

41-A)

DEPARTMENTAL CORRESPONDENCE

TO: James O'Connor
City Manager

FROM: Timothy J. McGarry, AICP 
Director of Planning and Development

DATE: April 22, 2016

SUBJECT: **First Reading of a Draft Ordinance Amending
Chapter 62, Article IV, M Industrial Zoning District
Related to Permissible Floor Area for Accessory
Recreation Use**

Overview

The Planning and Development Department requests that the attached draft Ordinance be placed on the City Council's May 3, 2016, regularly scheduled agenda for First Reading. The draft Ordinance was prepared at the direction of the City Council upon the request of the Youth Sailing Foundation of Indian River County, Inc.

The draft Ordinance amends Section 62.48 (f) of the Code by eliminating the restriction on the expansion of floor area outside existing buildings on the City wastewater treatment plant site. The staff report on draft Ordinance prepared for the Public and Zoning Board is attached, which provides detailed information on and analysis of the proposed amendment.

Planning and Zoning Board Action

On April 21, 2016, the Planning and Zoning Board conducted a legislative hearing on the Ordinance. At the conclusion of the hearing, the body voted 5-0 supporting the staff's recommended draft Ordinance and recommended its submittal to the City Council for favorable consideration.

TJM/tf
Attachments

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning and
Zoning Board Members

FROM: Timothy J. McGarry, AICP 
Director of Planning and Development

DATE: April 12, 2016

SUBJECT: **Public Hearing on Proposed Amendment to Chapter 62, Article IV,
M Industrial Zoning District Related to Permissible Floor Area
for Accessory Recreational Uses**

Overview

In response to a request by the Youth Sailing Foundation of Indian River County, Inc., the City Council directed staff to prepare an ordinance amending the Code to allow this organization to add additional floor area at the City Wastewater Treatment Plant. The attached draft Ordinance amends Section 62.48(f) by eliminating the restriction on the expansion of floor area outside of existing buildings on the site.

Background

In 2012, the City enacted text amendments to both the Comprehensive Plan and Land Development Regulations to allowable accessory recreation uses compatible and in co-location with a city-owned utility in the Industrial zoning district. This allowed the Youth Sailing Foundation to enter into a lease agreement with the City of Vero Beach to operate a youth sailing program at the City's wastewater treatment plant.

Subsequently, the youth sailing program has been an overwhelming success. The success of the program has required the hiring or future hiring of additional contract staff to operate the program. Additional office space is needed to accommodate additional staff and office equipment outside the 3,700 square foot of floor area occupied by the organization in an existing building. With no other available floor area, the Youth Sailing Foundation would like to add an office trailer on site to provide approximately 400 square feet of office space.

Unfortunately, existing Section 62.48(f)(2) does not allow any expansion outside of existing buildings. To address this barrier, the staff has drafted an amendment to Section 62.48(f)(2) that eliminates this restriction. The maximum amount of floor area on the site that may be occupied and used for recreation uses is still 7,500 square feet.

Staff Review and Analysis

The staff reviewed the proposed text amendment to the Land Development Regulations based on the standards outlined in Section 65.22(i)(1) and (3) of the Vero Beach Code. The staff's analysis and findings are as follows:

Justification for the Amendment. The proposed text amendment is needed to allow the expansion of floor area for accessory recreational uses co-located with a City utility in the Industrial zoning district. Without this amendment, the Youth Sailing Foundation will be unable to provide for the additional floor area needed for staff and office equipment. The staff finds the proposed text amendments to be justified and warranted pursuant to Section 65.22(i)(1) based upon the above facts.

Consistency with the Comprehensive Plan. The staff finds the proposed text amendment to be consistent with the one provision in Table 1.8 of the Future Land Use Element:

- **Table 1.8, Land Use Classifications, Land Use Element.** *Governmental facilities, including administrative buildings, cultural facilities operations and service facilities, and correctional institutions. Also, public and private educational facilities, hospitals, and transportation terminals, including small-scale recreational activities compatible with and subordinate to an existing governmental utility.*

The proposed text amendment is consistent with this statement. The amendment allows for additional floor area outside existing buildings, but still limits the total floor area of accessory recreational uses to 7,500 square feet.

Consistency with Land Development Regulations. The proposed amendment does not materially change Section 62.48 (f). It still limits the amount of total floor area that may be used and occupied for accessory recreational uses. It provides more flexibility in meeting the needs for such uses, which is restricted by the amount of floor area available in existing buildings. Therefore, the staff finds the proposed text amendment is consistent with the Land Development Regulations due to the aforementioned reasons.

Recommendation

Based on the findings above, the staff recommends Planning and Zoning Board approval of the attached draft Ordinance for transmittal to the City Council for favorable action.

TJM/tf
Attachment

ORDINANCE NO. 2016-__

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING CHAPTER 62, ARTICLE IV, M INDUSTRIAL DISTRICT, OF PART III, LAND DEVELOPMENT REGULATIONS, IN THE CODE OF THE CITY OF VERO BEACH, RELATED TO PERMISSIBLE FLOOR AREA FOR ACCESSORY RECREATIONAL USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the request of the Youth Sailing Foundation of Indian River County, Inc., the City enacted amendments to Section 62.48(f) in Ordinance 2-2012 to allow accessory recreation uses compatible and in co-location with a city-owned utility in the Industrial zoning district; and

WHEREAS, this amendment allowed the Youth Sailing Foundation to enter into a lease agreement with the City of Vero Beach at the City's wastewater treatment plant to operate its not-for-profit youth sailing program; and

WHEREAS, Ordinance 2-2012, limited total floor area of accessory recreational uses to 7,500 square feet within existing buildings; and

WHEREAS, the Youth Sailing Program has been an overwhelming success drawing increased participation from among the youth in Indian River County; and

WHEREAS, the success of the program has required the hiring or future hiring of additional contract staff to operate the program; and

WHEREAS, additional office space is needed to accommodate additional staff and office equipment, but usable space in existing buildings is lacking and additional new floor area outside existing buildings at the wastewater treatment plant is the only viable option; and

WHEREAS, the elimination on the restriction limiting floor area to only existing buildings would provide the flexibility needed to accommodate the needs of the Youth Sailing Program, which is a significant community asset; and

WHEREAS, the City Council finds that adoption of the amendment provided for in this Ordinance serves a municipal purpose, is in the best interest of the public, and is consistent with the standards provided in subsections 65.22(i)(1) and (3) of the Code of the City of Vero Beach,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA:

Section 1. Adoption of “Whereas” Clauses.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose and intent of this Ordinance.

Section 2. Amendment of Chapter 62, Article IV, M, Industrial District, Sec. 62.48(f). Permitted Uses,

Section 62.48(f) of the Code of the City of Vero Beach is hereby amended to read as follows:

Sec. 62.48. Permitted uses.

- (f) Recreational uses compatible and in co-location with a city utility subject to the limitation that the following provisions:— total floor area of all buildings occupied by each individual use shall be less than 7,500 square feet.
- ~~(1) The total floor area of all buildings occupied by each individual use shall be less than 7,500 square feet.~~
- ~~(2) The uses shall only occupy existing buildings; the footprint or floor area of said buildings shall not be expanded to accommodate such uses.~~

Section 3. Codification.

The provisions of this Ordinance shall be codified in the Code of the City of Vero Beach, Florida.

Section 4. Conflict and Severability.

In the event any provision of this Ordinance conflicts with any other provision of this Code or any other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 5. Effective Date.

This Ordinance shall become effective upon final adoption by the City Council.

This Ordinance was read for the first time on the _____ day of _____, 2016, and was advertised on the ___ day of _____, 2016, as being scheduled for a public hearing to be held on the ____ day of _____, 2016, at the conclusion of which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote:

Mayor Jay Kramer _____
Vice Mayor Randolph B. Old _____
Councilmember Pilar E. Turner _____
Councilmember Richard G. Winger _____
Councilmember Harry Howle III _____

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
City Clerk

Jay Kramer
Mayor

[SEAL]
Approved as to form and legal
sufficiency:

Approved as conforming to municipal
policy:

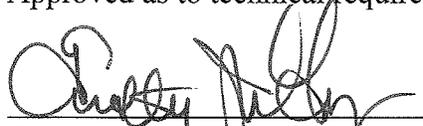


Wayne R. Coment
City Attorney



James R. O'Connor
City Manager

Approved as to technical requirements:



Timothy J. McGarry, AICP
Director, Planning & Development