclusion in Code.** It is the intention of the City Council of the City of West Melbourne that the provisions of this ordinance and **Exhibit "A"** hereto shall be made a part of the City of West Melbourne Code of Ordinances and the sections be renumbered to accomplish such intention.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of West Melbourne, Brevard County, Florida, this 2<sup>nd</sup> day of March, 2021.

1<sup>st</sup> READING: February 16, 2021

2<sup>nd</sup> READING: March 2, 2021

Exhibit A

**DIVISION 22. GATEWAY INTERCHANGE DISTRICT**

e. Section 98-843. Conditional uses.

The conditional uses in the Gateway Interchange district are as follows:

(1) *Commercial:*

....

d. Gas stations.

If the proposed gas station is part of a City Council approved master plan for a project, then conditional use approval is not necessary and it may be approved via the master plan, however, the following performance standards are applicable in each case:

1. *Minimum property size:* At least fifty acres. Regardless of the size of the property, no more than one gas station may be located on a property. This limitation may not be avoided by subdivision, split, reconfiguration, transfer, or otherwise.
2. *Location:* Property shall have street frontage on an arterial or collector street as defined in the comprehensive plan
3. *Setbacks:* Canopies, service islands which contain gasoline pumps and other above-ground equipment, vents and tanks shall also follow setback requirements for this district.
4. *Prohibited:*
  - a. Outdoor display of merchandise that are not appropriately shielded from public streets.
  - b. Neon and illuminated panels.
  - c. Exposed standard concrete block canopy and supports without architectural finish.
  - d. Lights mounted on the fascia or top of the canopy.
  - e. The rental of motorbikes and moving or travel trailers.

5. *Architecture:*

*Overall design.*

The design elements of the building, canopy and service islands shall be architecturally compatible (color, materials, massing, detailing and overall architectural design).

- a. The overall design of the facility shall be aesthetically compatible with surrounding properties.
- b. All amenities such as lighting fixtures, trash cans and other features shall be compatible with the design of the building.

Canopy.

- a. Canopy supports are required to be at least 25 percent clad in brick, masonry, wood or other similar material that is compatible with the architecture of the building.
- b. Cladding of the supports must be proportioned to the height and scale of the canopy.
- c. All downspouts shall be integrated into the canopy structure.
- d. Canopy fascias shall be finished to match the building material.
- e. Fascias shall extend 12 inches below light fixture lenses to block the direct view of the light sources from the property line.

Site layout:

- a. Loading/unloading zones shall be located in such a manner on the site in order to completely separate those zones from customer parking areas and access lanes and aisles thereto.
- b. Stacking lanes shall be located away from public streets and driveways so that queued vehicles do not block the flow of traffic on-site.
- c. Car wash bay openings shall be oriented away from public view and shall be accessed from the side or rear of the lot, where possible.
- d. A visual screen meeting the specifications of Division 5 of Article V of this chapter may be required along the rear or the length of the sides of the site where there is no access or egress to a right-of-way.

This section shall not be applied in a manner that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards or other features of corporate branding identity.