

AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, OCTOBER 20, 2016, AT 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA

I. PRELIMINARY MATTERS

Agenda Additions and/or Deletions

II. APPROVAL OF MINUTES

Regular/Workshop Meeting –September 15, 2016

III. PUBLIC COMMENT

IV. PUBLIC HEARING

[Quasi-judicial]

A. An Ordinance of the City of Vero Beach, Florida, Requested by TV20, LLC, Amending the Official Zoning Map by Changing the Zoning District Designation of POI, Professional Office and Institutional, to C-1B, General Commercial Trades and Services, for Property Located on the Southeast Corner of 20th Street and 10th Avenue Containing 3.73 Acres, More or Less; Providing for Conflict and Severability; and Providing for an Effective Date.

[Legislative]

B. An Ordinance of the City of Vero Beach, Florida, Amending Section 71.14 in the Land Development Regulations of the Code of the City of Vero Beach Relating to Restrictions on Improvement of Certain Designated City Rights-of-Way; Providing for Clarification; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date.

V. PLANNING DEPARTMENT MATTERS

A. Options for Revising Regulations Related to the Requirement for a 20-foot Landscape Buffer 6 Foot High Hedge between Conditional Uses and Single Family Uses with an Intervening Right-of-Way.

B. Provide Update on Revisions to the Comprehensive Plan.

VI. BOARD MEMBERS' MATTERS

VII. ADJOURNMENT

ANY PERSON AGGRIEVED BY A DECISION OF THE PLANNING AND ZONING BOARD RELATIVE TO SITE PLAN APPROVAL MAY WITHIN TEN DAYS AND IN ACCORDANCE WITH SECTION 64.08(j) FILE AN APPEAL WITH THE PLANNING DIRECTOR OF THE CITY OF VERO BEACH. ANYONE WHO MAY WISH TO APPEAL ANY DECISION THAT MAY BE MADE AT THIS HEARING WOULD NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL WILL BE BASED.

ANYONE IN NEED OF SPECIAL ACCOMMODATIONS FOR THIS MEETING MAY CONTACT THE CITY'S AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR AT 978-4920 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

PUBLIC INVITED TO ATTEND

**PLANNING AND ZONING BOARD MINUTES
THURSDAY, SEPTEMBER 15, 2016 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Lawrence Lauffer; Vice Chairman, Honey Minuse; Members: Norman Wells, Alternate Member #1, Richard Cahoy and Alternate Member #2, Kenneth Daige **Also Present:** Planning and Development Director, Tim McGarry; Planner, Gayle Lafferty; Assistant City Attorney, Peggy Lyon and Deputy City Clerk, Sherri Philo

Excused Absences: Don Croteau and Linda Hillman

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

Mr. Tim McGarry, Planning and Development Director, noted that item IV - A) would be heard as a quasi-judicial hearing.

II. APPROVAL OF MINUTES

A. Regular/Workshop Meeting – August 18, 2016

Mrs. Minuse made a motion to approve the minutes of the August 18, 2016 Planning and Zoning Board meeting. Mr. Daige seconded the motion and it passed unanimously.

B. Regular/Workshop Meeting – September 1, 2016

Mrs. Minuse made a motion to approve the minutes of the September 1, 2016 Planning and Zoning Board meeting. Mr. Wells seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARING

A. Code Compliance Certification Application #CC16-000371 Submitted by City of Vero Beach Public Works Department to Install 894 Feet of Eight Foot High Chain Link Fence with One Foot Barbed Wire Top at 1225 16th Street – City Storage Yard

The Chairman read Code Compliance Certification Application #CC16-000371 by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff testifying for today's public hearing en masse.

Ms. Gayle Lafferty, Planner, went over staff's report with the Board members (attached to the original minutes). Based on the need to protect the public from hazardous material, possibility of theft, and individuals injuring themselves in the storage yard, staff finds that the applicant has provided adequate demonstration of need. Staff recommends approval of the request for the

installation of the proposed eight-foot high fence with one-foot of barbed wire on top.

The Chairman opened and closed the public hearing at 1:35 p.m., with no one wishing to be heard.

Mrs. Minuse asked does the existing fence have barbed wire on top of it.

Ms. Lafferty answered yes.

Mr. Cahoy asked does the existing eight-foot fence and proposed eight-foot fence include the barbed wire.

Ms. Lafferty said there is an eight-foot chain-link fence with one-foot of barbed wire on top for a total of nine-feet.

Mr. McGarry said they were basically extending the existing fence to cover that area.

Mr. Wells made a motion that the Board approves Code Compliance Certification Application #CC16-000371 as recommended by staff. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mr. Wells yes, Mrs. Minuse yes, and Mr. Lauffer yes.

V. WORKSHOP

A. Discussion of Draft Goal, Objectives and Policies (GOPs) for the Conservation Element and Revised Draft GOPs for the Land Use and Housing Elements of the Comprehensive Plan

Mr. Tim McGarry, Planning and Development Director, gave a brief overview of the proposed changes to *Chapter 8 Conservation Element Goal, Objectives, and Policies* with the Board members (attached to the original minutes). He noted that on page 8-3, *Section 2.3* needed to be revised and would probably be placed under storm drainage.

*Please note that discussion took place throughout the presentation.

Mr. Cahoy referred to page 8-4, *Section 2.9*. He questioned why certain dates were specified.

Mr. McGarry said that he would remove the dates because the dates could change in time.

Mr. Daige referred to the map provided on *Wellhead Protection Areas* (attached to the original minutes).

Mr. McGarry noted that not all of them are in use.

Mr. Daige asked can the ones that are not in use function if needed.

Mr. McGarry answered yes.

Mr. Lauffer referred to page 8-12, *Section 5.3*. He said if an individual owns a lot and there is a lot of invasive vegetation and native vegetation on the property that intermingle with each other, it would be hard to remove the non-native vegetation without harming the native vegetation. He asked how this would be viewed by the City.

Mr. McGarry said they were not writing the regulations, but the intent.

Mr. Lauffer said that his daughter and son-in-law are building a home and they had to take down some native trees because they had to get the Pepper Trees off the property. He asked if this would change the way the City would address a situation like this.

Mr. McGarry said this would change how the City deals with tree removal. He said that he would look at rewording this section.

Mr. McGarry noted that *Section "10.5"* on page 8-21 should be *Section "9.5."* He said that he was going to work on the wording in this section and would bring it back before the Board.

At this time, Mr. McGarry gave a brief overview of the revised changes to *Chapter 2 – Land Use Element Goal, Objectives, and Policies* with the Board members (attached to the original minutes).

Mr. Cahoy referred to page 2-9, *Section 1.22*. He asked why is it necessary to specify "*youth sailing facility.*"

Mr. McGarry said that he would change "*youth sailing facility*" to "*recreation facility.*"

Mr. Daige referred to page 2-10, *Section 1.24*. He read the statement in part, "*The intent of this zoning district is to provide for a transition and/or buffer between medium to high density residential and/or intensive non-residential uses or high volume traffic corridors to preserve the essentially residential character of existing residential areas...*" He said that he understood about the buffer, but POI does not preserve the character of neighborhoods. He wished that Mr. McGarry could figure out a way to word it differently. He said there are a lot of RM-10 zoned areas where POI zones backed into them and degraded the residential neighborhoods. He said they could up-zone the POI.

Mr. McGarry said they would have to meet the requirements.

Mr. Daige said it states in this section that it is good for residential neighborhoods. He did not think it should be in there. He said POI is not a good buffer.

Mr. McGarry said they need to deal with this on a case-by-case basis. He said the problem is that there are certain uses that need to be looked at more closely.

Mr. Daige said that he was trying to figure out a way where it is not comfortable for someone to come along and up-zone, which could happen in the future.

Mr. McGarry said the only up-zone that has been done was probably on the barrier island. He said that he has not done any POI zoning on the mainland since he has worked for the City.

Mr. Daige referred to State Road 60 where the "Welcome" sign is located. He said that he would like to see the POI line there. He said it is where the current POI zoning is and he would not like it to go any further south. He said they had this problem a number of years ago at the height of development and they are getting back into the height of development. He said by not having clear cut rules in place people are going to want to push that POI zone line back into the neighborhoods and he would like rules in place where they could not go any further to the south.

Mr. Lauffer referred to page 2-30, *Objective 8 – Cardinal Drive/Ocean Drive Commercial District /*

Policies. He said in several areas “*Oceanside Business Association*” is identified. He questioned if they should be more generic, rather than identifying a certain group because groups change.

Mr. McGarry agreed. He said that he would make some changes. He said there are some organizations that he would identify that would not change, such as “*Main Street*.”

Mr. Lauffer noted that “*Original Town Neighborhood Association*” is mentioned.

Mr. Daige said Original Town and Osceola Park each have a neighborhood plan and prior to review of this Comprehensive Plan, they were told that their plans would be included in the Comprehensive Plan.

Mr. McGarry said that he would look at this again and make some changes.

At this time, Mr. McGarry gave a brief overview of the revised changes to *Chapter 4 – Housing Element Goal, Objectives, and Policies* with the Board members (attached to the original minutes).

Mrs. Minuse referred to page 4-11, *Section 8.3*.

Mr. McGarry said that he would be reworking this Section so it reflects the Land Use Element.

VI. PLANNING DEPARTMENT MATTERS

Mr. McGarry reported that he would be bringing before the Board at their next meeting, a few options regarding hedge requirements for churches prior to him writing the actual Ordinance in that he would like some direction from the Board.

A. Attached is the Florida Statute for Intergovernmental Programs as Promised by the Assistant City Attorney

This item was not discussed. The information was provided to the Board as promised by Mrs. Peggy Lyon, Assistant City Attorney and is on file in the City Clerk’s office.

VII. BOARD MEMBER’S MATTERS

None

VIII. ADJOURNMENT

Today’s meeting adjourned at 3:05 p.m.

/sp



DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning
and Zoning Board Members

THRU: Timothy J. McGarry, AICP 
Planning and Development Director

FROM: Cheri B. Fitzgerald, AICP 
Principal Planner

DATE: September 29, 2016

SUBJECT: **Public Hearing Request by TV 20, LLC to Amend the Zoning Map from
POI to C-1B, for Property Totaling Approximately 3.73 Acres Located at
901-963 SR60/20th Street (Application #Z16-000004-MAP) – Planning and
Zoning Board meeting of October 6, 2016**

Request

TV20, LLC is requesting a zoning map amendment to change the zoning from POI, Professional Office and Institutional to C-1B, General Commercial Trades and Services District for property comprising approximately 3.73 acres located at 901-963 SR 60/20th Street (south side of 20th Street, north of 19th Place, between 10th and 9th Avenues). Attachments to the report include: Attachment A- Draft Ordinance Amending Zoning Map and Attachment B- Application and Traffic Impact Summary.

It should be noted the applicant initially requested the higher intensive C-1, Highway Oriented Commercial zoning designation (e.g. hotel/motels, commercial amusements, vehicular sales and services). The staff indicated to the applicant that the C-1 zoning designation was not appropriate for this location.

Description of Parcel and Designations

Property Owner: TV 20, LLC

Parcel ID: 33-39-01-00027-0030-00001.0

Size of Parcel: Approximately 3.73 acres

FLUM Designation: MX, Mixed Use

Existing Zoning Designation: POI, Professional Office & Institutional

Requested Zoning Designation: C-1B, General Commercial Trades and Services

Existing Site Conditions and Infrastructure

Existing Site Conditions. The site is currently vacant or undeveloped.

Neighborhood Land Use and Zoning Patterns. Due north of the subject property, across SR60/20th Street, the parcels are zoned C-1B, General Commercial Trades and Services, and include various office/commercial uses. To the north and west of the subject project is the Wells Fargo Bank. To the south, across 19th Place, are a mixture of office buildings and residential duplexes and multi-family residential uses, which are zoned MXD, Mixed Use. To the east, across 9th Avenue, is a vacant single-family residential dwelling unit, office building and vacant land zoned POI, Professional Office and Institutional. To the west, across 10th Avenue, the land use is government offices (Vero Beach Police Department) and is zoned MXD, Mixed Use.

Utilities. The subject property is located within the City’s electric, water and sewer, and storm drainage service areas. Water and sewer facilities are available in the vicinity of the site. Capacity is available in all these systems to support the proposed change in zoning designation and the allowable uses.

Transportation Facilities. The subject property borders SR 60 (20th Street) to the north, 19th Place to the south, 9th Avenue to the east and 10th Avenue to the west. SR 60/20th Street is a 3-lane undivided State road and is a principal arterial roadway. 10th Avenue is a city collector roadway and has a 2015 average annual traffic volume of 3,580. SR60/20th Street, at this location, has a 2015 average annual traffic volume of 14,444.

Comparison of Existing Versus Requested Zoning District Designations

Zoning Designations. The existing zoning of the subject property is POI, Professional Office and Institutional. The proposed zoning designation is C-1B, General Commercial Trades and Services. A comparison of the two zoning districts permitted/allowable uses is provided in the table below:

<i>Uses</i>	<i>Zoning Districts</i>	
	<i>C-1B</i>	<i>POI</i>
Administrative Services	P	P
Adult Congregate Living Facilities	-	P
Business and Professional Offices	P	P*
Day Care Services	P	P

Single-Family Residences	-	P
Cultural and Civic Activities	P	-
Banks and Financial Institutions	P	P
Fire Stations	P	-
Funeral Homes	P	-
General Retail Sales and Services	P	-
Government Use	P	-
Medical Services	P	P**
Nonprofit Clubs	P	-
Parking Lots and Garages	P	-
Radio or Television Studios or Stations	-	P
Places of Worship	P	P
Plant Nurseries	P	-
Cosmetology Salons and Barber Shops	P	P
Nursing or Convalescent Homes	-	P
Public and Private Utilities	P	P
Recreation and Park Areas	P	-
Restaurants	P	-
Restricted Sales and Services	P	-
Self-Service Storage Facilities	P	-
Trade Service and Repair	P	-
Veterinary Services	P	-
Wholesale Trades and Services	P	-
Health and Fitness Clubs	P	P*
Accessories to Permitted Uses	P	P

P = Permitted Use; * with conditions/exceptions (excludes veterinary services);
 ** includes medical and dental offices that are listed separately in the POI district.

As indicated in the above table of uses, both zoning districts allow professional offices and banks and financial institutions, salons and barber shops, utilities, day care services, and others. The proposed C-1B zoning district allows several additional commercial uses including funeral homes, retail sales and services, government use, restaurants, self-service storage, trade service and repair, veterinary services, and others.

In summary the two zoning districts share a few allowable uses. The proposed zoning district includes several commercial uses, some of which are considered to be more intense in nature (e.g. restaurant/bar), that are not allowed in the existing zoning district.

Review and Analysis

The staff reviewed the request to amend the Zoning Map based on the standards for considering such amendments pursuant to the provisions of Chapter 65, Article III, of the City's Land Development Regulations. Section 65.22(i) sets the standards for review and approval of amendments.

Justification for Amendment. Pursuant to Section 65.22(i)(1), the staff finds that the requested amendment is warranted and justified to provide for development options that are more commercial in nature due to the change in conditions of the subject property. The proposed C-1B zoning classification allows for a variety of commercial uses.

Finding: The staff finds that the requested amendment to the Zoning Map is warranted and justified to provide for development options that are more commercial in nature due to the change in conditions of the subject property.

Consistency of the Requested Rezoning with the Comprehensive Plan and Land Development Regulations. Pursuant to Section 65.22(i)(5) a through g., the staff finds that the requested amendment to the Zoning Map is consistent with the goals, objectives, and policies of the Comprehensive Plan and Land Development Regulations and zoning district standards and criteria as discussed below:

- Land Use Element Policy 1.15: *The City shall rezone land consistent with Table 1.11, Relationship between Land Use Designation and Zoning Districts. The City recognizes that not every zoning district allowed within a land use designation is appropriate for every site within that designation. Therefore, the City may deny a rezoning request, even if the requested zoning district is consistent with a site's land use designation, if the request does not meet zoning map amendment standards of the land development regulations or other legitimate public purpose.* The C-1B, General Commercial Trades and Services zoning district is listed as one of the appropriate zoning districts under the MX, Mixed Use future land use designation. The request to amend the zoning map meets the standards of the land development regulations as stated in the following review and analysis.

Finding: The staff finds the request consistent with the Policy 1.15 and Table 1.11.

- Zoning District Standards and Criteria: *The amendment shall be consistent with the Land Development Regulations and zoning standards and criteria.* Section 62.34 states in the purpose statement of the all the various Commercial Districts including the proposed C-1B that *"these districts are designed to provide*

adequate space in appropriate and highly accessible locations suitable for accommodating various levels of commercial development, including multiple-family residential structures and hotels and motels oriented to serving seasonal or transient residents.” The section that applies in the case to the proposed C-1B zoning district is that the subject property is bounded on all four sides with roadways including: SR60/20th Street, 10th Avenue, 9th Avenue and 19th Place. The highly accessible location is suitable for accommodating various levels of commercial development.

Finding: The staff finds the requested amendment is consistent with the applicable zoning district standards and criteria based on the highly accessible location of the subject property.

- Compatibility with Zoning Map Designations within the Immediate Vicinity of the Subject Property: *The amendment shall be compatible with Zoning Map designations within the immediate vicinity of the proposed change.* Across SR60/20th Street, the properties located due north, northwest and northeast of the subject property are zoned C-1B, General Commercial Trades and Services, and are the same as the proposed zoning designation. The properties to the west and south are zoned MXD, Mixed Use. The property located to the east is zoned POI, Professional Office and Institutional.

The properties to the north are compatible as they share the same C-1B zoning designation. The two other zoning map designations (MXD and POI) in the immediate vicinity of the subject property are also generally compatible with the proposed C-1B zoning designation as they allow some similar uses (with the exception of residential uses) such as professional/medical offices and limited restricted sales/services in combination with residential units and city government services (MXD) and banks and financial institutions, with drive- thru facilities (POI).

The subject property is bound on all four sides by road right-of-ways (minimum of 50 feet); therefore, there are no common property lines with any adjacent properties. The roadway separation provides a buffer which may decrease any potential impacts of future development of the subject property.

Finding: The staff finds the proposed C-1B zoning designation is compatible with the zoning district designations in the immediate vicinity of the subject property.

- **Changed Conditions:** *Changed conditions to the property, neighborhood, or the area in the vicinity in which the property is located that warrant an amendment.* As stated before in the justification for the proposed amendment, the change in zoning designation will allow for development options that are more commercial in nature than the existing zoning.

With the exception of a few existing older residential uses (single-family, duplexes, and multi-family) most of the properties located along SR 60/20th Street in the vicinity of the subject property have a C-1B, General Commercial Trades and Services zoning designation and are developed with commercial, government services and professional office uses. The commercial/office development pattern in the area has already occurred based on the change in conditions.

Finding: The staff finds that the request to change the zoning district designation to C-1B is warranted due to the already existing commercial/office uses in the area.

- **Maintenance of the Level of Service:** *The amendment is consistent with the concurrency requirements of the Comprehensive Plan and Land Development Regulations.* Under either the existing zoning designation or the requested designation the existing sanitary sewer, potable water, solid waste, drainage/stormwater, and traffic have sufficient capacity to handle potential future development and meet Level of Service standards.

A comparison analysis of the conceptual possible redevelopment assumptions between the existing zoning uses and the proposed and the potential impacts on level of service standards and concurrency was conducted. The analysis concludes the potential impacts would be similar or equal with the proposed change in zoning for sanitary sewer, potable water, solid waste generation and drainage.

Hypothetically, the drainage impacts are similar between the two zoning district uses, with perhaps more intense improvements required for the commercial/professional office uses. The change in zoning has no negative impact to City drainage facilities according to the City Public Works Engineering Department. All drainage/stormwater improvements that are part of a future development project would be required to conform to city and state requirements.

The traffic impact analysis prepared by the applicant (summary attached) states the potential increase in traffic generation due to the change in zoning designation (assumptions made: 5,000 square feet Bank and 32,300 square feet Medical Office (existing POI zoning) and 37,300 square feet of General Commercial (proposed C-1B zoning) is an increase of approximately 157 (total daily trips) and a potential decrease in peak hour trips.

Overall the traffic analysis indicates the potential increase in traffic due to the proposed change in zoning designation is minor in nature. It should be noted both zoning designations allow banks and medical offices. Based on Indian River County Links Maintenance Report there is sufficient roadway capacity to accommodate a potential increase in traffic along SR60/20th Street at this location.

Finding: Staff finds that the potential impact of the proposed change in zoning designation will not have an adverse impact on LOS standards for public services and infrastructure.

- Maintenance of an Orderly & Logical Development Pattern: *The requested amendment will result in the maintenance of an orderly and logical development pattern.* As discussed above, the changed conditions to the property and the properties in the area will continue the mostly commercial/office development pattern.

Finding: The staff finds that the orderly and logical development pattern will be maintained.

- Consistency and Harmony: *The requested amendment is consistent with the public interest and is in harmony with the purpose and intent of the land development regulations.* The proposed amendment is in the public interest by potentially facilitating development of a vacant parcel of land is consistent with the purpose and intent of the land development regulations and the C-1B zoning district, as discussed in previously in this document.

Finding: The staff finds that the requested change in zoning designation is consistent with the public interest and in harmony with the intent of the Land Development Regulations.

Recommendation

Based on the analysis and findings above, the staff recommends that the Planning and Zoning Board approve submittal of the following ordinance to the City Council for favorable consideration: Draft Ordinance amending the Official Zoning Map for the subject property from POI to C-1B.

/cbf

Attachments

ORDINANCE NO. 2016 – _____

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, REQUESTED BY TV20, LCC AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF POI, PROFESSIONAL OFFICE AND INSTITUTIONAL DISTRICT, TO C-1B, GENERAL COMMERCIAL TRADES AND SERVICES DISTRICT, FOR PROPERTY LOCATED AT 901-963 SR60/20th STREET, CONTAINING 3.73 ACRES, MORE OR LESS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, property owner TV 20, LLC submitted an application for an amendment to the City of Vero Beach Official Zoning Map pursuant to Chapter 65, Article III, of the City's Land Development Regulations, requesting a change in the Official Zoning Map designation from POI, Professional Office Institutional District to C-1B, General Commercial Trades and Services District for property comprising 3.73 acres, more or less, located at 901-963 SR60/20thStreet; and

WHEREAS, the Planning and Zoning Board held an advertised public hearing on the zoning map amendment on October 6, 2016, and made a recommendation to the Vero Beach City Council; and

WHEREAS, the Vero Beach City Council finds the proposed amendment is in the public interest and consistent with the Future Land Use Map, goals, objectives, and policies of the Comprehensive Plan, and the other standards and criteria for review and approval of amendments to the Official Zoning Map pursuant to Section 65.22(i)(1) and (5) of the Vero Beach Code of Ordinances,

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

Section 1. Adoption of “WHEREAS” clauses.

The foregoing “WHEREAS” clauses are hereby adopted and incorporated herein.

Section 2. Adoption of Amendment to the Official Zoning Map.

The amendment to the Official Zoning Map of the City of Vero Beach is hereby adopted for the property located at 901-963 SR60/20th Street, comprising 3.73 acres, more or less, as graphically depicted in the Exhibit “A” attached and incorporated herein.

Section 3. Conflict and Severability.

In the event any provision of this Ordinance conflicts with any other provision of the Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any phrase or portion of this Ordinance or application thereof to any person or circumstance is 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 portion.

Section 4. 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

/cbf

ZONING MAP CHANGE AMENDMENT APPLICATION

City of Vero Beach Planning & Development Department

1053 20th Place – P.O. Box 1389

Vero Beach, Florida 32961-1389

Phone (772) 978-4550 / Fax (772) 778-3856

Revised

Date Received 8-18-16

Application # Z16-00004-MAP

Prior to completing or signing this application, applicants and property owners are encouraged to read it thoroughly. If you have any questions, please do not hesitate to contact the Planning Department at (772) 978-4550.

APPLICANT TV20, LLC Telephone 772-360-9289
Fax #: _____

MAILING ADDRESS 3505 Ocean Drive, Vero Beach, FL 32963

SITE OWNER TV20, LLC Telephone 772-360-9289
Fax #: _____

OWNER ADDRESS 3505 Ocean Drive, Vero Beach, FL 32963

SITE LOCATION 901 963 20th Street, Vero Beach, FL 32960

PARCEL I.D. NUMBER 33 39 01 00027 003 000001.0

PROPOSED ZONING CHANGE: FROM PO1 TO C1-B

(If this amendment requires a comprehensive plan change, a future land use map amendment application must accompany this request.)

Application Fee*

with Future Land Use Change

Large Scale (More than 10 acres) \$3,370
Small Scale (Less than 10 acres) \$2,460

\$4,090
\$3,010

* See attached fee schedule for additional advertising and administrative costs.



[Signature]
Applicant Signature _____ Date _____

[Signature]
Property Owner Signature _____ Date _____

John E Taylor, Jr.
(Print Name)

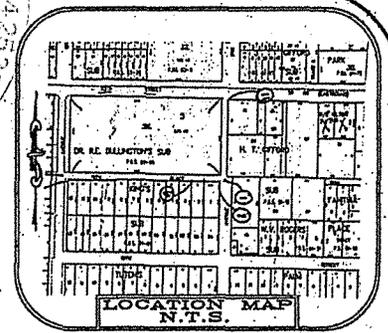
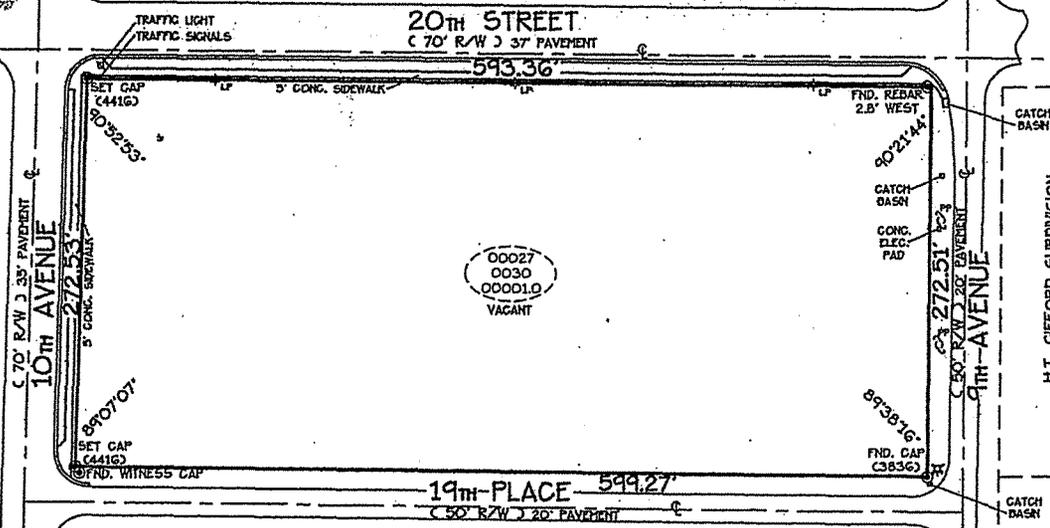
John E Taylor, Jr.
(Print Name)

AUG 2016
City of Vero Beach
Planning Dept.
12345678910111213141516171819202122232425262728293031

- LEGEND OF SURVEY ABBREVIATIONS:**
- A/C AIR CONDITIONER
 - AVE AVENUE
 - B.B. BEARING BASE
 - B.M. BENCH MARK
 - B.L.K. BLOCK
 - B.S. BOUNDARY SURVEY
 - C.C.S. CALCULATED
 - C.D. CHORD BEARING
 - C.D. DIST. CHORD DISTANCE
 - C.M. CENTERLINE
 - C.P. CHAIN LINK FENCE
 - C.N. CONCRETE NAILPOINT
 - C.M.P. CORRUGATED METAL PIPE
 - C.M.C. CONCRETE
 - C.R. CURB
 - C.T. CURT
 - D. DIRT
 - D.B. DECK BOARD
 - D.B.F. DRAINFIELD
 - D.I. DIST
 - D.R. DRAINAGE
 - D.S. EAST
 - E. EASEMENT
 - E.L. ELECTRICAL
 - E.L.E. ELEVATION
 - F. FIRST FLOOR
 - F.D. FOUND CONCRETE
 - F.C.H. FOUND CONCRETE
 - F.L. FLOOR FINISH & LIGHT
 - G.O. GROUND
 - H.V. HEAD WALL
 - H.Y. FIRE HYDRANT
 - I.P. IRON PIPE
 - I.R. IRON ROD
 - L. LENGTH
 - L.S. LIMITED BUSINESS
 - L.P. LIGHT POLE
 - M. MEASURED
 - M.S. MARSH
 - N.W.L. NEAR HIGH WATER LINE
 - N.M. NON-MOUNT
 - N. NORTH
 - N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
 - P. FACE
 - P.C. POINT OF CURVATURE
 - P.C.P. PERMANENT CONTROL POINT
 - P.I. POINT OF INTERSECTION
 - P.R. POINT OF BEGINNING
 - P.R. PERMANENT REFERENCE
 - P.R. PROPOSED
 - P.R. POINT OF TANGENCY
 - P.R. RECORD BY PLAT OR BOOK
 - R. RADIUS
 - R.V. RIGHT OF WAY
 - S. SOUTH
 - S.F. SQUARE FEET
 - S.R. STATE ROAD
 - S.T. STATION
 - T. TARGET
 - T.L. TELEPHONE
 - T.R. TRUCK
 - T.V.P. TOWNSHIP
 - U & B UTILITY & DRAINAGE
 - U.T. UTILITY
 - V. VEST
 - V.F. VERT. FENCE
 - V.H. WATER METER
 - V.V. WATER VALVE
 - Δ DELTA ANGLE
 - CON. CONJOINED LOTS
 - N.T.D. NOT TO SCALE

CITRUS PARK
PLAT BOOK 5, PAGE 28

00001
0000
00015.6
PLAT BOOK 2, PAGE 11



LEGAL DESCRIPTION: LOT 1 LESS THE NORTH 20.0 FEET AS IN O.R.B. 519, PAGE 605, BLOCK 3, LESS ADDITIONAL RIGHT-OF-WAY FOR 10TH AVENUE AS IN O.R.B. 898, PAGE 755
DR. RICHARD E. BULLINGTON'S S/D ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 5 OF THE PUBLIC RECORDS OF INDIAN RIVER CO., FLORIDA, SAID LANDS LYING IN INDIAN RIVER CO., FLORIDA, CONTAINING 3.73 ACRES MORE OR LESS

SURVEY NOTES:
1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY AND/OR EASEMENTS OF RECORD.
2. NORTH ARROW SHOWN HEREON IS ORIENTATED AS SHOWN.
3. THIS SURVEY IS CERTIFIED ONLY TO THE BELOW NAMED INDIVIDUALS
4. ELEVATIONS (IF SHOWN) HEREON ARE BASED ON N.G.V.D. (1929), UNLESS OTHERWISE NOTED.
5. LEGAL DESCRIPTION SUPPLIED BY CLIENT.
6. SQ. FT. OF HOUSE (IF SHOWN) SUPPLIED BY CLIENT.
7. NO STRUCTURES THAT ARE BENEATH THE SURFACE HAVE BEEN LOCATED.

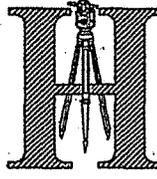
CERTIFIED TO:
TV 20, LLC
INDIAN RIVER PARTNERS, LLC
ROSSWAY MOORE & TAYLOR, ATTORNEY'S
COLLINS, BROWN, CALDWELL, BARKETT & GARAVAGLIA, CHARTERED
ATTORNEY'S TITLE INSURANCE COMPANY

ALL SET POINTS ARE 18" LONG 85 REBAR WITH CAP LABELED PSH VEH 4416
ALL FOUND CAPS ARE A 3/8" ROD WITH A CAP AS LABELED ON SURVEY

NOTE: COUNTY WATER AVAILABLE FOR THIS PARCEL
NOTE: PLOT PLANS ARE NOT TO BE USED FOR CONSTRUCTION LAYOUT PURPOSES.

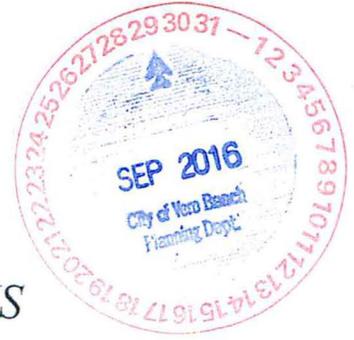
THIS DRAWING AND COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

William D. Hayhurst
WILLIAM D. HAYHURST
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO 4416 DATE RECORDED 6/1/05



HAYHURST LAND SURVEYING INC.
CERTIFICATE OF AUTHORIZATION NUMBER (C.B. 7364)
SURVEYING & MAPPING COMPANY
843 8TH STREET
VERO BEACH, FL. 32962
PHONE: (772) 569-6680
FAX: (772) 770-3446

SURVEY TYPE		DATE:	REVISIONS:	INT.	FLOOD ZONE: X EFFECTIVE DATE 5/4/89 PARCEL No. 120010195 E
BOUNDARY					
DRAWN BY:	J.D.J.				
CHECKED BY:	W.E.H.				
FIELD BOOK:	201				
PAGE NO:	53				
FIELD DATE:	6/13/05				
SCALE:	1"=80'				
JOB NO:	05-535				



REZONING TRAFFIC ANALYSIS

TV 20, LLC Indian River County, FL

Prepared for:
TV 20, LLC
Vero Beach, Florida

Prepared by:


Engineering & Planning, Inc.

10795 SW Civic Lane
Port St. Lucie, FL 34987
(772) 345-1948



Shaun G. MacKenzie P.E.
PE Number 61751

9/28/16

EXECUTIVE SUMMARY

TV 20, LLC – REZONING TRAFFIC IMPACT SUMMARY

September 2016

048002

- Location: East of 10th Avenue and South of SR 60/20th Street
901-963 20th Street, Vero Beach, FL 32960.
- Size: Total Site Area on 3.73 acres
- Trip Generation:
Maximum Allowable Building Square Footage 10,000 per acre (37,300 SF)

Existing Zoning Maximum 5,000 SF Bank (Land Use Codes 912)
& 32,300 SF Medical Office Uses (Land Use Codes 720)

ADT: Bank T = 148.15 (X) = 741 trips/day
 Medical Office T = 36.16 (X) = 1,167 trips/day
 Total = 1,908 trips/day

PM peak hour trips: Bank T = 25.82 (X) = 129 PM Peak hour trips
 Medical Office Ln (T) = 0.88 Ln(X) + 2.24 = 104 PM Peak hour trips

AM peak hour trips: Bank T = 12.35 (X) = 62 AM Peak hour trips
 Medical Office T = 2.3 (X) = 74 AM Peak hour trips

PM Total = 233 PM in = 93 PM out = 140

AM Total = 136 AM in = 93 AM out = 43

Proposed Zoning Maximum 37,300 SF General Commercial (Land Use Code 820)

ADT: Ln (T) = 0.65 Ln(X) + 5.83 = 3,577 trips/day

PM peak hour trips: Ln (T) = 0.67 Ln(X) + 3.31 = 309 PM peak hour trips

AM peak hour trips: Ln (T) = 0.61 Ln(X) + 2.24 = 85 AM peak hour trips

PM Total = 309 PM in = 148 PM out = 161

AM Total = 85 AM in = 53 AM out = 32

Net Increase in Trips Resulting from Zoning Change

ADT: = + 157 trips/day

PM peak hour trips: = - 24 PM peak hour trips

AM peak hour trips: = - 66 AM peak hour trips

PM in = + 9 PM out = - 33

AM in = - 52 AM out = - 14

- Area of Influence:
 - NORTH – Royal Palm Blvd
 - SOUTH – 16th Street/17th Street
 - EAST – US Highway 1
 - WEST – 43rd Avenue

- Significant Roads:
 - US Highway 1 (8th Avenue)
 - SR 60 (20th Street)
 - 10th Avenue

- Significant Intersections: None

- Trip Distribution:
 - NORTH - 25 percent
 - SOUTH - 40 percent
 - EAST - 15 percent
 - WEST - 20 percent

- Internal Capture: None

- Pass-by Capture:

General Commercial	Ln(T) = -0.29 Ln(X) + 5
Bank	47%
Medical Office	0%

- PM Peak Hour Directional % (ingress/egress):

General Commercial	48% entering / 52% exiting
Bank	50% entering / 50% exiting
Medical Office	27% entering / 73% exiting

- AM Peak Hour Directional % (ingress/egress):

General Commercial	62% entering / 38% exiting
Bank	56% entering / 44% exiting
Medical Office	79% entering / 21% exiting

- Traffic Count Factors Applied: None

- Off-Site Improvements: None

- Roadway Capacities (IRC Link Sheets): See Appendix

- Assume roadway and / or intersection improvements: None

- Significant Dates
 - a) Pre-study conference: None

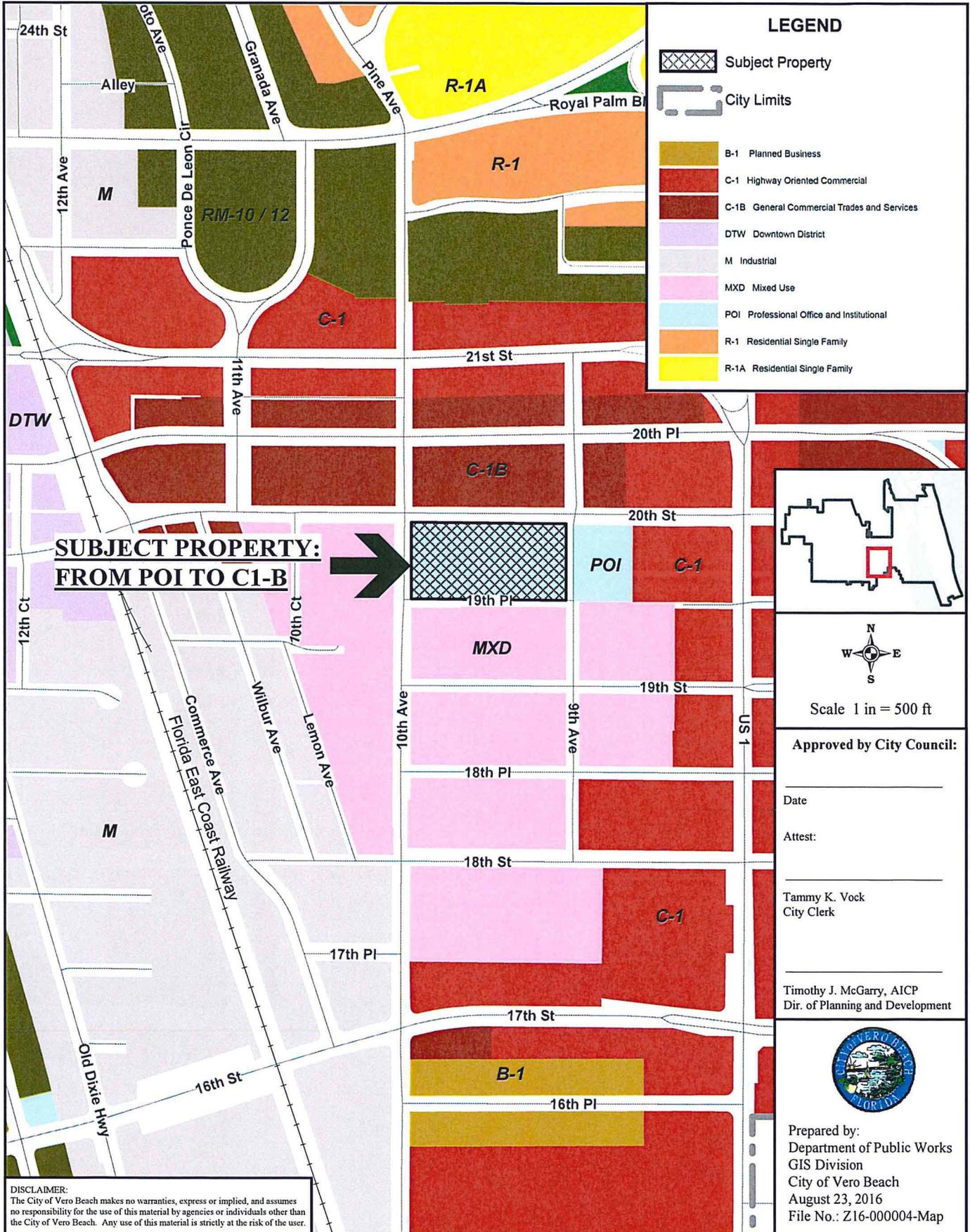
 MacKenzie
Engineering & Planning, Inc.

- b) Traffic Assignment Approval: None
- c) Traffic counts: None
- d) Study approval:

- SR 60 Interest Fare Share Fee is not applicable at this time.

Location and Zoning Map

Exhibit "A"

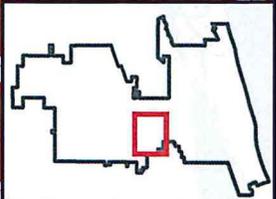
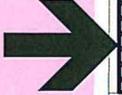


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The City of Vero Beach makes no warranties, express or implied, and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is strictly at the risk of the user.

LEGEND

-  Subject Property
-  City Limits
-  B-1 Planned Business
-  C-1 Highway Oriented Commercial
-  C-1B General Commercial Trades and Services
-  DTW Downtown District
-  M Industrial
-  MXD Mixed Use
-  POI Professional Office and Institutional
-  R-1 Residential Single Family
-  R-1A Residential Single Family

**SUBJECT PROPERTY:
FROM POI TO C-1-B**



Scale 1 in = 500 ft

Approved by City Council:

Date _____

Attest: _____

Tammy K. Vock
City Clerk

Timothy J. McGarry, AICP
Dir. of Planning and Development



Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
August 23, 2016
File No.: Z16-000004-Map

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning and
Zoning Board Members

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

DATE: September 27, 2016

SUBJECT: **Public Hearing on a Proposed Ordinance Amending Section 71.14 of the Code Relating to Restrictions on Improvement of Certain Designated City Rights-of-Way**

Overview

Upon the request of the City Water and Sewer Department, the City Attorney has prepared the attached draft Ordinance that amends Section 71.14 in the City's Land Development Regulations. The proposed amendment removes certain restrictions on the improvement of rights-of-way that were intended to protect Live Oak tree canopies and to protect the historical significance and aesthetic appeal of these designated rights-of-way. The amendment would allow installation of sewer collection lines along, on, or under these rights-of-way as part of the City's Septic Tank Effluent Pump ("STEP") System Program.

Background

In 2014, the City Council adopted the STEP System Program in Chapter 78 of the City Code to provide for the conversion of properties utilizing private septic tank and drain field systems to the modified septic tank effluent pump ("STEP") system. This STEP system is a more affordable and effective method to capture and treat effluent from the converted septic systems at the City's wastewater treatment plant. The elimination of septic tanks and drain fields as a point source of pollution leaching to the Indian River Lagoon is a major goal of the City.

Over the last couple of years, the City Water and Sewer Department has been successfully implementing its STEP System Program on the barrier island to connect residences to the central sewer that are served by septic and drain field systems for effluent disposal. However, the implementation of this important program in certain residential areas is restricted by the provisions of Section 71.14 of the Code. Section 71.14 prohibits the installation of "sewers" along, on, or under the rights-of-way of the following:

- Sandfly Lane;
- Lady Bug Lane;
- Painted Bunting Lane between Club Drive and Ocean Drive;
- Camino Del Rio (east and west); and
- Eugenia Road east of A-1-A.

The construction of the STEP System does not involve substantial digging in or disruption of rights-of-way but rather is accomplished by the use of directional boring for installation of the effluent sewer collection lines. This construction practice would preserve existing Live Oaks and the historical significance and aesthetic appeal of the City’s rights-of-way designated to remain unimproved.

Therefore, the Water and Sewer Department has proposed the attached draft Ordinance amending Section 71.14 that specifically would exempt the STEP sewer system installed by directional boring methods from the prohibition on the installation sewers along, on, or under the rights-of-way of the aforementioned (“canopy”) streets. These streets would still remain narrow, unimproved sand or shell roads.

Staff Review and Analysis

The staff reviewed the proposed text amendments 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. Approximately 1,500 septic systems exist in the City of Vero Beach, a significant portion of which exist on the barrier island. Septic systems have been identified as a significant source of groundwater contamination, especially in areas with a high water table and dense concentration of septic tanks. The contaminated groundwater from these septic systems leach into the groundwater that conveys nitrogen, phosphate, and other pollutants to the Indian Lagoon and contributes to the degradation of this significant estuary.

The proposed amendment will enable the City to move forward with its STEP system program in those areas with existing residences along the five named streets. The residences on these streets are all currently served by private on-site septic systems. The amendment will allow installation of the STEP system that will lead to elimination of septic tanks that are contaminating the groundwater and contributions to the degradation of the Indian River Lagoon’s water quality.

Therefore the staff finds the proposed text amendment to be justified and warranted pursuant to Section 65.22(i)(1) based upon the above facts.

Consistency with the Comprehensive Plan. The existing objectives and policies do not address in an adequate manner the problems with septic tank systems and the need for their removal. The only references are broad policies such as those directed at “preventing estuarine pollution” with no linkage of the effluent from these systems entering the groundwater and then the Indian River Lagoon. However, the draft Comprehensive Plan under preparation will contain several policies relevant to the implementation of the STEP system and the need to connect residences currently on private septic system to reduce pollutants entering the Lagoon through groundwater leaching from septic tank drainage fields.

Therefore, the staff finds the proposed text amendment is consistent with the broad language related to protecting water quality in the current Comprehensive Plan and will be consistent with

the proposed policy language in the update of the Sanitary Sewer Sub-Element and Conservation and Coastal Management Elements of the Comprehensive Plan.

Consistency with Land Development Regulations. The proposed amendment clarifies existing language to improve its readability and administration. It provides a specific exemption for the STEP system from the prohibition on installing sewers along, on, or under the right-of-way of the designated streets in Section 71.14 that does not create any conflicts with other provisions of that section. Therefore, the staff finds the proposed text amendment is consistent with the Land Development Regulations.

Recommendation

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 SECTION 71.14 IN THE LAND
DEVELOPMENT REGULATIONS OF THE CODE OF THE
CITY OF VERO BEACH RELATING TO RESTRICTIONS
ON IMPROVEMENT OF CERTAIN DESIGNATED CITY
RIGHTS-OF-WAY; PROVIDING FOR CLARIFICATION;
PROVIDING FOR CONFLICT AND SEVERABILITY;
PROVIDING FOR CODIFICATION; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, section 71.14 in the City’s land development regulations of the City’s Code of Ordinances was previously adopted designating certain City rights-of-way to remain in an unimproved condition as much as possible in order to protect the City’s large desirable trees and to protect the historical significance and aesthetic appeal of such designated rights-of-way, including a prohibition on installation of utility poles and sewers; and

WHEREAS, the City Council previously adopted a Septic Tank Effluent Pump (“STEP”) System Program in Chapter 78 of the City Code to provide for the conversion of properties utilizing private wastewater disposal systems (septic systems) to a modified septic tank effluent pump (“STEP”) system and thereby enable a more affordable and convenient method to capture and treat effluent from such converted septic systems at the City’s wastewater treatment plant; and

WHEREAS, the residences along and served by the aforementioned rights-of-way typically are served by septic tank and drain field systems for effluent disposal, making them prime candidates for conversion to the City’s STEP System in furtherance of the City’s goal of eliminating septic tanks and drain fields as a point source of pollution leaching to the Indian River Lagoon; and

WHEREAS, construction of the City’s STEP System does not involve substantial digging in or disruption of rights-of-way but rather is accomplished by the use of directional boring for installation of the effluent sewer collection lines thereby preserving the historical significance or aesthetic appeal of the City’s rights-of-way designated to remain unimproved; and

WHEREAS, the City Council finds that the amendments provided for herein also serve to provide clarification and serve a municipal purpose and are in the best interest of and promote the health, safety and welfare of the public, the community, and the health of the Indian River Lagoon by expediting installation of the City STEP system for collection and proper treatment and disposal of wastewater,

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 the legislative findings, purpose, and intent of this Ordinance.

Section 2 – Amendment of Section 71.14.

Section 71.14, “Rights-of-way required to be improved,” of Chapter 71, “Public Rights-of Way” is hereby amended to read as follows:

[CODING: Words deleted are designated by ~~strikethrough~~; words added are underscored]

Sec. 71.14. - Rights-of-way ~~required to be~~ remain unimproved.

~~This~~ The city right-of-way improvement policy shall not be interpreted to require the improving of certain rights-of-way if it is determined by the public works director that paving would result in the destruction of large, well-maintained, and desirable trees, or if the rights-of-way ~~which~~ have historical significance or aesthetic appeal which would be ~~ruined~~ detrimentally impacted by improvement. It shall be up to the discretion of the city council to ~~classify~~ designate such rights-of-way in these categories on an individual basis. Pursuant to the foregoing, and the following streets rights-of-way are hereby designated to remain unimproved except to the extent otherwise provided herein:

- (a) Sandfly Lane;
- (b) Lady Bug Lane;
- (c) Painted Bunting Lane between Club Drive and Ocean Drive;
- (d) Camino Del Rio (east and west); and
- (e) Eugenia Road east of A-1-A.

It is the intent of this section that the streets within said ~~roads~~ rights-of-way shall remain narrow sand and shell roadways, not paved or hard-surfaced, not straightened or widened, or the grade changed, and the city shall do no pruning or removal of trees or plants unless said tree or plant ~~had~~ has been determined to be a safety hazard by the city manager or his designee; in which case the pruning or removal shall be guided by standards established by the International Society of Arboriculture. There shall be no installations of any utility poles ~~and~~ or sewers (except a septic tank effluent pump “STEP” sewer system installed by directional boring methods) along, on, or under ~~same~~ such rights-of-way and ~~said~~ the roads streets shall remain in

their present condition and state as much as possible, and the material used for maintenance of the roadways shall be sand or shell similar to ~~what is there now~~ that currently existing.

Section 3 – Conflict and severability.

In the event any provision of this Ordinance conflicts with any other provision of the Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any phrase or portion of this Ordinance or article or application thereof to any person or circumstance is 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 portion.

Section 4 – Codification.

The amendments provided for herein shall be codified in the Code of the City of Vero Beach, Florida.

Section 5 - Effective Date.

This Ordinance shall become effective upon 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, 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 of the City Council:

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:

Approved as to technical requirements:

Robert J. Bolton
Water and Sewer Director

Monte K. Falls
Public Works Director

Approved as to technical requirements:

Timothy McGarry
Planning & Development Director

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and
Planning and Zoning Board Members

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

DATE: September 20, 2016

SUBJECT: **Options for Revising Regulations Related to
the Requirement for a 20-foot Landscape Buffer
6 Foot High Hedge Between Conditional Uses and
Single Family Uses with an Intervening Right-of-Way**

Overview

As discussed at the Planning and Zoning Board's meeting on September 1, the staff has prepared several options for consideration by the Board related to revising the above referenced requirements for all conditional uses. Attachment One provides the three different options for consideration for conditional uses in the Single Family zoning districts. Attachment Two provides the existing regulations for both single-family and multiple-family zoning districts related to the above referenced requirement.

Based on the Board's direction, the staff will moved forward to prepare a draft ordinance amending all pertinent provisions of the Land Development Regulations to reflect the Board's decision.

Issue Background

As shown in Attachment Two, conditional uses are required to provide a 20-foot wide landscape buffer with one tree every 40 lineal feet and a hedge of at least 6 feet in height that "substantially obscures view of the site from the abutting site." This requirement also applies to "single-family sites separated from the proposed development site by a right-of-way."

All conditional uses are required to meet the provisions of Section 61.04 for single-family zoning districts and similar sections for multiple-family zoning districts. Conditional uses in residential zoning districts schools, golf courses and country clubs, churches, public parks and recreation areas, public and private utilities, cultural activities, and day care services. No distinction is made between different uses.

Based on the Board's discussion, the policy issue under review is not the application of the landscape buffer and hedge requirements to abutting single-family residences, but the provision that these requirements where the conditional use is separated from single-family residences by right-of-way.

It is the staff's opinion, this requirement may only result in an undesirable separation of the conditional use from a residential neighborhood rather than integrating the use into the neighborhood. The blanket requirement for the landscape buffer and hedge only adds to the development costs with little or no positive value to the neighborhood. If followed literally, it would require such a landscape buffer and 6-foot edge along the perimeter of many of the City's parks which are separated from single-family residences by right-of-way.

Options

The staff has prepared three different options, which are provided in Attachment One. In preparing each of the options, the staff made revisions to the existing language to improve grammar and readability. Additionally, the dubious requirement for allowing abutting owners to dictate that a 6-foot concrete wall be installed rather than a 6-foot hedge was eliminated.

The following are the three options:

- Option #1: Eliminate landscape buffer requirements with intervening right-of-way between single family use and conditional use.* This option removes the requirement for a landscape buffer and hedge along right-of-way. It retains these requirements for single-family property abutting the conditional use.

- Option #2: Eliminate landscape buffer and hedge requirements with intervening right of-way of 20 feet or less between single family use and conditional use.* This option removes the requirement for a landscape buffer and edge along the right-of-way, where the right-of-way is less than 50 feet in width. This requirement would then apply only to alleys that are either 15 feet or 20 feet in width. It retains these requirements for single-family property abutting the conditional use.

- Option #3: Require compliance with the landscape buffer and hedge requirements along an intervening right-of-way from single-family sites if the Planning and Zoning Board determines that such compliance is necessary to approve the conditional use.* This option leaves the determination of whether this requirement is necessary up to the Planning and Zoning Board. Basically, the Planning and Zoning Board must find that this requirement is necessary to approve the conditional use pursuant to the provisions of Section 61.04. It retains these requirements for single-family property abutting the conditional use.

The staff favors either Option #1 or Option #2 as it does not believe that the landscape buffer and hedge requirements are needed or contribute to the integration of conditional uses into a neighborhood. Option #3 allows this requirement to be applied on a case-by-case basis by the Planning and Zoning Board. It would only apply where the landscape buffer and hedge are considered necessary by the Board to approve the conditional use.

Recommendation

The staff recommends that the Planning and Zoning Board choose one of the three options with or without revisions or come up with another alternative option.

Attachments

**ATTACHMENT ONE
OPTIONS FOR REVISING THE LANDSCAPE BUFFER
REQUIREMENTS FOR CONDITIONAL USES**

Chapter 61, Article I, R-1AAA, R-1AA, R-1A, and R-1 Single Family Residential Districts

Sec. 61.04-Provisions regulating all conditional uses.

- (7) A 20-foot-wide landscape buffer shall be provided which includes 1 tree for every 40 linear feet along the common property line between the single-family use and the conditional use and screen of plant material a minimum of six feet in height which substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in the Landscape and Tree Protection Ordinance. The owner of the abutting property shall have the option to select a solid, concrete block wall six feet in height, in place of the six-foot-high landscape screen. Stucco and paint shall be applied to both sides of the wall. The cost of such wall shall be paid by the owner seeking the conditional use. This section shall also apply to single-family sites separated from the proposed development site by a right-of-way.

Option #1: Eliminate landscape buffer requirements with intervening right-of-way between single family use and conditional use.

- (7) A 20-foot-wide landscape buffer shall be provided which includes 1 tree for every 40 linear feet along the common property line between the single-family use and the conditional use and a screen of plant material of a minimum of six feet in height which ~~that~~ substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in Chapter 72, Landscaping and Tree Protection. ~~the Landscape and Tree Protection Ordinance. The owner of the abutting property shall have the option to select a solid, concrete block wall six feet in height, in place of the six-foot high landscape screen. Stucco and paint shall be applied to both sides of the wall. The cost of such wall shall be paid by the owner seeking the conditional use. This section shall also apply to single family sites separated from the proposed development site by a right-of-way.~~

Option #2: Eliminate landscape buffer and hedge requirements with intervening right-of-way of 20 feet or less between single family use and conditional use.

- (7) A 20-foot-wide landscape buffer shall be provided which includes 1 tree for every 40 linear feet along the common property line between the single-family use and the conditional use and a screen of plant material of a minimum of six feet in height which ~~that~~ substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in Chapter 72, Landscaping and Tree Protection. ~~the Landscape and Tree Protection Ordinance. The owner of the abutting property shall have the option to select a solid, concrete~~

~~block wall six feet in height, in place of the six-foot high landscape screen. Stucco and paint shall be applied to both sides of the wall. The cost of such wall shall be paid by the owner seeking the conditional use. This section shall also apply to single-family sites separated from the proposed conditional use development site by a right-of-way of less than 50 feet.~~

Option #3: Require compliance with the landscape buffer and hedge requirements along an intervening right-of-way from single-family sites if the Planning and Zoning Board determines that such compliance is necessary to approve the conditional use.

- (7) A 20-foot-wide landscape buffer shall be provided ~~which that~~ which that includes 1 tree for every 40 linear feet along the common property line between the single-family use and the conditional use and a screen of plant material of a minimum of six feet in height ~~which that~~ which that substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in Chapter 72, Landscaping and Tree Protection. ~~the Landscape and Tree Protection Ordinance.~~ ~~The owner of the abutting property shall have the option to select a solid, concrete block wall six feet in height, in place of the six-foot high landscape screen. Stucco and paint shall be applied to both sides of the wall. The cost of such wall shall be paid by the owner seeking the conditional use. This section shall also apply to single-family sites separated from the proposed development site by a right-of-way. If the proposed conditional use is separated from single-family uses by right-of-way, this section shall apply if the Planning and Zoning Board determines that application of its provisions are necessary to approve the conditional use pursuant to the provisions of Section 61.04.~~

**ATTACHMENT TWO
EXISTING PROVISIONS GOVERNING
SCREENING OF CONDITIONAL USES**

Chapter 61, Article I, R-1AAA, R-1AA, R-1A, and R-1 Districts

Sec. 61.04-Provisions regulating all conditional uses.

- (7) A 20-foot-wide landscape buffer shall be provided which includes 1 tree for every 40 linear feet along the common property line between the single-family use and the conditional use and screen of plant material a minimum of six feet in height which substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in the Landscape and Tree Protection Ordinance. The owner of the abutting property shall have the option to select a solid, concrete block wall six feet in height, in place of the six-foot-high landscape screen. Stucco and paint shall be applied to both sides of the wall. The cost of such wall shall be paid by the owner seeking the conditional use. This section shall also apply to single-family sites separated from the proposed development site by a right-of-way.

Chapter 61, Article III, RM-8 and RM-10 Districts

Sec. 61.38. - Provisions regulating all conditional uses.

- (8) For sites abutting or separated by a right-of-way from a single-family zoning district or a single-family use in any residential zoning district, the following requirements shall apply:
- a. A 20-foot-wide landscape buffer shall be provided which includes one tree for every 40 linear feet along the common property line and screen of plant material a minimum of six feet in height which substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in the Landscape and Tree Protection Ordinance. The owner of the abutting property shall have the option to select a solid, six-foot-high concrete block wall in place of the six-foot-high landscape screen. Stucco and paint shall be applied to both sides of the wall. The cost of such wall shall be paid by the owner seeking the conditional use.

Chapter 61, Article IV, RM-10/12 Districts

Sec. 61.54. - Provisions regulating all conditional uses.

(8) For sites abutting or separated by a right-of-way from a single-family zoning district or a single-family use in any residential zoning district, the following requirements shall apply:

- a. A 20-foot-wide landscape buffer shall be provided which includes one tree for every 40 linear feet along the common property line and screen of plant material a minimum of six feet in height which substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in the Landscape and Tree Protection Ordinance. The owner of the abutting property shall have the option to select a solid, six-foot-high concrete-block wall in place of the six-foot-high landscape screen. The cost of such wall shall be paid by the owner seeking the conditional use. Stucco and paint shall be applied to both sides of the wall.

Chapter 61, Article V, RM-13 District

Sec. 61.76. - Provisions regulating all conditional uses.

(8) For sites abutting or separated by a right-of-way from a single-family zoning district or a single-family use in any residential zoning district, the following requirements shall apply:

- a. A 20-foot-wide landscape buffer shall be provided which includes one tree for every 40 linear feet along the common property line and screen of plant material a minimum of six feet in height which substantially obscures view of the site from the abutting site. Landscape material shall meet or exceed the specifications outlined in the Landscape and Tree Protection Ordinance. The owner of the abutting property shall have the option to select a solid, six-foot-high concrete-block wall in place of the six-foot-high landscape screen. The cost of such wall shall be paid by the owner seeking the conditional use. Stucco and paint shall be applied to both sides of the wall.