

**AGENDA**  
**REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD**  
**THURSDAY, AUGUST 4, 2016, AT 1:30 PM**  
**COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

**I. PRELIMINARY MATTERS**

Agenda Additions and/or Deletions

**II. APPROVAL OF MINUTES**

- A. Regular Meeting – July 7, 2016
- B. Regular/Workshop Meeting – July 21, 2016

**III. PUBLIC COMMENT**

**IV. PUBLIC HEARING**

[Legislative]

**Public Hearing on Proposed Amendment to Chapter 62, Article 1, P-1 and P-2 Zoning Districts Related to Fence and Wall Height**

**V. WORKSHOP**

**Discussion of Draft Goal, Objectives and Policies (GOPs) for the Transportation Element of the Comprehensive Plan**

**VI. PLANNING DEPARTMENT MATTERS**

**VII. BOARD MEMBERS' MATTERS**

**VIII. 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, JULY 7, 2016 - 1:30 PM**  
**COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Lawrence Lauffer; Vice Chairman, Honey Minuse; Member, Linda Hillman, Alternate Member #1, Richard Cahoy and Alternate Member #2, Ken Daige **Also Present:** Planning and Development Director, Tim McGarry; Planner, Gayle Lafferty; Project Manager, Cheri Fitzgerald; Assistant City Attorney, Peggy Lyon and Deputy City Clerk, Sherri Philo

**Excused Absences:** Don Croteau and Norman Wells

**I. PRELIMINARY MATTERS**

**A. Agenda Additions and/or Deletions**

Ms. Sherri Philo, Deputy City Clerk, pulled item IV-C - Variance Application #V16-000004 from today's agenda.

Mr. Tim McGarry, Planning and Development Director, explained that staff would be discussing with the Board how staff would like to approach this after they discuss the site plan (Item IV - B on today's agenda).

**II. APPROVAL OF MINUTES**

**B. Regular Meeting – April 21, 2016**

**Mrs. Minuse made a motion to approve the minutes of the April 21, 2016 Planning and Zoning Board meeting. Mrs. Hillman seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

**[Quasi-Judicial]**

**A. Site Plan Application Submitted by ABC Liquor, Inc., to Construct a Two-Story 13,982 Square Foot Retail Building and Reconfigure Parking Located at 600 21<sup>st</sup> Street (#SP16-000002).**

The Chairman read Site Plan Application #SP16-000002 for the property located at 600 21<sup>st</sup> Street by title only.

Mrs. Minuse noted for the record that she is very familiar with this area. She reported that she did attend the neighborhood meeting, but did not speak. She noted that there were no other Board members present for the meeting.

There was no other ex parte communication reported.

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

Ms. Gayle Laferty, Planner, went over staff's report with the Board members (attached to the original minutes). Based on the analysis and findings, staff finds that the proposed site plan application meets the provisions for site plan approval and recommends approval of the site plan subject to the conditions listed in staff's report.

Mr. Russ Galbraith, Civil Engineer, reported that he was present for today's hearing representing the applicant. He said that they agree with staff's recommendations and conditions.

Mr. Cahoy questioned the ingress/egress plan. He asked what affect it would have on the rest of the shopping center, particularly with the bank.

Mr. Galbraith said there are no proposed changes to the existing driveways of the Miracle Mile Plaza. He reported that the development would be along the side of the bank and would not change the bank's isles or their drive-thru.

Mr. Cahoy asked if what he was saying is that it won't discourage people to exit through the bank's parking lot.

Mr. Galbraith said it would not affect the driveway from the bank to 6<sup>th</sup> Avenue.

Mr. Cahoy said then they can expect traffic going through the bank's parking lot as it does today.

Mr. Galbraith said that is correct. It would not change the circulation pattern of the bank or the exit onto 6<sup>th</sup> Avenue.

Mr. Daige asked what will be the overall height of the building from the crown of the road to the top of the building.

Ms. Lafferty answered 32 feet. She noted that the total height they are allowed is 50 feet.

The Chairman opened and closed the public hearing at 1:50 p.m., with no one wishing to speak.

**Mrs. Minuse made a motion that the Planning and Zoning Board approves Site Plan Application #SP16-000002 as recommended by staff. Mrs. Hillman seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mrs. Hillman yes, Mrs. Minuse yes and Mr. Lauffer yes.**

**[Quasi-Judicial]**

**B. Site Plan Application Submitted by Mills Short & Associates to Construct a 12,255 Square Foot Storage Facility for the Indian River Rowing Club Located at 310 Acacia Road (#MA16-000007).**

\*Please note that this discussion took place throughout staff's presentation.

The Chairman read Site Plan Application #MA16-000007 for the property located at 310 Acacia Road by title only.

Mr. Lauffer said that he has been following along with this project and is in support of it.

There was no other ex parte communication reported.

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

Mrs. Cheri Fitzgerald, Project Manager, went over staff's report with the Board members (attached to the original minutes). She showed on the screen an aerial view of where the storage facility would be located (attached to the original minutes).

Mr. Daige asked is this the area that the Indian River Rowing Club is leasing.

Mr. McGarry explained that the leasehold is larger than the area where the storage facility would be located.

Mrs. Peggy Lyon, Assistant City Attorney, showed the Commission members a sketch of the leased property description of the Indian River Rowing Club (attached to the original minutes).

Mrs. Fitzgerald said based on the analysis and findings, staff finds that the proposed site plan application, exclusive of the proposed height of the chain-link fence, meets the provisions for site plan approval and recommends approval of the site plan to the City Council subject to the conditions listed in staff's report. She said item four (4) of staff's findings and recommendations addresses the maximum height of the fence (variance application pulled from today's agenda) and staff is replacing the verbiage of item four (4) to the following, *the applicant will revise the site plan subject to City Council authorization of the fence height*. She explained that the City Council would be reviewing the fence height at their meeting on Tuesday, July 12, 2016 at the request of staff as to changing the Code.

Mr. McGarry explained that staff is asking the Board to adopt the site plan as proposed with a four-foot fence with the understanding that they are going to request the City Council to change the Code in the P2 zoning to allow more flexibility. He said that currently they could not approve the variance because it would not meet the requirements of a variance.

Mrs. Minuse questioned that they would be filling in some wetlands, but there is no mitigation was required.

Mr. McGarry did not think they had much value.

Mr. Lauffer said then wetlands have value if it is on private property, but has no value on public property. He asked if he was accurate that there were two (2) standards.

Mr. McGarry suggested that they wait and speak to the applicant about it. He did not think they had functional value.

Mr. Daige asked how many storage containers would be located on the site.

Mrs. Fitzgerald answered one.

Mr. Daige asked would they have to come back for approval if they wanted to add more storage containers.

Mrs. Fitzgerald answered yes. She noted that because it is part of their lease, they would need City Council approval.

Mr. Daige said if he understands it correctly they are allowed to have a six-foot high fence on three sides of the site because the Code allows it.

Mrs. Fitzgerald said that is correct.

Mr. Daige asked what is the length of the fence.

Mrs. Fitzgerald showed on the map where the proposed fence would be located.

Mr. Lauffer asked would there be one gate.

Mrs. Fitzgerald said there would be three gates. She showed the area where a six-foot fence is allowed. She said the area parallel to the street can only have a chain link fence as high as four-feet.

Mr. Daige said they would be requesting a Code change in order to have a six-foot fence in that area so the fence would be the same height all the way around their site.

Mrs. Fitzgerald said that is correct.

Mr. Daige asked is there anything in the Code regarding placing signage on the fence, such as no trespassing.

Mrs. Fitzgerald said that she was not aware of anything in the Code, but there could be something in their lease agreement.

Mrs. Lyon read from the Code *"the dock lease area portion of the premises as depicted in Exhibit B shall be open to the public without charge when not in use by the tenant."* She did not see anything regarding the storage area.

Mr. Daige said then if they want to put up signs they have that right.

Mr. McGarry noted that the City Council would have to be okay with it and it would have to meet the City's Code.

Mrs. Minuse asked would there be a provision for waste disposal on the site.

Mrs. Fitzgerald answered no.

Mr. Cahoy asked why not. He said this is going to be an active site with lots of people.

Mrs. Lyon read from the lease, *"licensee may install signs on the premises subject to written approval by the City and in conformance with the City Sign Ordinance and all other applicable Codes, Ordinances, laws, and regulations."* The lease also states that if a storm is coming they have to remove all personal property and tie everything down. There is also a general maintenance and repairs provision that they have to keep it in good repair, safe, clean, secure, sanitary, and in presentable condition. She felt that this provision covers trash on the site.

Mr. Daige said if trash is on the site it is a concern of the Board and they could make a recommendation to the City Council.

Mr. Lauffer noted that if they are not taking care of the property the City has the right as the landlord to enforce the cleanup of the property. Also, if they are using the facility you would think they would take care of it.

Mr. Cahoy asked why wasn't there a provision made for this. He said there are only two (2) or three (3) trash receptacles on the entire Park site, which would not be adequate.

Mrs. Minuse felt that the site plan was coming together nicely. She did have a concern with the road they would be crossing. She asked is there any way they could ensure safe crossing.

Mr. McGarry thought there was a crosswalk as well as signage to slow traffic. He didn't think there was much traffic on that road.

Mr. Cahoy asked how can they rationalize having two (2) parking places for the entire site.

Mr. McGarry said it is for outdoor recreation and the size of the site only requires two (2) parking spaces.

Mr. Cahoy said the reason that he brought this up was because there is a parking issue at the Dog Park.

Mr. Daige said the City Council approved the lease and are very well aware of what is going on at the Park. He said from what he could see this site plan is in compliance. He felt that the trash issue should be forwarded to the City Council for them to look at.

Mrs. Lyon read from the lease under Environmental Restrictions, *"Tenants shall be solely responsible at its own expense for regular removal and disposal of all refuse, garbage, debris, trash, and other discarded materials and shall not allow an accumulation thereof on in/or adjacent to the premises."*

Mr. Wesley Mills, of Mills, Short, and Associates, reported that the entrance into the site is not a crushed stone entrance, but a paver system that allows sod to grow through it, which makes it more heavy duty than regular sod. He reported that there would be trash containers in the storage area behind the landscaping hedge so it would be screened.

Mr. Cahoy said the trash receptacles are not shown on the plan.

Mr. Mills said they are not shown on the plan, but they could add them to it.

Mr. Cahoy said that he would like them shown on the plan.

Mr. Daige asked how many trash cans do they currently have on site.

Mr. Mills answered one.

Mr. Daige asked would the garbage people enter the access gate to empty the trash and bring it to the truck.

Mr. Todd Young, President of the Indian River Rowing Club, said there will be one small trash can, which they would take care of themselves and one recycle bin, which will be on the regular recycling schedule to be picked up.

Mr. Daige asked would they be allowing the people who belong to the Club to park on site.

Mr. Young said there would not be enough room for anyone to park inside the fence.

Mr. Mills said their initial plan did include speed bumps. However, staff felt that signage and stripping was a better way of calming traffic.

Mr. Daige asked would the Rowing Club be paying for the signage and stripping.

Mr. Mills answered yes.

Mrs. Hillman asked would any trees be removed.

Mr. Mills said they would be removing several Palm Trees and they have accounted for mitigation. They prepared the site plan in a way to work around the existing Oak Trees so none of them would need to be removed.

Mr. Daige asked how much time would it be before they move into the next phase.

Mr. Mills said the second phase is currently under design. He said they did have an onsite meeting with St. John's Water Management District (SJWMD) to look at the wetlands and SJWMD determined no mitigation was required. However, the City Engineering Department found some old records that showed some portion of the roadway drains into that swale. But, at a later date the City tied pipes into the catch basin in order to discharge into the Lagoon. He said it no longer functions as retention. Their plan right now does account for mitigation of those wetlands.

Mr. Daige asked what do they think the amount of car traffic would be.

Mr. Gary Marra, Director of Rowing, said their largest traffic flow is from their youth team, which generally consists of a peak of 10-minutes where parents drop off their children. The only ones who tend to stick around are the upper classmen, which is a small portion of their group. He reported that early in the mornings they have three (3) or four (4) adults who park their cars and row.

Mr. Daige said then there wouldn't be very many cars parking in the area.

Mr. Marra said parking would be minimal.

Mr. Daige asked what type of lighting fixtures would they be using.

Mr. Mills said they would be the typical overhead security lighting. He said they have not selected the model, but they would be similar to the roadway lighting that is currently on site.

The Chairman opened and closed the public hearing at 2:47 p.m., with no one wishing to be heard.

Mrs. Minuse felt that their concerns were addressed in the lease.

**Mrs. Minuse made a motion to approve the site plan application. Mrs. Hillman seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mrs. Hillman yes, Mrs. Minuse yes and Mr. Lauffer yes.**

[Quasi-Judicial]

**C. Variance Application Submitted by Mills Short & Associates to Allow a Six Foot Chain Link Fence for the Indian River Rowing Club Located at 310 Acacia Road (#V16-000004).**

This item was pulled from today's agenda.

Mr. McGarry reported that staff feels the Code needs to provide some flexibility in the P-2 District. He asked the Board members for a recommendation to the City Council to direct staff to make some provisions in the Code.

Mr. Lauffer felt this was very appropriate.

Mrs. Hillman agreed.

Mr. McGarry noted that if approved the draft Ordinance would come before the Board for their review prior to going before the City Council.

Mr. Daige said that he read through staff's analysis on why they weren't recommending approval of the variance.

Mr. McGarry explained that staff recommended denying the variance based on the criteria to approve variances. It was not that staff was against the six-foot fence.

**Mrs. Minuse made a motion that the Board recommends allowing flexibility in the height of fences in the P-2 zoning area. Mrs. Hillman seconded the motion.**

Mr. Daige said that he did not have a problem with allowing flexibility. He said they need to think about if they want six-foot fences in a Park setting. It was "flexibility" that he was in agreement with.

Mr. McGarry noted that there would be standards that would have to be followed.

Mrs. Minuse said it would be "not to exceed" six-feet.

**The motion passed unanimously.**

**Mrs. Minuse made a motion to amend the original motion to include "not to exceed six-feet." Mrs. Hillman seconded the amended motion and it passed unanimously.**

**V. PLANNING DEPARTMENT MATTERS**

Mr. McGarry reported that at their next meeting they would be starting their workshops on the Comprehensive Plan. He gave the Board members an outline on what they would be working on (attached to the original minutes). He reported that unlike the last Comprehensive Plan, they would be dividing it into two (2) different documents. One (1) document would be the technical document, which will be the data and analysis. This document would not need to be adopted by Ordinance and would be something that could be revised. The other document would be the policy document that has the goals, objectives, and policies, and would require an Ordinance. He reported that once they complete the workshop meetings staff would bring back before the Board the final Comprehensive Plan for approval.

Mr. Daige asked Mr. McGarry if he needed more help to complete this in the time frame that he was

given.

Mr. McGarry said that he has a Consultant that is currently assisting him with this. He reported that he would be asking the City Council for an additional staff person as their work has been increasing a lot with the recession ending.

Mr. Daige said that the Planning and Development Department definitely needs additional help. There are things that have to be done and an extra staff person would help.

**Mr. Daige made a motion that the Board recommends to the City Council that they seriously look at adding an additional staff person in the Planning and Development Department. Mrs. Minuse seconded the motion.**

Mr. Daige felt that the City Council needs to hear from the Board that Mr. McGarry does need additional help in his department and it would behoove them to approve the extra staff position for the good of the City. Mrs. Hillman agreed.

**The Deputy City Clerk performed the roll call on the motion and it passed 4-1 with Mr. Daige voting yes, Mr. Cahoy yes, Mrs. Hillman yes, Mrs. Minuse yes, and Mr. Lauffer no.**

## **VI. BOARD MEMBERS' MATTERS**

Mr. Cahoy said it would have been helpful if the Board had a copy of the lease between the City of Vero Beach and the Indian River Rowing Club for today's hearing.

Mr. McGarry agreed. He noted that some of the points brought up during the hearing could have already been answered.

Mrs. Hillman asked has the City received any complaints about the dust coming from the construction at the end of Royal Palm Pointe.

Mr. McGarry said that he hasn't received any.

Mrs. Hillman said that she was in the area a few weeks ago and there was a huge machine brushing the entire area throwing dust everywhere.

Mr. Daige requested a copy of Chapter 4 – *Housing Element* of the Comprehensive Plan.

Mr. McGarry said that he would send him a copy once it is ready.

Mr. Daige requested a copy of the current Chapter.

## **VII. ADJOURNMENT**

Today's meeting adjourned at 3:25 p.m.

/sp

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, JULY 21, 2016 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Lawrence Lauffer; Vice Chairman, Honey Minuse; Member, Linda Hillman, Alternate Member #1, Richard Cahoy and Alternate Member #2, Ken Daige **Also Present:** Planning and Development Director, Tim McGarry; Assistant City Attorney, Peggy Lyon and Deputy City Clerk, Sherri Philo

**Excused Absences:** Don Croteau and Norman Wells

**I. PRELIMINARY MATTERS**

**A) Agenda Additions and/or Deletions**

None

**II. PUBLIC COMMENT**

None

**III. WORKSHOP**

**A) Discussion of Draft Goal, Objectives and Policies (GOPs) for the Land Use Element of the Comprehensive Plan**

Mr. Tim McGarry, Planning and Development Director, said there would be two (2) documents involved with the Comprehensive Plan, the technical document that has the data analysis and the policy document (GOPs). The policy document is the document that would go before the City Council to be adopted by Ordinance and is the document that has to go to the State for review.

Mr. Daige asked Mr. McGarry if he would prefer that the Board members allow him to go through the proposed changes and if the Board members have any questions or concerns that they send them to him.

Mr. McGarry said that would be fine if that is how they want to do this. He noted that any changes would be brought back before the Board.

Mrs. Peggy Lyon, Assistant City Attorney, explained to the Board members that they can send information to Mr. McGarry, but not to the other Board members.

Mr. Daige said there are some things that he would like to see in the document, which he would send to Mr. McGarry.

Mrs. Lyon cautioned that if there is something substitutive that he (Mr. Daige) feels needs to be discussed with the Board members that it has to be done at a public meeting.

Mr. McGarry noted that he would not make any substitutive changes without bringing them before the Board.

Mr. Michael Rickel (spelling may be incorrect) addressed the Board. He said that he lives on 47<sup>th</sup>

Avenue, behind the 333 acre property at the Airport (referring to the old Dodger Pines golf course). He said that his property adjoins this property and he wanted to know the status of a proposal that was submitted a while ago.

Mr. McGarry said the plan that was submitted to the City last year had several problems and was basically denied. He said the City has not received anything new and they were basically back to square one.

Mr. McGarry gave a brief overview of the proposed changes to *Chapter 2 - Land Use Element Goals, Objectives, and Policies, (GOPs)* with the Board members (attached to the original minutes).

\*Please note that discussion took place throughout the presentation.

Mr. Lauffer referred to page 2-5, Section 1.12. He asked do they really want “correctional institutions” included.

Mr. McGarry said that is in the current Comprehensive Plan, but he did not have a problem taking it out.

Mr. Daige agreed with Mr. Lauffer.

Mrs. Minuse referred to page 2-9, Section 1.20, stating that the word “purposed” should be “proposed.”

Mr. Daige referred to page 2-10, Section 1.22, where it references the Youth Sailing Foundation. He said the Youth Sailing Foundation is a non-profit organization that is using City property and there are other non-profit organizations using City property and City Parks. He said that he has concerns with some of the language in this, which he would be sending to Mr. McGarry.

Mr. McGarry referred to page 2-14 and stated that Sections 2.6 and 2.7 would be removed as they are listed under Section 3.9 and 3.11 on page 2-20.

Mr. Lauffer referred to pages 2-19 and 2-19, Section 3.8 a) through m). He felt that these should be prioritized because some items seem more important than others.

Mr. McGarry said they could prioritize them under this Section, but his intent was to have an implementation section where they could set their priorities. Another suggestion in the implementation section is they could state that the implantation would be established by the Planning and Zoning Board.

Mr. McGarry noted that pages 2-21 through 2-25 were removed and placed in another section of the Plan.

Mrs. Minuse suggested that they change “older multi-family zoned residential areas” to “established multi-family zoned residential areas.”

Mr. McGarry said that he would make that change.

Mr. McGarry referred to page 2-28 stating that Objection 8 has been removed and incorporated into another section of the Code.

Mrs. Minuse referred to page 2-32, Section 6.2. She did not think “new buildings” belonged in this Section.

Mr. McGarry said that he took the wording straight out of the Vision Plan, but he would look at it again.

Mrs. Hillman referred to page 2-39, Section 12.3. She asked would one of the residential group projects be something like a community garden.

Mr. McGarry said they did put community gardens in the Ordinance, but they did not allow them in multi-family districts. He felt that they should look into allowing them.

Mr. Lauffer referred to page 2-39, Section 12.5. He felt that many times creativity has to do with things to fulfill what they want in their community. If they negate it they would not even try. They would go somewhere else and they could have a neighborhood blighted for years because they created restrictions. He did not think this section belonged in the Comprehensive Plan.

Mr. McGarry said that he would look at it again and change some of the wording to loosen it up to allow some flexibility.

Mr. Daige felt that this section was open-ended. He noted that the City Council can overturn it if they choose to. He suggested that they add the word “demonstrate” where if a developer wants to shut down a street or alleyway, that they demonstrate how they would be improving the area. He said many times when the City gives up right-of-ways they don’t demonstrate how it would be better for the neighborhood.

Mrs. Minuse said that she looked at it as a developer who wants to come into historic neighborhood that this would be their challenge to be creative and to keep the area as what attracted them in the first place.

Mr. Daige said his point was that streets and alleyways have been abandoned and have not been for the good of the neighborhood. They actually interfered with the neighborhood grid on how people get around.

Mr. McGarry said they could add the wording, “would not adversely affect the neighborhood.” He said that he would look at this section again.

The Board agreed to leave this section alone for now.

Mr. McGarry told the Board members if they have additional comments to send them to him.

#### **IV. PLANNING DEPARTMENT MATTERS**

Mr. McGarry reported that at their next meeting they would be hearing the proposed Ordinance amending the Code relating to walls and fences in the Park districts and then they would go into a workshop for another section of the proposed changes to the Comprehensive Plan.

#### **V. BOARD MEMBERS’ MATTERS**

None

**VI. ADJOURNMENT**

Today's meeting adjourned at 3:49 p.m.

/sp

## DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning and  
Zoning Board Members

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

DATE: July 25, 2016

SUBJECT: **Public Hearing on a Proposed Ordinance Amending Chapter 62, Article 1,  
P-1 and P-2 Zoning Districts Related to Fence and Wall Height**

### Overview

As recommended by the Planning and Zoning Board, the staff has prepared the attached draft Ordinance that amends provisions of Section 62.16, Walls and Fences, of the Code to allow more flexibility in the application of fence and wall height development standards.

### Background

At the Planning and Zoning Board's July 7th public hearing to consider the proposed site plan submitted by the Indian River Rowing Club to construct a storage facility, the site plan included a proposed 6-foot chain-link fence along the front of the leasehold property. Along with the submittal of the site plan, the Rowing Club had submitted an application for a variance as Section 62.16 of the City Code prohibited chain-link fences located along or parallel to a street to be higher than four feet.

Prior to the public hearing, the Rowing Club withdrew its application at the advice of the staff. The staff indicated that the variance did not meet the criteria for approval by the Planning and Zoning Board. From the staff standpoint, the better approach would be to seek a change in the regulations to allow the fence to be approved at a higher height.

The staff indicated to the Rowing Club representatives that if the Planning and Zoning Board were supportive, the staff would prepare a draft ordinance to amend Section 62.16 to allow the City Council to approve an increase in the maximum height of chain-link and galvanized wire fences subject to meeting certain criteria. [Note: Lease agreements for use of City property already require prior approval by City Council of any site improvements.]

The Planning and Zoning Board approved the site plan submitted by the Indian River Rowing Club subject to the City Council approving the increase in height of the fence along the frontage street. The Board indicated it had no problem with the height increase and asked staff to prepare an ordinance to amend the regulations that would allow the City Council to approve a height increase of up to six feet for chain-link and galvanized wire fences in the P-1 and P-2 zoning districts.

## Summary of Proposed Text Amendment

In reviewing the existing text to determine appropriate amendment language to allow for more flexibility in the application of the height requirements, the staff also indentified other changes, some of which are of a substantive nature as well as minor edits to improve the readability of the regulations.

The following is a summary of the substantive changes:

- The language in Section 62.16 (c)(1) was incorporated as a new Section 62.16(d) to make the regulations more understandable and clear. A major improvement is to clarify that the wall or fence setbacks in City-owned are governed by the distance from the right-of-way, property, line, or boundary of the leased premises. The boundary of leased premises does not come into play outside City-owned lands when regulating fence heights and setbacks.
- New section 62.16(e) requires that all chain-link and galvanized wire fences be coated with a colored PVC or similar coating. This requirement is more stringent than for fences on private lands.
- New Section 62.16(f) replaces Section 62.16(d). It adds broken or cut glass to the prohibition on the use of barbed wire. The City Council is designated as the authority to grant an exception to the barbed wire prohibition subject to a public hearing and with the Council making a finding that the exception is necessary to protect the public from hazardous materials or operations, or is otherwise required by law.
- New Section 62.16(g) establishes the provisions for the City Council to approve an increase of up to a maximum height of six feet for a chain-link or galvanized wire fence located along or parallel to a street. In doing so the City Council must hold a public hearing and may grant the exception if it finds that the requested exception is necessary for the protection of property or for security reasons.

## 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.

Consistency with the Comprehensive Plan. The staff finds the proposed text amendments to be consistent with the one relevant objective of the Land Use Element of the Comprehensive Plan as discussed below:

- **Land Use Objective 3.** *The City shall establish and maintain land use/development regulations that will reduce and prevent land uses that are inconsistent with community character and incompatible with adjacent development.*

The Comprehensive Plan provides little or no guidance on the proposed text amendment; however, Objective 3 does call for establishing and maintaining land use/development regulations that protect the community character and are compatible with adjacent development. The proposed amendment provides flexibility in applying the maximum fence height standards and protects the public interest requiring that the City Council must find that the request for the exception meets specific public purposes, such as for protection of property or for security reasons.

Consistency with Land Development Regulations. The granting of an exception to allow the height of chain-link or galvanized wire fences located along or parallel to a street based on a demonstrated need is consistent with other provisions that allow such exceptions in the Land Development Regulations. Therefore, the staff finds the proposed text amendment is consistent with the Land Development Regulations due to the aforementioned reason.

### **Recommendation**

The staff recommends Planning and Zoning Board approval of the attached draft Ordinance for transmittal to the City Council for favorable action.

TJM/uf  
Attachments

**ORDINANCE NO. 2016-\_\_**

**AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING PROVISIONS OF CHAPTER 62, ARTICLE I, P-1 AND P-2 ZONING DISTRICTS, IN THE CODE OF THE CITY OF VERO BEACH, RELATED TO WALLS AND FENCES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 62.16 of the City Code limits the height of chain-link or galvanized wire fences located along or parallel to a street in the P-1 and P-2 park zoning districts to a maximum of four feet, but allows such fences along side or rear yards to be a maximum of six feet in height; and

**WHEREAS**, the existing Land Development Regulations, Part III, of the Code of the City of Vero Beach do not provide flexibility in the application of regulations governing chain-link or galvanized wire fences that are located along or parallel to a street in City parks; and

**WHEREAS**, the only relief available to applicants from the restrictions on the height of fences is to apply for a variance and the stringent criteria necessary for approval of a variance would preclude approval in most cases; and

**WHEREAS**, the Planning and Zoning Board support the staff's recommendation that the preferred method to address this issue from both a sound legal and planning standpoint is through an amendment to the existing regulations to allow for greater flexibility in the Code; and

**WHEREAS**, the Planning and Zoning Board finds that aesthetic reasons warrant the retention of the four-foot height limits for chain-link and galvanized wire fences, but believes that some flexibility needs to be incorporated in the regulations to allow an increase up to six feet in height on a case-by-case basis without going through the variance process; and

**WHEREAS**, the Planning and Zoning Board requested staff to prepare this Ordinance amending Section 62.16 of the City Code to grant authority to the City Council to approve through an exception process an increase in the height of chain-link and galvanized wire fences located along or parallel to a street of up to a maximum of six feet in height subject to meeting specific approval criteria; and

**WHEREAS**, the City Council finds that such flexibility is desirable and would be an efficient and legally defensible way to address the existing restriction on the height of chain-link and galvanized wire fences located along or parallel to a street in City parks; 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 I, P-1 and P-2 Park Districts, Section 62.16, Walls and Fences.**

Section 62.16 of the Code of the City of Vero Beach is hereby amended as follows:

**Sec. 62.16. - Walls and fences.**

Construction, erection, and maintenance of walls and fences shall be permitted only as follows:

- (a) The walls and fences on side or rear property lines in this zone shall be permitted to a maximum height of six feet.
- (b) In this district, there shall be no fences, walls, plantings, other structures or obstructions erected or maintained within 20 feet of any street intersection which may obstruct the view of a motorist or otherwise cause an obstruction to traffic flow.
- (c) Where a wall or fence is erected along or parallel to any street, such wall or fence shall not be permitted to exceed three feet in height except as provided for in (d) and (g) below. ~~with the following exceptions:~~
- (d)(1) A wall or fence may be erected up to five feet in height, except and, except as provided in (g) below, a chain-link-type or galvanized wire fences ~~which~~ may be erected up to four feet in height, subject to the following conditions:
  - a. (1) A minimum two-foot-wide planting strip shall be provided between the right-of-way, ~~(property line), or boundary of the leased premises~~ and the wall or fence.;
  - b. (2) ~~One~~ A minimum of one shrub or vine shall be planted for each five lineal feet, or fraction thereof, of the landscape strip.;

- ~~e.~~(3) Ground cover shall be provided for the remainder of the landscape strip;
- ~~d.~~(4) Plant maintenance and specifications shall be as ~~provided in accordance with the Vero Beach Landscaping and Tree Protection Landscape Ordinance;~~ and
- ~~e.~~(5) A fence or wall shall not exceed whichever height is greater: ~~five~~ six feet above the crown of the road at any point when measured from the straight line perpendicular to the road ~~and or the fence or wall or five~~ six feet above the natural grade level of the land on both sides of the fence or wall.
- ~~(2)~~ Chain-link type fence, or minimum 14 gauge galvanized wire fence, shall be permitted subject to the landscape and setback requirements in subsection (c)(1)b., c., d., and e. above, but in no instance shall said fence exceed four feet in height.
- ~~(3)~~ Reserved.
- ~~(e)~~ All chain-link-type or galvanized wire fences shall be coated with a colored PVC or similar coating material. All galvanized wire fences shall have a minimum gauge of 14.
- ~~(d)~~ The use of any form of barbed wire in or on fences is prohibited within the city. Exceptions to this requirements may be granted by application for a minor change, if, it is found that the granting of the requested exception is for the protection of the public from hazardous materials or operations.
- ~~(f)~~ The use of any form of barbed wire, broken or cut glass in or on fences or walls is prohibited. An exception to the prohibition on barbed wire may be granted by the City Council subject to the City Council holding a public hearing and finding that granting the exception is necessary for protection of the public from hazardous materials or operations, or is otherwise required by law.
- ~~(g)~~ The City Council may approve an increase in the maximum height of a chain-link-type or galvanized wire fence in (d) above up to a maximum height of six feet subject to the City Council holding a public hearing and finding that granting the requested exception is necessary for the protection of property or for security reasons. The chain-linked or galvanized wire fence shall meet all the conditions required for walls or fences located along or parallel to streets in (d) above.

**Section 3. 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 4. Codification.**

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

**Section 5. Effective Date.**

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

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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 \_\_\_\_\_

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ATTEST:

CITY OF VERO BEACH, FLORIDA

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Tammy K. Vock  
City Clerk

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Jay Kramer  
Mayor

[SEAL]

Approved as to form and legal  
sufficiency:

Approved as conforming to municipal  
policy:

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Wayne R. Coment  
City Attorney

---

James R. O'Connor  
City Manager

Approved as to technical requirements:

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Timothy J. McGarry, AICP  
Director, Planning & Development

## DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning and  
Zoning Board Members

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

DATE: July 25, 2016

SUBJECT: **Board Workshop on Draft Goal, Objectives and  
Policies (GOPs) for the Transportation Element  
of the Comprehensive Plan**

At the Board's August 4<sup>th</sup> meeting a public workshop on the draft GOPs of the Transportation Element will be conducted. Attached is a copy of the draft.

A copy of the 22-page data and analysis to be contained in the Technical Document for the Comprehensive Plan's Transportation Element will not be presented at the workshop. However, if interested, the Board may request a copy or view a copy on line or at the Planning offices. The graphics for the Land Use Element will also be available to be reviewed.

At the workshop, the staff intends to concentrate primarily on the most significant policies. However, the Board will be encouraged to ask any questions regarding those and any other policies. In particular, the staff would be very interested in any policies that the Board believes should be added or eliminated.

The draft GOPs are in a ~~strike-through~~ and underline format. Additionally in red are commentary notes providing a background explanation on the more important draft policies and rationale for some of the specific proposed changes.

As discussed at the last workshop, rather than get bogged down in correcting typos or grammar at the workshop, the staff would appreciate your providing any such needed corrections to staff by e-mail, mail, or in person.

TJM/tf  
Attachment

**CHAPTER 3**  
**TRANSPORTATION ELEMENT**  
**GOAL, OBJECTIVES, AND POLICIES**

**2.6 GOALS, OBJECTIVES AND POLICIES**

**2.6.0 Goal:**

**GOAL**

To maintain and promote a A safe, efficient, accessible, financially feasible, and attractive transportation system will be provided in Vero Beach in a manner which provides for mobility of all residents and visitors, encourages freedom of choice among alternative modes of travel, while maintaining the historic, residential, cultural and environmental quality and characteristics unique to the City.

**2.6.0.0 Adequate Roadway Transportation System**

**Objective 1. Adequate Highway System**

~~The traffic circulation system, and improvements thereto, shall be coordinated with new development as depicted on the Future Land Use Map in order to retain the appropriate level of service or otherwise provide for adequate and safe access concurrent with such new development or redevelopment~~

The City shall maintain a transportation circulation system that is coordinated with new development as depicted on the Future Land Use Map and continues to operate at or above the minimum Level of Service (LOS) standards as specified in this element.

**Policies:**

- 1.1 The operating level of service standards for roadways within the City shall be Level of Service LOS "D" (Peak Hour/Peak Season/Peak Direction) or better on all arterial and collector roadways, and Level of Service "E" (Peak Hour/Peak Season/Peak Direction) or better for all other roadways, except for the following:
- 27<sup>th</sup> Avenue from South City Limits to State Route 60 – "E" plus 20%
  - State Route A1A from State Route 60 to North City Limits – "D" plus 30%
  - State Route A1A from 17<sup>th</sup> Street to South City Limits – "D" plus 30%
- 1.2 ~~The City shall investigate the feasibility of designating a transportation concurrency exception area in the comprehensive plan for the downtown central business district for the purpose of promoting urban infill, redevelopment, and downtown revitalization, as outlined in Chapter 163.3180, Florida Statutes.~~

[Note: Sufficient roadway capacity exists in the downtown area even with the reduction in the number of through lanes on Route 60 to handle traffic through 2035. Therefore, this policy was deleted as unnecessary.]

1.3 The City shall explore transportation system management strategies for improving local City roads, intersections, and other related facilities to make the existing road system ~~transportation system~~ operate more efficiently and to achieve and maintain level-of service LOS standards.

1.4 The City shall participate in the preparation of the Indian River County Metropolitan Transportation Organization's (MPO) Congestion Management Process Plan (CMP) and hereby adopts the CMP as amended, except as may be modified by this element. The CMP identifies recommended projects that may include signalization improvements channelization measures, turn lane restrictions, transit improvements, and other strategies to make the existing and future transportation system operate more efficiently and to achieve and maintain level of service standards

[Note: The MPO and the CMP process came into being subsequent to the adoption of the 1992 Comprehensive Plan. The planning process is an element in the overall MPO county-wide transportation planning and the federal and state funding of regional transportation projects.]

1.5 The City hereby adopts the 2035 Roadway Improvement Plan as presented in Exhibit B of this policy document.-The following are the specific highway improvements in the Plan depicted in Exhibit B:

- 34<sup>th</sup> Avenue Bridge - Replacement
- Aviation Boulevard – Widening to 4 lanes
- “Twin Pairs” (SR 60 E/W) – Reduce to 2 lanes with parking
- Fifth Ave. Extension – New 2 lane facility and ROW acquisition
- 17<sup>th</sup> Street/SR AIA Intersection – Add additional left turn lane and extend right turn lane.

The City shall actively pursue securing necessary funding and permits to complete the highway improvements identified above in the 2035 Roadway Improvement Plan.

[Note: The 34<sup>th</sup> Avenue Bridge replacement project is already underway at the time of this writing. Exhibit B identifies those roads proposed for additional lanes (Aviation Boulevard), reduction in number of lanes (Twin Pairs), a new road (5<sup>th</sup> Avenue Extension), and an intesection improvement (17<sup>th</sup> Street and SR AIA). Exhibit B shows no increase in the number of lanes on Indian River Boulevard, which was identified as a needed improvement in the MPO's 2040 Final Roadway Needs Projects, but not included as a project in the 2040 Cost Feasible Plan of the 2040 Long Range Transportation Plan. Therefore, any such widening to that facility would require a Comprehensive Plan amendment.]

~~1.4 The City shall review the existing roadway network to determine whether to consider restricting the widening of roadways that have specific physical and or environmental constraints. SR A1A on the Barrier Island is an example of such a facility. Criteria to~~

~~consider as part of the analysis to determine whether a roadway should be considered “constrained” shall include, but not be limited to, the following: historic, cultural or scenic character, right of way limitations, high land values and cost of right of way acquisition, and environmental or socio-economic impacts on surrounding properties.~~

1.6 ~~The City shall consider the entire length of SR AIA on the barrier island as a constrained facility due to right-of-way limitations, high land values and cost of right-of-way acquisition, and concerns about environmental impacts on adjacent residential properties. Therefore, the City shall not support any future widening of the facility to add through lanes, except specific congestion management measures such as, but not limited to additional through and/or turn lanes at major intersections, where appropriate.~~

~~1.5~~ 1.7 ~~The City shall include transportation capital improvement projects As part of in the required annual update of Capital Improvements Element (CIE) and the five-year Capital Improvements Schedule (CIS) that is updated and adopted annually, the City shall include transportation capital improvement projects. The CIS shall be a list of scheduled capital transportation projects programmed to address public facility needs identified in this Comprehensive Plan and to ensure that the adopted level of service (LOS) standards are achieved and maintained. The annual update of the CIE and CIS shall be done in conjunction with the City’s annual operating and capital budgeting process to ensure that the CIS is financially feasible. These transportation projects shall include City-sponsored projects and, projects in the MPO’s annual Five-year Transportation Improvements Program and the projects in Indian River County’s five year Capital Improvements Schedule of its Comprehensive Plan that have an effect on the City’s road network and LOS standards.~~

~~1.6~~ ~~The City shall adopt transportation capital improvement projects that are coordinated with the Indian River County Metropolitan Planning Organization’s transportation plans and programs. The projects shall be reviewed and updated on an annual basis as part of the annual update of the Capital Improvement Element and the Capital Improvement Schedule referenced in Policy 1.5 above.~~

1.71.8 ~~No development project shall be approved if the projected impacts of the project would serve to reduce service levels of any roadway on the traffic circulation system below the standards identified in Policy 1.1. Conditions applicable to this policy are as follows:~~

(a) ~~Development project shall be defined as any activity which requires issuance of a development order. This includes: site plan approval, subdivision plat approval, building permit, and any other official action of the City having the effect of permitting the development of land.~~

(b) ~~Projected project traffic shall be based on the application of ITE trip rates (Trip Generation, 7th 9<sup>th</sup> Edition or subsequent editions), Indian River County trip rates, or applicant derived/county/city approved trip rates for the proposed use(s) to the project.~~

- (c) Existing level of service LOS shall be derived by using the peak hour/peak season/peak direction traffic volume ranges. Volume shall be the sum of existing demand plus committed demand. ~~This is described in the concurrency management system component of the Capital Improvements Element.~~
- (d) Capacity shall be calculated as specified in the road category of the appropriate table in the most current version of *Florida Department of Transportation Quality/Level of Service Handbook*, using peak hour/peak season/peak direction default table assumptions. As an alternative, capacity may be determined by ART-PLAN analysis, Highway Capacity Manual analysis, or speed delay studies. ~~If, based on the above analysis, the proposed development does not meet approval requirements, the developer may choose to conduct a more detailed traffic impact analysis as described in Policy 1.8.~~

[Note: Policy 1.8, now Policy 1.9, requires that a traffic impact study be submitted if it generates or attracts 100 or more additional average daily trips. The level of detail of such a study depends on the scope and extent of the impact on the existing road network.]

~~1.81.9~~ The City, through its land development regulations, shall require submission of a traffic impact study for all projects projected to generate/attract 100 or more additional average daily trips pursuant to the procedures and standards of the Indian River County Land Development Regulations, Chapter 910, Concurrency Management System, as amended. The traffic impact study will be the basis for identifying site-related improvements required by a project as well as for assessing consistency with adopted level of service standards. ~~Specific requirements for the traffic impact study shall be pursuant to the procedures and standards of the Indian River County Land Development Regulations, Chapter 910, Concurrency Management System.~~

~~1.91.10~~ The City, through this policy statement, endorses and subscribes to the Indian River County “Traffic Impact Fee” program. The City shall continue to participate in the Interlocal Agreement with Indian River County governing the collection and disbursement of Transportation Impact Fees generated by development.

~~1.10.11~~ The City shall review the transportation system based on the county’s annual traffic count data and evaluation report on an annual basis of major thoroughfare roads. ~~Traffic count data shall be collected on all thoroughfare roads on an annual basis. This data shall be utilized to develop an annual report by the county on the Level of Service provided on major area roads. These findings~~ The findings of this report shall then be used by the City to identify improvement needs and associated costs required to maintain the Levels of Service LOS identified in Policy 1.1.

~~1.11~~ The City shall review and update by December 2009, the data and analysis within the Transportation Element as part of the Comprehensive Plan’s next Evaluation and Appraisal Report.

- 1.12 The City shall promote a transportation grid system which does not disrupt established neighborhoods and allows for multiple connectivity between destinations.
- ~~1.13 The City, in cooperation with the MPO, shall review by December 2009 level of service deficiencies over capacity roadway segments as part of the data and analysis within the Transportation Element of the Comprehensive Plan's next Evaluation and Appraisal Report. The analysis shall include, but not be limited to, the following: level of service standards and capacities, system and demand management strategies, intersection analysis, congestion management strategies, constrained facility policies and others.~~

[Note: No deficiencies exist on the roadways within the City.]

- 1.13 Through its Land Development Regulations, the City shall require that, as a condition of development approval, any non-single family detached development on an unimproved public road or alley improve the access road or alley up to City road and alley standards. Such condition shall ensure that the requirement for the road or alley improvement demonstrates a rational nexus between the need for the improvement and the benefits accruing to the development.

[Note: The City's subdivision regulations require that roads and alleys in public right-of-way be built to City road standards. However in some older subdivisions were approved many years ago without such a requirement. The rational nexus test must be demonstrated to be legally defensible and fair to the property owner.]

## **2.6.01 Safety**

### **Objective 2. Safety**

The City transportation system shall continue to emphasize safety with special attention to decreasing pedestrian, bicycle and vehicular accidents.

#### **Policies:**

- ~~2.1 All facilities will be designed to high standards of visual quality including, but not limited to, strict sign control, buffering, landscaping and lighting. The City shall review all proposed development projects to ensure that all access driveways, new roadway connections, and on-site parking and traffic flow will be provided in a safe manner.~~
- ~~2.2 The City shall review all development permit and site plan applications to ensure that on-site signage, landscaping, and lighting will not create safety hazards for all vehicle, pedestrian, and bicycle traffic movements.~~
- ~~2.42.3 The City shall promote safe movement of bicycle and pedestrian traffic as part of the development approval process outlined in the Land Development Regulations. The City shall review all site plan applications as part of its development review and approval~~

process of the Land Development Regulations to ensure that site design and layout of improvements provide for safe movement of pedestrian and bicycle traffic.

2.22.4 The City shall review, in conjunction with the Indian River County Metropolitan Planning Organization (MPO) and City Police Department, crash records on an annual basis to determine if intersection improvements are necessary to enhance safety and shall program the necessary improvements subject to available funds identify specific intersection, signage, or other improvements needed to address safety issues and shall program the necessary improvements subject to available funds.

2.5 The installation of all traffic control devices shall be consistent with the standards contained in the *Manual on Uniform Traffic Control Devices* (MUTCD). The MUTCD shall be the standard used by the City's Public Works Department to determine the need for traffic control improvements, including signalization.

2.6 The City shall coordinate with developers, state agencies and Indian River County, while implementing roadway design projects consistent with bicycle and pedestrian safety features and guidance as outlined in the Indian River County Bicycle and Pedestrian Master Plan.

2.7 The City shall continue to implement the adopted Residential Neighborhood Traffic Management Program for Speed and Traffic Control, as amended, to promote the safety and livability of residential neighborhoods.

2.8 In conjunction with the Indian River County MPO and other local governments, the City shall work with Federal Rail Administration, FDOT, and "Bright Line" to ensure that appropriate improvements will be made to rail crossings to reduce the safety risks and disruption created by high speed train service through the City and to secure approval of the rail corridor as a "Quiet Zone" should high speed rail service be initiated.

#### **2.6.0.2 Multi-modal Transportation System**

##### **Objective 3. Adequate Multi-modal Transportation System**

The City shall provide Provisions shall be made for a safe, convenient and efficient multi-modal transportation system in a manner consistent with existing and future land uses.

[Note: This objective has been combined with existing Objective 8.]

##### **Policies:**

3.1 The City shall support implementation of the Indian River County Metropolitan Planning Organization (MPO) Bicycle/ and Pedestrian Master Plan and Greenways Plan. Priority will be given to those bikeways/sidewalks/greenways for which heavy recreational and/or commuter usage is projected and which can be implemented concurrently with other roadway improvements.

3.2 The City shall, through its Land Development Regulations, require ~~that all developments fronting on thoroughfare plan roadways~~ meeting a specified threshold on the number of required off-street parking spaces be required to provide construction of bicycle parking facilities on site. ~~and pedestrian improvements as identified in the MPO Bicycle/Pedestrian Plan.~~

[Note: This revision reflects the existing requirements in the LDRs.]

3.3 ~~The City shall, through its~~ Through amendments to its Land Development Regulations, ~~the City shall require~~ sidewalks along all non-residential and multiple-family development projects that fronting roadways arterial and collector roadways, and that internal sidewalks are provided in residential subdivisions with densities of three units per acre or higher where pedestrian activity can be expected. ~~Such a requirement shall ensure that the requirement for sidewalk improvements demonstrates a rational nexus between the need for the improvements and the benefits accruing to the development.~~

[Note: The rational nexus test needs to be considered as discussed under the unimproved roads in Policy 1.13.]

3.4 ~~Through its subdivision regulations, the City shall require~~ internal sidewalks and bicycle lanes or paths in residential neighborhoods with densities of two units per acre or higher where pedestrian and bicycle activity can be expected.

[Note: The density requirement is too high and should be lowered to two units per acre and should include requirements for bicycle lanes or paths where appropriate.]

3.43.5 The City shall consider bicycle and pedestrian ways in the planning of transportation facilities.

3.53.6 The City shall continue to support Indian River County in its ~~authorization and provision~~ of public transit services by GoLine throughout the urban area. Such support shall include the ~~enforcement~~ implementation of the adopted one-hour headways level of service standard for fixed transit routes, roadway design standards, and effective transportation mode options that enhance efficient person-trip and vehicular movements and reduces accident potential. ~~Support shall also include participation in the intergovernmental coordination activities of the Indian River County Metropolitan Planning Organization (MPO), Florida Department of Transportation, and the Transportation Planning Technical Advisory Committee of Indian River County in the formulation of transportation policy and efforts to maintain adopted level of service standards.~~ The City shall participate in the intergovernmental coordination activities of the Indian River County MPO in the formulation of transit development plans and policies and efforts to maintain adopted level of service standards while increasing transit coverage.

3.6 ~~The City shall support the county's transit level of service standard of one-hour headways on all fixed transit routes.~~

[Note: The level of service standard was incorporated into Policy 3.5.]

- 3.7 The City shall on an annual basis coordinate with the MPO, through its technical advisory committee, to assess whether transit improvements should be included in the project priorities submitted to the Florida Department of Transportation (FDOT) for state and federal funding in the MPO's Transportation Improvements Plan.
- 3.8 The City shall support the MPO in its role as the designated official planning agency for coordinated door-to-door transportation disadvantaged services.
- 3.9 The City shall support efforts to ~~locate an Amtrak passenger rail station~~ bring passenger rail service in downtown to Vero Beach and its Downtown in conjunction with resumed passenger rail service in the Florida East Coast Corridor to increase mobility, provide for transportation choice, and enhance opportunities for ~~transit-oriented development~~ mixed-use development. Any such effort shall evaluate the pros and cons of the proposed rail service including specific costs and benefits to property owners, businesses and residents of the City of Vero Beach.

[Note: This policy has been broadened to specify any passenger rail service. Precautionary language has been added regarding an evaluation of the costs and benefits of such service. The costs, such as City taxpayer support, may well outweigh the benefits of such service.]

- 3.10 The City shall not support high-speed passenger rail service through Vero Beach, unless, at a minimum, the proposed service includes a passenger stop in the City subject to an evaluation of the pros and cons of such service as described in Policy 3.9.
- 3.11 The City shall regulate the use of land adjacent to the Vero Beach Regional Airport pursuant to Objective 14 and supporting policies of the Land Use Element.
- 3.12 The City shall ensure the airport master plan for the Vero Beach Regional Airport is consistent with the pertinent objectives and policies of this Plan.
- ~~8.2-3.13~~ The City shall through review of airport, transit, and intermodal facilities plan its land use and transportation planning process, and Land Development Regulations ensure adequate multi-modal access to the Vero Beach Regional Airport ~~one public use airport,~~ any future passenger rail station, transit transfer points, and other intermodal facilities by supporting the roadway and transit improvements identified in this element.

[Note: This policy was taken from eliminated existing Objective 8 and modified to incorporate both existing Policies 8.2 and 8.3.]

### 2.6.0.3 Traffic Management

#### Objective 4. Traffic Management

All development projects approved by the City shall provide for adequate ~~traffic control~~ management of traffic in a manner that maximizes and protects the capacity of the existing roadway system, reduces traffic congestion, and results in safe access to major thoroughfares.

#### Policies:

- 4.1 The City shall maximize utilization of existing roadway capacity and reduce peak period congestion by implementing, to the maximum extent feasible, traffic operation improvements and transportation systems management alternatives including, but not limited to, the following: improved signal timing, intersection signing, markings, channelization, turn lane restrictions, and other strategies.
- 4.2 Through the development review and approval process of the City's Land Development Regulations ~~Accessibility to major thoroughfares shall be limited to adequate, properly designed and safe systems through the City's Land Development Regulations that include design standards and procedures, which at a minimum address: that comply with industry accepted traffic engineering standards and practices to ensure that development projects have adequate storage and turning bays; spacing and design of median openings and curb cuts; provision and maintenance of service roads; driveway access and spacing; and traffic operations. Notwithstanding the foregoing review policy, any development project that accesses a thoroughfare under the jurisdictional responsibility of FDO or Indian River County shall comply with the design standards of those organizations.~~

[Note: Due to the relatively small area of the City and number of major thoroughfares, the City Public Works and Planning Departments it has not been necessary to adopt in code form specific design standards.]

- ~~4.3 The City shall review all proposed land developments in order to ensure consistency with the goals, objectives and policies of this plan, and the City shall require coordination of traffic circulation plans and improvements with land use and infrastructure plans before development approval.~~

[Note: This policy is redundant and covered by many other policies in the Plan and this element.]

- ~~4.4 The City shall review all access driveways and new roadway connections associated with redevelopment or new development to ensure safety, preserve roadway capacity, and ensure compatibility with future transportation plans.~~

[Note: This policy is redundant and covered by many other policies in the Plan and this element.]

- ~~4.5 The City shall review on-site traffic flow for all proposed development projects to ensure~~

~~that circulation for motorized and non-motorized vehicles and pedestrians can be accommodated safely.~~

[Note: This policy is redundant and covered by many other policies in the Plan and this element.]

4.3 The City shall coordinate the review of site plan applications with, as appropriate, FDOT, Indian River County Traffic Engineering Division, and Indian River County Fire Protection and Life Safety Division through the development review and approval process of its Land Development Regulations.

4.6 ~~4.4~~ The City shall, through its land development regulations, provide for the use of shared driveway facilities and interconnected parking facilities. The City shall require, where appropriate, the use of shared driveway facilities and interconnected parking facilities through the development review and approval process of its Land Development Regulations.

#### **2.6.0.4 Right-of-Way and Transportation Corridor Needs**

##### **Objective 5. Right-of-Way Needs and Protection**

~~Rights of Way and transportation corridor needs for existing and future transportation facilities needs shall be designated and reserved. Right-of-way standards for existing and future roadways shall be maintained to accommodate travel, roadside recovery areas, bicycle and pedestrian facilities, drainage facilities, and utilities.~~

##### **Policies:**

5.1 ~~The City shall continue to maintain and conform, with the minimum right-of-way requirements as established by appropriate agencies as adopted in Policy 5.4, and as balanced against the historic, aesthetic, cultural and residential character of the city.~~

5.2 ~~The City shall require the dedication of the appropriate share of the necessary right-of-way from all development at the time of development. The City shall require the dedication of right-of-way as a condition of development approval if there is an essential nexus between the required condition imposed and the need for public right-of-way and a "rough proportionality" between the benefit derived from the dedication and the project's impact on the road system.~~

5.3 ~~Advanced~~ The need for future rights-of-way shall be reviewed identified or and acquired, where necessary, for future transportation improvements identified in the adopted comprehensive plan.

5.4 ~~The City recognizes that road right of way must accommodate the travel way, roadside recovery areas, bicycle and pedestrian facilities, drainage facilities, and utility lines. Accordingly, the City adopts the minimum right-of-way standards for roadways under the~~

City's jurisdiction as defined below:

- Principal arterial roadways---120 foot right-of-way;
- Minor arterial roadways---100 foot right-of-way;
- Collector roadways---80 foot right-of-way; and
- Local roads---60 foot right-of-way.

5.5 Notwithstanding Policy 5.4, the minimum right-of-way standards for local roads may be modified by the City Engineer based on site conditions and requirements for drainage facilities, utilities, sidewalks, recovery areas, and bicycle lanes/paths.

~~5.5 Minimum right of way requirements for state and county facilities shall be set by those entities. The City shall adopt minimum right of way requirements for city roadways as defined below:~~

- ~~○ Principal arterial roadways—120 foot right of way;~~
- ~~○ Minor arterial roadways—100 foot right of way;~~
- ~~○ Collector roadways—80 foot right of way; and~~
- ~~○ Local roads—60 foot right of way.~~

~~5.6 By 2010, the City shall prepare, update and adopt right of way reservation maps (ref. Section 336.02, F.S.) for all City arterial and collector roads.~~

[Note: This requirement in the Florida Statutes is for counties. It is not needed for the City, which is almost built-out.]

#### **2.6.0.5 Land Use Compatibility**

##### **Objective 6. Land Use Compatibility**

~~The transportation system shall be compatible and complement adjacent land uses with the Land Use Element and other elements of the Comprehensive Plan.~~

##### **Policies:**

6.1 Major roadways (i.e. minor and principal arterials) and intersections shall, to the extent possible, be located and designed such as to not adversely affect existing neighborhoods nor produce excessive traffic on local roads through residential areas. The following are some of the characteristics by which the City will determine whether neighborhoods are adversely impacted: severs existing neighborhoods, more traffic other than local traffic using roadways, widening of roadways which results in roadways constructed closer to residential homes, and other similar characteristics.

6.2 In areas where minor and principal arterial roadways and their intersections adversely

affect existing neighborhoods, the City may provide landscaped buffers, berms, and other similar buffers alongside the roadway(s). The City shall also review the feasibility of relocating roadways and intersections and limit the number of roadway connections and accesses. Where appropriate, the City will implement traffic calming improvements.

6.3 The City shall locate and design roadways to minimize adverse environmental impacts. Where sensitive environmental areas will be impacted by roadway construction, the city shall mitigate those impacts by taking action as provided for in the Conservation Element of the plan.

6.4 The City shall only fund transportation improvements within ~~coastal high hazard areas~~ Coastal High Hazard Areas consistent with ~~Policies 2.1, 2.2 and 2.3 of the Capital Improvements Element~~ pertinent policies in the Coastal Management Element.

~~6.5 The City shall investigate the possibility of designating applicable historic and /or scenic roadways based on established criteria.~~

[Note: No potential historic and/or scenic roadways have been identified within the city limits.]

~~6.6 The City shall establish land use guidelines for development in exclusive public transit corridors to assure accessibility to public transit in the event such corridors are established.~~

[Note: No potential public transit corridors have been identified. As a small city, this concept is more appropriate for larger jurisdictions with high traffic volumes and transit ridership.]

~~6.7 The City shall coordinate the mitigation of adverse structural and non-structural impacts from airports, and related facilities, upon natural resources and land uses with the expansion of and development of those facilities consistent with the future land use, coastal management and conservation elements.~~

[Note: This policy is unnecessary as federal and state requirements and the City's Land Development Regulations and the policies of the Coastal Management and Conservation Elements address such adverse impacts.]

~~6.86.5~~ The City shall ~~encourage the implementation of~~ Land Use Element policies that restrict urban sprawl, limit strip commercial development, promote infill and mixed use projects, ~~encourage traditional neighborhood development projects,~~ protect historic resources and grid street network in historic neighborhoods, promote public transportation, and encourage higher intensity uses in major corridors.

~~6.9 For properties near the Vero Beach Municipal Airport the City shall enforce land use guidelines and development regulations that ensure compatibility with airport operations in terms of noise, accidents, and other potentially adverse impacts.~~

[Note: This policy was deleted as it is redundant to Policy 3.11 and pertinent policies under Objective 10 of the Land Use Element.]

### **2.6.0.6 Coordination**

#### **Objective 7. Transportation Planning and Programming Coordination**

The City shall ensure that transportation system plans and programs are coordinated with applicable federal, state and local governmental entities.

#### **Policies:**

- 7.1 The City shall review for compatibility with this element, the transportation plans and programs of for the unincorporated county and neighboring municipalities as they are amended in the future.
- 7.2 The City shall coordinate its transportation system with the Indian River County ~~Metropolitan Planning Organization (MPO) plans and programs, including, but not limited to, the MPO Long Range Transportation Plan.~~ This coordination will include staff and council member representation on MPO committees.
- 7.3 The City shall coordinate with the ~~Florida Department of Transportation (FDOT)~~ to review its standards for sidewalk placement, access control, median cuts, signage, drainage, and other related physical roadway development activities. The City's Planning and Public Works Departments will schedule, as needed, regular meetings with appropriate FDOT officials to review and discuss these issues and develop written standards agreeable to both entities.
- 7.4 The City shall participate on the MPO Technical Advisory Committee to promote intergovernmental coordination with the municipalities in the county.
- 7.5 The City, through the MPO, shall establish a mechanism to share information with the municipalities in the county and with adjacent counties regarding proposed projects and their potential transportation system impacts on other jurisdictions.
- 7.6 The City, through the MPO, shall continue to coordinate its plans with the plans and programs of all transportation facility providers, especially FDOT transportation plans.

### **~~2.6.0.7 Adequate Intermodal Facilities~~**

#### **Objective 8:**

~~Through 2020, City aviation and intermodal facility demand will be met in a manner consistent with existing and future land use.~~

[Note: This objective and policies have been incorporated in Objective 4.]

#### **Policies:**

~~8.1 The City shall continue to implement and enforce its airport zoning regulations that address height, noise, emergency, clear zone and land requirements.~~

~~8.2 The City shall ensure adequate access to the one public use airport, passenger rail station, transit transfer points, and other intermodal facilities by supporting the roadway and transit improvements identified in this element.~~

~~8.3 The City shall review airport master plans, transit development plans, and intermodal facility plans to ensure adequate bicycle, pedestrian, transit, and auto access and circulation within airports and related facilities.~~

#### **~~2.6.0.8 Protect Community/Neighborhood Integrity~~**

##### **Objective 9:8. Protection of Community/Neighborhood Integrity**

~~The City shall manage the traffic circulation system in the City shall protect community and neighborhood integrity. within Vero Beach to protect community and neighborhood integrity.~~

##### **Policies:**

~~9.18.1 The City shall strive to conserve and protect the character of neighborhoods by preventing the undue intrusion of through vehicles on local and collector streets.~~

~~9.28.2 Major thoroughfares and intersections should be located and designed in a manner which do not sever or fragment or well established neighborhoods and land which is or could otherwise be developed as well defined neighborhoods.~~

~~9.38.3 The City shall discourage through traffic in neighborhoods by use of traffic management techniques, including signage, landscape design, traffic calming and roadway design.~~

~~8.4 The City shall work with neighborhood organizations and residents in addressing needed traffic calming measures pursuant to Policy 2.7 of this element.~~

#### **~~2.6.0.9 Qualitative Factors Surrounding Transportation Planning~~**

##### **Objective 9. Energy Conservation and Environmental Protection**

~~The City shall provide for a transportation system shall that preserves environmentally sensitive areas, conserves energy and natural resources, and maintains and enhances community aesthetic values.~~

##### **Policies:**

~~10.19.1 The Where physically and financial feasible, the City shall endeavor to provide landscaping and trees along roadways to serve as visual and sound buffers and to maintain the quality of the environment within the City.~~

10.29.2 The City shall avoid transportation improvements that encourage or subsidize development in environmentally sensitive areas or the Coastal High Hazard Area identified in the Conservation and Coastal Management Elements.

10.39.3 New roads shall be designed to prevent and control soil erosion, minimize destructive secondary impacts of clearing and grubbing operations, minimize storm run-off, and avoid unnecessary changes in drainage patterns.

10.49.4 The City shall pursue and support transportation programs that will help to maintain or improve air quality and help conserve energy by working with the Indian River County MPO and member organizations to implement strategies and programs to reduce vehicle miles travelled, and increase transit ridership, the modal split of non-automobile work trips, and the occupancy of automobile work trips.

10.59.5 Design of roadways shall be undertaken so as to make them compatible with the surrounding environment, complement adjacent development and provide an aesthetically pleasing visual experience to the user and to the adjacent area.

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