

**AGENDA**  
**REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD**  
**THURSDAY, APRIL 5, 2018, AT 1:30 PM**  
**COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

**I. PRELIMINARY MATTERS**

Agenda Additions and/or Deletions

**II. APPROVAL OF MINUTES**

Regular Meeting – February 1, 2018

**III. PUBLIC COMMENT**

**IV. PUBLIC HEARING**

[Legislative]

Public Hearing on an Ordinance to Amend Chapter 60, Appendix, Definitions and Permitted Uses in the C-1A Zoning District

**V. PLANNING DEPARTMENT MATTERS**

**VI. BOARD MEMBERS' MATTERS**

**VII. ADJOURNMENT**

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

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

PUBLIC INVITED TO ATTEND

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, FEBRUARY 1, 2018 - 1:30 PM  
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Lawrence Lauffer; Members: Honey Minuse, Steven Lauer, Alternate Member #1, Richard Cahoy and Alternate Member #2, Ken Daige **Also Present:** Planning and Development Director, Tim McGarry; Assistant City Attorney, Kira Honse and Deputy City Clerk, Sherri Philo

**Excused Absence:** Robin Pelensky

**Unexcused Absence:** John Carroll

**I. PRELIMINARY MATTERS**

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

None

**II. APPROVAL OF MINUTES**

**A) Regular Meeting – December 7, 2017**

**Mrs. Minuse made a motion to approve the minutes of the December 7, 2017 Planning and Zoning Board meeting. Mr. Daige seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

**[Quasi-judicial]**

**A) A Minor Subdivision Application Submitted by Michael Zorc for the Subdivision of Land into 5 Lots Located at the Southwest Corner of 18<sup>th</sup> Street and 27<sup>th</sup> Avenue (#SD18-000001)**

The Chairman read Minor Subdivision Application #SD18-000001 by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and all witnesses present for today's hearing en masse.

Mr. Tim McGarry, Planning and Development Director, went over staff's report with the Board members (attached to the original minutes). He noted that under staff's analysis, *Section 72.14* should be *Section 70.14*.

Mr. Lauer referred to staff's memorandum dated November 6, 2017 when this application was previously heard (memorandum attached to the original minutes). It states that the minimum lot size is 15,000 square feet and in staff's memorandum dated January 17, 2018, it states the minimum lot size is 7,500 square feet. He asked which is it.

Mr. McGarry said it is 7,500 square feet.

Mr. Lauer questioned staff's statement that this is not platted. It states in the survey attached to the backup information provided, "*being a replat of portion of Tract 16, Section 3, Township 33 South, Range 39 East per Plat Book 2, Page 25 of the Public Records...*" Therefore, it appears to him that this is a platted lot.

Mr. David Gay, City of Vero Beach Chief Surveyor, explained that while it is platted, it was platted as one (1) square mile track. It is a sectional breakdown and has not really been subdivided. Although, all the sections in most of the rural County were subdivided as sections, they basically adopted the sectional breakdown. The City has not treated these as subdivisions.

Mr. Lauffer said then other plats looking to be re-subdivided have been treated this way in the past.

Mr. Gay said that is correct. He said there hasn't been a new subdivision filed since that time and this would be considered the original plat in that section.

Mr. Lauer said this becomes relevant because in Section 70.14 (c), it discusses existing platted lots or lots in an approved subdivision and Mr. McGarry is saying that his department made a mistake on the original application because this is not a platted lot. Mr. Lauer said it appears to him that this is a platted lot.

Mr. Gay said it is a portion of a track in the subdivision, but it isn't part of a lot that was subdivided into lots. He said it is a subdivision in a new tract that has always been a Metes and Bounds Tract.

Mr. Lauffer asked for the Assistant City Attorney's opinion.

Ms. Kira Honse, Assistant City Attorney, said it makes sense to her that for whatever reason when this was part of St. Lucie County they went through and called them subdivisions, which it is not really a subdivision because there hasn't been any kind of typical improvement that they would associate with a subdivision.

Mr. Gay said that is correct.

Ms. Honse asked does the plat on file meet the requirements of a plat as it would exist today.

Mr. Gay answered no.

Mr. Lauer said in Section 70.14 (a), there are six (6) different criteria for meeting approval and only one (1) of those criteria is meeting the minimum lot size and dimension standards. He asked Mr. McGarry if staff has given any consideration to the remaining criteria.

Mr. McGarry said staff reviewed this and it is their opinion that this meets all the criteria.

Mr. Lauer said one (1) of the criteria is that they are to be compatible with established development patterns.

Mr. McGarry said it is a single-family area and there is nothing in the Code that prevents them from having larger lots. In fact, he thinks that a lot more lots could be done under the Code.

Mr. Lauer said that if they agree with staff then 70.14 (c) of the Code doesn't apply here.

Mr. McGarry said that is a true statement.

Mr. Ryan McLean, of MBV Engineering, said that they worked with the applicant and with Indian River Survey to put together the plat before them. He is present today to answer any questions of the Board.

Mr. Lauer asked Mr. McLean if he was the person who prepared the calculation of the square footage for the lots on the November 6, 2017 application.

Mr. McLean answered yes.

Mr. Lauer asked is this new submittal accurate.

Mr. McLean answered yes.

Mrs. Minuse said in actuality none of the plots changed size; it is just how they represented the number.

Mr. McLean said there are some minor modifications.

Mr. McGarry said the numbers before the Board today are accurate.

Mrs. Minuse said basically the lots remain the same. It was only how the numbers were represented.

Mr. Lauer reported that in the original application lot one (1) was 148 x 103 and in the new application it is 148 x 109; lot two (2) was 148 x 103 and remains the same; lot three (3) was 148 x 102 and in the new application it is 96 x 163; lot four (4) was 114 x 148 and remains the same; and lot five (5) was 114 x 160 and in the new application it is 99 x 160.

Mr. Lauffer said if the previous application is not before them today it is history. He said the Board should focus on the application before them and not do a comparable analysis.

Mr. Lauer explained that he was just answering Mrs. Minuse's question.

The Chairman opened the public hearing at 1:49 p.m.

Mr. George Schieber said that he owns two (2) properties at the end of 28<sup>th</sup> Avenue and is concerned about property values. His concern is where they will be building the new homes they have what he considers a "junk yard" and the properties near there would be reduced in value. He reported that there are 12 junk cars in the front, about a half a dozen in the back, and about 12 or 14 in the garage. Another concern is that this is a dead end street that does not have a "turnaround." Even though there are dead-end signs, they constantly have people drive down the street and turn around in their driveways and in their front yards. He asked if it was possible to have a turnaround at the end of the street.

Mr. McGarry suggested that Mr. Schieber notify Code Enforcement about the vehicles and the Public Works Director about the possibility of a turnaround.

The Chairman closed the public hearing at 1:53 p.m., with no one else wishing to be heard.

**Mrs. Minuse made a motion that the Board approves staff's recommendation. Mr. Cahoy seconded the motion and it passed 5-0 with Mr. Daige voting yes, Mr. Cahoy yes, Mr. Lauer yes, Mrs. Minuse yes, and Mr. Lauffer yes.**

## **V. PLANNING DEPARTMENT MATTERS**

Mr. McGarry reported that the City received comments back from the State on the Comprehensive Plan and their major objection had to do with sea level rise. He submitted amendments to the State, which were approved yesterday. He said that he was going to try to get this before the City Council at their first meeting in March.

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

### **A) Consideration of Ordinance Authorized by Section 286.0115, F.S. – Requested by E. Steven Lauer**

Ms. Honse handed out copies of Florida Statute 286.0115 to the Board members (attached to the original minutes).

Mr. Lauer reported that this item deals with the proposed adoption procedure in Section 286.0115 of the Florida Statute to allow ex parte communication and site visits. When the Board discussed this at their last meeting they did not have the benefit of the legislative history. He then referred to the backup information provided, "*House of Representatives Committee on Ethics and Elections Final Bill Analysis and Economic Impact Statement*" (attached to the original minutes). He said at their last meeting he was speculating that the reason Statute was adopted was in response to the Jennings case, which was a case out of Dade County where there were site visits and ex parte communication and the Court basically said there was presumption that there was prejudice if there were those types of communications. He then read from the backup material, "*The model disclosure procedure established in the bill is intended to remove the presumption of prejudice that was established by the Jannings case. It permits discussions and substantive issues between local public officials and members of the public, including ex parte communication on pending quasi-judicial matters. The bill declares that such discussions may not be presumed prejudicial to the action taken by a board or commission if disclosure of the substance of such communication is made prior to final action on the matter.*" He said it goes on to analyze in detail how that is accomplished. As noted at the last meeting, the Board is in an unfair position in that anyone who comes before them is able to go to the site, speak to each other, etc., so they have more information than the Board does. He said that he also indicated at their last meeting that it would have been valuable for him to go to the site and look at the location of the building that the Board approved. He said looking at maps does not help him. He could not see why they wouldn't want to adopt this procedure. It shifts the burden away from the presumption of prejudice to no presumption of prejudice as long as there is disclosure. He said this was adopted in 1995 so it has been on the books for 30 plus years and if there was something wrong with this legislation it would have been challenged.

**Mr. Lauer made a motion that the Board bring this before the City Council and ask that they adopt a form of Section 286.0115 to shift the burden as described in the analysis.**

Mr. Lauffer said that he spent a lot of time reading the backup information and could not ascertain it all. He said by the time he marked everything up he didn't know where he was. He then went to the Florida Planning Officials Handbook, which basically states to stay out of the way and not get involved in what is going on other than what they hear at the hearing. That they should just listen to what they hear and make their decision based on that. He said they expect competent Counsel on

both sides to give them the information that helps them to make the appropriate decision. He said when he goes too far beyond that he thinks that he would become more like a jury member who has their own personal thoughts and information. He agrees that it may be helpful at times, but at other times it may not be. The handbook indicated to him that he should take the more conservative course.

Mrs. Minuse said that she has been selected to serve on jury trials and has not been selected to serve on jury trials based on things that she has said or things that she knows. She said here, they basically have a blank slate and are not expected to know things coming before them. She thanked Mr. Lauer for bringing this forward because she felt it is very healthy to get a fresh look at what they are doing. She said in a quasi-judicial case the burden is on the people presenting or objecting to it. It is not on the Board. She said the decision making body doesn't present evidence, but must comb through the records at the public hearing and that is what they use as facts to support or deny. The backup information provided reinforced to her that they shouldn't do site visits because one (1) Board member might not see the same things another Board member sees. If there are going to be site visits then she thinks they should all go at the same time. To her, the backup information provided reinforced that what they are currently doing is the right thing because they are coming at it without prejudice.

Mr. Daige asked Ms. Honse to explain Statute 286.0115, item (c) 3, "*Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visits, or expert opinion is made a part of the record before final action on the matter.*"

Ms. Honse explained that site visits are a form of ex parte communication. If the City was to adopt an ordinance such as this, it would allow for site visits to be made and would not be presumed prejudicial. She said it is a matter of shifting the burden.

Mr. Lauffer said one (1) of the things that he based his opinion on is located on page 14 of 20 of the backup information provided. He read into the record the first two (2) sentences from item C)-2, *Combining Investigation or Prosecution and Decision-Making*, "*Generally, quasi-judicial board members should not testify at the hearing, should not engage in independent fact-finding, and should not expect staff or counsel to act as both advocate and advisor. However, this analysis must be performed on a case-by-case basis.*" He said that he was not sure if his opinion is right. He can see some advantages to what Mr. Lauer is saying in there have been times that he would have liked to have gone and looked at the area to have a better idea on what he was making a decision on.

Mr. Daige said that he would not have a problem with including number (c) 3 of the Statute with what they are currently doing where they could conduct investigation and site visits.

Ms. Honse noted that they would have to adopt it in its entirety. They cannot pick and choose which they want to do.

Mr. Daige suggested that they take a look at what they have now and go forward with changes that could be made. He felt it would be beneficial to see what is going on around a site. They would have to disclose that and they could give their thoughts on what they saw. He didn't see any harm with moving forward and having the Assistant City Attorney work on something and bring it back before the Board.

Ms. Honse said they would first need to bring it before the City Council to see if they want it to

move forward.

Mr. Lauffer felt that because Mr. Lauer feels it is important and because some of them have mixed emotions on it, they should ask the City Council to take a look at it to see what their opinion is.

Ms. Honse suggested that the Board makes a motion that one of the Board members be directed to take this before the City Council.

Ms. Sherri Philo, Deputy City Clerk, noted that there is a motion on the floor.

**Mr. Daige seconded the motion.**

Mrs. Minuse asked if they have ex parte communication and it goes to an appeal, is the Board going to cost the City a lot of money.

Mr. Lauer said if this ordinance is adopted then the burden is on the opponent to prove that it was prejudicial. As it stands now it is the burden of the City to prove it's prejudicial. Therefore, he would think it protects the City. The policy manual Mr. Lauffer is reading is the manual he should be reading because that is what the law is in the City of Vero Beach, but that policy manual would change if the Statute was adopted. He looks at this as a "mulligan" that the Legislature has given them. He said that he feels like he comes into these meetings at a disadvantage. To him, they lose the orientation that everyone else in the audience has. He is a visual learner and has to go out and look at things to understand them. He said they would have to make a disclosure prior to the hearing so if someone wants to question them about their visit they can.

Mr. Daige said that he sees this as a positive for the Board.

Mrs. Minuse said her hesitation is that they should all come to these meetings equally prepared.

Mr. Cahoy read into the record, page 8 of 20 item 3) – Local Government's Burden, "*The local government decision-making body typically does not present evidence, but rather, at the time of decision, must comb the record of the public hearing for facts to support approval or denial.*" He used today's quasi-judicial hearing as an example. He felt that going out and looking at the site sounded good, but in his way of thinking it is too subjective. He said there is no way that he could go out and look at this one (1) site without looking at the entire neighborhood. He truly thinks that he might be adversely influenced by what he sees subjectively in that neighborhood. He said that he could make a rational decision in forming his vote in dealing with the facts presented to him. He thought that they might not want to tamper with what has worked very well for them. He was not sure if he went out and studied an area that he would have any more information than what he would have presented to him at the hearing. The onus is on the Planning and Development Department to provide sufficient information. He was not sure that he supports Mr. Lauer's motion at this point. He felt more study should be done before bringing it before the City Council.

Mr. Lauffer did not know that it is this Board's decision. His suggestion would be to recommend to the City Council that they look into it as opposed to the Board looking into it. He said that he was not elected to make decisions like this. He felt that he is supposed to be like a Judge, which Judges don't make the law, they judge based on what is before them. He said that he should be able to make a decision based on what the public and the applicants have to say and not on what he thinks.

Mr. Lauer said unfortunately the public is not represented by lawyers. They don't know what they can and can't bring to a hearing. He felt that the developers had an unfair advantage and the Board

should be representing the citizens of Vero Beach, not the developers.

Mr. Daige did not have a problem with asking the City Council to look into this. He felt it would be beneficial to do site visits. He said it would have to be okay with the Board as a whole that they ask the City Council to look at this and have Mr. Lauer attend to answer any questions they may have.

Mr. Cahoy said his personal opinion by this Board requesting the City Council to look at this issue is tantamount to them that they are saying there is a problem and they want the City Council to fix it. He doesn't see it as that type of a recommendation coming from this Board.

The Chairman opened and closed public comments at 2:38 p.m., with no one wishing to be heard.

**The Deputy City Clerk read back the motion, which was that the Board bring this before the City Council and ask that they adopt a form of Section 286.0115 to shift the burden as described in the analysis.**

**Mr. Lauer added to the end of the motion, to shift the burden of prejudice from the opponent to the proponent.**

Mr. Daige said that sounds a little bit harsh. He doesn't want to demand anything. He suggested that they change the motion to request that the City Council look at it.

**Mr. Daige withdrew his second to the motion.**

**Mr. Lauffer seconded the motion.**

Mrs. Minuse said her deep concern is that they were not all coming to the point of decision making with the same amount of information, which bothered her.

**On a roll call vote, the motion passed 3-2 with Mr. Daige voting yes, Mr. Cahoy no, Mr. Lauer yes, Mrs. Minuse no, and Mr. Lauffer yes.**

Ms. Honse explained that they could prepare a memorandum through the Chairman to be placed on the City Council agenda or a Board member could request to be placed on the City Council agenda as a presenter.

Mrs. Minuse asked Mr. Lauer if he was going to go before the City Council.

Mr. Lauer said that he would.

At this time, Ms. Honse gave a brief report on the proposed Bills going before the Legislature.

## **VII. ADJOURNMENT**

Today's meeting adjourned at 2:49 p.m.

/sp

## DEPARTMENTAL CORRESPONDENCE

TO: Chairman Larry Lauffer and Planning and  
Zoning Board Members

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

DATE: March 19, 2018

SUBJECT: **Public Hearing on an Ordinance to Amend Chapter  
60, Appendix, Definitions and Permitted Uses in  
the C-1A Zoning District**

### Overview

At the request of the City Council, the staff has prepared the attached draft Ordinance. The ordinance amends the Land Development Regulations by revising the definition of *microbreweries* in the definition appendix and adds *microbreweries* as a permitted use in the C-1A zoning district.

### Background

The Orchid Isle Brewery owner met with staff in late February to discuss expansion of its facilities to include a walk in cooler section for its brewery operations. Unfortunately, the staff explained that the additional 480 square feet to the restaurant/brewery would make the accessory use, the brewery production side of the establishment, greater than 50 percent of the principal use. As such the establishment becomes a microbrewery, which is not a permitted use in the C-1A district.

With staff support, the owner of Orchid Isle Brewery, asked the City Council to direct staff to prepare an ordinance to allow microbreweries in the C-1A zoning district. The City Council so directed the staff to prepare such an ordinance on March 6, 2018.

In preparing the Ordinance, the staff found that the definition of microbrewery needed further revision, because it precluded small microbreweries. The definition requires that microbreweries have at least 3,500 square designated for public use such as restaurant/bar, including tasting areas. The small Orchid Isle Brewery contains a total of approximately 2,000 square feet of floor space of which only 1,500 is designated for the restaurant and bar use.

To remedy this situation and provide the opportunity for smaller restaurant/bar establishments that may want to brew beer on site, the staff proposes to revise the definition of microbreweries stipulating that such establishments with less than 7,000 square feet of floor area, must devote at least 50 percent of floor area to public use. The 7,000 square foot threshold was chosen as it correlates to the existing minimum of 3,500 square of floor space required for larger microbreweries.

## Staff Review and Analysis

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

*Justification for the Amendment.* As stated in the Background section, a microbrewery is not a listed permitted use in the C-1A commercial district. This omission prevents the establishment of such uses in C-1A and creates a barrier for the minor expansion of the small microbrewery operation at the Orchid Isle Brewery. Furthermore the definition of microbrewery also creates a barrier for small establishments as it requires a minimum of 3,500 square feet of floor area maintained for public use.

The staff believes that it was an oversight that the C-1A district was not included in the microbrewery ordinance. Small microbreweries are a good fit for the C-1A district, especially in the more pedestrian friendly commercial areas such as Cardinal/Ocean Drive and Royal Palm Pointe.

Furthermore, the definition was based on the establishment of larger microbreweries, such as the American Icon Brewery, and didn't take into account much smaller operations such as Orchid Isle Brewery. A revision to the definition to take into account small establishments would eliminate such barriers to these small operators.

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

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

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

The Comprehensive Plan provides little or no guidance on the proposed text amendment; however, Objective 3 does call for establishing and maintaining land use/development regulations that protect the community character and are compatible with adjacent development. As discussed in the previous section, the microbrewery use is compatible with other types of uses found in the C-1A zoning district.

*Consistency with Land Development Regulations.* The microbrewery use is compatible with other types of uses permitted in the C-1A zoning district where it is proposed as a permitted use. Any microbrewery use will be subject to the specific development and performance site plan standards as any other use.

**Recommendation**

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

TJM/tf  
Attachment

ORDINANCE NO. 2018-\_\_\_

**AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING CHAPTER 60, APPENDIX, DEFINITIONS AND PERMITTED USES IN THE C-1A ZONING DISTRICT OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted Ordinance 2016-09 that established microbreweries as a permitted use in various commercial districts of the Land Development Regulations; and

**WHEREAS**, the C-1A zoning district was not included as one of the commercial districts that allow microbreweries; and

**WHEREAS**, the definition of microbreweries does not provide for small microbreweries of less than 7,000 square feet as it requires a minimum of 3,500 square feet to be dedicated to public use as restaurant/bar, including tasting area; and

**WHEREAS**, the addition of microbreweries as a permitted use in the C-1A zoning district would be of economic benefit to the City and complementary to other uses in those districts, particularly in pedestrian-oriented mixed use areas; and

**WHEREAS**, revising the definition of microbreweries to accommodate very small scale microbreweries would be beneficial and provide more opportunities for small establishments in the City's commercial districts; and

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

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

**Section 1. Adoption of "Whereas" Clauses.**

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

**Section 2. Amendment of Chapter 60, Appendix, Definitions.**

Chapter 60, Appendix, Definitions, is hereby amended by adding the following definition:

*Microbrewery:* A retail and restaurant establishment for the brewing of beer or other malt liquors that produces less than 15,000 barrels per year. At least 3,500 square feet of floor area shall be maintained for public use as a restaurant/bar, including tasting area, except that for microbreweries of less than 7,000 square feet of total floor area, a minimum of 50 percent of the total floor area shall be maintained for such public use. No more than 75 percent of the floor area shall be used for the brewery function, including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks. No outdoor storage shall be allowed including portable storage units, cargo containers, and tractor trailers.

**Section 3. Amendment of Section 62.35, Permitted Uses.**

Section 62.35 is hereby amended by adding microbreweries to the C-1A district as follows:

<i>Uses</i>	<i>Zoning Districts</i>			
	C-1A	C-1B	B-1	C-1
Microbreweries.....	<u>P</u>	P		P

**Section 4. Codification.**

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

**Section 5. Conflict and Severability.**

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

**Section 6. Effective Date.**

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

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This Ordinance was read for the first time on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, and was advertised on the \_\_\_ day of \_\_\_\_\_, 2018, as being scheduled for a public hearing to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and was also advertised on the \_\_\_ day of \_\_\_\_\_, 2018, as being scheduled for a second public hearing to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, at the conclusion of which hearing it was moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and adopted by the following vote:

Mayor Harry Howle III	_____ Yes	_____ No
Vice-Mayor Lange Sykes	_____ Yes	_____ No
Laura Moss	_____ Yes	_____ No
Councilmember Tony W. Young	_____ Yes	_____ No
Councilmember Val Zudans	_____ Yes	_____ No

ATTEST:

CITY OF VERO BEACH, FLORIDA

\_\_\_\_\_  
 Tammy K. Bursick  
 City Clerk  
 [SEAL]

\_\_\_\_\_  
 Harry Howle III  
 Mayor

Approved as to form and legal  
 sufficiency:

Approved as conforming to municipal  
 policy:

\_\_\_\_\_  
 Wayne R. Coment  
 City Attorney

\_\_\_\_\_  
 James R. O'Connor  
 City Manager

Approved as to technical requirements:

\_\_\_\_\_  
 Timothy J. McGarry, AICP  
 Director, Planning and Development