

AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, SEPTEMBER 15, 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/Workshop Meeting – August 18, 2016
- B. Regular/Workshop Meeting – September 1, 2016

III. PUBLIC COMMENT

IV. PUBLIC HEARING

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

V. WORKSHOP

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

VI. PLANNING DEPARTMENT MATTERS

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

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, AUGUST 18, 2016 - 1:30 PM
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Chairman, Lawrence Lauffer; Vice Chairman, Honey Minuse; Member, Norman Wells, Alternate Member #1, Richard Cahoy and Alternate Member #2, Kenneth 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 Linda Hillman

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. APPROVAL OF MINUTES

A) Regular/Workshop Meeting – August 4, 2016

Mrs. Minuse made a motion to approve the minutes of the August 4, 2016 Planning and Zoning Board Regular/Workshop meeting. Mr. Daige seconded the motion and it passed unanimously.

III. PUBLIC COMMENT

None

IV. PUBLIC HEARINGS

[Quasi-Judicial]

A. Site Plan Application Submitted by David S. Knight, P.E., to Change the Use of Two Residences (2,955 Square Feet) to Business Professional Office Located at 1991 and 1995 34th Avenue (#MA15-000020)

The Chairman read Site Plan Application #MA15-000020 by title only.

There were no ex parte communications reported.

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

Ms. Gayle Lafferty, Planner, noted that the actual application number is #SP15-000020. She explained that this is an after-the-fact project that came up because of a Code Enforcement complaint. She said the applicant is seeking site plan approval to convert two (2) single-family residences into a business professional office. The complaint they received was that they were manufacturing and shipping. However, it was determined by the Code Enforcement Officer that it was not a facility set up for that. She said the component parts came from China and assembly is done in Sunrise Florida. This site is used as a design center.

Mr. Tim McGarry, Planning and Development Director, explained that there was a violation of the Code because the use wasn't permitted. But because of the information provided by the Code Enforcement Officer it allowed them to enter into a compliance agreement with the applicant.

Mr. Daige asked what the complaint was.

Ms. Lafferty said there was a conversion of two (2) single-family homes and the complainant thought it was being utilized as a manufacturing distribution center. The Code Enforcement Officer spent a lot of time there and it was determined that it was set up as a business professional office.

Ms. Lafferty briefly went over staff's report with the Board members (attached to the original minutes). Based on staff's 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 conditions listed in staff's report.

Mr. Daige asked are there any plans to remove any of the existing trees.

Ms. Lafferty said they would be removing a few trees necessary for the proposed improvement.

Mr. Daige asked what is the size of the trees.

Ms. Lafferty reported that they would be removing a Pine Tree, a Palm Tree, and two Laurel Oak Trees. She said the Laurel Oak Trees were 22 inches and one is decaying and the other is in the construction zone.

Mr. Daige asked are there any plans to change the height of the buildings.

Ms. Lafferty answered no.

Mrs. Minuse asked is all the egress and ingress on 34th Avenue.

Ms. Lafferty answered yes.

Mr. Daige questioned lighting for the new parking lot.

Ms. Lafferty said it would have to meet Code requirements.

Mr. Cahoy asked would the area where the driveways are currently located be improved with landscaping no parking allowed.

Ms. Lafferty said that is correct.

Mr. David Knight, of Knight, McGuire and Associates, Inc., introduced himself and Mrs. Deborah Darnell, property owner, to the Board members. He reported that the driveways would be eliminated and they would have one driveway between the two houses with a parking area in the back. They don't have any proposed lighting for the parking in the back other than the lighting that already exists on the side of the door that enters the back of the building. He reported that they would be putting in a number of hedges and trees. The stormwater would be brought up to the current Code requirements. There will be dry retention in the rear of the property with discharge into the swale on the property. There will be a new curb constructed from State Road 60 to the new driveway so there will be no ability for someone to pull off the edge of the road and park on the side of the road. He

noted that this was not a manufacturing facility, but a design facility. The improvements to the buildings will primarily be doorways, bathrooms, handicapped accessibility, etc., in order to bring the site into compliance.

The Chairman opened the public hearing at 1:48 p.m.

Mrs. Carol Jean Jordan said that she has been sworn in. She reported that she is the person who complained to Code Enforcement. She said there was parking in the front yard, not in the driveways, over long periods of time up until late in the evenings, especially during the holidays. She said that she looked it up and found that it is an import/export business. She said what they have is a neat little barbecue lighter in all different styles that comes prefilled, which is a concern to her because of the butane. She said that she spoke with Mr. Knight earlier today and he made it clear that this was only going to be an office. She questioned where the delivery trucks would go. She asked would the trucks park in the back or pull up in front on the street. She noted that this wasn't a permitted use for a long time and she didn't complain until it became unruly. She said that she didn't want to keep anyone from doing business.

Mrs. Minuse asked is the driveway wide enough for the delivery trucks to turn around.

Ms. Lafferty said it meets Code requirements and has been reviewed by all the applicable departments.

Mrs. Minuse questioned the issue with butane.

Ms. Lafferty said an inspection was done by the Indian River Fire Prevention, as well as every other department that needed to review it.

Mrs. Minuse asked Mrs. Jordan if she was satisfied.

Mrs. Jordan answered yes. She said it was stated that they are not manufacturing on the property so that is okay with her.

The Chairman closed the public hearing at 1:56 p.m., with no one else wishing to be heard.

Mr. Daige asked if he was correct that POI zoning does not permit manufacturing.

Ms. Lafferty said this application is for business professional office approval. She noted that manufacturing would be limited to industrial zoning, not POI zoning.

Mr. Daige asked how the trucks will make their deliveries.

Mr. Knight said they would use the main driveway between the buildings and the entrance to the building would be in the rear.

Mr. Wells made a motion that the Board approves Site Plan Application #SP15-000020. Mrs. Minuse seconded the motion.

Mr. Cahoy said prior to this business activity this was a residential occupancy and use. He wanted to go on record that he has a concern with the elimination of residences in favor of office/business growth. He said they have a history of discussion and registering their concerns with old established

neighborhoods that are being uprooted in favor of commercial and/or professional redevelopment. He wanted to make sure that they are aware this is taking place in a residential neighborhood.

Mr. Lauffer said it could be a positive or a negative. In some communities where homes are not cared for and a professional comes in and maintains the building, the neighborhood is better. He said there are some cases where Mr. Cahoy is correct. He said that he would rather have a professional office building in his neighborhood than a rundown house.

The motion passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mr. Wells yes, Mrs. Minuse yes, and Mr. Lauffer, yes.

[Quasi-Judicial]

- B) Site Plan Application Submitted by Kimley-Horn and Associates, Inc. for Site Improvements to the Existing Driveway Connections along US 1 and 18th Street for 1750 US 1 – Wal-Mart (#SP16-000006)**

[Quasi-Judicial]

- C) Site Plan Application Submitted by Kimley-Horn and Associates, Inc. for Site Improvements to the Existing Driveway Connections along US 1 and 18th Street for 1780 US 1 – Sonic (#SP16-000007)**

The Chairman explained that items IV- B) and IV- C) would be heard together, but would require two (2) separate votes.

The Chairman read Site Plan Applications #SP16-000006 and #SP16-000007 by title only.

There were no ex parte communications reported.

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

Ms. Lafferty briefly went over staff's report with the Board members (attached to the original minutes). She noted that page two on Attachment A shows the number of trees as "x" and it should be "19" and page two of Attachment B under the standard parking shows "31" and it should "19." Based on staff's analysis and findings, staff finds that the proposed site plan applications meet the provisions for site plan approval and recommends approval of the site plans subject to conditions listed in staff's report.

Mr. Cahoy asked why were the entrances from U.S.1 consolidated.

Mr. McGarry said FDOT standards on access points from intersections have changed and this building was vacant for a long time.

Mr. Cahoy asked why did they choose to close access from the side street.

Mr. McGarry said they would need to ask the applicant.

Mr. Daige asked will this site plan, the landscape plan, and what the parking lot will look like when completed be on file in City Hall.

Ms. Lafferty answered yes.

Mrs. Minuse said this is between Wal-Mart and Sonic. She asked what about CVS Pharmacy.

Ms. Lafferty said CVS Pharmacy was not included in this site plan.

Mr. Cahoy referred to the driveway (internal street) on the site between CVS Pharmacy and Wal-Mart. He asked who is responsible for it and why isn't it a part of this site plan.

Mr. McGarry said that access point would not change.

Mr. Cahoy asked is there some sort of a joint driveway agreement between the two (2) parties. He asked why wouldn't the City be concerned about it.

Mr. McGarry said that he would need to ask the applicant.

Mr. Lauffer said it already exists and the site plan shows it existing into the future.

Mr. Daige said if there is a problem in the future that would be between the two site owners.

Mr. McGarry noted that it is on the site plan so they could not close it without the City's approval.

Mr. Cahoy wanted to make sure the Fire Department was okay with it.

Mr. McGarry said they went through the Fire Department and if they had a problem with it they would have brought it up. He noted that it would not be before the Board if they didn't go through all the reviews needed.

Mrs. Minuse questioned the concrete utility pole in the center of the median.

Mr. McGarry said there is a concrete utility pole, which it is in the right-of-way.

Mr. Lauffer said they would be improving the open space, reducing access from U.S.1 from two (2) to one (1), the stormwater management would be more current, and the ingress/egress is an improvement.

Mr. McGarry said that is correct.

Ms. Sara Battles, of Kimley-Horn, explained that currently there are two (2) access points off of 18th Street; one (1) that accesses Sonic and one (1) that accesses Wal-Mart. The plan is to shift both access points to the east, which is basically because of the ingress and egress of trucks. In order to get the trucks in and out they had to change the pattern. Therefore, two (2) access points exist and two (2) access points are proposed. The access points are just being shifted. As far as U.S.1 goes, the drive came from the FDOT because the access points between Sonic and Wal-Mart doesn't meet spacing requirements. Because the building has been vacant for over a year, Florida Statutes requires that they get approval for existing access points and they would not approve the current access points. Therefore, Sonic and Wal-Mart entered into an agreement for a shared drive.

Mr. Cahoy questioned the utility pole.

Ms. Battles said FDOT recommended that they relocate it, but it is not a condition for the permit. She said Wal-Mart is going to proceed with relocating it with the City of Vero Beach Electric. She noted that the plan is to relocate it, but it doesn't have to be relocated prior to the store opening.

The Chairman opened and closed the public hearing at 2:33 p.m., with no one wishing to be heard.

Mrs. Minuse made a motion that the Board approves Site Plan Application #SP16-000006 as recommended by staff. Mr. Wells 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.

Mrs. Minuse made a motion that the Board approves Site Plan Application #SP16-000007 as recommended by staff. Mr. Wells 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.

[Quasi-Judicial]

D) An Ordinance of the City of Vero Beach, Florida, Requested by Raymond Comparetta for WMAK, LLC, Amending the Official Zoning Map by Changing the Zoning District Designation of RM-8, Residential Multifamily Medium Density, to POI, Professional Office and Institutional, for Property Located East of US 1 at Pickerill Lane Containing 6.1 Acres, More or Less, Providing for an Effective Date (#Z16-000003-MAP)

The Chairman read the proposed Ordinance by title only.

There were no ex parte communications reported.

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

Mrs. Cheri Fitzgerald, Project Manager, showed on the doc cam an aerial view of the property and the Location and Zoning Map (attached to the original minutes). She then briefly went over staff's report with the Board members (attached to the original minutes). Based on staff's analysis and findings listed in staff's report and the responses provided in the applicant's justification for the proposed amendment, staff recommends that the Planning and Zoning Board approve submittal of the proposed Ordinance to the City Council for favorable consideration.

Mr. Daige said currently there are not any residents around the property. What is around the property is medical.

Mrs. Fitzgerald said that is correct.

Mr. Lauffer asked is there any negative impact to the property to the south going from RM-8 to POI.

Mrs. Fitzgerald answered no. She said that Mr. McGarry just mentioned to her that he thought the applicant also owned that property.

Mr. David Knight, of Knight, McGuire and Associates, Inc., introduced Mr. Ray Comparetta to the Board members stating that they are presently representing the property owner to answer any questions the Board might have.

Mr. Comparetta thought the nearest house to the property was located about 1,500 feet away. He said this property is surrounded on three (3) sides by medical offices.

Mr. Daige asked because this was a very heavily wooded area is there any type of study required to see if there are endangered species on this property.

Mr. McGarry said that is something that they would look at during site plan approval.

The Chairman opened and closed the public hearing at 3:00 pm., with no one wishing to be heard.

Mrs. Minuse made a motion to approve the proposed Ordinance to amend the Zoning Map from RM-8 to POI (requested by WMAK Holdings, LLC in Application #Z16-000003-MAP) as recommended by staff. Mr. Wells 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.

The Board took a break at 3:04 p.m. and the meeting reconvened at 3:10 p.m.

V. WORKSHOP

A) Discussion of Draft Goal, Objectives and Policies (GOPs) for the Housing Element of the Comprehensive Plan (if time permits)

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

*Please note that discussion took place throughout the presentation.

Mrs. Minuse referred to page 4-1, *Objective 1 – Neighborhood Preservation, Rehabilitation, and Identity*. She suggested that they replace “*have declined*” with “*that are in varying degrees of decline*.” The Board members agreed.

After a brief discussion under Goals the Board members agreed to remove the word “*diversity*.”

Mr. Daige referred to page 4-2. He said that he was not sure if this should be inserted on this page or somewhere else in the Comprehensive Plan, but he would like to have some type of guidelines in place for rental of single resident homes. He felt that a license should be required because they are running a business. He said if they have somewhere in the Comprehensive Plan that a license is required and if they are not operating the business correctly their license to rent would be revoked. He said if someone is renting their property there should be some type of standards. He said the City is having a difficult time bringing in properties that are rundown in that they come before the Code Enforcement Board and then it starts all over again. He said it is the repeat violators that take a lot of time of the City. He said a lot of people don't like to call in Code violations and properties go unchecked. His thinking is to economically save the City money, they could have a license for people who want to own and operate rental units.

Mr. Lauffer said there is no difference between a renter and an owner of a home that is rundown. He said enforcement either works or it doesn't work. He said as a property owner, as soon as the City set that regulation he would set up an LLC for every individual house he owned.

Mr. Daige said what the City has right now is not working.

Mr. Lauffer said they need to enforce the Codes to make those properties come into compliance.

Mr. Daige said they can't. He said the City has been suffering with certain problems in neighborhoods for over 15 years, so what they have is not working. He was not looking for large regulations, but something light to help bring properties into compliance. If someone owns property

and is making money off of people they should provide a safe service. He said this is not about individual land owners.

Mr. McGarry said one issue is that they have what are called “slumlords.” He said there are people who own multiple properties and don’t maintain them. He said staff has been discussing ways to try to enforce it better. He said they could put some language in the Code where they would say the City would “consider” something rather than say the City was “going” to do something.

Mrs. Minuse said there are areas, such as Original Town, where this is a big problem.

Mr. Daige asked the Board to allow him time to work with Mr. McGarry to try to bring something back before them. The Board members agreed.

Mr. Lauffer said that he lived in a neighborhood in Virginia where they had some of the same issues and when the Code Enforcement got after them and started issuing fines the people would fix their property. It didn’t take another government system.

Mrs. Minuse asked could they add something to the regulations to beef up Code Enforcement.

Mr. McGarry said that is an option they could look at. He said staff would work with neighborhoods to do a comprehensive sweep, but they could not go into individual houses.

Mr. Daige said what he heard from Mr. Lauffer was that in an area in Virginia they took care of Code issues with fines. But, here the Code Officers are doing their job and the property owners protest before the Code Enforcement Board. He said the Code Enforcement Board consists of volunteers and they only hear one (1) side of the story. He said the repeat violators are very good in making their case and therefore the Code Enforcement Board lets them go because they are only hearing one (1) side.

Mr. Lauffer suggested that they change the Board.

Mrs. Minuse asked if they could empower Code Enforcement a little more.

Mr. McGarry said they are looking at ways to go after the continuing violators. Another approach would be to replace the Board with a Special Magistrate. He explained that the Special Master is like a judge and they wouldn’t have all the stuff that a citizen board has. He noted that staff supports that approach, but politically it has not been supported in the past.

Mrs. Lyon said this has been discussed twice that she knows of. She noted that the Code Enforcement Ordinance is set up where the City could do either way or both.

Mr. Daige said the Board could make a recommendation down the road for the City to have a Special Master rather than a citizen Board. He said sitting on the Code Enforcement Board is difficult. He noted that the City of Sebastian has a Special Magistrate.

Mr. McGarry said that he would work on some language and bring it back before the Board.

Mr. Lauffer said they need to clean up these properties, but he didn’t think that more rules, regulations, or licenses were the way to go.

The Commission members agreed to take out “*and investigating the need*” from Section 4.5.

Mr. McGarry suggested that they add the language regarding a Special Magistrate under the *Objective 4-6 / Coordination with Indian River County Housing Programs* (page 4-8).

Mr. Lauffer referred to page 4-10, Section 7.2. He questioned if they want to use the word “*encourage*.” The Board members agreed to replace “*encourage*” with “*shall consider*.”

After discussion, the Board members agreed to remove Section 7.3.

VI. PLANNING DEPARTMENT MATTERS

None

VII. BOARD MEMBERS’ MATTERS

None

VIII. ADJOURNMENT

Today’s meeting adjourned at 4:26 p.m.

/sp

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

PRESENT: Chairman, Lawrence Lauffer; Vice Chairman, Honey Minuse; Member, Norman Wells, Alternate Member #1, Richard Cahoy and Alternate Member #2, Kenneth 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: Linda Hillman and Don Croteau

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 Recreation and Open Space and Coastal Management Elements of the Comprehensive Plan

Mr. Tim McGarry, Planning and Development Director, gave the Board members a copy of the Status of Comprehensive Plan Update (attached to the original minutes). He then gave a brief overview of the proposed changes to *Chapter 7 – Recreation and Open Space Element Goal, Objectives and Policies* and *Chapter 5 - Coastal Management Goal, Objectives and Policies* with the Board members (both attached to the original minutes).

*Please note that discussion took place throughout the presentation.

Mrs. Minuse referred to page 7-1, *Objective 1 – Access, Section 1.1*. She asked is Ocean Drive the only road with pedestrian easements to the beach.

Mr. McGarry said that he would double check to be sure.

Mrs. Minuse referred to *Section 1.2*. She said the GoLine might not always be called the GoLine. She suggested the wording “*public transport*.”

Mr. McGarry said that he would replace “*GoLine*” with either “*public transport*” or “*any successor to GoLine*.”

Mr. Daige referred to *Section 1.4*. He felt that the City should evaluate their recreational facilities for compliance with the Americans with Disabilities Act (ADA) every year, rather than every three (3) years.

Mrs. Minuse referred to *Section 1.3*. She suggested that they add the wording “*with adjacent lands*”

to the end of the statement. Mr. McGarry agreed.

Mr. Daige asked Mr. McGarry to discuss Section 1.4 with the Recreation Director because he felt that three (3) years was too long.

Mr. McGarry noted that it states “*at least*” every three (3) years. He said if staff feels it needs to be done every year they will do it every year, but it will have to be done at least every three (3) years.

Mr. Cahoy referred to page 7-4, *Section 3.4*. He asked is there a Master Plan for the entire Riverside Park area.

Mr. McGarry answered no.

Mr. Cahoy questioned that because of the various non-profit developments if they should have a long range plan in place.

Mr. McGarry said that is the reason this Section was put in the Comprehensive Plan.

Mr. Daige felt that they needed to get started on a Master Plan for Riverside Park.

Mr. McGarry said they could add under *Chapter 12 – Implementation and Monitoring*, a priority to have a master plan.

Mr. Cahoy referred to page 5-12, *Section 3.5*. He questioned why they were not listing all the Parks.

Mr. McGarry explained that this was establishing the highest priority areas for stabilization and re-nourishment.

After discussion, the Board agreed to remove “*at Jaycee Park, Sexton Plaza, and Humiston Park*” as to not to identify the areas.

Mr. McGarry showed on the doc-cam a map of the Coastal High Hazard Area (attached to the original minutes).

Mr. McGarry noted that on pages 5-18 and 5-19, under *Section 6.5* items d-I should be numbered 1-6. Also, on page 5-23, under *Policies*, he would be adding another Section, which would be *Section 8.6 – storm drainage*.

Mr. Lauffer referred to page 5-26. He questioned *Section 10.5*.

Mr. McGarry said that he would rewrite this Section.

IV. PLANNING DEPARTMENT MATTER’S

Mr. McGarry said the Board would be discussing the conservation element at their next meeting. He said that he would also bring back before them the revisions that the Board made to the land use element and the housing element.

Mr. McGarry reported that there have been concerns presented to him by neighbors about the new church on 6th Avenue. He explained that the City requires, under a conditional use, a six-foot hedge along the road, which blocks the neighbors’ view of the church and the landscaping. He said it is

almost like they were putting up barriers to split the community. Staff would like to prepare a draft Ordinance to bring back before the Board for their review.

After discussion, the Board agreed to allow staff to prepare a draft Ordinance giving the Planning and Zoning Board the ability to lower the height of hedges based on certain criteria.

V. BOARD MEMBER'S MATTERS

None

VI. ADJOURNMENT

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

/sp

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning and Zoning Board Members

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

FROM: Gayle Lafferty, AICP
Planner 

DATE: September 7, 2016

SUBJECT: Code Compliance 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 - Planning and Zoning Board meeting of September 18, 2016

Project Description and Background

Location: 1225 16th Street

Parcel/Tax ID#: 33 39 12 00000 3000 00014.0

Owner: City of Vero Beach

Surrounding Zoning:

North: M (Industrial)
East: M (Industrial)
South: M (Industrial)
West: M (Industrial)

Surrounding Land Use:

North: MX (Mixed Use)
East: I (Industrial)
South: I (Industrial)
West: W (Industrial)

The subject property is located at 1225 16th Street. The applicant has proposed the installation of 894 feet of eight foot high chain link fence with one-foot of barbed wire on the top. Per Section 62.62 (c) (f) of the Code of Ordinances, walls and fences shall be permitted to a height not to exceed ten feet upon demonstration of need. The Planning and Zoning Board shall hear requests for such industrial fences and approve or disapprove based on the demonstration of need. Section 62.62 (d) prohibits the use of barbed wire in or on fences within the city. Exceptions to this requirement may be granted by application, if it is found that the granting of the requested exception is for the protection of the public from hazardous materials or operations.

The applicant is seeking to secure the site from theft of pipe, fittings, mulch, stormwater grates, manhole covers and various other items kept in the storage yard. Additionally, immediately adjacent to the storage yard Indian River County is beginning construction on the new bus hub for the Go-Line system, and we need to prevent trespassing and unauthorized access to the site thereby limiting exposure and liability to the City. This fence installation will match the existing fence that has been in place for over 25 years.

FINDINGS

Based on the need to protect the public from hazardous material, possibility of theft and individuals injuring themselves in the storage yard, the staff finds that the applicant has provided adequate demonstration of need.

RECOMMENDATION

Staff recommends approval of the request for the installation of the proposed eight-foot high fence with the one-foot of barbed wire on top.

GL
Attachments

DEPARTMENTAL CORRESPONDENCE

TO: Timothy J. McGarry, Planning & Development Director
FROM: Gayle A. Lafferty, Planner 
DATE: September 7, 2016
SUBJECT: Code Compliance #CC16-000371 – to install 894 feet of 8' high chain link fence with 1' barbed wire top

LOCATION: 1225 16th Street

**OWNER/
APPLICANT:** City of Vero Beach

PARCEL/TAX ID NUMBER: 33 39 12 00000 3000 00014.0

SITE ZONING: M

FENCE:
Height Allowed: 10'¹
Height Proposed: 8' + 1' barbed wire²

COMMENTS:

1. Section 62.62 (c)(1)(f) permits fences up to ten feet in height. The Planning & Zoning Board will approve or disapprove height based on the demonstration of need.
2. Section 62.62 (d) prohibits the use of barbed wire in or on fences within the city. Exceptions to this requirement may be granted by application, if it is found that granting the requested exception if for the protection of the public from hazardous materials or operations.

GAL

CODE COMPLIANCE CERTIFICATION 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

Application # CC16-000371

APPLICANT: City of Vero Beach

Telephone: 772-978-4870

Fax or Email: d.dexter@covb.org

MAILING ADDRESS: P.O. Box 1389, Vero Beach, FL 32961-1389

PROPERTY OWNER: City of Vero Beach

OWNER ADDRESS: 1053 20th Pl, Vero Beach, FL 32960

SITE ADDRESS: 1225 16th ST

PARCEL I.D. NUMBER: 33-39-12-00000-3000-00014.0

ZONING DISTRICT: M FLOOD ZONE: X CHANGE OF USE?:

Square Footage of Floor Area Involved (nonresidential): N/A

Provide a brief summary description of proposed development: Construct 8' chain link fence along east and south property line



This application is limited to the development approval or change of use specifically requested. No permanent structure shall be located on City easements. In separate sheets attached to this application, provide the specific information required by Page 2 of this application, if applicable.

Any false statement, concealment, or misrepresentation made in this application or the submitted plans or drawings, intentional or unintentional, shall be grounds for revocation of approval.

Donald Dexter 8/30/16
Applicant Signature Date

James A. O'Leary 8/31/16
*Property Owner Date

DONALD DEXTER
Print Name

JAMES A O'LEARY
Print Name

* A letter of authorization may be provided in lieu of the property owner's signature.

Conditions: _____

Review Comments: _____

Planning Department Approval: _____
Authorized Signature Date

Application Fee: _____



DEPARTMENTAL CORRESPONDENCE

TO: Gayle Lafferty, Planner
DEPT: Planning and Development

FROM: Donald H. Dexter, Jr., Manager *DH*
DEPT: Public Works

DATE: September 7, 2016

RE: **#CC16-000371 – Storage Yard Fence Replacement
1225 16th Street**

The City of Vero Beach Public Works Department requests to install an 8' chain link fence with 1' barbed wire top along the east and south property lines of the City's Storage Yard located at 1225 16th Street. The east property line borders the FEC railroad tracks.

This installation will match the existing fence that has been in place for over 25 years. The fence is required to secure the site from theft of pipe, fittings, mulch, stormwater grates, manhole covers and various other items kept in the storage yard. Additionally, immediately adjacent to the storage yard Indian River County is beginning construction on the new bus hub for the Go-Line system, and we need to prevent trespassing and unauthorized access to the site thereby limiting exposure and liability to the City.

We request that you put this on the next Planning and Zoning Agenda.

DHD/ntn

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning and
Zoning Board Members

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

DATE: September 6, 2016

SUBJECT: **Board Workshop on Draft Goal, Objectives and
Policies (GOPs) for the Conservation Element and
Revised Draft GOPs for Land Use and Housing Elements**

At the Board's September 15th meeting a public workshop on the draft GOPs of the Conservation will be conducted. Additionally, revised drafts of the GOPs for the Land Use and Housing Elements will be presented. The data and analysis for the Conservation Element is still under review. It needs further work.

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 for the Conservation Element 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.

The significant changes to draft GOPs for the Land Use and Housing Elements resulting from input at the previous workshops on these two elements are presented in red.

As discussed at the previous workshops, 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
Attachments

CHAPTER 8
CONSERVATION ELEMENT
GOAL, OBJECTIVES, AND POLICIES

6.11 — GOALS, OBJECTIVES AND POLICIES

6.11.0 Goal: ~~To conserve, protect and manage the natural resources of Vero Beach to ensure a high quality natural environment (balanced with the built environment).~~

GOAL

Reasonable growth and development will be accommodated in the City of Vero Beach in a sustainable manner without compromising the biodiversity and intrinsic value of the its natural resources through conservation, protection, enhancement, and management of these resources to ensure a high quality natural environment.

6.11.0.0 Air Quality

Objective 1: Air Quality

~~Air quality within Vero Beach shall meet or exceed the minimum air quality standards as adopted by the Florida Department of Environmental Regulation.~~

The City shall manage growth and development to ensure that air quality within Vero Beach shall meet or exceed the minimum air quality standards in compliance with the National Ambient Air Standards.

Policies:

- 1.1 ~~Vero Beach~~ The City shall cooperate with FDER Florida Department of Environmental Protection (FDEP) and U.S. Environmental Protection Agency (USEPA) to in the efforts of these agencies to enforce all standards and regulations pertaining to the maintenance of air quality standards.
- 1.2 Applicable FDEP and EPA permits for required pollution control devices shall be obtained prior to construction of any project receiving a building permit.
- 1.2 ~~As part of the Land Development Regulations, to be adopted September 1, 1990, the City shall set criteria based on type, location, design and density/intensity of development that will be used to determine whether the development will negatively impact City air quality standards.~~
- 1.3 ~~Vero Beach should~~ The City shall require all development projects land areas exposed during construction be treated with mulch, spray, grass or other appropriate methods to

~~minimize air pollution, which increase particulate matter disruptive to local populations to implement dust control techniques in accordance with regulatory standards.~~

1.4 The City shall reduce the potential for ~~automobile~~ vehicular emissions pollution by the following means:

- (a) Strongly enforce the provisions of the Tree Protection Ordinance to protect and enhance the tree canopy to filter, collect and absorb airborne pollutants;
- (b) Promote mixed-use and infill development through incentives to reduce the number and length of trips and to provide more opportunities for alternative transportation modes;
- (c) Require the installation of bicycle racks in all new nonresidential projects requiring, at a minimum, 20 or more parking spaces and the construction of pedestrian sidewalks in multi-family and commercial projects;
- (d) Provide where feasible, bicycle racks in public parking facilities; and
- (e) Support the expansion of transit service and promote the expansion of bicycle lanes, bicycle and pedestrian paths throughout the city.

~~1.4.1 The City shall continue to enforce regulations for setback of buildings and outdoor activity areas from major traffic corridors and require green space buffers along street and parking areas to help filter, collect and absorb air pollutants.~~

~~1.4.2 By September 1, 1990, the City shall adopt land development regulations such as new zoning designations for developments like multi-use centers that would reduce the need for automobiles.~~

~~1.4.3 Promote alternative methods of transportation such as carpooling, bicycle and pedestrian paths by organizing car pools, constructing bicycle and pedestrian paths and requiring developers to provide for bicycle and pedestrian improvements.~~

~~6.11.0.1 Surface Water~~

Objective 2. Surface Water

The City shall actively implement procedures and programs in cooperation with regulating agencies and other dischargers to ensure that the surface water quality shall meet or exceed the minimum applicable standards as adopted by the Florida Department of Environmental Protection (FDEP) Regulation.

Policies:

- 2.1 ~~The City shall comply with EPA requirements for removal of wastewater treatment plant discharges into the Indian River Lagoon by continuing to discharge Treated effluent from the wastewater treatment plant shall be discharged through a deep injection well or transmitted transmitting it to implementing an the City's effluent reuse system for irrigation use by 1995 which will be used for irrigation needs in the City.~~
- 2.2 ~~The City shall adopt on or before September 1, 1990, land development regulations which would include performance standards for continue to mitigate the negative impact of to development on the surface waters within the City through its site planning plan permitting processes by administration and enforcing enforcement of its Land Development Regulations, and its stormwater capital projects program.~~
- 2.3 ~~The City shall investigate provisions to be incorporated in its Stormwater Regulations in accordance with the schedule in the Implementation chapter of this Plan to further protect water quality that provide development standards requiring shoreline native vegetated buffer zone between mean high water and upland development along the Indian River Lagoon and water bodies connected to the lagoon and, if appropriate, revised building/structure setback requirements from water bodies. Until regulations are enacted, the City shall prohibit any direct discharge of storm runoff from properties adjacent to the Indian River Lagoon and connecting canals and waterways through its existing stormwater regulations.~~
- 2.3 ~~On or before September 1, 1990, land development regulations will be adopted that shall include, at a minimum, the following standards for development in and adjacent to Class III waters. These will be reviewed, and revised as necessary, upon adoption of the performance standards.~~

Criteria:

- A. ~~A shoreline protection buffer from the mean or ordinary high water line shall be established.~~
- B. ~~Within the shoreline protection buffer, no development shall be permitted~~
- C. ~~Shoreline alteration shall be prohibited unless necessary to prevent or repair erosion or provide access to the water. Such alteration shall not adversely impact water quality, natural habitat and adjacent shoreline uses.~~
- D. ~~No discharges below the ambient water quality shall be allowed.~~

[Note: Due to staffing reductions and higher priorities these standards have yet to be addressed and incorporated in the Land Development Regulations. However, revisions are proposed for Objective 4 and policies to provide further policy guidance on wetlands.]

~~2.4 The City shall adopt Land Development Regulations by September 1, 1990, which will prohibit any new point source discharges into the Indian River system.~~

[Note: FDEP water quality regulations prohibit new point source discharges into the Indian River Lagoon.]

2.5 New artificial canals connected to the Indian River Lagoon system are ~~not permitted~~ prohibited.

2.6 Septic tanks and drain fields shall be subject to the Department of Health regulations ~~which shall be applied during the site plan review and approval process and~~ the pertinent policies of the Sanitary Sewer Sub-Element. ~~discouraged but in no case shall be closer than fifty (50) feet from the shorelines of the Indian River Lagoon for development that meets all locational criteria outlined in the Land Development Regulations (to be adopted September 1, 1990). In those cases where there is insufficient lot depth, the location of septic tank and drainfield shall be evaluated by the Planning Department during site plan review to determine if a variance will be granted.~~

~~2.7 The City shall continue to enforce its stormwater regulations as revised, adopt and implement a stormwater management program pursuant to the Drainage Subelement of this Plan.~~

[Note: Policy 2.2 above covers this policy.]

~~2.82.7 Adopt Land Development Regulations on or before September 1, 1990, to regulate development of floodplains and stormwater management areas to prevent impairment of water storage and carrying functions. The City shall continue to enforce its floodplain regulations to prevent impairment of water storage and carrying functions and protection of life and property.~~

~~2.92.8 Adopt Land Development Regulations on or before September 1, 1990, to develop and implement site stabilization requirements for construction sites to reduce the amount of erosion from disturbed soils. The City shall enforce its sediment and erosion control regulations to reduce the amount of erosion from disturbed soils at construction sites.~~

~~2.9 The City shall enforce the provisions of its "Florida Friendly Fertilizer Ordinance" that prohibits the application of fertilizers containing nitrogen and/or phosphorous during the wet season, June 1 through September 30th, and establishes fertilizer content, setback from surface waters and application standards for use of fertilizers.~~

~~2.10 The City shall pursue pertinent objectives and policies of the Infrastructure and Coastal Management Elements to implement the recommendations and requirements of the Central Indian River Lagoon Basin Management Plan.~~

~~2.102.11 The City shall promote the preservation and protection of the estuary system through education and management programs in coordination with the Indian River Lagoon Council managing the Indian River Lagoon National Estuary Program.~~

~~2.11 The City shall adopt, on or before September 1, 1990, Land Development Regulations which preserve the values and functions of the estuary system and balance those with private property rights through enforcement of its stormwater regulations during the site plan review processes.~~

[Note: This policy is fully addressed in this element of the Plan. Property rights issues in application of the LDRs are addressed in a new policy in the Land Use Element.]

~~2.122.12 The City shall implement a program by 1995 in continue to use and treat stormwater discharge in the drainage canals for irrigation supply where possible and economically feasible pursuant to pertinent policies in the Infrastructure Element.~~

[Note: The City Water and Sewer Department is already using to a limited extent water from the Main Relief Canal.]

~~6.11.0.2 Groundwater~~

Objective 3. Groundwater

~~To conserve, appropriately use and protect the quality and quantity of groundwater in the City of Vero Beach for potable water supply uses and reduction of potential adverse impacts to the Indian River Lagoon.~~

The City shall conserve, appropriately use, and protect the quality of groundwater in the City for potable water supply.

Policies:

~~3.1 The City shall designate wellhead protection areas consisting of a 500-foot radius from its public production wells and shall restrict new non-residential activities within the wellhead protection area pursuant to Chapter 62-521, F.A.C. to protect public wells from contamination. continue to coordinate with the St. Johns River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (FDEP) to provide for wellhead protection areas consisting of a 500-foot radius from every public potable water production well. To protect the existing and future public water supply wells from contamination, new non-residential uses and activities shall be restricted within that wellhead protection area pursuant to Chapter 62-521, F.A.C.~~

~~3.2 The designated wellhead protection areas shall be those depicted on Figure 6-3 of the technical document to the Comprehensive Plan.~~

~~3.3 All proposed development permit applications for approval of a new non-residential use, expansion of an existing non-residential use, or change of non-residential use to another non-residential use shall be required to include in the application a report of the substances that may be stored, handled, produced, or discharged at the proposed facility~~

and certification that the non-residential use will be in compliance with Chapter 62-521, F.A.C.

~~3.2 The City shall ensure further protection of existing City-owned water production wells on private lands by acquiring by lease or easement a minimum of a 100-foot radius around each production well to protect public water supply wells from contamination.~~

[Note: City productions wells are not located on private lands.]

~~3.3 By December 1, 2008, the City, shall adopt amendments to the Land Development Regulations to ensure that within the 500-foot radius of all wellhead protection areas of any existing or planned potable well that all non-residential applications for approval of new uses or change of use of properties be required to submit a detailed report of substances that may be stored, handled, produced or discharged at the proposed facility and certification that the non-residential use will be in compliance with this Plan and Chapter 62-521, F.A.C.~~

[Note: This is policy is handled under Policy 3.2 above; which automatically is applied with the adoption of this Plan update. In practice, the Planning and Development and Water and Sewer Departments have routinely required this information in the development review process.]

~~3.4 The City shall continue its programs for monitoring Surficial aquifer quality and levels and, as necessary and pursuant to the requirements of its St. Johns Water Management District (SJRWMD) consumptive use permit, evaluate the need to enact more stringent site development standards and controls for groundwater protection than provided for under Chapter 62-521, F.A.C.~~

~~3.5 The City shall protect the surficial aquifer from ground water quantity depletion by maintaining the quantity of recharge, in so far as possible, for the potable water wells on City-owned land pursuant to its SJRWMD consumptive use permit. The City shall coordinate with the SJRWMD and FDEP before developing any public projects to assure that the aquifer recharge level is maintained if there are no alternatives to development.~~

[Note: The later policy statement is addressed in the Infrastructure Element.]

~~3.6 The City shall adopt amendments to the Land Development Regulations to protect prime recharge areas for the surficial aquifer pursuant to Policy 21.3 of Chapter 4 of the Comprehensive Plan.~~

[Note: This issue is addressed under Policies 3.1, 3.2. and 3.6 and in the Infrastructure Element.]

3.6 The City shall ensure through the pertinent policies of this element and Infrastructure Element, the development permitting process and interdepartmental coordination to protect prime recharge areas for the Surficial aquifer located on public lands.

[Note: The prime recharge areas located outside the City-owned lands (Vero Beach Regional Airport) are either fully developed or subject to specific groundwater contamination so therefore,

no further action has been taken to enact specific regulations for these non-City owned properties located outside public lands.]

- 3.7 The City shall ~~continue to~~ cooperate with SJRWMD in locating and plugging any flowing artesian wells.
- 3.8 The City shall ~~continue to implement~~ maintain and expand its the wastewater effluent reuse system for irrigation of public and private properties.
- 3.9 The City shall ~~coordinate with the SJRWMD and FDEP to develop a water wise landscaping outreach program for the residential community to encourage planting of drought tolerant species and shall continue to~~ include requirements for drought tolerant species as a requirement of its landscaping and tree protection regulations and shall continue to review these requirements to determine if appropriate revisions are warranted.
- 3.10 The City shall ~~prepare and adopt an emergency water conservation program in accordance with the plans of the St. Johns River Water Management District (Tim, please confirm this)~~ The City shall coordinate implementing emergency water conservation with SJRWMD and other consumptive use permit holders.
- 3.11 The City's Water and Sewer Department shall continue to apply water conservation efforts to protect the quality and quantity groundwater that include, but are not limited to:
- (a) Performing of annual system-wide audits and calibration of master meters to reduce unaccounted-for water loss;
 - (b) Conducting public outreach program to educate the public on water conservation;
 - (c) Replacing old water service lines;
 - (d) Expanding the reclaimed water program to reduce potable water usage for irrigation purposes; and
 - (e) Applying a tiered water conservation rate structure with inclining rates to encourage efficient water use.
- 3.12 The City's Water and Sewer Department will expand its RO Water Treatment Plant needed to treat water withdrawn from the Floridan Aquifer to reduce withdrawals from the more vulnerable Surficial Aquifer.

6.11.0.3 Wetlands

Objective 4. Wetlands

The City shall To preserve and enhance the natural functions and values of wetlands in Vero Beach, by instituting a no-net-loss of the natural functions and value of wetlands policy shall be is hereby instituted.

[Note; The revised objective mirrors the County's objective and its wording is more practical in that it indirectly reflects not all wetlands are created equal.]

Policies:

4.1 Wetland policies of this pPlan and wetland regulations in the land-development regulations Land Development Regulations shall include all wetlands, even those not specifically shown in Figure 2-8 of the technical document to this Plan. the Wetlands Map in the Technical Addendum to this plan . Wetlands shall be as defined in Section 373.019, Florida Statutes, and delineated through the use of the unified State delineated methodology pursuant to Chapter 62-340, F.A.C., as may be amended by the Florida Statutes. Where warranted to confirm presence of wetlands, the City shall require an on-site survey and evaluation as requirement of the development permit application.

4.2 Wetlands shall be as defined in Section 373.019, Florida Statutes, and delineated through the use of the unified State delineated methodology pursuant to Chapter 62-340, F.A.C.

4.2.4.3 Wetlands in Vero Beach shall be classified as follows for purposes of this Plan and application in the City's Land Development Regulations as follows:

(a) Category I wetlands shall include mangroves, salt marsh, and other estuarine wetlands that have a hydrological connection to the Indian River Lagoon or other surface waters, any isolated wetland of 10 acres or larger, and/or wetlands providing habitat for threatened, endangered and species of special concern as identified by the U.S. Fish and Wildlife Service (USF&WS) or the Florida Fish and Wildlife Conservation Commission (FF&WCC).

(b) Category II wetlands shall include isolated wetlands that are less than 10 acres but larger than 5 acres in size and do not qualify as Category I.

(c) Category III wetlands shall include isolated wetlands of 5 acres or less in size that do not qualify as Category I or II.

4.34.4 A wetland buffer zone of native upland vegetation up to 50 feet in width shall be required and preserved adjacent to Category I and Category II wetlands to reduce sediment, phosphorus, nitrogen, and other pollutants that negatively limit negative impacts on wetlands resulting from new development. The following standards shall apply to the required native upland buffers:

(a) The minimum width of an upland buffer beyond the perimeter of the wetland shall be 20 feet for a Category I wetland and 10 feet for a Category II wetland.

(b) The upland buffer may consist of preserved or planted vegetation, but shall include canopy, understory, and ground cover of native species only.

(c) The upland buffer shall be preserved and no development shall be allowed within the buffer except those development activities allowed pursuant to Policy 4.5.

~~4.4~~ A wetland buffer zone of native upland vegetation up to 50 feet in width shall be required and preserved adjacent to the Indian River Lagoon or natural surface waters connected to that water body. Parcels abutting man-made canals or developed parcels abutting the Indian River Lagoon are exempted from this policy, provided that:

- ~~• Any existing native upland vegetation adjacent to the mean high water line shall be maintained; and,~~
- ~~• Stormwater design standards of Policy 20.5 of Chapter 4 of this Plan shall apply.~~

[Note: Policy 2.3 addresses the buffer requirements for the Indian River Lagoon and connecting water bodies. The City has not adopted any LDRs requiring such buffers as called for in the existing Comprehensive Plan. Proposed Policy 4.13 automatically applies Objective 4 and supporting policies to development permit applications received after the effective date of this Plan update. However, the Policy 4.13 also requires the City to adopt amendments to incorporate these policies in the Land Development Regulations within one year of the effective date of the Comprehensive Plan.]

4.5 Development in Category I and Category II wetlands or wetland buffers shall be prohibited except for the following:

(a) Clearing and/or construction of walking trails.

(b) Construction of elevated pile supported walkways, docks, piers and utility towers.

(c) Clearing and construction of electric utility, storm water management, water or wastewater infrastructure, as needed, to provide public service and that does not permanently disrupt the natural functions of the wetland.

(d) Bridges extending over wetlands that are required to provide automobile or pedestrian access to dwelling units located on upland areas of the same property for which there is no alternative means of access. Such bridges shall be elevated on pilings such that the natural movement of water, volume, rate and direction, are not altered. Bridges shall not be permitted to provide access to islands in the Indian River Lagoon.

(e) No more than 1% of Category I and 15% of Category II wetlands may be impacted by permitted development unless it can be demonstrated that the

project provides an overriding public benefit.

- (f) Mitigation shall be required to replace the habitat and functions performed by the wetland areas destroyed in conformance with Policy 4.6.~~the no-net-loss policy of the city.~~

4.6 The City shall require the restoration and management of wetlands as mitigation for the limited filling of wetlands approved by federal, state, or regional agency provided that:

- (a) The restoration and management shall be consistent with the Uniform Mitigation Assessment Method (UMAM) utilized by FDEP and SJRWMD, and with U.S. Army Corps of Engineers regulations, as defined in Section 404 of the U.S. Clean Water Act; and
- (b) A conservation easement shall be established to ensure protection on the wetlands and wetland buffer zone; where appropriate, the Indian River Mosquito Control District will be granted access easements to allow for mosquito inspection, treatment, and management.

4.6 4.7 Limited filling of Category III wetlands may be allowed, on a case by case basis, after review and approval by the City and the other relevant regulatory agencies; mitigation shall be required as a condition of approval to replace the wetland functions and provide habitat restoration unless it is determined by the federal or state regulatory agency that the wetlands have little functional value and do provide habitat for any threatened or endangered species.

4.7 4.8 All applications for development approval on properties containing wetlands shall be required to submit an environmental assessment, prepared by a environmental professional with expertise in the preparation of such assessments in the State of Florida, including a survey that identifies the distribution, classification and quality of the wetlands; a list of the native plants found in the survey; endangered species identified on site; a general description of the measures taken to minimize impacts to the wetlands; and a site plan showing the boundary of all wetlands and wetland buffers; the extent, location and justification of any impacts to wetland areas; and the location and extent of mitigation areas.

4.8 4.9 Any All development approvals and activities shall comply with the requirements of all federal, state and regional permitting agencies with jurisdiction over wetland alteration.

4.9 4.10 The City shall accept fee-in-lieu payments as an alternative of last resort for mitigation of wetlands alteration when on-site mitigation is not practicable only in cases where the affected wetland is small, isolated, disturbed wetland with minimal functional value of less than five acres in area. Fees paid shall be used for acquisition, and restoration, or management of similar wetlands in the City or in Indian River County.

~~4.10 Existing Comprehensive Land Use Map densities and intensities may be clustered out of the wetland areas of a development site onto the upland portion provided that all other requirements of this Plan and the Land Development Regulations are met.~~

[Note: Moved this policy to the Land Use Element.]

~~4.11 Category I and II wetlands of greater than 5 acres in size on properties proposed for Future Land Use Map amendments shall be designated Environmentally Significant and the density accrued to that classification shall be clustered on the upland portion of the site, if appropriate.~~

[Note: This policy is not workable as proposed and would, if followed literally, would create pockets of ES designations and could promote the re-designation of CV designated lands to developable ES designated lands. However, in any case few remaining lands in private ownership exist where such re-designation would be an issue.]

~~4.12 Wetlands that have been identified for preservation, constructed wetlands used for mitigation, and buffer zones shall be placed under a conservation easement to ensure continuing protection and management.~~

[Note: Replaced by Policy 4.6 above.]

~~4.144.11 The City shall establish in its Land Development Regulations following specific vesting provisions for legally existing platted residential lots existing on (effective date of EAR based Comprehensive Plan amendments) that to allow for the development of at least one residential unit per platted plat, where the property owner may be deprived of all reasonable economic use by the application of the wetlands policies of the comprehensive plan. These vesting provisions shall:~~

- ~~(a) Allow the filling of up to 2 percent of wetlands or 5,000 square feet per lot, whichever is the lesser amount.~~
- ~~(b) Allow the clustering of units and placement of fill to limit impacts on wetlands where adjoining lots may be combined.~~
- ~~(c) Stipulate mitigation requirements for placement of fill as a condition of approval.~~

[Note: This policy is intended as a relief measure to address potential takings issues; however, the staff is unaware of a specific platted residential lot, if any, that would be so affected.]

~~4.154.12 No platted lot shall be created that is unbuildable pursuant to the wetland policies of this comprehensive plan—Comprehensive Plan.~~

~~4.134.13 By December 1, 2008, the City shall adopt amendments to its Land Development Regulations to implement the above policies for Objective 4. The supporting policies for~~

Objective 4 and supporting policies shall apply to all development permit applications involving wetlands submitted for approval after the effective date of this Plan. Within 12 months of the effective date of this Plan, the City shall adopt amendments to its Land Development Regulations to incorporate these policies.

[Note: Except for isolated wetlands, the vast majority of wetlands are under ownership by the County or Indian River Land Trust.]

6.11.0. 4 ~~Native Vegetation~~

Objective 5. Native Vegetation

The City shall ~~to~~ conserve, appropriately use, and protect native vegetative communities in Vero Beach by regulating land clearing and landscaping practices within the City.

Policies:

5.1 ~~The City shall continue to implement and improve a Landscaping and Land clearing Ordinance enforce the provisions of its landscaping, tree protection, and land clearing regulations and continue to evaluate the effectiveness of these regulations in terms of its protection of native vegetative communities balanced with the rights of property owners.~~

5.2 ~~The City shall develop a program to evaluate and protect remaining upland sand pine/scrub areas within the City limits.~~

[Note: The remaining upland sand pine/scrub areas within the city are being addressed in the Vero Beach Regional Airport master planning effort and the preparation of a Habitat Conservation Plan pursuant to the Land Use Element of this Plan. This policy is more appropriately addressed under Objective 6. See Policy 6.3 below.]

~~5.35.2~~ The City shall ~~investigate development of a~~ continue to ensure and promote the protection and preservation of sensitive environmental communities through the implementation of policies of the Land Use Element and this element, its development review process and public educational programs in conjunction with state, regional and local agencies to promote the protection and preservation of sensitive environmental communities.

5.4 ~~5.3~~ The City shall promote the use of native vegetation through its Land Development Regulations and shall proceed within six (6) months of the effective date of this Plan to adopt Land Developments that will require the removal of exotic invasive species as specified in its ordinances in for all new development applications necessitating the removal of any healthy, protected trees or palms to allow construction of on-site improvements. ~~multifamily, commercial and industrial development.~~

5.4 ~~The City shall use monies from the Tree Replacement Fund to install native trees and to maintain trees and eliminate invasive species on public right-of-way and lands. Such~~

funds may be used to purchase vacant property for the preservation of significant trees and palms.

5.5 ~~5.5~~ The City shall ~~investigate creating a procedure~~ continue to coordinate with adjacent local governments for the conservation, appropriate use, and protection of unique vegetative communities located within more than one local jurisdiction.

6.11.0.5 Wildlife, Wildlife Habitat

Objective 6. Critical Terrestrial and Marine Habitats

The City shall ~~To~~ protect endangered and threatened wildlife from adverse impacts due to loss of critical terrestrial and marine habitat caused directly or indirectly by development or human activity.

Policies:

6.1 The City shall utilize information from Florida Areas Natural Inventory maintained by the FF&WCC, Treasure Coast Regional Planning Council, USF&WS, SJRWMD, Indian River County, the Florida Fish and Wildlife Conservation Commission, and other appropriate sources to identify critical habitat areas for protected, endangered and threatened species.

6.2 The City shall coordinate with state, federal and local agencies to identify and protect vegetative communities that provide habitat for threatened and endangered species and migrating birds and/or support unique plant and animal communities.

6.3 ~~By July 1, 2009, the City shall continue to require~~ amend its Land Development Regulations to include a requirement that a ~~A~~ critical habitat review shall be required be conducted as part of any at the pre-application for site plan or subdivision approval stage of for all projects of greater than one (1) acre in area size requiring site plan or subdivision approval having known or potential habitat for protected, endangered, and threatened species identified by the USF&WS and FF&WCC, this element of the Plan, and other scientific sources and studies. Said critical habitat review shall be in accordance with the following protocol: pursuant to the following criteria:

Criteria:

A. ~~The Planning Department shall develop standards based on standards set by the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission resource maps showing potential areas for regarding critical wildlife habitat for threatened and endangered wildlife species.~~

B. ~~The Planning Department shall develop use standards for the use of critical habitat. The City shall consult, as appropriate, the Florida Fish and Wildlife Conservation Commission (FFWCC) and the U.S. Fish and Wildlife Service in the development of these use standards.~~

~~C. This review shall be for each project greater than one (1) acre in size.~~

~~D.(a)~~ An environmental assessment prepared by an environmental professional with expertise in the preparation of such assessments in the State of Florida shall be provided by project owner in for areas identified as having potential as critical wildlife habitat for protected, threatened and endangered species and species of special concern.

~~E.(b)~~ If ~~the~~ a protected, endangered or threatened species is found on site or there is evidence that the species is on site, a management plan (including relocation, as appropriate) shall be developed by the project owner.

~~F.(c)~~ The management plan shall be approved by the Planning Department in consultation with the USF&WS or FF&WCC and shall be a condition of as part of the site plan or subdivision approval.

~~6.4~~ The City shall implement the provisions of Habitat Conservation Plan for the Vero Beach Regional Airport that addresses the critical habitat of the Scrub Jay and any other endangered or threatened species on airport property. Once this document has been approved by the USF&WS, the City shall amend the Comprehensive Plan and Land Development Regulations as appropriate.

~~6.3 The City shall develop standards for the use of critical habitat areas.~~

[Note: Use of critical habitat areas are addressed through the land use and development review process that applies specific criteria in evaluating uses and the impact of such uses on critical habitat.]

~~6.5~~ By 1993, the City shall develop a encourage public education on educational program in conjunction with DNR and FF&WCC to promote the protection and preservation of critical or sensitive environmental communities and threatened and endangered species of wildlife.

~~6.6~~ On or before September 1, 1990, Through its Land Development Regulations and development Review processes and consistent with the policies of this Comprehensive Plan, the City shall adopt Land Development Regulations continue to restrict unmitigated development and human encroachment in and around areas known to be potential habitat for protected, endangered and or threatened species of and species of special concern.

~~6.7~~ The City shall fulfill the intent of the Recreation and Open Space Element and protect existing natural preservation areas as follows: and, where appropriate, allow passive recreation uses that will not adversely impact the sensitive environmental features and critical habitat of the protected, endangered, or threatened species and species of special concern.

~~6.6.1~~ Vero Beach should continue to protect against development of conservation areas, as identified in the Recreation and Open Space Element.

[Note: Conservation areas are protected from development due to the limitations placed on uses in the Future Land Use and Zoning Maps.]

6.8 The City shall work in conjunction with the FF&WCC and marinas providing educational and information packets on protecting the manatees including signage and idle speed zones.

6.9 The City of Vero Beach shall work in cooperation with Indian River County in the administration and enforcement of the Marine Turtle Habitat Conservation Plan including approval of any exterior lighting to ensure marine turtle compliant.

6.10 The City shall enforce the following regulations to protect marine turtles and their hatchlings on or seaward of the primary dune during the nesting season (March 1-October 31):

(a) Prohibit the operation of motor vehicles, except for emergency and other authorized persons and FDEP approved mechanical cleanings; and

(b) Compliance with lighting standards to prevent both interior and exterior artificial light emanating within direct line-of-sight of the beach to prevent hatchling disorientation.

~~6.6.2 The City of Vero Beach and the Vero Beach Power Squadron shall coordinate with the Marine Commission to develop a program, which shall address the following, at a minimum:~~

~~Criteria:~~

~~A. Each marina operator shall maintain a permanent manatee educational display at a prominent location at their marina. Vero Beach shall establish and maintain a display at public boat launch facilities.~~

~~B. Those involved in the sale of boats and motors should provide manatee information to the buyer at the time of delivery of boats or motors.~~

~~C. Each marina operator shall maintain well marked speed limit signs and Vero Beach shall do the same for public boat ramps.~~

~~D. Vero Beach, the Florida Marine Patrol and the Marine Commission shall develop a standardized information packet containing information regarding manatees and regulations protecting manatees for distribution by the above mentioned parties. This will include information concerning the existing manatee slow speed or idle zones, and any additional zones which may be deemed necessary within areas frequented by manatees.~~

~~E. — Idle speed zone regulations shall be enforced by the Florida Marine Patrol, the Indian River County Sheriff's Department, and the Vero Beach Marine Patrol.~~

~~6.11 The City shall cooperate with the efforts of the FDEP, Indian River Lagoon National Marine Estuary Program, local governments, non-governmental environmental organizations and other stakeholders in monitoring the submerged aquatic vegetation in the Indian River Lagoon and identify and implement various measure required to further protect and conserve this vegetation.~~

~~6.6.36.12 By September 1, 1990, Vero Beach The City shall adopt Land Development Regulations to enforce coordinate with all state and federal regulations agencies to mitigate conditions which negatively impact pertain to protected, endangered or threatened species and species of special concern.~~

~~6.6.46.13 The City shall consult with the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service USF&WS and FF&WCC prior to the issuance of a development order that would may result in an adverse impact to any protected, endangered or threatened species or species of special concern.~~

~~6.6.5 By 1993, the City shall develop an education program in conjunction with DNR and FFWCC to promote the preservation of endangered or threatened species and species of special concern.~~

~~6.11.0.6 Hazardous Waste~~

Objective 7. Hazardous Waste

The City shall participate in ~~development~~ of a regional hazardous waste management programs for the proper storage, recycling, collection and disposal of hazardous waste.

Policies:

~~7.18.1~~ The City shall cooperate with the County in responding and mitigating ~~to develop an emergency response plan to handle~~ accidents involving hazardous wastes.

~~7.2~~ 8.2 The City shall coordinate efforts with the Indian River Solid Waste Disposal District other local governments to designate recycling and collection centers or businesses for the proper collection, handling, and storage/disposal of hazardous wastes.

~~7.3~~ 8.3 The City shall ~~promote~~ support and cooperate with the Indian River Solid Waste Disposal District and other local governments in providing educational programs for people working with hazardous wastes in order to properly inspect and identify wastes before they enter the landfill.

~~6.11.0.7 Soils~~

Objective 8. Soils

~~Eliminate inappropriate land use practices which result in soil erosion.~~

The City shall monitor and regulate site alteration and grading and construction practices through administration of its Land Development Regulations to eliminate soil erosion and prevent soils from draining into the City's municipal separate sewer system and eventually the Indian River Lagoon and other surface water bodies.

Policies:

~~8.19.1 Vero Beach's adopted land clearing and landscaping regulations shall address re-vegetation and premature land clearing. The City shall administer and enforce the provisions of the Land Development Regulations that require a development permit for any clearing of land including provisions for re-vegetation or other approved methods to prevent soil erosion due to wind or water resulting from construction activity or other disturbance to property.~~

[Note: The Land Development Regulations were revised several years ago to address the issues below.]

Criteria:

- ~~A. Prior to any land clearing, the owner of the property proposed to be cleared, or the authorized agent, shall comply with all permitting requirements.~~
- ~~B. Phased projects shall be cleared only in conjunction with construction of each phase. Clearing shall not occur more than 14 days prior to the initiation of site development as approved in the Development Order.~~
- ~~C. Removal of trees or vegetation in conjunction with land surveying along property lines shall meet all permitting requirements.~~
- ~~D. Where no approved landscape plan exists or no active Development Order has been issued, Areas cleared of vegetation should be revegetated with vegetation species listed and approved by the City, to prevent wind or water erosion, within sixty (60) days of initial land clearing activity where no approved landscape plan exists or no active Development Order has been issued. in order to prevent wind or water erosion.~~
- ~~E. Single family residential lots of which are not on land designated environmentally significant of one acre or less in size, it shall be exempt from the requirement of written notification to clear land, after the issuance of a Certificate of Occupancy for the single family residential lot.~~
- ~~F. Land clearing in conjunction with agricultural purposes or, normal silviculture utilizing best management practices, or activities on a site, parcel or plat that is are defined as having an agricultural or silvicultural purpose, and for which an~~

~~active Development Order is not sought, shall be exempt from the requirement of written notification to clear such land.~~

9.2 Excavation, placement of fill, foundation construction, grading, or altering of runoff patterns on vacant lands is prohibited, except as authorized by a valid development permit.

~~8.29.2 Where localized soil erosion is noted by the City Engineer, Code Enforcement or other City agency, the Indian River Soil and Water Conservation District. The Indian River Soil and Water Conservation District shall be contacted where localized soil erosion is noted by City staff.~~

9.3 The City shall require that proposed development complies with the provisions of the its Erosion and Sediment Control Ordinance.

~~6.11.0.8 Environmentally Sensitive Lands~~

Objective 9. Environmentally Sensitive land

~~To~~ The City shall designate and protect environmentally sensitive lands and natural resources for protection.

Policies:

~~9.1 By December 1, 2008, lands with environmentally significant natural resources within the City shall be inventoried and a map of these lands maintained within the City Planning and Development Department. The City's Land Development Regulations shall be amended by July 1, 2009, to include protection standards to maintain and enhance the function and value of identified environmentally sensitive lands. Environmentally sensitive lands shall include all lands identified by the City and those lands identified in the development review process herein. Review and evaluation of environmentally sensitive lands shall include, but are not necessarily limited to, the following:~~

9.1 The City shall maintain an inventory and map of environmentally significant natural resources supplemented and supplemented by inventory maps maintained by the USF&WS and the FF&WC in the City's Geographic Information System, which shall include, but not limited to the following:

- Endangered or threatened wildlife or marine life habitats.
- Threatened or endangered vegetative species.
- Seagrass beds.
- Wetlands.
- Prime Aquifer recharge areas.
- Beach and sand dunes.
- Upland native vegetation.

9.2 The City shall provide protection to environmentally sensitive lands through its Land Development Regulations and the policies of the Land Use Element that limit building densities, types of uses, requires mitigation for impacted areas, permits transfer of development rights, permits clustering of density on site and provides for setbacks and buffer zones, and promotes use of conservation easements, dedications, and public acquisition.

9.29.3 Properties annexed into the City with a Future Land Use Map designation of Conservation in Indian River County shall receive a Vero Beach Future Land Use Map designation of Environmentally Significant (ES) Lands or Conservation (CV).

[Note: This revised policy below corrects an inherent conflict in the Comp Plan. It should be noted that the Land Development Regulations do not adequately address the standards cited below. The LDRs provide any process or standards for TDRs. I have added new Policy 3.4 calling for amending the LDRs to address these deficiencies. In the meantime, these policies below will have to do.]

9.3 9.4 The Land Development Regulations shall be amended by December 1, 2008, to include the following development criteria for lands designated on the Future Land Use Map as Environmentally Significant lands:—The City shall regulate development within the Environmentally Significant designation pursuant to its Land Development Regulations that require an environmental assessment by a qualified professional, supplemented by the following standards:

- (a) No fill or re-grading of the property shall be allowed except to established required road elevations for driveways, unless the environmental assessment shows that the fill or re-grading will not adversely affect the environment.
- (b) The importing of fill onto a site is only permitted as follows:
 - (1) The environmental assessment must demonstrate that importing fill will not adversely affect the environment.
 - (2) The site direct abuts and has direct access onto a roadway that is designated as an arterial in this Plan.
 - (3) Trucks used to transport imported fill shall be required to only use roadways designated as an arterial in this Plan to reach the site.
- (c) A minimum of 80 percent of the site shall be held in open space with the provision that all open space shall be landscaped with native and drought tolerated vegetation; except that the open space for wetlands shall be in accordance with criteria in Objective 4 and supporting policies of this element.

(d) Minimum lot sizes shall be two acres with a reduction of one acre on the mainland and five acres with a reduction to one unit per two and one-half acres on islands using Transfer of Development Rights, provided that the lot size reduction does not create adverse environmental impacts and provided that the net density shall not be greater than 0.5 units per acre on the mainland 0.2 units per acre on islands.

(e) Transfer of density from the mainland to an island shall be prohibited.

(f) Development shall be clustered on the portion of the proposed development site that does not contain wetlands and other environmentally sensitive lands.

(g) A conservation easement shall be placed on those portions of the property used for transfer of development rights and those areas of the property containing wetlands and environmentally sensitive lands.

- ~~• Site plan approval shall be required for any development proposal in the Environmentally Significant land use category.~~
- ~~• No fill or regrading of the property shall be allowed except to establish required road elevations and for driveways, unless the environmental assessment shows that fill or regrading will not adversely affect the environment and fill is available on site. Driveways shall not exceed road elevations.~~
- ~~• An environmental assessment shall be required to be prepared by a qualified professional. The assessment shall identify and address the extent, function and value of environmentally sensitive lands on the site proposed for development, including any rare, threatened or endangered plants and animals and their habitats. The environmental assessment shall be considered in the site plan review process.~~
- ~~• A minimum of 80% of the identified environmentally sensitive areas of the site shall be held in open space and landscaped with native and/or drought tolerant vegetation as outlined in the Landscape and Tree Protection Ordinance; except that open space requirements for wetlands shall be based on the criteria in Objective 4, Wetlands.~~
- ~~• Structures will be reviewed on a site-by-site basis. The location of any structure will be so as to minimize potential impacts on any surface or groundwater resources, wetlands and rare, threatened or endangered plants or animals and their habitats.~~
- ~~• Existing Future Land Use Map densities and intensities for Environmentally Sensitive designated lands may be clustered on the portion of the proposed development site that does not contain the environmentally sensitive lands provided that each lot is no smaller than the minimum lot size described below, and all other requirements of this Plan and LDRs are achieved.~~

- ~~Minimum lot sizes will be two (2) acres with a reduction to one (1) acre on the mainland and five (5) acres with a reduction to one unit per two and one half (2.5) acres on islands using Transfer Development Rights, provided that the lot size reduction does not create adverse environmental impacts and provided that the net density shall not be greater than 0.5 units per acre on the mainland and 0.2 units per acre on islands. Further, transfer of density from the mainland to an island shall not occur. All review criteria above will be applicable to sites where density is transferred.~~

10.5 The City shall within one-year of the effective date of the Comprehensive Plan update amend its Land Development Regulations to incorporate Policy 10.4 and specific procedures and regulations governing TDRs.

DRAFT

CHAPTER 2
LAND USE ELEMENT
GOAL, OBJECTIVES, AND POLICIES

1.4 — GOALS, OBJECTIVES AND POLICIES

~~1.4.0 **Goal:** To continue to accommodate a distribution of land uses which will perpetuate the type of growth and land development in Vero Beach which is responsive to the social and economic needs of the community, protects natural resources and environmental assets, is consistent with the support capabilities of natural and manmade systems, and maintains the desired quality of life, individual identity and character of the community. This desired quality of life is reflected in the low rise and low density development currently existing in the City of Vero Beach.~~

GOAL

Growth and development in the City of Vero Beach will result in an efficient distribution and pattern of land uses that 1) provide a compatible and complementary mix of uses to meet the social and economic needs of the community; 2) respect the community character and the quality of life of the community; 3) preserve and enhance coastal, environmental, natural, historic and cultural resources; 4) maintain and enhance the City's distinct overall low density, residential character and diversity of residential neighborhoods; 5) create diversity and sense of place for its commercial areas; 6) provide for reasonable public safety and security from hazardous conditions associated with the City's coastal location; and 7) provide for the efficient and cost effective use of services and facilities.

1.4.0.0 Land Uses

Objective 1. Future Land Use and Zoning Designations

The City shall regulate manage future development and redevelopment to maintain and enhance the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map and provide for an efficient distribution and compatible pattern of land uses to protect the City's manmade and natural resources.

Policies:

- 1.1 The following future land use designations shall be depicted on the Future Land Use Map:
- CV, Conservation

- ES, Environmentally Significant
- RL, Residential Low
- RM, Residential Medium
- RH, Residential High
- MR, Mixed Residential
- MHP, Mobile Home Park
- MX, Mixed Use
- C, Commercial
- I, Industrial
- GU, Government/Institutional/Public Use
- P, Park

- 1.2 The Conservation (CV) Land Use designation shall be applied to those areas which contain or possess lands with qualities and features that play an essential role in the normal functioning of the local, regional and Indian River Lagoon ecosystems or merit preservation as records of once common ecosystems. CV designated parcels include, but are not limited, to publicly owned land or land controlled by public entities through conservation easements for conservation or wetlands mitigation purposes. Lands designated as Conservation (CV) shall remain undeveloped with the following exceptions: open space, environmental education and conservation, public utilities, and compatible, limited passive recreational uses subject to environmental review requirements for development approval in the Land Development Regulations. These CV lands are candidates for public acquisition.
- 1.3 The Environmentally Significant (ES) Land Use designation shall be applied to those areas that predominately contain or possess lands that are environmentally sensitive and lands adjacent to environmentally sensitive lands areas as identified in the Conservation Element. This land use category shall allow very low-density residential development, utilities, open space, conservation and compatible passive recreational uses. The City shall limit the impact of development on environmentally significant lands by encouraging appropriate cluster development and density transfers for residential development in Environmentally Significant (ES) designated land use areas.
- 1.4 The Residential Low (RL) Land Use designation shall be applied to areas of the City which are suitable for detached, low-density single family dwelling units on individual lots based on existing development patterns, infrastructure capacity, natural conditions and constraints. This land use category shall allow single family-detached residential development and community gardens where allowed under the application zoning district. Educational facilities and supportive community services ancillary to the residential uses may be located may be approved if listed as a permitted or as conditional uses with restrictions within land areas designated RL in the applicable underlying zoning district. These uses include parks and recreation uses, schools, cultural and civic uses, utilities and institutional uses, and non-residential uses within a master plan development pursuant to Policy 1.21.

1.5 The Residential Medium (RM) Land Use designation shall be applied to areas of the City which are suitable for single family, duplex and multifamily residential uses with moderate densities, based on access to adequate public utilities, ~~good street access and collector and local streets~~ and areas which are a transition between single family-~~detached~~ and more intensive uses. This land use category shall allow single family, duplex, and multifamily residential development. Education facilities and supportive community services ancillary with residential uses and institutional uses shall be allowed if listed as a permitted use or may be allowed if listed as a conditional use in the applicable underlying zoning district. ~~park and recreation uses, public facilities, institutional uses, schools, cultural and civic uses, utilities, professional offices (as permitted by Land Use Element Policy 1.16), and non-residential uses within a master plan development pursuant to Policy 1.21.~~

[Note: The addition of community gardens is based on input from PZB at first workshop. The City's zoning regulations will need to be amended to allow this use.]

1.6 The Residential High (RH) Land Use designation shall be applied to areas of the City which are suitable for multifamily residential uses with high densities, ~~based on access to public utilities,~~ adjacent to arterial or collector streets, and which are a transition between moderate density multifamily residential development and more intensive uses. This land use category shall allow single family, duplex ~~and~~ multifamily residential development. Educational facilities and supportive community services ancillary to residential uses and institutional uses shall be allowed if listed as a permitted use or may be allowed if listed as a conditional use in the applicable underlying zoning district. ~~park and recreation uses, public facilities, institutional uses, schools, cultural and civic uses, utilities, shall be allowed if a permitted use or may be allowed if a conditional use depending upon the list of allowable uses in the underlying zoning district. professional offices (as permitted by Land Use Element Policy 1.16), and non-residential uses within a master plan development pursuant to Policy 1.21.~~

1.7 The Mixed Residential (MR) Land Use designation shall be applied to areas of the City that are suitable for ~~all types of residential uses~~ with medium densities. Locations shall be limited to areas land that has access to public utilities, where a mixture of housing types would not create a detrimental impact on an established residential neighborhood, and areas that are deteriorating or which have a substantial amount of substandard housing. This land use category shall allow single family, duplex, and multifamily residential development. Educational facilities, supportive community services ancillary to residential uses, and institutional uses shall be allowed if listed as a permitted use or may be allowed if listed as a conditional use in the applicable underlying zoning district. ~~park and recreation uses, public facilities, institutional uses, schools, cultural and civic uses, institutional uses, utilities, professional offices (as permitted by Land Use Element Policy 1.16), and non-residential uses within a master plan development pursuant to Policy 1.21.~~

1.8 The Mobile Home Park (MHP) Land Use designation shall be applied to land areas suitable for mobile home parks located adjacent to collector or arterial streets and near

commercial uses or a transition area between multifamily and more intensive industrial and commercial uses and/or areas which are suitable for high density residential uses based on access to public utilities, adjacent to arterial or collector streets which are a transition between multifamily and more intensive uses. This land use category shall allow mobile homes in existing approved mobile home parks.

- 1.9 The Mixed Use (MX) Land Use designation shall be applied to those areas that are suitable for medium to large urban scale development and intensities. Those areas shall be limited to lands near in proximity and with access to arterial or collector streets with adequate public facilities, access to and multi-modal transportation alternatives, existing mixed use central locations, including the central core of the city and the downtown area and shall be located within or immediately adjacent to the existing Downtown area or existing uses in the central core of the City radiating out from the intersection of the Florida East Coast Railway and SR 60. This land use category shall or may allow a broad mixture of residential, mixed residential/nonresidential, and commercial, educational, institutional, nonresidential uses and supportive community services depending upon whether the use is listed as a permitted use or conditional use in the applicable underlying zoning district, which may be located in the same building. Additional allowed uses include park and recreation uses, public facilities, institutional uses, schools, cultural and civic uses, utilities, professional office uses, and tourist-oriented facilities.
- 1.10 The Commercial (C) Land Use designation shall be applied to those areas that are suitable for small to medium urban scale development and intensities. Those areas shall be limited to lands that are located near existing urban uses centers, or near the center of several neighborhoods, or areas in transition from residential uses to nonresidential uses offices, at high access points such as the intersection of arterial streets, or located adjacent to arterial or collector streets. These uses shall be further limited to high access locations such as the intersections of arterial and collector streets or adjacent to arterial or collector streets. This land use category shall or may allow a broad mixture of residential, mixed residential, marinas, institutional, and nonresidential uses and supportive community services depending upon whether the use is listed as a permitted use or conditional use in the applicable underlying zoning district. This land use category shall allow a mixture of highway-oriented commercial uses, such as retail trade, professional offices, business and personal services, residential, cultural and civic uses, public facilities, park and recreation uses, schools, institutional, utilities, tourist-oriented facilities, marinas, and aviation-oriented uses.
- 1.11 The Industrial (I) Land Use designation shall be applied to those areas that are suitable for medium to large urban scale development and intensities. Those areas shall be limited to lands that are located adjacent to major transportation facilities such as airports, arterial streets or railroads, buffered from residential neighborhoods or located with consideration to environmental impacts and other performance standards provided for in the City Land Development Regulations. This land use category shall allow a mixture of highway-oriented commercial uses, such as retail trade, professional offices, business and personal services, residential, cultural and civic uses, public facilities, park and recreation uses, schools, institutional, utilities, light industrial and aviation-oriented uses. This

land use category shall or may allow a broad mixture of residential, mixed residential, light industrial, aviation oriented, education and nonresidential uses and supportive community services depending upon whether the use is listed is listed as a permitted use or conditional use in the applicable underlying zoning district.

- 1.12 The Government/Institutional/Public Use (GU) Land Use designation shall be applied to those areas where there is a need for the provision of efficient public service and where adverse effects on adjacent residential neighborhoods and/or environmentally sensitive areas can be avoided. Those areas shall be limited to lands that are located adjacent to major transportation facilities such as airports, arterial streets or railroads, buffered from residential neighborhoods, located with consideration to environmental impacts and other performance standards provided for in the City Land Development Regulations. This land use category shall allow government facilities, cultural facilities, operations and service facilities, ~~correctional institutions~~, educational facilities, hospitals, transportation terminals, and small-scale recreational facilities compatible with and subordinate to an existing governmental utility.
- 1.13 The Park (P) Land Use designation shall be applied to land used for active and passive ~~public~~ parks and recreation facilities—including clubs, and cultural and civic activities located in public parks. ~~Public p~~Parks and recreation facilities are not limited to this land use designation.
- 1.14 The City of Vero Beach hereby adopts the Future Land Use Map as an integral component of the Comprehensive Plan, as presented in Exhibit A of this policy document.
- ~~1.14~~ 1.15 The City adopts the maximum density and intensity standards in Table ~~1-10-2-1~~ for the land use categories, depicted on the Future Land Use Map.

Table 2-1. Land Use Densities and Intensities

Land Use Category	Maximum Density (per acre)	Maximum Intensity (floor area ratio –FAR)
Residential Low (RL)	0 to Up to 6 dwelling units	0.30 Up to 0.38
Residential Medium (RM)	6 to Up to 10 dwelling units or rooms	0.30 Up to 0.50
Residential High (RH)	10 to Up to 15 dwelling units or rooms Up to 18 dwelling units or rooms ¹	0.40 to Up to 0.50
Mixed Residential (MR)	10 to Up to 12 dwelling units or rooms	0.40 to Up to 0.50
Commercial (C)	8 to Up to 15 dwelling units ² Up to 30 rooms	0.50 to Up to 1.00
Industrial (I)	8 to Up to 15 dwelling units ² Up to 30 rooms	0.30 to Up to 1.00
Mixed Use (MX)	Up to 17 dwelling units or 30 rooms Up to 21 dwelling units ³	0.30 to Up to 2.00
Government/Institutional/ Public Use (GU)	0	Up to 0.50
Mobile Home Park (MHP)	Up to mobile home units	Up to 0.30

Environmentally Significant	0 to Up to 0.2 dwelling units (islands)	Up to 0.30
Park (P)	0	0.10 to Up to 0.40
Conservation	0	Up to 0.01

- Notes:
1. Congregate multifamily housing exclusively for the elderly ~~up to 18 dwelling units/rooms/acre may be allowed.~~
 2. Efficiency units (500 square feet or less in floor area) ~~up to 18 dwelling units/acre may be allowed.~~
 3. With a maximum transfer of 4 units of development rights.

1.16 The following principles shall apply related to the relationship between future land use and zoning designations:

- (a) A use is only allowable in a zoning district if it is listed as a use or within a group of uses in both the future land use and zoning designations for that property.
- (b) Table 2-1 sets forth the maximum density and intensity for each land use designation; however, the specific maximum density and intensity is established by the underlying zoning district with the proviso that the limits set by the zoning district shall not be greater than those established by Table 2-1 for the specific land use designation.
- (c) Where no specific density or intensity is listed in a specific zoning district, the density or intensity listed in Table 2-1 shall prevail.

1.17 Applications requesting amendments to the Future Land Use Map shall be evaluated based on the following criteria:

- (a) Consistency with the goals, objectives and policies of the Comprehensive Plan including any location considerations for specific future land use designations pursuant to Policies 1.1 through 1.13;
- (b) Impact on public facilities and services;
- (c) Environmental impacts;
- (d) Compatibility with surrounding areas in terms of existing land use designations and uses; and
- (e) Other relevant issues.

1.18 Amendments to the Comprehensive Plan text and Future Land Use Map shall only be approved if at least one of the following criteria has been met by the applicant to the satisfaction of the City Council:

- (a) The proposed amendment will correct an oversight in the adopted Comprehensive Plan;
- (b) The proposed amendment will correct a mistake in the adopted Comprehensive Plan;
- (c) The proposed amendment is warranted based on a substantial change in circumstances. For a Future Land Use Map amendment the change in circumstances must affect the subject property; or
- (d) The proposed amendment is in the public interest and does not conflict with any goal, objective, or policy of the Comprehensive Plan not subject of the amendment.

~~1.15~~ 1.19 The City shall rezone land consistent with ~~Table 1.11~~ Table 2-2, Relationship between Future Land Use Designations and Zoning Districts, and the standards set forth in this policy and elsewhere in this element. The City recognizes that not every zoning district allowed within a future 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 following standards:

~~Additionally, any proposed rezoning of a parcel from R-1AA to R-1A or R-1, or R-1A to R-1 shall be appropriate only if the parcel is adjacent to a non-RL designated property or is adjacent to a residentially zoned single family district of the same or higher density as proposed for the subject parcel.~~

- (a) Consistency with the goals, objectives, and policies of the Comprehensive Plan;
- (b) Compatibility with zoning map designations abutting or in the immediate vicinity of the subject property;
- (c) Changed conditions to the subject property and the neighborhood or area in the vicinity in which the property is located that warrant an amendment;
- (d) Maintenance of adopted level of service on roadways, public school facilities, sanitary sewer, potable water, solid waste, storm drainage, and recreation;
- (e) Maintenance of an orderly and logical development pattern; and
- (f) Consistency with the public interest.

1.20 In addition to the standards of Policy 1.19, any proposed rezoning of a parcel from R-1AA to R-1A or R-1, or R-1A to R-1 shall be appropriate only if the parcel is adjacent to a non-RL designated property or is adjacent to a residentially zoned single family district of the same or higher density as proposed for the subject parcel.

~~1.16 The land development regulations may contain provisions for an office, institutional and financial use zoning district(s), called a Professional Office Institutional (POI) District, that shall be limited to appropriate locations within medium and high residential, mixed use, and commercial land use designations. This zoning district(s) is intended to provide for a transition and/or buffer between medium to high density residential and more intensive non-residential uses and to preserve the essentially residential character of blighted or declining residential areas, which are no longer appropriate for residential use but are not considered appropriate for a broad range of commercial uses as permitted in commercial zoning districts. This zoning district(s) is to be located principally along arterial roadways. Development within this district may be subject to approval through the land development regulations' conditional use process based on specified design and performance standards to ensure compatibility with existing development and to ensure that off site impacts of the development do not adversely impact on the community character of residential neighborhoods and properties in its immediate vicinity.~~

Table 2-2. Relationship Between Future Land Use Designations and Zoning Districts

Zoning District	RL	RM	RH	MR	C	I	MX	GU	MHP	ES	P	CV
R-1AAA											P	
R-1AA	P											
R-1A	P											
R-1	P											
MPZ	P	P	P	P								
RM-8		P		P								
RM-10		P	P	P								
RM-10/12		P	P	P			P					
RM-13			P									
RCLO		P	P	P								
MXD			P				P					
POI		P	P	P	P		P					
DTW							P					
H								P				
GU							P	P				
C-1					P		P					
C-1A					P							
C-1B					P		P					
B-1					P							
M						P	P	P				
C-1M					P							
C-2M					P							
P-1										P	P	P

P-2			P		P
ALI-1		P	P		
ALI-A1			P		
ALI-A2					P
ALI-MC		P	P		
AR-MHP				P	

P=District Permitted

- ~~1.17 The City shall review its existing land development regulations for the Professional Office Institutional (POI) District and prepare and adopt revised land development regulations for that district consistent with policies in the Comprehensive Plan by July 2008.~~
- ~~1.18 The City shall review existing land development regulation standards to maintain and enhance the function and value of Environmentally Significant (ES) designated lands based on policies in the Comprehensive Plan and prepare and adopt revised land development regulations by July 2008.~~
- ~~1.19 As part of the Comprehensive Plan's 2010 Evaluation and Appraisal Report, the City shall review the Industrial (I) future land use designation located at the airport to determine its consistency and compatibility with existing and future development of land uses surrounding the airport.~~
- 1.21 The City shall review future land use designations at the Vero Beach Regional Airport including Industrial (I) and Conservation (CV) upon completion of the Airport Master Plan and a Habitat Conservation Plan for sensitive endangered and threatened species on airport property and proceed to enact amendments to the Future Land Use and Zoning Maps as appropriate.
- 1.22 The City shall review the future land use and zoning designations of the City's wastewater treatment plant property to determine the desirability and need to designate a portion of the property as Park (P) and Park District (P-2) to accommodate expansion of the youth sailing facilities and operations and, if appropriate, prepare and enact appropriate amendments to the Future Land Use and Zoning Maps.
- ~~1.20 The City shall review and update, by July 2009, the data and analysis within the Land Use Element as part of the Comprehensive Plan's 2010 Evaluation and Appraisal Report.~~
- ~~1.21 The City shall authorize through its land development regulations a master plan zone district that is a residential zoning district that includes limited non-residential uses to primarily serve residents of the planned development. Development guidelines for the district shall be flexible to allow development of various styles of housing units on smaller than standard individual development sites in order to consolidate open space for recreational, aesthetic and preservation purposes. The minimum site size for a master plan zone shall be 200 contiguous acres.~~

- 1.23 Within the Residential Low (RL) designation, limited non-residential uses to primarily serve residents of a planned development may be allowed under a Master Plan Zone (MPZ) zoning district. The minimum site size for a MPZ zone shall be 200 contiguous acres. The purpose of the MPZ is to provide modifications from lot size, setback, open space, housing types and densities to consolidate open space for recreational, aesthetic, and resource preservation purposes and to allow various styles of housing units on smaller than standard lots allowed under single family zoning districts. The rezoning process shall require both concurrent approval of an amendment to the Zoning Map and the master plan for the planned development.
- 1.24 Within the Residential Medium (RM) and Residential High (RH) designations, limited office, institutional, and financial uses shall be allowed under the Professional Office Institutional (POI) zoning district designation. The intent of this zoning district is to provide for a transition and/or buffer between medium to high density residential and more intensive non-residential uses or high volume traffic corridors to preserve the essentially residential character of existing residential areas impacted by high volume traffic corridors or undergoing transition to more office and business uses. Such areas may be no longer appropriate or attractive for low-medium density residential uses but are not considered appropriate for a broad range of commercial uses as permitted in commercial zoning districts. This zoning district is to be located principally along arterials or abutting existing office and commercial uses. Development within this district may be subject to approval through the Land Development Regulations' conditional use process based on specified design and performance standards to ensure compatibility with existing development and to ensure that off-site impacts of the development do not adversely impact on the community character of residential neighborhoods and properties in its immediate vicinity.
- 1.25 Within the Residential Medium (RM) and Commercial (C) designations, a special purpose zoning district may be enacted to establish a "Vero Beach Cultural Arts Village District" pursuant to Policy 12.2 of this element. Within the special purpose zoning district one or more limited commercial and transient residential uses may be allowed that are not listed as allowable uses under the RM designation.
- 1.26 Prior to enacting an ordinance to create a new zoning district or floating zone not listed on Table 2-1 or authorized pursuant to this element, a text amendment to the Comprehensive Plan shall be required to provide the proper policy basis and authorization for such zoning.
- 1.27 The City shall review the future land use and zoning map designations for existing mobile home parks and consider the necessity to enact appropriate amendments to the Future Land Use and Zoning Maps and/or Land Development Regulations to address significant conflicts and omissions.
- 1.28 The City shall investigate the desirability of creating one or more new, pedestrian-oriented, multi-use zoning districts under the Commercial (C) future land use

designation that allows a mixture of permanent and transient residential uses and compatible office and commercial uses with specific development and location standards.

1.4.0.1 Growth Management/Urban Sprawl

Objective 2. Growth Management/Urban Sprawl

The City shall regulate and guide future development and redevelopment in an orderly and efficient manner consistent with the adopted level of service standards for public facilities and services and urban sprawl shall be discouraged by the provision of services necessary for development of unserved parcels within the designated urban service area. in a manner that discourages urban sprawl. This objective shall be accomplished through the efficient and cost-effective provision or extension of public infrastructure and services to serve development within the designated urban service area by promoting compact and mixed use development; providing for walkable and connected communities with a range of housing choices and multimodal transportation system; and providing for public open space and recreation needs and preservation of natural lands.

Policies:

- 2.1 The City shall ensure through its Land Development Regulations and pertinent elements of the Comprehensive Plan maintenance of adopted level of service standards for potable water, sanitary sewer, solid waste disposal, stormwater management, roads, and schools pursuant to the concurrency management system policies of the Capital Improvements Element.
- 2.1-2.2 The City shall continue to coordinate with the Indian River County for the provision of water supply and/or sewage collection utility systems commensurate with existing and programmed delivery and treatment capacities in the provision and extension of water and sewer utilities to promote the efficient and cost-effective of these services to citizens of Vero Beach and Indian River County.
- 2.2 Future annexations of adjacent unincorporated lands shall be restricted to areas included in Indian River County's designated urban service area.
- 2.3 The City shall restrict its annexation of adjacent unincorporated lands to only those areas included in the Indian River County's designated 2030 Urban Service Area depicted on the County's adopted Future Land Use Map and shall pursue the following policies in the annexation of and provision or extension of services to those areas:
 - (a) The City will not negotiate annexation agreements with property owners to secure higher intensity or density zoning for the property owner as a quid pro quo for annexation of their property.

(b) The City will not annex any area that will have a negative short-term financial impact on the City's general or enterprise funds unless it is determined by the City Council to be in the City's best interests; and

(c) The City will not annex an area unless it is currently served or will be served by the extension of water and sewer facilities, except where extenuating circumstances and costs make connection to the available County utilities a more practical solution for both the property owner and the City.

~~2.3 Land use designations and regulations shall be used to limit future strip commercial development along roadway thoroughfares.~~

2.4 The City shall establish specific regulatory incentives and building, and site design standards to promote compact and mixed use infill development along arterials and collectors; said incentives and standards shall follow the pertinent policies under Objectives 3, 4, and 11 of this element.

2.5 The City shall establish specific incentives and regulations as appropriate to encourage and promote infill and redevelopment in its older residential neighborhoods; said incentives and regulations shall be based upon pertinent policies under Objectives 3, 4, and 13 of this element.

~~2.4 Redevelopment programs and incentives shall be established to foster infill development and revitalization of older areas of the City.~~

1.4.0.2 Land Development Regulations

Objective 3. Land Development Regulations and Administration

~~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 City shall administer and maintain Land Development Regulations in a manner consistent with the goals, objectives, and policies of this and other elements of the Comprehensive Plan and shall revise these regulations as needed and appropriate to: 1) improve their readability, clarity, conciseness, and ease of administration; 2) create incentives and standards promoting mixed use, infill, and pedestrian/bicycle connected development in older residential neighborhoods and commercial areas; 3) reduce incompatibility between adjacent uses and maintain community character; and 4) promote diverse and distinctive commercial and neighborhood areas and neighborhoods with a sense of place.

Policies:

3.1 The City's adopted Land Development Regulations shall meet and exceed the requirements of Section 163.3202 (2)(a) through (h) F.S. and shall constitute the City's

minimum requirements for land development. Additionally, the Land Development Regulations shall contain or be amended, as appropriate, to include standards, procedures, and requirements for:

- (a) Governing the type, character and density of land use; bulk, height and placement of buildings; open space; conservation and protection of natural resources; landscaping and tree protection; stormwater management; protection of historic resources; mitigation of off-site impacts of development; variances and waivers; and the elimination or reduction in frequency of non-conforming uses and structures;
- (b) Ensuring compliance with Level of Service standards for amendments to the Future Land Use Map and Zoning Map and the approval of development permits;
- (c) Processing and reviewing applications for development approval including specific review thresholds, and for major projects requiring a quasi-judicial hearing by the Planning and Zoning Board, requirements for the posting of property, and notification to property owners in proximity to a proposed project;
- (d) Providing density bonuses, transfer of development rights, planned developments and other incentives to encourage and promote mixed use development, infill and redevelopment, affordable and workforce housing, and other techniques consistent with the Comprehensive Plan and Florida Statutes;
- (e) Processing and reviewing development applications that may impact historic and archaeological resources and environmentally sensitive areas; and
- (f) Permitting development within special flood hazard zones pursuant to the City's flood regulations and National Flood Insurance Program.

3.2 The City's Land Development Regulations shall be consistent with the goals, objectives and policies of the Comprehensive Plan.

3.3. The City shall regulate the use and development of land through its Land Development Regulations in a reasonable and transparent manner, that respects private property rights, serves the public interest, and provides for due process and adequate public involvement in the development permitting process.

3.4 In addition to other actions and strategies called for by policies in this element, the City shall maintain and update its adopted Land Development Regulations pursuant to this Comprehensive Plan to accomplish the following:

- (a) Ensure that development complies with the Future Land Use Map, associated density and intensity limits and other objectives and policies of this Comprehensive Plan;
- (b) Reduce existing land uses inconsistent with the Future Land Use Map and other relevant policies of this Comprehensive Plan;
- (c) Ensure compatibility of uses and buffering where appropriate to protect residential and less intense uses from commercial and other higher intensity uses; and
- (d) Reduce the number of nonconforming uses and structures through various incentives and regulatory measures.

- ~~3.1 Residential neighborhoods shall be protected and/or buffered against encroachment from higher density residential uses and from commercial uses.~~
- ~~3.2 Commercial uses shall be "clustered" and located near arterial road intersections, in the central core area of the City, or in planned commercial areas along arterial roadways. Proliferation of strip commercial development shall be discouraged.~~
- ~~3.3 Higher density residential uses shall be located on sites highly accessible to arterial or collector streets and near employment centers and goods and services.~~
- ~~3.4 Industrial uses shall be located in areas where services and goods are readily available, transportation facilities are close by and noise, odor, glare and other impacts will not affect adjacent land uses.~~
- ~~3.5 Development shall be planned and regulated in such manner to provide for an orderly transition from low intensity/density uses to higher intensity/density uses.~~
- ~~3.6 Existing codes shall be enforced by the City to eliminate substandard structures and to encourage upkeep of standard structures.~~
- 3.5 The City shall enforce its codes governing housing standards, property maintenance, removal of unsafe buildings, and abatement of nuisances to prevent the spread of blighting influences and protect life and property values.
- 3.6 The City shall rely primarily on the utilization of development incentives through its Land Development Regulations and programs rather than on strictly regulatory approaches to achieve specific growth management and development objectives and policies of the Comprehensive Plan. This approach requires that such development incentives be commensurate with the public benefits and amenities to be gained. At minimum the value of these amenities should be at least equal to or greater than the costs to the public resulting from development bonus incentive awarded for a project. Such incentives should reflect market demand for additional density or floor area to ensure that

they will attract the desired investment and that the City will be able to capture public benefits and amenities associated with these projects. These incentives may include, but are not necessarily limited to the following:

- (a) Density bonuses;
- (b) Flexibility in complying with setback, bulk, open space, parking, and other development standards;
- (c) Floor area bonuses; and
- (d) Transfer of development rights (“TDRs”).

3.7 In response to a request or petition from a neighborhood or business association or property owners for the City to draft and enact zoning regulations that only affect a specific geographic area or neighborhood, such as an overlay, special purpose, or historic zoning district, the staff shall prepare a report unless this requirement is waived by the City Council. The staff shall prepare the report for Planning and Zoning Board review and recommendation to the City Council for its consideration. The report shall address the following factors to be considered by the City Council in making its decision on whether or not to direct staff to proceed with the preparation of necessary amendments to the Land Development Regulations and Zoning Map:

- (a) Public interest and purpose to be served;
- (b) Level of property owner support in relation to the potential impact of the regulations on individual property owners;
- (c) Recommendations of the Planning and Zoning Board, City staff, and, if appropriate, the Historic Preservation Commission or other City advisory board or commission; and
- (d) Sufficiency of available financial and staff resources to prepare and administer district regulations.

3.8 The City shall conduct a multi-phased and multi-year comprehensive evaluation of the existing Land Development Regulations and prepare appropriate amendments to address needed improvements to the current regulations. This comprehensive evaluation may consider, but not be necessarily limited to the following, which are not listed in any priority order:

- (a) Reduction in the number of zoning districts from the current 29 by eliminating districts that may no longer be relevant (e.g., Hospital-Institutional District or Residential, Congregate Living and Limited Office District) or consolidation of districts where a majority of uses are duplicated;

- (b) Preparation of purpose statements for all zoning districts to clearly establish the intent and uses intended to be allowed in each district;
- (c) Consolidation of city-wide regulations, such as accessory structures and setback modifications into one chapter or article similar to what was enacted for off-street parking and loading regulations;
- (d) Incorporation of a matrix graphic that allows users to view and compare allowable uses and development standards for all zoning districts in one location in the code supplemented by illustrative graphics.
- (e) Preparation of specific procedures and process for TDRs;
- (f) Review of and revisions to conditional use criteria and standards to improve their clarity and are appropriate to ensure the proposed conditional use is compatible or in harmony with the immediate neighborhood, protects public health and safety, and is appropriate for the specific location proposed;
- (g) Review of and comprehensive revisions to the City's sign regulations to bring the regulations in compliance with recent U.S. Supreme Court decisions and case law;
- (h) Review of and revisions to regulations governing non-conforming uses and buildings to eliminate ambiguities and lack of clarity in the existing language and to ensure these regulations are consistent with policies of the Comprehensive Plan to encourage infill and redevelopment while providing some flexibility for "benign" conformities;
- (i) Review of and revisions to definitions, especially use definitions, to eliminate vagueness, inconsistencies, and omissions;
- (j) Amendment of the City's stormwater regulations to incorporate wetlands policies of the Conservation Element;
- (k) Revisions to include specific regulations to address "sober houses" and other drug rehabilitation residences and facilities;
- (l) Review of and revisions to the Mixed Use zoning district to address issues and deficiencies raised in the technical document to the Comprehensive Plan; and
- (m) Completion of effort to codify the Land Development Regulations as has been previously accomplished for Part II of the City's Code of Ordinances.

~~3.7 Land development regulations shall include provisions for on-site stormwater retention/detention, safe and convenient access and traffic flow, and minimum open space and landscaping sufficient to avoid or minimize impacts on adjacent properties while adequately meeting on-site needs.~~

~~3.8 The following special provisions shall be incorporated in the land development regulations governing residential and/or nonresidential land uses:~~

~~a. Transfer of development rights (TDR) provisions designed to minimize development in locations which are difficult to provide urban services and/or which are of environmental interest, including privately owned islands in the Indian River for which there are no public acquisition plans.~~

~~b. Density bonuses to encourage infill, redevelopment, and provide affordable housing in designated locations and districts.~~

~~c. Floor area ratios (FAR) to limit the bulk of commercial and industrial development to that which fits within the low density character of Vero Beach.~~

~~d. Minimum open space and landscaping standards and requirements to conserve native vegetation and buffer potentially incompatible land uses.~~

~~e. Site plan application requirements and review procedures for defined types of development which assess potential traffic, drainage and utility system impacts in relation to adopted levels of service.~~

~~f. Procedures to fully consider applications for development where environmentally sensitive areas and resources, including historic or archaeological features, may be involved and to permit adequate time to notify interested parties, determine historic or ecological significance, assess impacts, hear evidence, and define remedial actions where appropriate.~~

~~g. Siting standards and requirements to permit safe and insurable development in areas subject to periodic high water and hurricane threat.~~

~~3.9 The City's land development regulations shall include standards, procedures and requirements governing type, character and density of land use; bulk, height and placement of buildings; open space; conservation and protection of natural resources; and mitigation of off-site impacts of development, and the elimination or reduction in frequency of non-conforming uses and structures.~~

3.9 The City shall protect and preserve wetlands and other environmentally sensitive areas and resources through its Land Development Regulations and the policies of this element

and the Conservation and Coastal Management Elements by requiring an environmental analysis or assessment of development potentially impacting environmentally sensitive lands through its development review and approval process.

3.10 Density and intensity calculations for a development site containing wetlands shall be based on the entire area of the property. All development shall be located on the upland portion of the property provided that all other requirements of the Comprehensive Plan and Land Development Regulations are met.

3.11 The City shall protect and preserve the historic and archeological resources within the city through its Land Development Regulations and Objective 5 and supporting policies of this element and Coastal Management Element.

1.4.0.3 Disaster Contingency Planning

Objective 4:

~~The city shall continue its established and ongoing programs for emergency preparedness, emergency evacuation, disaster relief, and coastal construction practices and shall enhance those programs through periodic reviews.~~

Policies:

~~4.1 The City's Comprehensive Emergency Management Plan, which addresses disaster preparedness and recovery shall be periodically evaluated and used as a basis for notifying and evacuating residents, providing temporary shelter, and restoring services in the event of future hurricane emergencies.~~

~~4.2 The City shall maintain an estimated hurricane evacuation time for the Coastal High Hazard Area of seven hours or less for a Category I or above storm and for the entire City a maximum of 12 hours for a Category III or above storm.~~

~~4.3 Siting standards and requirements shall be enforced to permit safe and insurable development and reconstruction in coastal high hazard areas consistent with applicable rules and regulations of state and federal governments.~~

~~4.4 The City shall review its comprehensive plan upon the issuance of any Hazard Mitigation Reports to prepare and adopt appropriate amendments to the plan resulting from the report.~~

~~4.5 The City shall maintain in cooperation with Indian River County and other local governments a Local Mitigation Strategy to identify and prioritize disaster mitigation projects.~~

1.4.0.4 Adequate Public Facilities

Objective 5:

~~The City shall not permit land development and/or redevelopment which can not be supported by public facilities at adopted levels of service or which could adversely impact the minimum levels of service in other areas of the City.~~

Policies:

- ~~5.1 Sites and rights-of-way for public facilities needed to serve the community shall be identified in the Comprehensive Plan, reserved or dedicated through implementation of land development regulations and/or scheduled for acquisition by the City in its Capital Improvements Element.~~
- ~~5.2 A Concurrency Management System (CMS) shall be adopted and administered as provided for under the Capital Improvements Element and through land development regulations to ensure that public facilities needed to support development are available concurrent with the impact of development. The CMS will also provide for periodic monitoring of levels of service conditions by the City.~~
- ~~5.3 For all facilities and services, the minimum levels of service established in the Capital Improvements Element (CIE) and other elements of the Comprehensive Plan shall be maintained.~~
- ~~5.4.1 No development shall be approved unless it is consistent with the Concurrency Management System in the Capital Improvements Element, and the levels of service established in this element and other elements of the Comprehensive Plan.~~
- ~~5.5 The city shall review proposed developments, assess their impact on services and facilities, and make determinations of adequacy or inadequacy of public facilities and services using the established Concurrency Management System.~~

1.4.0.5 Resource Conservation and Management

Objective 6:

~~The City shall act to protect and preserve environmentally sensitive areas and resources in the community and promote responsible site development through new land development regulations and standards.~~

Policies:

- ~~6.1 By December 2008, environmentally sensitive areas and resources, both natural and historic, shall be defined and mapped in conjunction with Indian River County, state, regional, and federal agencies.~~
- ~~6.2 The City shall participate in the preparation and implementation of resource management plans prepared by other agencies, which affect land, water, and other resources in the~~

City.

- ~~6.3 In the Environmentally Significant (ES) land use category, future development on undeveloped islands in the Indian River lagoon shall be limited to residential densities not exceeding 0.2 unit per acre, and a transfer of development rights (TDR) procedure shall be available to facilitate transferal of development to other locations in the City.~~
- ~~6.4 Development of lands north of the Vero Beach municipal airport shall be restricted through their designation as a conservation area in this plan and subsequent land development regulations to protect existing groundwater resources and recharge functions.~~
- ~~6.5 The City shall enforce and implement regulations, procedures and standards which recognize the need for sensitivity to and compatibility with topography, soils, vegetation and other on-site resources, and which recognize the need to avoid or mitigate off-site impacts to effect the location, type, density and design of future developments permitted in the City.~~
- ~~6.6 No property shall be used as a bridgehead property for an island that is undeveloped when said use shall have for its purpose the connection with any public right of way in the City of Vero Beach. Further, if said property is not within the City's jurisdiction but is immediately contiguous thereto, the City shall prohibit, by the erection of barriers, any connection with the City right of way.~~
- ~~6.7 By December 2008, environmentally sensitive lands within the City shall be inventoried and a map of these lands maintained within the City Planning and Development Department. The City Land Development Regulations shall include protection standards to maintain and enhance the function and value of identified environmentally sensitive lands. Environmentally sensitive lands shall include all lands identified by the City and those lands identified in the development review process herein. Review and evaluation of environmentally sensitive lands shall include at a minimum, the following:~~
- ~~● Endangered or threatened wildlife or marine life habitats.~~
 - ~~● Threatened or endangered vegetative species.~~
 - ~~● Tidal flow pattern.~~
 - ~~● Hydric soils and wetlands.~~
 - ~~● 100-year flood zones.~~
 - ~~● Aquifer recharge potential.~~
 - ~~● Beach and dune conditions.~~
 - ~~● Unique habitat characteristics.~~
 - ~~● Upland native vegetation.~~
 - ~~● Wellhead protection areas.~~
- ~~6.8 By July 2008, the City shall review and revise as necessary its land development regulations to reflect environmental regulations and policies outlined in the Comprehensive Plan.~~

- ~~6.9 The City shall provide protection to environmentally sensitive lands through land development regulations that limit building densities, require mitigation for impacted areas, permit the transfer of development rights, permit clustering of density on site and provide for setbacks, and promote the use of conservation easements, dedications, and public acquisition.~~
- ~~6.10 Any development activity in areas designated as environmentally sensitive or important as defined in the Conservation Element shall require an environmental survey prepared by a professional biologist or environmental scientist as part of the approval of a development order. Based upon the results of the environmental survey, development projects shall be required to provide a site design, which minimizes impacts upon endangered and threatened plants and animals.~~
- ~~6.11 The City shall adopt a wetland no net loss policy and regulations that preserve and enhance the natural functions and values of wetlands. These regulations shall consider the types, functions, sizes, conditions and locations of wetlands and address building setbacks, protection from solid and liquid wastes including pesticides and herbicides, dredging or filling of wetlands, incorporation of wetlands into a site's development scheme, and mitigation of lost or destroyed wetlands.~~
- ~~6.12 The City shall direct future land uses, which are incompatible with the protection and conservation of wetlands and wetland functions, away from wetlands. The type, intensity or density, extent distribution and location of allowable land uses, and the types, sizes, values, functions, conditions, and location of wetlands, are land use factors, which shall be considered when directing incompatible uses away from wetlands.~~
- ~~6.13 Stormwater will be managed to control stormwater runoff, minimize impacts on existing city, county, and/or state drainage facilities and to protect and enhance surface water, ground water and other natural resources in the City.~~
- ~~6.14 The City shall protect and enhance the quantity and quality of natural groundwater prime aquifer recharge areas by requiring site design that minimizes impervious coverage, clusters development onto less vulnerable areas and at a minimum maintains the groundwater flow rates and volumes at predevelopment rates. The city shall regulate development of the prime aquifer recharge areas. Regulations may include an overlay district that restricts land uses, implements special siting requirements for septic tanks to mitigate soil drainage characteristics, and regulates other factors that impact the recharge capability of the land.~~
- ~~6.15 The City shall protect public water supplies through its land development regulations by designating appropriate wellhead protection areas, based upon policies in the Comprehensive Plan, Conservation Element and Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element.~~

- ~~6.16 The City shall continue to extend the city water system, consistent with the “Potable Water Sub Element” enabling the acquisition of small public water systems, thereby reducing the number of residents using the shallow aquifer, which is subject to groundwater pollution threats.~~
- ~~6.17 The City in cooperation with the Health Department, shall continue to regulate the siting of septic tanks including siting requirements to address soil characteristics that may impact septic system function and extend the City sewer system, consistent with the Sanitary Sewer Sub Element, to connect existing development on septic systems.~~
- ~~6.18 The City shall coordinate with state, federal and local agencies to identify and protect vegetative communities that provide habitat for threatened and endangered species and migrating birds and/or support unique plant and animal communities identified in the “Conservation Element.”~~
- ~~6.19 The City adopts the following dredged spoil disposal site selection criteria:~~
- ~~• sites shall be located close to the Indian River Lagoon;~~
 - ~~• sites shall be altered, non native upland vegetation areas;~~
 - ~~• sites shall not abut residential land unless sites are sufficiently large to accommodate adequate buffers;~~
 - ~~• sites shall not be habitat for endangered and threatened or protected species; and~~
 - ~~• sites shall not be wetlands, unless wetlands are degraded/non functional, in such cases the wetland impacts shall be mitigated.~~
- ~~6.20 The City shall redesignate land that The Florida Inland Navigation District (FIND) has acquired for dredged spoil disposal to the GU, Government/Institutional/Public Use, land use designation.~~
- ~~6.21 The Land Development Regulations shall require an environmental impact analysis of development within environmentally sensitive districts or lands abutting the Indian River.~~
- ~~6.22 Land use activity shall be prohibited which results in the alteration, degradation or destruction of coastal and estuarine resources except when necessary to prevent a public hazard or provide public benefits which exceed those lost as a result of such activity. Public benefits include floodplain protection, natural habitat for threatened and endangered plants and animals, natural aquifer groundwater recharge and recreation.~~
- ~~6.23 The City shall continue to work with the county and provide technical, monetary and political support to conservation programs aimed at land acquisition on the barrier island and in other coastal conservation areas.~~
- ~~6.24 The City shall review all proposed land use changes for consistency with policies set forth in the Conservation and Coastal Management Elements.~~

~~6.25 The City shall regulate development of areas which are prone to flooding and areas within the 100-year floodplain in a manner that is consistent with the regulations established by the National Flood Insurance Program.~~

~~6.26 The City shall provide standards in the Conservation Element of the Comprehensive Plan and amend its land development regulations, by July 2008, to require, as conditions warrant, vegetative and other appropriate protection buffers of up to 50 feet for wetlands, unaltered and altered shorelines, manmade canals and the Indian River Lagoon.~~

~~6.27 The City shall encourage the preservation of mature trees on land development sites by providing landscape credit for the on-site preservation of mature trees and trees of special concern, and other appropriate incentives for the purpose of preserving existing mature trees on site.~~

~~1.4.0.6 Redevelopment~~

~~Objective 7:~~

Objective 4. Redevelopment and Infill Principles and Strategies

The City shall encourage and facilitate urban infill and redevelopment using through its land development regulations Land Development Regulations, infrastructure improvement programs, economic tax incentives. The City shall work in cooperation with business and neighborhood organizations and to implement a long-range strategy strategies for attracting private investment in the revitalizing revitalization and enhancement of its Downtown commercial core and older residential areas its Downtown, commercial districts, special purpose districts, older, established multi-family zoned residential areas, and potential mixed-use redevelopment areas .

Policies:

~~7.1 The city shall adopt standards and regulations for the mixed use "MX" land use district shown on the Future Land Use Map to encourage infill and redevelopment of the downtown and older central area of Vero Beach, such standards to include higher residential densities and commercial floor area ratios than found in other districts.~~

~~7.2 The City shall coordinate with applicable downtown agencies and organizations to assist in identifying and articulating local issues and needs.~~

~~7.3 The City shall reinforce downtown as a mixed-use office, employment and governmental center as well as a unique cultural, arts, entertainment and residential enclave, with shopping and dining opportunities that support the district and its surrounding neighborhoods.~~

4.1 The development incentives identified in Policy 3.6 of this element shall be considered for application through the following implementation techniques:

- (a) Overlay zones;
- (b) Floating zones;
- (c) Special purpose zones;
- (d) Planned development projects, and
- (e) Other appropriate techniques.

- 4.2 The City shall consider adopting redevelopment and infill incentive strategies specifically tailored to help achieve the objectives and comply with supporting policies for the Downtown, commercial districts, residential areas and other potential infill and redevelopment areas identified in this element.
- 4.3 In considering the appropriate infill and redevelopment incentives requiring revisions to the Land Development Regulations for specific commercial and residential neighborhood areas, the City staff should first consult with realtors, builders, representative business and neighborhood organizations, property and business owners, residents, and other stakeholders to determine the specific incentives that may be appropriate to meet identified market demand and needs in that specific neighborhood within the City.
- 4.4 The City shall make developers aware of potential redevelopment and infill projects the availability of the tax abatement program for improvements to historic structures and tax abatement incentives for job creation projects authorized in the City Code.
- 4.5 Wherever feasible and appropriate, the City shall consider implementation of redevelopment and infill regulatory incentive techniques in conjunction with supporting public infrastructure, streetscape, and other public common area improvements.
- 4.6 Funding constraints on the level of public funds available for specific capital improvement projects to facilitate the implementation of infill and redevelopment objectives and policies of this Plan shall likely require that such projects be funded partially or fully through grants, private donations, special assessments or special taxing districts, except where such projects can be implemented through cash contributions or the installation of improvements by developers in return for receiving a development bonus incentive.

1.4.0.7 Historic and Archeological Resources

Objective 8:

Objective 5. Historic and Archeological Resources

The City shall protect, preserve or where appropriate promote adaptive re-use of the historic and/or archeological resources in the City.

Policies:

- 5.1 The City shall administer and enforce the provisions of its Historic Preservation Ordinance to protect historic and archaeological resources on the Vero Beach Register of Historic Places.
- 5.2 The City shall maintain its designation under Florida's Certified Local Government Program to make the City eligible for historic preservation grants and to raise the public visibility of the efforts to preserve historic resources.
- 5.3 As a condition of development approval, the City shall require that all development permit applications, including those for infrastructure, shall be reviewed for the potential impacts upon designated and undesignated historic and/archeological resources.
- 5.4 The City shall require a 30-day "cooling off" period prior to the issuance of a demolition permit for a building on the Florida Master Site File to provide an opportunity for the property to be aware of the historic character of the building, potential benefits from historic designation, photographic documentation of the building, and possible assistance and guidance in the rehabilitation or re-adaptive use of the building.
- 5.5 The City shall require a certificate to dig for any construction activity or land alteration that may reveal or disturb an interred archaeological site in a designated or potential archaeological site.
- 5.6 The City shall initiate the updating of its historic survey in July, 2017, to identify and evaluate the City's historic resources and update the Florida Master Site File. This File shall be maintained in the City's Planning and Development Department.
- 5.7 The City through its Historic Preservation Commission shall encourage and assist in the preservation of the historic character of its older, established historic residential neighborhoods and through the following actions:
- (a) Educate, encourage and assist property owners in applying for designation on the Vero Beach's local historic register and in renovating and restoring designated historic structures and obtaining property tax abatement for eligible renovations.
 - (b) Provide assistance to neighborhood contact organizations and property owners interested in pursuing historic neighborhood designation on the National Register of Historic Places for the area similar to what was accomplished for Osceola Park neighborhood.
 - (c) Advise the City Council in coordination with the Planning and Zoning Board on any overlay or historic districts and regulations to be considered for a specific neighborhood.

5.8 Historic and/or archeological resources and their environments shall be considered in any public acquisition programs for recreation, open space and conservation areas.

~~8.1 The City shall update and maintain the historic resources survey and adopt, by July 2008, an historic preservation ordinance to provide appropriate protection for significant historic resources. Ordinance criteria shall include, but not be limited to, the following:~~

~~A. The ordinance shall provide protection for the resources listed on the National Register of Historic Places, the Florida Master Site File, the Local Register of Historic Places and those to be discovered in the future.~~

~~B. The ordinance should outline standards for the identification and evaluation of historic resources.~~

~~C. The ordinance shall establish procedures for the review of all development and redevelopment proposals, including those for infrastructure for the impact upon designated historic resources.~~

~~D. If a determination is made that there will be a potentially negative impact to a historic resource, the City shall notify the Division of Historic Resources of the Department of State and City preservation agent.~~

~~E. Efforts shall be made to preserve the resource. Where preservation is not a feasible alternative, the resource shall either be relocated with information regarding the resource recorded, or elements of the resource shall be salvaged for further study.~~

~~8.2 By July 2008, the land development regulations shall require that all public and private development and redevelopment proposals, including those for infrastructure, shall be reviewed for the impact upon designated archeological and/or historic resources and establish requirements to preserve, reduce or mitigate impacts to these resources.~~

~~8.3 By July 2008, the land development regulations shall require that public and private development and redevelopment activities, including those for infrastructure, shall cease where historic or archaeological artifacts are discovered to allow for an evaluation of historical significance. The regulations shall include, but not limited to, the following criteria:~~

~~A. Immediately upon discovery, notification shall be given to the Division of Historical Resources of the Department of State.~~

~~B. Ground disturbing activities shall be suspended within 20 feet of the discovery for up to 30 days from the date of notification to allow for an initial evaluation of significance. If the resource is found to be potentially significant, activities shall be further suspended for up to 30 days to allow for further evaluation. Ground disturbing activities shall be undertaken with caution in the surrounding area.~~

~~Efforts shall be taken to evaluate the site in a timely and reasonable manner. The property owner should be allowed to hire a professional archaeologist to evaluate the site.~~

~~C. Where the discovery is determined to be historically significant, efforts shall be made to preserve the resource. Where preservation is not a feasible alternative, either the resource shall be relocated with information regarding the resource recorded, or elements of the resource shall be salvaged for further study, at the expense of the State of Florida.~~

~~8.4 By July 2009, the City shall evaluate the land development regulations to determine whether a transfer of development rights procedure would encourage the protection of historic resources from the potential impacts of development and redevelopment.~~

~~8.5 Historic and/or archeological resources and their environments shall be included in public acquisition programs for recreation, open space and conservation areas. The future use of these historic resource areas shall include, but not be limited to, the following:~~

~~A. Any development, public access or activities planned for these sites shall be passive in nature and shall not endanger the integrity and character of the resource.~~

~~B. Exact locations of known archaeological sites purchased shall not be publicized to protect these resources from vandalism.~~

~~8.6 The City shall explore by July 2009, the feasibility of becoming a designated certified local government and participating in Florida's Certified Local Government historic preservation program.~~

~~8.7 The City shall map, by July 2009, locations of potential archaeological resources.~~

Objective 6. Downtown

The City shall reinforce the Downtown as a mixed-use office, employment, and government center, as well as a unique cultural, arts, entertainment, and residential enclave, with shopping and dining opportunities that support the district and its surrounding historic residential neighborhoods and the Vero Beach Cultural Arts Village.

Policies:

6.1 The Downtown is defined by this Plan as that area of the City designated DTW on the City's Zoning Map.

6.2 The primary policy focus for enactment and application of infill and development incentives and strategies for the Downtown shall be those that will attract investment in residential and transient residential development and specific commercial uses to serve

nearby existing residential neighborhoods such as a grocery and food stores. Additional residential and transient residential development is needed to provide customers both day and night for existing restaurants, retail establishments, and art galleries, to enhance the long-term viability as a regional destination with an active downtown scene, and to support the critical mass of development that further spurs public and private investment in the Downtown. The development of nonresidential uses to serve adjacent neighborhood residents in walking distance of the Downtown is intended to attract needed investment and to increase the population in these older, established neighborhoods, which in turn will benefit businesses in the Downtown.

Additionally, development bonus incentives shall be considered for a development that limits first floor uses to retail businesses, restaurants, arts and cultural activities and other uses that promote active store front and pedestrian traffic with office, residential, and transient residential uses restricted to the 2nd floor and above.

- 6.2 In cooperation with Downtown non-governmental advocacy organizations, such as Main Street Vero Beach, the City shall support programs, actions, and other activities to promote and enhance the Downtown, including special events, signage, artistic banners, historic street signs, public art and other techniques to specifically identify the area as separate and unique from other commercial districts in the city and region.
- 6.3 Through its Historic Vero Beach Economic Advisory Committee in coordination with Main Street Vero Beach and other business owners and tenants, and property owners, the City shall identify, as needed, specific issues and needs facing the Downtown and potential programs and changes in regulations to address these issues and needs.
- 6.4 At a minimum, the Historic Vero Beach Economic Advisory Committee shall annually update and submit for approval to the City Council its Economic Development Plan in March prior to start of the City annual operating and capital budgeting process. The Economic Development Plan should be updated in coordination with Main Street Vero Beach, Cultural Council of Indian River County's Leadership Team for the Cultural Arts Village and other Downtown business, civic and public interest groups. It should identify specific public and private capital improvement projects for implementation and the funding sources, both public and private, and proposed implementation schedule for these capital projects that are intended to attract private investment to enhance the Downtown as a vibrant mixed-use destination.
- 6.5 In its annual capital budgeting process, the City Council shall consider the recommendations presented in the Historic Vero Beach Economic Advisory Committee's Economic Development Plan in appropriating funds from the Tax Increment Trust Fund and other City funds for capital improvement projects.
- 6.6 The City shall emphasize in its capital improvements programs and projects for the Downtown and amenities to be provided by developers in return for development bonus incentives. This emphasis shall focus on such projects as the widening of sidewalks, provision of benches and art in public spaces, installation of landscaping and on-street

parking spaces, installation of period street lighting and way finding signs, and other appropriate improvements proposed for public and common areas recommended by the Historic Vero Beach Economic Advisory Committee in its annual Economic Development Plan.

- 6.7 The City shall encourage and support the use of public right-of-way, where appropriate, for outdoor dining venues and cafe, to provide more opportunities for open air dining experiences and to increase social interaction and activity in the Downtown.
- 6.8 Where appropriate, the City shall maintain and add to the number of on-street parking spaces not only to expand the available parking supply, but to create a more pedestrian friendly and walkable environment by placing parked vehicles between pedestrians and the through traffic and by having a calming effect on through traffic created by the installation of on-street parking.
- 6.9 The City shall support the lane reduction of east- and west-bound lanes of SR 60 between 20th Avenue and the Florida East Coast tracks pursuant to the policies in the Transportation Element of this Plan. In consultation with the Indian River County MPO and FDOT, the City shall pursue as an initial measure a reduction in the speed limits on these segments and changes in traffic signal time at the intersection of 14th Avenue and SR 60 east-bound to allow for safer pedestrian access across this street.
- 6.10 With input from the Historic Vero Beach Economic Advisory Committee and Main Street Vero Beach, the City shall consider the future expansion of GoLine's transit services in the Downtown at an appropriate time after completion of the new Go-Line main transit hub on 16th Street, including a possible circulator route for special events and to improve linkage between business establishments and public parking areas in the Downtown.

Objective 7. Royal Palm Pointe

The City shall endeavor to make Royal Palm Pointe as a regional active, mixed-use residential, commercial, and entertainment district that is primarily based on restaurants, recreation and boutique retail venues that are enhanced by the waterfront location.

Policies:

- 7.1 The general boundaries of Royal Palm Pointe are shown in Figure 2-9 of the technical document to this Plan.
- 7.2 With input from property and business owners, stakeholders, and interested public, the City shall explore the need and desirability to replace the Marine (CM-1) and C-1A and C-1B (Commercial) zoning districts with a single purpose district or revisions to existing underlying zoning districts through overlay zoning. The intent of the special purpose district is to assure creation of an active mixed-use area by requiring ground floor retail, commercial, restaurants, recreational, and entertainment uses in all new buildings as

recommended in the 2005 Vision Plan and to promote increased boating and marina facilities and activities available to the public. Development standards either voluntary and/or mandatory should be considered, requiring preparation and adoption of design guidelines and standards. Development bonus incentives may be considered consistent with Policy 3.6 of this element.

- 7.3 The City shall continue to work with property and business owners regarding parking, landscaping, signage, lighting, and streetscape improvements in the right-of-way.

Objective 8: Cardinal Drive/Ocean Drive Commercial District

The City shall maintain Cardinal Drive/Ocean Drive Commercial District as a pedestrian-oriented, mixed use destination and quality-oriented boutique retail center for both visitors and residents that is characterized by small-scale specialty retail and services, restaurants, entertainment venues, and quality residential and transient (hotel) residential development along with offices and supporting uses.

Policies:

- 8.1 The Cardinal Drive/Ocean Drive Commercial Overlay District as shown on the City's Zoning Map shall serve as the boundaries of the Cardinal Drive/Ocean Drive Commercial District for the purposes of this Plan.
- 8.2 In cooperation with Oceanside Business Association, the City shall support programs, actions, and other activities to promote and enhance the Cardinal Drive/Ocean Drive Commercial District, including special events, signage, artistic banners, historic street signs, public art and other techniques to specifically identify the area as a separate and unique from other commercial districts in the city and region.
- 8.3 The City shall work with the Oceanside Business Association and other business groups, owners and tenants, and property owners to identify specific issues and needs facing the Cardinal Drive/Ocean Drive Commercial District and potential programs and changes in regulations to address these issues and needs.
- 8.4 The City shall continue to work with property and business owners regarding parking, landscaping, signage, lighting, and streetscape improvements in the right-of-way.
- 8.5 The City shall continue to work with the Indian River County Chamber of Commerce, Oceanside Business Association, and business and property owners in monitoring and addressing parking issues in the commercial district and options to address problems such as the provision of circular shuttle service for employees and visitors to open up available public parking for visitors and shoppers.
- 8.6 The City shall continue to monitor and evaluate the value and effectiveness of the Cardinal Drive/Ocean Drive Commercial Overlay District regulations, including the development incentives and standards of these regulations, to determine the need for any

amendments to the regulations to better achieve the following specific purposes of the overlay district:

- (a) Promotion of small-scale specialty retail services, restaurants, and supporting services on the ground floor with office, residential, and hotel uses above the ground floor;
- (b) Retention and promotion of small to medium scale quality hotel development and redevelopment compatible with the commercial uses and overall pedestrian-oriented character of the district;
- (c) Provision of development that exhibits the physical design characteristics of pedestrian-oriented storefront shopping districts; and
- (d) Promotion of the health and well being of residents by encouraging outdoor physical activity and social interaction.

Objective 9. Beachland Boulevard Corridor

The City shall maintain Beachland Boulevard Corridor from Mockingbird Drive to Eagle Drive as a premier office corridor particularly for professional services and banking and financial activities.

Policies:

- 9.1 The general boundaries of the Beachland Boulevard Corridor are as shown in Figure 2-9 of the technical document to this Plan.
- 9.2 The City shall encourage development and redevelopment through its development review process that achieves the following outcomes:
 - (a) Maintenance of common landscape setbacks with adjoining properties;
 - (b) Building setbacks consistent with adjoining properties;
 - (c) Main entrances and orientation of new buildings to face Beachland Boulevard;
 - (d) Major parking areas located behind buildings with cross-access between parking lots;
 - (e) Maintenance of significant canopy trees; and
 - (f) Installation of monument signage rather than pole signage.

- 9.3 The City shall continue to monitor any changes in development and businesses in the Beachland Boulevard Corridor in cooperation with property and business owners to ascertain any future need for enacting development standards through application of an overlay zoning district to achieve the outcomes envisioned in Policy 9.2.
- 9.4 The City shall cooperate with property and business owners related to maintaining and improving landscaping in the public right-of-way including such elements as vegetation, signage, public lighting, and street furniture.
- 9.5 The City shall consider the creation of an signage overlay district for the Beachland Boulevard Corridor compatible with the low-speed traffic character and the tree canopy of the corridor as part of the City's effort to comprehensively amend its sign regulations pursuant to Policy 3.8.

Objective 10. Miracle Mile Corridor

The City shall endeavor to enhance the existing character, marketability, and long-range sustainability of the Miracle Mile corridor and to facilitate its on-going evolution into a more mixed-used pedestrian oriented commercial district.

Policies:

- 10.1 For purposes of this element, the general boundaries of the Miracle Mile Corridor are the properties centered on 21st Street between U.S. Highway 1 and Indian River Boulevard, as shown in Figure 2-9 of technical document to this Plan.
- 10.2 The City shall investigate the need and support for a new mixed-use zoning district or a special purpose zoning district to be enacted and applied to some or all of the Miracle Mile Corridor under the Commercial (C) future land use designation. Any new zoning district should consider providing development incentives for eligible properties that meet specific mixed use development standards to be established for the district. In considering such regulations, some attention should also be given to retrofitting existing parking lots to improve safety, stormwater retention, and pedestrian movements and connectivity between parking areas; consolidating landscaping areas into larger more contiguous planting areas that have greater visual impact; and retrofitting and improving on-site storm drainage.
- 10.3 The City shall cooperate with property and business owners related to maintaining and improving landscaping in the public right-of-way including such elements vegetation signage, public lighting, and street furniture with the understanding any landscaping and streetscape improvements.

Objective 11. U.S. Highway 1 Corridor

The City shall endeavor to improve the overall appearance, character, mix of uses, property maintenance, and development quality in the U.S. Highway 1 Corridor.

Policies:

- 11.1 The primary focus of any infill and development incentives and strategies the U.S. Highway I Corridor shall be, but is not necessarily limited to, those that create well designed mixed use projects and more cross-connections for both vehicles, pedestrian, and bicycle traffic between adjacent properties, and provide enhanced landscaping along ROW frontage and buffers between residential and commercial areas. These strategies are intended to provide a more attractive travel corridor and entrance to the City with breaks in the overwhelming linear, highway oriented commercial development located on both sides of U.S. Highway 1.
- 11.2 The City shall review existing regulations for planned developments to better implement Policy 11.1 and to proceed to enact such amendments if it is determined that such amendments are needed and desirable.
- 11.3 Through its Historic Vero Beach Economic Advisory Committee in coordination with other business owners and tenants, and property owners, the City shall identify, as needed, specific issues and needs facing the U.S. Highway 1 Corridor and potential programs and changes in regulations to address these issues and needs, including the development and enactment of any infill and redevelopment incentives.
- 11.4 The City shall continue to enforce its property maintenance and nuisance code provisions and the site plan maintenance requirements of its Land Development Regulations to eliminate blighting influences, protect and enhance property values, and to improve the overall appearance of the U.S. Highway I Corridor.
- 11.5 The City shall further investigate and consider alternatives for the redevelopment of the MR future land use designated area in the U.S. Highway 1 Corridor north of the Main Relief Canal in conjunction with transportation alternatives for connecting with 37th Street and providing access to vacant properties to the north of the neighborhood.

Objective 12. Vero Beach Cultural Arts Village

The City shall support the creation of a “Vero Beach Cultural Arts Village” centered on the Edgewood Subdivision that builds upon the historic residential character of that neighborhood, produces a viable residential and limited commercial neighborhood with complementary creative environments for living, working, selling, dining, and entertainment, and results in a destination for the gathering and interaction of diverse groups of residents and visitors.

Policies:

12.1 The City shall support the creation of the Vero Beach Cultural Arts Village (“Village”) by providing staff assistance in the implementation of the recommendations of the Cultural Arts Village Report consistent with the constraints on the City’s financial and staffing resources and project priorities.

12.2 The City shall prepare amendments to its Land Development Regulations and Zoning Map to create a special purpose district for the Village with input from the appropriate representatives of the Cultural Council of Indian River County’s (Cultural Council) Leadership Team. In preparing the draft ordinances, the following guidelines should be considered:

(a) The boundaries of the special purpose zoning district shall generally follow those identified in the Cultural Arts Village Report, dated March 3, 2016, excluding any properties zoned Downtown (DTW).

(b) For purposes of this special purpose zoning district, the term “arts” shall apply all forms of creative and imaginative expression, such as, but not be limited to the fine arts, music, creative writing and poetry, music, film, and the performing arts.

(c) The allowable uses to be considered for the special purpose district may include, but are not necessarily limited to the following:

- Single family, duplex, and multi-family dwellings including multiple dwellings on one site.
- Parks, including amenities facilities associated with parks, except for active sports and recreation fields or facilities.
- Art studios, offices, and display areas or galleries either separately or in combination with the artist’s home with specific limitations on the amount of floor area occupied by the non-residential functions.
- Bed and breakfast lodging establishments with limitations on the number of rooms available for occupancy and a requirement that the manager or owner live on site.
- Limited retail uses related or directly involved with the arts, such as book stores, art galleries, and graphic arts supply stores, with limitations on the amount of floor area.
- Cafes and restaurants with limitations on the amount of floor area with the possible exclusion of establishments that derive more than 50 percent of their revenue from the sale of alcoholic beverages.

- Limited personal service uses related or directly involved with the arts, such as art, music and dance studios, with limitations on the amount of floor area.
- (d) Existing lawfully established uses in the RM 10/12 or POI zoning districts that would no longer be allowable in the new special purpose district should be considered for special vesting provisions, if warranted.
- (e) Limitations on the number of stories to be allowed in the district regulations consistent with the specific design and site standards of (g) below should be considered.
- (f) All uses that are to be allowed either by right or by conditional use should be specifically identified to the maximum extent practicable to eliminate problems in administering the regulations of the special purpose district.
- (g) Specific design standards and guidelines to be applied to new development or substantial improvements to existing development should be included in the regulations for the special purpose district, including requirements for design approval by the City's Architectural Review Commission, as part of the development permitting approval process.

12.3 The City shall work with the Cultural Council's Leadership Team and any successor organization representing the Cultural Arts Village in implementing the recommendations of the *Cultural Arts Village Report*.

Objective 13. General Neighborhood Principles and Strategies

The City shall endeavor to reinforce Vero Beach as a "community of neighborhoods" through strategies that promote neighborhood conservation/preservation and neighborhood revitalization and stabilization.

Policies:

13.1 Pursuant to the requirements of Policy 3.7 of this element, the City shall consider on a neighborhood-by-neighborhood basis the need, desirability, and level of support for enacting specific neighborhood conservation, preservation, revitalization, and stabilization strategies that would involve the enactment of specific regulations for that neighborhood such as, but not limited to an overlay district, historic district, or other special purpose district that only affects properties within that specific neighborhood.

13.2 Any infill and redevelopment incentives or regulations to be considered for application in the City's multi-family zoned residential districts or mixed residential districts shall provide for a variety of housing types in scale and architectural styles by allowing development of small lots, clustering of dwelling units, accessory housing, apartments, townhouses, and bungalow courts consistent with specific site and building design

guidelines consistent with the existing community character. These incentives should be structured to bring benefits to the community and neighborhood as a whole, not just to builders and newcomers.

13.3 The City shall consider amendments to the Land Development Regulations to create provisions for Residential Group Projects providing incentives with specific design standards for infill and redevelopment in residential neighborhoods. Such projects could be approved through a conditional use process and would modify and/or allow for waivers from underlying development standards to facilitate residential infill development.

13.4 Any redevelopment and infill strategies to be implemented in the City's older, established residential neighborhoods shall consider measures to protect and enhance the City's historic structures in those neighborhoods.

13.5 In the City's older, established residential neighborhoods, the City shall preserve the historic gridiron pattern and connectivity of existing streets and alleyways by denying property-owner initiated petitions for abandonment of public right-of-way or license applications for permanent private use of public right-of-way unless the City Council deems that the right-of-way is no longer needed and that its abandonment will not adversely impact the connectivity of existing streets or alleyways.

13.6 Neighborhood, homeowners, and civic and business associations may request to be identified and recognized as a neighborhood contact organization for a specific neighborhood upon written request to the City. As a neighborhood contact organization, the organization shall be notified by the City Planning and Development Department prior to any public hearing for proposed future land use and zoning changes, amendments to comprehensive plan policies, major site plans and project architectural review, and conditional uses that may affect the neighborhood. Any neighborhood contact organization should be willing to assist the City staff in coordinating any City planning, code enforcement, community policing, and other public programs in the neighborhood and act as the liaison between the neighborhood and City staff.

13.7 In conjunction with the recognized neighborhood contact organization, property owners, residents, and businesses, the City shall promote the stabilization and enhancement of the neighborhood through the following actions consistent with the constraints on the City's financial and staff resources:

- (a) Provide Police Department support for a Neighborhood Watch Program and increased community policing in the neighborhood in response to the needs of residents and businesses;
- (b) Support neighborhood efforts to improve traffic and pedestrian safety through the City's traffic calming program;
- (c) Work to identify, prioritize and budget needed neighborhood public

infrastructure improvements with input from the recognized neighborhood association and other stakeholders as part of the City's Five-Year Capital Program, such as additional street and alley lighting, drainage facilities, sidewalks, roadway improvements, and other public improvements;

- (d) Identify appropriate federal and state grants programs to secure financial assistance for construction of infrastructure improvements identified in the City's Five-Year Capital Program;
- (e) Support efforts to establish neighborhood identification signs at gateway entrances and specialized neighborhood street signage with the historical street names to help better create a sense of place and neighborhood identification;
- (f) Support efforts to stabilize and improve the overall appearance of the neighborhood through comprehensive code enforcement of zoning, housing, and property maintenance regulations and through the active participation of property owners and residents with City code enforcement and solid waste personnel in comprehensive cleanup programs;
- (g) Provide outreach support by the City's professional staff to property owners, residents, and businesses in addressing planning, historic preservation, code enforcement, police, and public service issues that affect the neighborhood; and
- (h) Work with the Indian River County MPO, the GoLine transit service and neighborhood contact organization to coordinate the location of bus stops and routes in the neighborhood.

13.8 Through its Historic Preservation Commission, the City shall encourage and promote the preservation of the historic character of the Original Town, Osceola Park, Edgewood, and other older neighborhoods and the preservation of individual historic homes with the following actions:

- (a) Educating and encouraging property owners in applying for designation on the Vero Beach's local historic register, renovating and restoring designated historic structures and obtaining property tax abatement for eligible renovations;
- (b) Providing assistance through the City staff and historic preservation professionals or volunteers to the neighborhood contact organizations and property owners interested in pursuing neighborhood designation on the National Register of Historic Places; and

- (c) Advising the City Council in coordination with the Planning and Zoning Board on any historic or overlay districts and regulations to be considered specifically for a neighborhood.

1.4.20 Residential Neighborhood Strategies

Objective 12 14. Original Town Neighborhood

The City, with the active support of Original Town property owners, residents, businesses, and civic/business associations, shall work to stabilize the underlying physical fabric of this historic inner city neighborhood and its remaining residential areas by encouraging quality residential infill and redevelopment along with appropriate public infrastructure investment, and regulatory programs that promote increased home ownership and housing opportunities and retain the historic residential character of the neighborhood while limiting further intrusion of incompatible nonresidential uses.

Policies:

~~12.114.1~~ The City recognizes the boundaries of the Original Town neighborhood for planning purposes by adopting the map in Figure 2 2. The adopted map shall be used to describe the geographic limits for application of specific comprehensive plan policies and implementation activities related to the Original Town neighborhood under Objective 12. The perimeter boundaries of the Original Town Neighborhood for application of specific comprehensive plan policies under this objective and Plan are described as follows:

- East: 15th Avenue
- North: 24th Street
- West: 20th Avenue
- South: 20th Place

~~12.214.2~~ The City recognizes the Original Town Neighborhood Association as a neighborhood contact organization for City staff pursuant to Policy 12.5 of this element. Other civic and business associations may request to be identified as a neighborhood contact organization upon written request to the City and approval by City Council. As a neighborhood contact organization, the organization shall be notified by the City prior to any public hearing for proposed future land use and zoning changes, amendments to comprehensive plan policies, major site plans and project architectural review, and conditional uses that may affect the neighborhood. Any neighborhood contact organization shall be willing to assist the City staff in coordinating any City planning, code enforcement, community policing, and other public programs in the neighborhood and act as the liaison between the neighborhood and City staff.

~~12.314.3~~ The Notwithstanding the provisions of Policy 13.5, City shall preserve the historic gridiron pattern and connectivity of existing streets and alleyways by denying property-owner initiated petitions for abandonment of public right-of-way or license applications for permanent private use of public right-of-way.

~~12.4~~ 14.5 To protect the integrity and viability of remaining predominately residential areas of the Original Town neighborhood, any request for a change in the zoning map designation from residential to nonresidential for properties north of 22nd Street, shall be required to demonstrate that, in addition to meeting the criteria for a rezoning in the Land Development Regulations, such a change:

- (a) Is warranted based on a substantial change in circumstances to the subject property or adjacent properties; and
- (b) Will not adversely impact on the viability of existing residential uses and lead to further expansion of nonresidential uses along a predominately residential street.

~~12.5~~ 14.6 To limit the further encroachment of disruptive conditional uses into the neighborhood that adversely impact the neighborhood's historic residential character and resources. any proposed new or expansion of an existing conditional use in the Original Town neighborhood shall be required to demonstrate that the proposed project will not adversely impact existing historic residential buildings in addition to meeting all conditional use criteria in the Land Development Regulations. For purposes of this policy the following definitions apply:

- (a) Historic building – any building identified as, eligible for historic designation on the national or local historic registers.
- (b) Adverse impact - The demolition or substantial alterations to the exterior of a historic building that negatively impact its historical authenticity.

~~12.6~~ The Planning and Development Department staff shall endeavor to investigate and prepare a draft report with recommendations for review by the Planning and Zoning Board by December 31, 2015, identifying specific regulatory changes that can be implemented through an overlay district and/or other amendments to other pertinent sections of the City's Land Development Regulations to encourage and facilitate compatible residential infill development and redevelopment in the Original Town neighborhood. The report will serve as a guide in preparing and implementing desired changes in the Land Development Regulations. Any changes in the Land Development Regulations shall have, as appropriate, performance standards to ensure or promote compatibility with existing historic buildings and neighborhood characteristics.

Such investigation may cover, but not be necessarily limited to the following concepts:

- ~~Overlay District Amending RM 10/12 district regulations~~ amendments to the RM 10/12 zoning district regulations through enactment of an overlay district to facilitate residential infill development by modifying underlying development standards and requirements.

- ~~Residential group projects on a project by project basis, projects to be approved through the conditional use process; modifies and/or allows for waivers from underlying development standards to facilitate residential infill development.~~
- ~~Residential infill overlay district applies to all residential lots meeting certain eligibility requirements; modifies underlying development standards to provide more flexibility for residential infill development.~~
- ~~Conservation or neighborhood stabilization overlay district applies to all properties in the neighborhood; establishes specific development standards for new and existing development intended to facilitate infill development and additions/renovation to existing development.~~
- ~~TDRs (“transfer of development rights”) provides for the transfer of density from one property to another within the RM 10/12 zoning district in the neighborhood as an incentive to attract investment in residential infill projects.~~

12.7 ~~Any decision regarding the preparation and enactment of overlay district regulations for the neighborhood should consider the following factors:~~

- ~~Public interest to be served;~~
- ~~Level of property owner support in relation to the impact of the regulations on property owners;~~
- ~~Recommendations of the Planning and Zoning Board, Historic Preservation Commission, and City staff; and~~
- ~~Sufficiency of available financial and staff resources to prepare and administer the overlay district regulations.~~

12.8 ~~The City through its Historic Preservation Commission shall encourage and assist in the preservation of the historic character of the Original Town neighborhood and homes through the following actions:~~

- ~~Educate, encourage and assist property owners in applying for designation on the Vero Beach’s local historic register and in renovating and restoring designated historic structures and obtaining property tax abatement for eligible renovations.~~
- ~~Provide assistance to the neighborhood contact organization and property owners interested in pursuing neighborhood designation on the National Register of Historic Places for the area as recommended in the *Historic Resource Survey Update of the Original Town and Osceola Park Area Neighborhoods*.~~

- ~~Participate in coordination with the Planning and Zoning Board in advising the City Council on any overlay districts and regulations to be considered specifically for the neighborhood.~~

~~12.9~~ 14.7 In conjunction with the neighborhood contact organization, property owners, residents, and businesses, the City shall promote the stabilization and enhancement of the neighborhood through the following actions consistent with the constraints on the City's financial and staff resources: pursuant to the actions in Policy 13.7 of this element.

- ~~Continue to provide Police Department support for Neighborhood Watch Program and increased community policing in the neighborhood in response to need of residents and businesses.~~
- ~~Support neighborhood efforts to improve traffic and pedestrian safety through the City's traffic calming program.~~
- ~~Work to identify, prioritize and budget needed neighborhood public infrastructure improvements with input from the Original Town Neighborhood Association and other stakeholders as part of the City's Five Year Capital Program, such as additional street and alley lighting, drainage facilities, sidewalks, roadway improvements, and other public improvements.~~
- ~~Identify appropriate federal and state grants programs to secure financial assistance for construction of infrastructure improvements identified in the City's Five Year Capital Program.~~
- ~~Support efforts to establish neighborhood identification signs at gateway entrances and specialized neighborhood street signage with the historical street names to help better create a sense of place and neighborhood identification.~~
- ~~Support efforts to stabilize and improve the overall appearance of the neighborhood through comprehensive code enforcement of zoning, housing, and property maintenance regulations and through the active participation of property owners and residents with City code enforcement and solid waste personnel in comprehensive cleanup programs.~~
- ~~Provide outreach support by the City's professional staff to property owners, residents, and businesses, if requested by the neighborhood contact organization in addressing planning, historic preservation, code enforcement, police, and public service issues that affect the neighborhood.~~
- ~~Work with the Indian River County MPO, the GoLine transit service and neighborhood contact organization to coordinate the location of bus stops and routes in the neighborhood.~~

1.4.1.0. Land Use Compatibility with Operations of the Vero Beach Municipal Airport

Objective 11: 15. Land Use Compatibility with Airport Operations

The City shall regulate the use of lands in order to ensure that future uses are compatible with Vero Beach ~~Municipal-Regional~~ Airport operations in order to promote public health, safety, and general welfare.

Policies:

- ~~11.1~~ 15.1 The City Planning and Development Department shall coordinate with the Vero Beach ~~Municipal-Regional~~ Airport and the airport master plan to review amendments to the ~~future land use map or zoning map~~ Future Land Use Map or Zoning Map that may be proposed within the airport noise impact zone as defined in Chapter 68, Airport Zoning, of the Vero Beach Code.
- ~~11.2~~ 15.2 The City Planning and Development Department shall coordinate with the Vero Beach ~~Municipal-Regional~~ Airport by providing copies for review and comment of proposed development permit applications, including change of uses that are located within the airport noise impact zone as defined in Chapter 68, Airport Zoning, of the Vero Beach Code.
- ~~11.3~~ 15.3 In accordance with Federal Aviation Administration advisories and Chapter 333, Florida Statutes, Airport Zoning, the City shall prohibit proposed incompatible land uses, activities, or construction within the airport runway protection zone as defined in Chapter 68, Airport Zoning, of the Vero Beach Code. Examples of incompatible land uses are uses that could lead to the congregation of people, the attraction of birds, the emission of light, glare, or smoke, or the construction of tall structures.
- ~~11.4~~ 15.4 The City shall prohibit proposed residential uses and educational facilities, with the exception of aviation school facilities, that are inside the 65 decibel Day-Night Average Sound Level (DNL) noise contour, as adopted in the most recent Vero Beach Municipal Airport FAR Part 150 Noise Study, in accordance with Federal Aviation Administration guidance and Chapter 333, Florida Statutes, Airport Zoning.
- ~~11.5~~ 15.5 The City shall prohibit proposed land uses such as sanitary landfills or other hazardous wildlife attractants at either end of a runway within five (5) statute miles between the farthest edge of the airport operations area and the hazardous wildlife attractant if the attractant could cause wildlife movement into or across the approach or departure airspace, in accordance with Federal Aviation Administration recommendations.
- ~~11.6~~ 15.6 The City shall prohibit proposed construction of educational facilities of a public or private school at either end of an airport runway within an area which extends five (5) miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway, in accordance with Chapter 333, Florida Statutes, Airport Zoning.

~~11.7~~15.7The City shall periodically review and update as necessary existing ~~land development regulations~~ Land Development Regulations in accordance with federal and state laws.

~~11.8~~15.8The Vero Beach ~~Municipal~~ Regional Airport shall continue to use and improve upon its noise abatement approach and departure procedures as outlined in the most recent Part 150 Noise Study, Noise Compatibility Plan.

~~11.9~~15.9The City shall require prior to substantial improvements or new residential construction in the airport noise impact zone, as defined in Chapter 68, Airport Zoning, of the Vero Beach Code, that the property owner(s) shall either grant an aviation easement to the City of Vero Beach or provide soundproofing sufficient to achieve an outdoor to indoor noise level reduction of 25 decibels.

~~11.10~~15.10The City Planning and Development Department and Airport shall coordinate with Indian River County Community Development Department to review amendments to the ~~future land use map~~ Future Land Use Map, zoning map or Zoning Map, or to review permit applications for development that may be proposed within the airport noise impact zone as defined in Chapter 68, Airport Zoning, of the Vero Beach Code.

~~1.4.0.8~~ — School Siting Policies

Objective 9:16. School Siting, Level of Service, and Co-Location Policies

~~Future needs for public schools sites will be accommodated on land that is proximate to urban residential areas.~~

In coordination with the Indian River County School District, Indian River County, and other local governments, the City shall accommodate sites for public schools to meet future needs; ensure adequate capacity exists to meet level of service standards; and encourage the co-location of public schools with other public facilities including parks, libraries, and community centers.

Policies:

16.1 The City hereby adopts by reference the objectives and policies of the latest adopted Public School Facilities Element of the Indian River County Comprehensive Plan, except as may be amended by this Plan.

16.2 The City shall ensure adequate capacity in the public school system pursuant to Policy 15.1, concurrency management system requirements of the Capital Improvements Element, and the provisions of the “Interlocal Agreement for Coordinated Planning and School Concurrency,” as amended.

16.3 The City shall accommodate the siting and site location of new public schools and shall promote the co-location of public schools with other public facilities pursuant to Policy 16.1, pertinent policies of the Land Use Element, and the provisions of the “Interlocal Agreement for Coordinated Planning and School Concurrency,” as amended.

- 9.1 The development regulations shall permit schools to be located in all residential zoning districts, the mixed use district, the mixed residential district, and the industrial zoning district.
- 9.2 The land development regulations shall establish size and site location criteria for future school sites.
- 9.3 Prior to establishing a new public school site within the City of Vero Beach, the Indian River County School Board shall establish a need for the school site based on standard school siting criteria utilized throughout Indian River County.
- 9.4 In establishing new school sites, the City shall encourage the Indian River County School Board to select sites that are proximate to urban residential areas.

1.4.0.9 Co-location of Schools

Objective 10:

The co-location of schools with other public facilities including parks, libraries, and community centers shall be encouraged.

Policies:

- 10.1 Prior to location of any park, library or community center or park within Vero Beach, the City shall consider, to the greatest extent possible, co-locating the facility with a school site.
- 10.2 In selection of the location of new school sites, the City shall encourage, to the greatest extent possible, that the Indian River County School Board consider co-location with existing park, library and community center sites.
- 10.3 If Indian River County proposes construction of a library, community center or park within Vero Beach, the City shall encourage co-location with a school site to the greatest extent possible.

CHAPTER 4
HOUSING ELEMENT
GOAL, OBJECTIVES, AND POLICIES

3.3 GOALS, OBJECTIVES, AND POLICIES

3.3.0 Goal 1: ~~A housing supply which permits most households to enjoy safe and healthful living accommodations which meet accepted standards of affordability and which are located in pleasant environments where a sense of civic pride and personal well-being can be achieved.~~

GOAL

Affordable, sustainable, safe, and sanitary housing shall be provided that meets the varying housing needs of all existing and future residents of Vero Beach by encouraging preservation and revitalization of existing neighborhoods, the construction of new residential developments with a strong neighborhood identity, and the provision of adequate sites that allow a ~~diversity wide range~~ of housing opportunities for various segments of the housing market.

Objective 1:

~~The City shall encourage the creation and/or preservation of affordable housing for existing and future residents.~~

Objective 1. Neighborhood Preservation, Rehabilitation, and Identity

The City shall encourage the provision of housing through the preservation of existing stable neighborhoods, rehabilitation of neighborhoods that ~~have declined or are varying degrees of in~~ decline, and promoting new residential infill developments that promote strong neighborhood identity.

Policies:

- 1.1 The City shall support neighborhood enhancement projects for the maintenance and improvement of sidewalks, street lighting, and streetscapes that contribute to the preservation of neighborhood identity.
- 1.2 The City shall support residential compatibility for new infill development and redevelopment through requiring context-sensitive building and site design including the preparation of pattern books for individual neighborhoods, if appropriate.
- 1.3 The City shall protect neighborhoods from incompatible uses through ~~the relevant policies of the Land Use Element, its land use planning~~ and Land Development Regulations.

~~1.7-1.4~~ The City shall encourage the stabilization and redevelopment of older, established neighborhoods by creating, where appropriate, special zoning districts which recognize the limitations of older subdivisions.

1.5 The City shall support historic preservation and neighborhood conservation through its Historic Preservation Commission, and Land Development Regulations and Objective 5 and supporting policies of the Land Use Element.

~~1.2-1.6~~ The City shall continue to protect existing housing stock through its zoning regulations and historic preservation regulations. ~~The City shall thoroughly examine during the preparation of the Evaluation and Appraisal Report due by September 1, 2010, appropriate regulatory, policy, and administrative measures to further streamline the permitting process for affordable housing projects, modify any standards or regulations that unnecessarily increase the cost of housing, and strategies for encouraging and promoting new affordable housing and preservation of the existing affordable housing stock.~~

~~1.3-1.7~~ The City shall encourage infill development, removal of blighting influences and stabilization of neighborhoods through educational means such as meetings, research, and information exchanges, as well as coordinated and joint programs and activities by public and private sectors.

~~1.41.8.~~ The City shall explore ways to increase the viability of existing neighborhoods through development incentives as identified by pertinent policies in the Land Use Element. ~~The City shall make a formal request to be included as a member of an advisory committee appointed by the Board of County Commissioners to provide additional guidance on County and City housing policies. Comprised of representatives of the housing industry, financial institutions, Housing Authority and citizens, the committee shall be advisory and terminated upon acceptance of its final report. This committee shall submit a final report to the Board of County Commissioners and City Council by 1993 containing the following:~~

- ~~o — Recommend strategies for housing and neighborhood conservation alternatives and feasibility;~~
- ~~o — Public/private joint sponsorship of activities and funding programs;~~
- ~~o — Approaches to reduce housing costs and upgrade neighborhoods;~~
- ~~o — Policies concerning the formation of non-profit housing sponsors; and~~
- ~~o — Principles and criteria to guide residential density planning, special housing facility locations, and effective means of integrating housing planning with general community planning.~~

Objective 2. Adequate Housing Sites for a Diversity Range of Housing

The City shall ~~have adequate sites to~~ endeavor to accommodate current and anticipated housing demand for all income groups and groups with special housing needs ~~by having sites.~~ ~~The sites shall have an~~ with appropriate future land use and zoning designations which allow for a balanced housing market with a mixture of housing types, including ~~mobile and~~ manufactured (“mobile homes”) homes.

Policies:

2.1 The City of Vero Beach shall continue to enforce and monitor compliance with its Fair Housing Ordinance to ensure equal housing opportunities consistent with Title VIII of the Civil Rights Act of 1968 and the Florida Fair Housing Act.

2.2 The City of Vero Beach, through its Future Land Use ~~plan~~ Map, hereby designates land for residential land uses and support services for a wide variety of housing types (including mobile homes), densities, and physical environments to facilitate an equally wide variety of housing costs for present and future residents with special consideration given to the following:

- Lot sizes, setbacks and land use mixes;
- Proximity to public transportation, recreational facilities, and community services, such as shopping, personal services, and health care; and
- Compatibility of land use relationships and neighborhood character;
- Reduction of automobile travel to meet normal daily needs for access to employment, services, recreation and other local activities;
- Infill and redevelopment; and
- Mixed-Use opportunities (especially in the downtown, appropriate commercial districts, and older, established neighborhoods needing revitalization).

2.3 The City shall provide technical assistance to ~~existing and~~ any future community development corporations, housing trust funds, community land trusts or similar non-governmental agencies for stabilizing and redeveloping residential neighborhoods and providing affordable housing.

~~2.4 The City shall inventory all surplus City owned land and foreclosed properties that could be used for affordable housing and will coordinate the identification of such lands with the County, the School Board, the SJRWMD and other public land owners in the City. The City will cooperate with the State Department of Community Affairs in its annual inventory of State owned land available for affordable housing development.~~

~~The City shall make these lands available for affordable housing development using a competitive Request for Proposal process, seeking proposals from the private sector. To ensure that these units will meet affordable housing needs, the RFP process shall require units produced average less than 85% of City median home price and 90% of all units be~~

less than median price.

- ~~2.5 By 1992, the City will identify private sector participants agreeable to participate in a low cost housing demonstration program. The City's role will involve technical assistance and permitting.~~
- 2.4 The City shall promote a diversity range of housing choices and opportunities by providing a regulatory framework that includes incentives for residential infill and redevelopment and mixed commercial-residential development.
- 2.5 The City shall prepare an inventory list of all real property within its jurisdiction to which it holds fee simple title and which is appropriate for use as affordable housing every three years per Section 166.0451 Florida Statutes. The inventory list shall include the address and legal description of each such property and specify whether the property is vacant or improved. The City Council shall review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the City Council shall adopt a resolution that includes the inventory list of such property.

Objective 3. Sustainable and Energy Efficient Housing Standards

~~The City of Vero Beach shall reduce the number of dwelling units with housing code violations through increased code enforcement programs. By 1995, the number of code violations shall be reduced from approximately 1.5 % of total housing to 0.5%. —~~

The City shall strive to fulfill the City's housing needs while promoting sustainable and energy efficient standards.

Policies:

- 3.1 The City shall promote conservation programs and energy efficient practices that reduce housing operation costs for energy, sewer and water usage, within the structure and for landscaping, in new residential developments and redevelopment housing areas.
- 3.2 The City shall consider offering development incentives to encourage developers to use green building standards and energy efficient technologies.
- 3.3 The City shall ensure a compatible relationship between new housing and vehicle circulation patterns and encourage pedestrian and bicycle interconnectivity and accessibility to transit in order to minimize traffic impacts and promote healthy lifestyles in new residential development and redevelopment projects.
- 3.4 The City shall promote transit supportive mixed-use residential development in close proximity to services to reduce dependence on automobile use in new residential developments and redevelopment areas.
- 3.5. The City shall encourage all housing structures be constructed with cost effective

efficiency construction standards, and whenever economically feasible, housing should meet or exceed standards set forth by the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, or other national or state recognized high-performance conservation building rating system as approved by the Florida Department of Management Services.

3.6 The City shall consider providing development incentives for projects that meet or exceed the USGBC and LEED standards.

Objective 14. Affordable and Workforce Housing

The City shall encourage the creation and/or preservation of affordable and workforce housing for existing and future residents to meet the future needs assessment identified in Technical Document of the Comprehensive Plan for very-low, low and moderate low income households in the City based on the Florida Housing Data Clearinghouse prepared by the Shimberg Center for Housing Studies:

Policies:

4.1. The following definitions for affordable and workforce housing shall be used by the City in this Comprehensive Plan and the City's programs and policies:

"Affordable Housing" means housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of annual median income (AMI) as measured by the U.S. Bureau of the Census and updated annually by the Department of Housing and Urban Development.

"Workforce Housing" is defined as housing affordable to natural persons or families whose total annual household income does not exceed 140% of the annual median income, adjusted for household size.

"Extremely Low Income" means one or more natural persons or a family whose total annual household income does not exceed 30% of median annual adjusted gross income.

"Very Low Income" means one or more natural persons or a family whose total annual household income does not exceed 50% of median annual adjusted gross income.

"Low Income" means one or more natural persons or a family whose total annual household income does not exceed 80% of median annual adjusted gross income.

"Moderate Income" means one or more natural persons or a family whose total annual household income does not exceed 120% of median annual adjusted gross income.

"Essential Services Personnel" means personnel whose household incomes do not exceed 140% of the annual median income as determined annually by the Florida Housing Finance Corporation and adjusted for family size, who are employed in areas in

which they are considered essential service personnel , including but not limited to teachers and educators, police and fire personnel, skilled construction trades personnel and health care personnel, and other job categories defined as essential by Indian River County.

~~1.14.2~~ In adopting any amendments to the City's Land Development Regulations, the City shall ensure that any proposed revisions in development standards and review procedures do not create unnecessary delays in project approval or other barriers to affordable and workforce housing.

~~1.54.3~~ The City Planning staff shall, update housing needs, data and analysis every seven years in in conjunction with the preparation of the Evaluation and Appraisal Report (EAR) of the Comprehensive Plan. ~~by 1992, present to the City Council an update of the housing needs of the City based on new data from the 1990 U.S. Census (particularly with regard to very low and low income households). The update shall include a review of the effectiveness of coordination activities, and resulting impacts of City initiatives described in this Element for implementation following adoption of the Comprehensive Plan.~~

~~1.64.4~~ The City of Vero Beach shall identify Federal, State and other sources of funding and tax credits earmarked for low and moderate income housing and, where appropriate, actively pursue these funds for local use.

~~1.8~~ — The City shall assess the percentage of affordable housing available to City households in the very low, low, and moderate income groups as part of the 2010 Evaluation and Appraisal Report (EAR) and establish specific objectives and measures for increasing this percentage in EAR amendments to the Comprehensive Plan.

~~1.9~~ — The City shall update the data and analysis of the Housing Element by July 2009 as part of the 2010 Evaluation and Appraisal Report (EAR).

~~1.7~~ 4.5 The City shall facilitate the provision of housing affordable for extremely low, low, very low, and moderate income groups, and essential service personnel by promoting infill development, redevelopment of the existing housing stock, and flexible zoning regulations ~~and investigating the need and desirability to allow accessory dwelling units in some single family residential zoning districts.~~

~~1.84.6~~ The City shall designate adequate sites with appropriate land uses and densities on the Future Land Use Map, to ensure that adequate supply of land exists in the City for the private sector to provide for the housing needs of the extremely low, very low, low and moderate income families, essential service personnel, the elderly, and special need residents.

~~1.8~~ 4.7 The City shall consider a density bonus program for planned residential and mixed use projects that sets aside a certain percentage or number of dwelling units for extremely low, very low, low, and moderate income families, essential service personnel, and employer assisted housing, if such compliance with the income requirements of future

tenants is administered by a federal, state agency, or independent non-governmental entity.

[Note: The additional condition has been added to address enforcement and administration issues for such projects.]

Objective 3-5. Substandard Housing and Property Maintenance

The City of Vero Beach shall continue to reduce the number of substandard dwelling units with housing code violations and the number of poorly maintained residential properties in the City's older, established neighborhoods, through active increased code enforcement programs with the cooperation and support of neighborhood homeowners and civic associations whenever possible. By 1995 the number of code violations shall be reduced from approximately 1.5% of total housing to 0.5%.

Policies:

3.15.1 The Standard Housing Code shall continue to be the City's standard for public health, safety, and welfare with regard to occupancy limits based on unit size, provision of adequate plumbing facilities and prevention of exterior physical deterioration. The City shall protect public health, safety, and welfare by enforcing the adopted Vero Beach Code standards for housing, property maintenance, elimination of unsafe buildings, and nuisances. This code will be enforced by the Building Department and Code Enforcement Officer.

5.2 The City shall improve the efficiency, effectiveness and predictability of the City's code enforcement system by considering the replacement of the appointed Code Enforcement Board with a Special Magistrate as authorized in the City's Code of Ordinances.

5.3 The City shall replace the Southern Housing Code, Standard Unsafe Building Abatement Code and existing property maintenance provisions of the Land Development Regulations and City Code by enacting the International Property Maintenance Code as amended.

3.25.4 An inventory of housing conditions based on Code Enforcement data shall be undertaken prior to 1993 on a neighborhood by neighborhood basis to determine units suitable for concentrated code enforcement, rehabilitation, demolition, and, if appropriate, relocation or other actions to achieve a suitable residential environment included as part of community baseline data to be collected for each neighborhood consistent with available staffing resources.

3.35.5 The City shall encourage improved housing maintenance by property owners, neighborhood associations, and tenants by providing consumer information and technical assistance, and if requested by the neighborhood or civic association, instituting a comprehensive code enforcement sweep that may also include the active support of volunteer residents assisting City Solid Waste personnel in removing debris, trash,

abandoned appliances and other items negatively impacting the neighborhood.

~~3.4~~ 5.6 The City shall consider the feasibility and interest in the ~~encourage improved neighborhood appearance by establishing the establishment of a~~ neighborhood awareness programs ~~and providing~~ annual merit recognition awards for neighborhood improvement programs.

~~3.5~~ 5.7 The City shall support neighborhood conservation and stabilization efforts of local neighborhood and civic associations, where feasible consistent with staff and financial resources, by using the comprehensive framework and methodology for identifying, prioritizing, and addressing ~~neighborhood needs in~~ neighborhood infrastructure, public facilities and public service improvements needs.

~~5.1~~ 5.8 ~~Spot~~ Removal and abatement of blighted structures and blighting influences, ~~as well as groups of structures~~, shall be ~~achieved~~ actively pursued, where feasible both financially and legally, in conjunction with code enforcement programs.

~~5.2~~ 5.9 Residents displaced by City government initiated housing rehabilitation, and redevelopment or ~~other publicly initiated activities~~ code enforcement activities, shall be provided technical assistance to ~~expedite~~ facilitate their relocation.

Objective 4-6. Coordination with Indian River County Housing Programs

The City shall ~~continue to provide affordable housing assistance to~~ coordinate with Indian River County and its housing assistance programs and organizations to facilitate access to affordable and workforce housing. ~~qualified applicants by assisting them in securing help from private and non-profit organizations in lieu of public assistance for at least 20 previously unassisted households annually beginning in 1992.~~

Policies:

~~4.1~~ 6.1 The City shall continue to provide assistance and information regarding public-private partnerships or private non-profit organizations for the purposes of implementing the Community Development Block Grant, Home Investment Partnerships Program, State Housing Initiative Partnership (SHIP), and other entitlement grant funds or programs to secure funding for affordable and workforce housing. ~~The City Council shall request the Housing Authority to identify by July 1, 1992 its agency objectives regarding the number and types of recipients the Authority is able to serve annually, based on data in its possession and presented in this Element, and its staff capabilities as well as additional assistance required for each program administered by it and the extent to which such efforts will meet the demonstrated need by the year 1995~~

~~4.2~~ 6.2 The City shall support the Indian River Affordable Housing Advisory Committee as the entity for promoting affordable housing and recommending incentives for the development of new affordable units.

~~4.36.3 The City shall continue to provide a representative at the Affordable Housing Advisory Committee. The City Council will evaluate the report of the Housing Authority and take appropriate initiatives to support, augment, and facilitate assistance to families and individuals who are unable to provide housing within acceptable cost limits of 30% of gross household income, or who require rehabilitation, financial, and/or technical assistance to assure safe, healthful, and affordable housing.~~

[Note: The Mayor is the City's representative on this body. It generally only meets every so often to update its Local Housing Assistance Plan.]

~~4.3 The City shall sign interlocal agreements with the County to participate in the Housing Trust Fund which will be created pursuant to the County's housing policies established in the Comprehensive Land Use Plan.~~

Objective 5:

~~The City of Vero Beach will reduce the estimated 304 substandard housing units by 50% by 1995.~~

Policies:

~~5.1 Spot removal of blighted structures and blighting influences, as well as groups of structures, shall be achieved.~~

~~5.2 Residents displaced by housing rehabilitation and redevelopment or other publicly initiated activities, shall be provided technical assistance to expedite their relocation.~~

~~5.3 The City and the Housing Authority shall jointly develop appropriate principles to guide activities and priorities in housing conservation, rehabilitation and redevelopment.~~

~~5.4 The City of Vero Beach will continue to utilize the adopted Standard Housing Code for housing and neighborhood quality standards.~~

Objective 67. Elderly and Special Needs Housing

The City of Vero Beach will continue to ensure that sites are available for group homes and care facilities in residential areas to accommodate housing for the elderly and special need residents consistent with the requirements of the Civil Rights Act of 1968, Florida Fair Housing Act, and Americans with a Disability Act (ADA) and case law. an additional 100 residents by 1995 Special need residents include all protected classes of individuals under the Civil Rights Act and ADA.

Policies:

~~6.1~~ 7.1 ~~The City of Vero Beach shall coordinate its efforts in meeting the needs for special housing with efforts~~ those of the State Department of Health and Rehabilitative Services Florida Agency for Health Care Administration, Florida Department of Children and

Families, and Florida Agency for Persons with Disabilities that license such housing and facilities to ensure the provision of these homes and other special housing types in residential neighborhoods of compatible density.

~~6.2-7.2~~ The City of Vero Beach shall encourage consider private and non-profit sponsors to initiate projects and assist in obtaining financial assistance for those sponsors from all available sources to ensure that an adequate supply of group and foster care special needs housing and facilities is are provided for City residents.

7.3 As applied by the City special needs housing shall mean all protected groups or individuals under the Civil Rights Act of 1968 and the ADA.

~~6.3~~ The City of Vero Beach shall enact regulations requiring that all foster and group home developments include barrier free design features.

~~6.4-7.4~~ The City's Land Development Regulations shall contain provisions to permit the development of group homes and foster care facilities in residential districts in densities, which correspond with the prevailing development pattern, consistent with Chapter 419, Florida Statutes.

7.5 The City shall continue to evaluate the need to provide additional development incentives to encourage the production of housing for the elderly and persons with special housing needs.

7.6 The City shall encourage housing and supportive services for the elderly and special needs residents.

Objective 7-8. Conservation and Preservation of Historic Housing Structures

The City of Vero Beach will inventory significant older housing and enforce regulations which require the housing be maintained in good condition. shall maintain and update an inventory of all residential buildings that are 50 years or older and establish incentives and programs, as appropriate, to provide for conservation, maintenance, and rehabilitation of historic homes eligible for inclusion on the Vero Beach Register of Historic Places.

Policies:

~~7.1~~ Technical assistance shall be provided by the City staff to individuals and organizations having individual or collective interests in conserving historic or architecturally significant structures, neighborhoods and areas. Assistance will, at a minimum, include preparation of applications for the Historic Preservation Grants in Aid program administered by the Division of Archives, History and Records Management Bureau of the Florida Department of State.

~~7.2~~ The City shall adopt a Historic Preservation Ordinance not later than July 2008.

8.1 The City shall explore with the Indian River County the possibility of the County enacting an ordinance to provide ad valorem tax exemption from County general fund taxes for City applicants that are approved for a City ad valorem tax exemption for rehabilitation of a historic building.

8.2 The City shall update the 1992 and other subsequent surveys of historic buildings for the Florida Master File and City records to provide current and up-to-date data on historic buildings to be used by the Historic Preservation Commission and City staff in the development of incentives and provision of outreach and technical assistance programs to owners of historic buildings to promote the conservation, maintenance, and rehabilitation of these historic buildings.

8.3 The City shall protect its historic housing structures through the provisions of its historic preservation and Objective 1 and supporting policies of this element.

Objective 8:

~~By 1992 the City of Vero Beach will have interlocal agreements with Indian River County to establish housing assistance and housing programs for affordable housing for the local percentage of the population which is in need of housing assistance.~~

Policies:

~~8.1 The City of Vero Beach will, through the Housing Authority and other means, coordinate with Indian River County to develop housing assistance programs.~~

Objective 9:

~~To allow the continuance of existing mobile home sites pursuant to the needs and desires of the mobile home residents, as well as the City as a whole.~~

Policies:

~~9.1 Amend the Land Development Regulations, to be adopted by September 1, 1990 and zoning map to allow for the continuance of existing mobile homes and for the replacement of existing mobile homes when removal occurs for any reason.~~

Objective 10. 9. Mobile Homes

~~Establish Continue a land use classification which provides for a mixture of housing types. This designation shall provide adequate sites for mobile homes and the criteria guiding the location of sites for mobile homes. the Future Land Use designation of MHP (Mobile Home Park) to allow for adequate sites for the continuation of mobile homes on existing sites.~~

Policies:

~~10.1 The City will permit the placement of mobile homes in a variety of residential zoning districts in the City in conformity with Section 320.8285(5), FL Stat., as well as all other state and federal laws; provided that such placement is in conformity with all City architectural, aesthetic, landscaping and similar regulations. While it is the intent of this policy to ensure locational choices in a variety of residential areas of the City for the siting of mobile homes, nothing in the applicable laws requires the City to allow mobile homes in all residential districts.~~

9.1 The City shall review the existing mobile home parks and prepare amendments to the Land Development Regulations to bring the zoning for existing mobile home parks outside airport property into full compliance with the MHP (Mobile Home Park) designation as called for in Policy 1.27 of the Land Use Element.

9.2 The City shall allow the continuance of existing mobile home parks subject to these parks complying with City Codes.

Select Year: 2016 ▾ Go

Comp Plan

The 2016 Florida Statutes

<u>Title XI</u>	<u>Chapter 163</u>	<u>View Entire</u>
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	INTERGOVERNMENTAL PROGRAMS	<u>Chapter</u>

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(1) The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

(a) The comprehensive plan shall consist of elements as described in this section, and may include optional elements.

(b) A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. The adoption by reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted.

(c) The format of these principles and guidelines is at the discretion of the local government, but typically is expressed in goals, objectives, policies, and strategies.

(d) The comprehensive plan shall identify procedures for monitoring, evaluating, and appraising implementation of the plan.

(e) When a federal, state, or regional agency has implemented a regulatory program, a local government is not required to duplicate or exceed that regulatory program in its local comprehensive plan.

(f) All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

1. Surveys, studies, and data utilized in the preparation of the comprehensive plan may not be deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such studies, surveys, data, and supporting documents for proposed plans and plan amendments shall be made available for public inspection, and copies of such plans shall be made available to the public upon payment of reasonable charges for reproduction. Support data or summaries are not subject to the compliance review process, but the comprehensive plan must be clearly

based on appropriate data. Support data or summaries may be used to aid in the determination of compliance and consistency.

2. Data must be taken from professionally accepted sources. The application of a methodology utilized in data collection or whether a particular methodology is professionally accepted may be evaluated. However, the evaluation may not include whether one accepted methodology is better than another. Original data collection by local governments is not required. However, local governments may use original data so long as methodologies are professionally accepted.

3. The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission. Absent physical limitations on population growth, population projections for each municipality, and the unincorporated area within a county must, at a minimum, be reflective of each area's proportional share of the total county population and the total county population growth.

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements, and each such map must be contained within the comprehensive plan.

(3)(a) The comprehensive plan shall contain a *capital improvements* element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth:

1. A component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service.

4. A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level of priority for funding.

5. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7).

(b) The capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; and with adopted rules pertaining to designated areas of critical state concern shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted,

Intergovernmental Coordination Element

the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, as the case may require and as such adopted plans or plans in preparation may exist.

(b) When all or a portion of the land in a local government jurisdiction is or becomes part of a designated area of critical state concern, the local government shall clearly identify those portions of the local comprehensive plan that shall be applicable to the critical area and shall indicate the relationship of the proposed development of the area to the rules for the area of critical state concern.

(5)(a) Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period. Additional planning periods for specific components, elements, land use amendments, or projects shall be permissible and accepted as part of the planning process.

(b) The comprehensive plan and its elements shall contain guidelines or policies for the implementation of the plan and its elements.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:

- a. The amount of land required to accommodate anticipated growth.
- b. The projected permanent and seasonal population of the area.
- c. The character of undeveloped land.
- d. The availability of water supplies, public facilities, and services.
- e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.
- f. The compatibility of uses on lands adjacent to or closely proximate to military installations.
- g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s.

333.02.

- h. The discouragement of urban sprawl.
- i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
- j. The need to modify land uses and development patterns within antiquated subdivisions.

3. The future land use plan element shall include criteria to be used to:

a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water-dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.

f. Ensure the protection of natural and historic resources. *

g. Provide for the compatibility of adjacent land uses.

h. Provide guidelines for the implementation of mixed-use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.

4. The amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and may not be limited solely by the projected population. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

5. The future land use plan of a county may designate areas for possible future municipal incorporation.

6. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection.

7. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use.

8. Future land use map amendments shall be based upon the following analyses:

a. An analysis of the availability of facilities and services.

b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

- (VII) Fails to maximize use of future public facilities and services.
- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
- (IV) Promotes conservation of water and energy.
- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

- (I) Residential.
- (II) Commercial.
- (III) Industrial.
- (IV) Agricultural.
- (V) Recreational.
- (VI) Conservation.
- (VII) Educational.
- (VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

- (I) Historic district boundaries and designated historically significant properties.
- (II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.
- (III) Multimodal transportation district boundaries.
- (IV) Mixed-use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

- (I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

- (II) Beaches and shores, including estuarine systems.
- (III) Rivers, bays, lakes, floodplains, and harbors.
- (IV) Wetlands.
- (V) Minerals and soils.
- (VI) Coastal high hazard areas.

Traffic Circulation Element

(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation adopted work program.

1. Each local government's transportation element shall address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the transportation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. The element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:

- a. The existing transportation system levels of service and system needs and the availability of transportation facilities and services.
- b. The growth trends and travel patterns and interactions between land use and transportation.
- c. Existing and projected intermodal deficiencies and needs.
- d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.
- e. How the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of this paragraph and the other elements of the comprehensive plan.

2. Local governments within a metropolitan planning area designated as an M.P.O. pursuant to s. 339.175 shall also address:

- a. All alternative modes of travel, such as public transportation, pedestrian, and bicycle travel.
- b. Aviation, rail, seaport facilities, access to those facilities, and intermodal terminals.
- c. The capability to evacuate the coastal population before an impending natural disaster.
- d. Airports, projected airport and aviation development, and land use compatibility around airports, which includes areas defined in ss. 333.01 and 333.02.

e. An identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

3. Municipalities having populations greater than 50,000, and counties having populations greater than 75,000, shall include mass-transit provisions showing proposed methods for the moving of people, rights-of-way, terminals, and related facilities and shall address:

a. The provision of efficient public transit services based upon existing and proposed major trip generators and attractors, safe and convenient public transit terminals, land uses, and accommodation of the special needs of the transportation disadvantaged.

b. Plans for port, aviation, and related facilities coordinated with the general circulation and transportation element.

c. Plans for the circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational traffic.

Airport Master Plan option

4. At the option of a local government, an airport master plan, and any subsequent amendments to the airport master plan, prepared by a licensed publicly owned and operated airport under s. 333.06 may be incorporated into the local government comprehensive plan by the local government having jurisdiction under this act for the area in which the airport or projected airport development is located by the adoption of a comprehensive plan amendment. In the amendment to the local comprehensive plan that integrates the airport master plan, the comprehensive plan amendment shall address land use compatibility consistent with chapter 333 regarding airport zoning; the provision of regional transportation facilities for the efficient use and operation of the transportation system and airport; consistency with the local government transportation circulation element and applicable M.P.O. long-range transportation plans; the execution of any necessary interlocal agreements for the purposes of the provision of public facilities and services to maintain the adopted level-of-service standards for facilities subject to concurrency; and may address airport-related or aviation-related development. Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan in compliance with this part, and airport-related or aviation-related development that has been addressed in the comprehensive plan amendment that incorporates the airport master plan, do not constitute a development of regional impact. Notwithstanding any other general law, an airport that has received a development-of-regional-impact development order pursuant to s. 380.06, but which is no longer required to undergo development-of-regional-impact review pursuant to this subsection, may rescind its development-of-regional-impact order upon written notification to the applicable local government. Upon receipt by the local government, the development-of-regional-impact development order shall be deemed rescinded.

General Sewer, SW, drainage, potable water, natural ground water

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge.

1. Each local government shall address in the data and analyses required by this section those facilities that provide service within the local government's jurisdiction. Local governments that provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this section, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection. For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

2. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. The element shall address coordinating the extension of, or increase in the capacity of, facilities to meet future needs while maximizing the use of existing facilities and discouraging urban sprawl; conserving potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features.

3. Within 18 months after the governing board approves an updated regional water supply plan, the element must incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.709(2)(a) or proposed by the local government under s. 373.709(8)(b). If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional

water supply plan. The element must identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.709(2)(a) within the local government's jurisdiction and include a work plan, covering at least a 10-year planning period, for building public, private, and regional water supply facilities, including development of alternative water supplies, which are identified in the element as necessary to serve existing and new development. The work plan shall be updated, at a minimum, every 5 years within 18 months after the governing board of a water management district approves an updated regional water supply plan. Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.

4. A local government that does not own, operate, or maintain its own water supply facilities, including, but not limited to, wells, treatment facilities, and distribution infrastructure, and is served by a public water utility with a permitted allocation of greater than 300 million gallons per day is not required to amend its comprehensive plan in response to an updated regional water supply plan or to maintain a work plan if any such local government's usage of water constitutes less than 1 percent of the public water utility's total permitted allocation. However, any such local government is required to cooperate with, and provide relevant data to, any local government or utility provider that provides service within its jurisdiction, and to keep its general sanitary sewer, solid waste, potable water, and natural groundwater aquifer recharge element updated in accordance with s. 163.3191.

Conservation Element
 (d) A conservation element for the conservation, use, and protection of natural resources in the area, including air, water, water recharge areas, wetlands, waterwells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation.

1. The following natural resources, where present within the local government's boundaries, shall be identified and analyzed and existing recreational or conservation uses, known pollution problems, including hazardous wastes, and the potential for conservation, recreation, use, or protection shall also be identified:

- a. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters, and springs, including information on quality of the resource available.
- b. Floodplains.
- c. Known sources of commercially valuable minerals.
- d. Areas known to have experienced soil erosion problems.
- e. Areas that are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities, including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened, or species of special concern.

2. The element must contain principles, guidelines, and standards for conservation that provide long-term goals and which:

- a. Protects air quality.
- b. Conserves, appropriately uses, and protects the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.
- c. Provides for the emergency conservation of water sources in accordance with the plans of the regional water management district.
- d. Conserves, appropriately uses, and protects minerals, soils, and native vegetative communities, including forests, from destruction by development activities.
- e. Conserves, appropriately uses, and protects fisheries, wildlife, wildlife habitat, and marine habitat and restricts activities known to adversely affect the survival of endangered and threatened wildlife.

- f. Protects existing natural reservations identified in the recreation and open space element.
- g. Maintains cooperation with adjacent local governments to conserve, appropriately use, or protect unique vegetative communities located within more than one local jurisdiction.
- h. Designates environmentally sensitive lands for protection based on locally determined criteria which further the goals and objectives of the conservation element.
- i. Manages hazardous waste to protect natural resources.
- j. Protects and conserves wetlands and the natural functions of wetlands.
- k. Directs future land uses that are incompatible with the protection and conservation of wetlands and wetland functions away from wetlands. The type, intensity or density, extent, distribution, and location of allowable land uses and the types, values, functions, sizes, conditions, and locations of wetlands are land use factors that shall be considered when directing incompatible land uses away from wetlands. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands by the direction of incompatible land uses away from wetlands shall occur in combination with other principles, guidelines, standards, and strategies in the comprehensive plan. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetlands functions.

3. Current and projected needs and sources for at least a 10-year period based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider the existing levels of water conservation, use, and protection and applicable policies of the regional water management district and further must consider the appropriate regional water supply plan approved pursuant to s. 373.709, or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.036(2). This information shall be submitted to the appropriate agencies.

Recreation & open space element
 (e) A recreation and open space element indicating a comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.

Housing Element
 (f)1. A housing element consisting of principles, guidelines, standards, and strategies to be followed in:

- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
- b. The elimination of substandard dwelling conditions.
- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)(h), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities. The element may include provisions that specifically address affordable housing for persons 60 years of age or older. Real property that is conveyed to a local government for affordable housing under this sub-subparagraph shall be disposed of by the local government pursuant to s. 125.379 or s. 166.0451.
- e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
- f. The formulation of housing implementation programs.
- g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

2. The principles, guidelines, standards, and strategies of the housing element must be based on data and analysis prepared on housing needs, which shall include the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio, and shall show the number of dwelling units that are substandard. The data and analysis shall also include the methodology used to estimate the condition of housing, a projection of the anticipated number of households by size, income range, and age of residents derived from the population projections, and the minimum housing need of the current and anticipated future residents of the jurisdiction.

3. The housing element must express principles, guidelines, standards, and strategies that reflect, as needed, the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, adequate sites, and distribution of housing for a range of incomes and types, including mobile and manufactured homes. The element must provide for specific programs and actions to partner with private and nonprofit sectors to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing, establish standards to address the quality of housing, stabilization of neighborhoods, and identification and improvement of historically significant housing.

4. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to use job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

(g) For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the principles, guidelines, standards, and strategies that shall guide the local government's decisions and program implementation with respect to the following objectives:

1. Maintain, restore, and enhance the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.
2. Preserve the continued existence of viable populations of all species of wildlife and marine life.
3. Protect the orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.
4. Avoid irreversible and irretrievable loss of coastal zone resources.
5. Use ecological planning principles and assumptions in the determination of the suitability of permitted development.
6. Limit public expenditures that subsidize development in coastal high-hazard areas.
7. Protect human life against the effects of natural disasters.
8. Direct the orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.
9. Preserve historic and archaeological resources, which include the sensitive adaptive use of these resources.

10. At the option of the local government, develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c. The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. The agreement must:

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities.

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

(7)(a) The Legislature finds that:

1. There are a number of rural agricultural industrial centers in the state that process, produce, or aid in the production or distribution of a variety of agriculturally based products, including, but not limited to, fruits, vegetables, timber, and other crops, and juices, paper, and building materials. Rural agricultural industrial centers have a significant amount of existing associated infrastructure that is used for processing, producing, or distributing agricultural products.

2. Such rural agricultural industrial centers are often located within or near communities in which the economy is largely dependent upon agriculture and agriculturally based products. The centers significantly enhance the economy of such communities. However, these agriculturally based communities are often socioeconomically challenged and designated as rural areas of opportunity. If such rural agricultural industrial centers are lost and not replaced with other job-creating enterprises, the agriculturally based communities will lose a substantial amount of their economies.

3. The state has a compelling interest in preserving the viability of agriculture and protecting rural agricultural communities and the state from the economic upheaval that would result from short-term or long-term adverse changes in the agricultural economy. To protect these communities and promote viable agriculture for the long term, it is essential to encourage and permit diversification of existing rural agricultural industrial centers by providing for jobs that are not solely dependent upon, but are compatible with and complement, existing agricultural industrial operations and to encourage the creation and expansion of industries that use agricultural products in innovative ways. However, the expansion and diversification of these existing centers must be accomplished in a manner that does not promote urban sprawl into surrounding agricultural and rural areas.

(b) As used in this subsection, the term "rural agricultural industrial center" means a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees in the aggregate and process and prepare for transport a farm product, as defined in s. 163.3162, or any biomass material that could be used, directly or indirectly, for the production of fuel, renewable energy, bioenergy, or alternative fuel as defined by law. The center may also include land

contiguous to the facility site which is not used for the cultivation of crops, but on which other existing activities essential to the operation of such facility or facilities are located or conducted. The parcel of land must be located within, or within 10 miles of, a rural area of opportunity.

(c)1. A landowner whose land is located within a rural agricultural industrial center may apply for an amendment to the local government comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses of facilities located within the center or expanding the existing center to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and the existing uses and facilities. A local government comprehensive plan amendment under this paragraph must:

a. Not increase the physical area of the existing rural agricultural industrial center by more than 50 percent or 320 acres, whichever is greater.

b. Propose a project that would, upon completion, create at least 50 new full-time jobs.

c. Demonstrate that sufficient infrastructure capacity exists or will be provided to support the expanded center at the level-of-service standards adopted in the local government comprehensive plan.

d. Contain goals, objectives, and policies that will ensure that any adverse environmental impacts of the expanded center will be adequately addressed and mitigation implemented or demonstrate that the local government comprehensive plan contains such provisions.

2. Within 6 months after receiving an application as provided in this paragraph, the local government shall transmit the application to the state land planning agency for review pursuant to this chapter together with any needed amendments to the applicable sections of its comprehensive plan to include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. Such goals, objectives, and policies must promote and be consistent with the findings in this subsection. An amendment that meets the requirements of this subsection is presumed not to be urban sprawl as defined in s. [163.3164](#) and shall be considered within 90 days after any review required by the state land planning agency if required by s. [163.3184](#). This presumption may be rebutted by a preponderance of the evidence.

(d) This subsection does not apply to an optional sector plan adopted pursuant to s. [163.3245](#), a rural land stewardship area designated pursuant to s. [163.3248](#), or any comprehensive plan amendment that includes an inland port terminal or affiliated port development.

(e) This subsection does not confer the status of rural area of opportunity, or any of the rights or benefits derived from such status, on any land area not otherwise designated as such pursuant to s. [288.0656\(7\)](#).

History.—s. 7, ch. 75-257; s. 1, ch. 77-174; s. 1, ch. 80-154; s. 6, ch. 83-308; s. 1, ch. 85-42; s. 6, ch. 85-55; s. 1, ch. 85-309; s. 7, ch. 86-191; s. 5, ch. 92-129; s. 6, ch. 93-206; s. 898, ch. 95-147; s. 3, ch. 95-257; s. 4, ch. 95-322; s. 10, ch. 95-341; s. 10, ch. 96-320; s. 24, ch. 96-410; s. 2, ch. 96-416; s. 2, ch. 98-146; s. 4, ch. 98-176; s. 4, ch. 98-258; s. 90, ch. 99-251; s. 3, ch. 99-378; s. 40, ch. 2001-201; s. 64, ch. 2001-279; s. 24, ch. 2002-1; s. 58, ch. 2002-20; s. 70, ch. 2002-295; s. 2, ch. 2002-296; s. 904, ch. 2002-387; s. 61, ch. 2003-286; s. 2, ch. 2004-230; s. 4, ch. 2004-372; s. 2, ch. 2004-381; s. 2, ch. 2005-36; s. 1, ch. 2005-157; s. 2, ch. 2005-290; s. 10, ch. 2005-291; s. 2, ch. 2006-220; s. 57, ch. 2007-196; s. 1, ch. 2007-198; s. 2, ch. 2007-204; s. 2, ch. 2008-191; s. 10, ch. 2009-21; s. 3, ch. 2009-85; s. 3, ch. 2009-96; s. 1, ch. 2009-154; s. 43, ch. 2010-102; s. 2, ch. 2010-182; s. 4, ch. 2010-205; s. 3, ch. 2011-14; s. 12, ch. 2011-139; s. 3, ch. 2011-189; s. 4, ch. 2012-99; s. 24, ch. 2014-218; s. 2, ch. 2015-30; s. 13, ch. 2016-10.