AGENDA
REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD
THURSDAY, APRIL 18, 2019, AT 1:30 PM
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA

I. PRELIMINARY MATTERS

Agenda Additions and/or Deletions

II. ELECTION OF OFFICERS

A. Chairman
B. Vice Chairman

III. APPROVAL OF MINUTES

Regular Meeting – March 21, 2019

IV. PUBLIC COMMENT

V. PUBLIC HEARINGS

[Legislative]
A. An Ordinance of the City Council of the City of Vero Beach, Florida; Requested by RDP 12, LLC to Annex Property Located at 1550 US Highway #1 in Tropical Park Subdivision, Containing 0.47 Acres More or Less, Pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date.

[Legislative]
B. An Ordinance of the City Council of the City of Vero Beach, Florida; Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Annexed Land From Indian River County Designation C/I, Commercial/Industrial to City of Vero Beach Designation C, Commercial for the Property Located at 1550 US Highway #1, Containing 0.47 Acres More or Less; Providing for an Effective Date.

[Quasi-judicial]
C. An Ordinance of the City Council of the City of Vero Beach, Florida; Amending the Official Zoning Map by Changing the Zoning District Designation of Annexed Land from Indian River County Designation CG, General Commercial to City of Vero Beach Designation C-1, Highway Oriented Commercial, for the Property Located at 1550 US Highway #1, Containing 0.47 Acres More or Less; Providing for an Effective Date.
D. An Ordinance of the City of Vero Beach, Florida Amending Chapter 62, Article VII, Airport Master Plan Land Use Zones, Section 62.105 Security Fences Exempting the Airport Security Fences; Amending Chapter 68, Airport Zoning Relating to Construction and Obstructions to Flight Navigation in the Airport Protection Overlay Zone; and Amending Chapter 72, Article IV, Tree and Palm Protection, Section 72.41 Permit Required; Exemptions, Exempting Removal for Airport Security Fence Clear Zone; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.

E. An Ordinance of the City of Vero Beach, Florida, Amending Section 64.12 of Chapter 64, Article I, Development Review Relating to Temporary Use Permit; Creating Chapter 64, Article III, Temporary Uses and Structures; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.

VI. PLANNING DEPARTMENT MATTERS

VII. BOARD MEMBERS' MATTERS

VIII. ADJOURNMENT

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

ANYONE IN NEED OF SPECIAL ACCOMMODATIONS FOR THIS MEETING MAY CONTACT THE CITY'S AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR AT 578-4920 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

PUBLIC INVITED TO ATTEND
Ms. Kira Honse, Interim City Attorney, called today’s meeting to order at 1:30 p.m. She reported that Mr. Lawrence Lauffer is no longer serving on the Board in that he was Councilmember Lange Sykes appointee and his term has expired on the City Council. She said normally the Vice Chairman would run the meeting in the absence of the Chairman, but the Vice Chairman is not present. She noted that they do have Election of Officers on today’s agenda, but because they only have three (3) regular members and an alternate member present it is up to the Board if they want to table Election of Officers and elect a Temporary Chairman to run today’s meeting.

The Board members agreed to table Election of Officers to their next meeting.

Mrs. Pelensky nominated Mrs. Honey Minuse as Temporary Chairman. The Board members agreed.

I. PRELIMINARY MATTERS

A) Agenda Additions and/or Deletions

None

II. ELECTION OF OFFICERS

This item was tabled to the next Planning and Zoning Board meeting.

III. APPROVAL OF MINUTES

A) Regular Meeting – February 21, 2019

Mr. Lauer made a motion to approve the minutes of the February 21, 2019 Planning and Zoning Board meeting. Mr. Cahoy seconded the motion and it passed unanimously.

IV. PUBLIC COMMENT

None

V. PLANNING DEPARTMENT MATTERS

A) Discussion of Downtown Parking

Mr. Jason Jeffries, Planning and Development Director, briefly went over staff’s memorandum dated March 13, 2019, regarding the Summary of Downtown 1992 Redevelopment Plan for Parking. He then gave a Power Point presentation on Downtown Parking (both items are attached to the original
Mrs. Minuse asked if there have been any discussions about creating an Overlay District for downtown.

Mr. Jeffries said not that he is aware of.

B) Discussion of Proposed Temporary Uses

Mr. Jeffries reported that this subject came up because the City Council had concerns about PODs being left on people’s property over long periods of time. He said because he had received other questions from the community as to what they can and cannot do and the Code did not address these types of uses, he took this opportunity to create a new Section in the Code. He then continued with his Power Point presentation under the Temporary Use Section.

*Please note that discussion and changes took place throughout the presentation.

Mrs. Minuse referred to the backup information regarding the proposed new Section of the Code (attached to the original minutes). She read in part from page three (3), Section 64.41 (c), Special Event, “Special events shall not include activities to be conducted entirely within public parks or on public right-of-way property.” She said they do have events where there are street closings.

Mr. Jeffries said that definition is currently in the Code. The reason it states that is because special events held in streets are done through a different process. It is not done through the Land Development Code, but is permitted through the Recreation Department.

Mrs. Minuse said they still need permits.

Ms. Honse explained that they do need permits, but not land use permits.

At this time, Mr. Carroll arrived at today’s meeting.

Mr. Jeffries said that definition should not have been underlined because it is not new language. It is currently in Section 64.12 (b) of the Code so he will make sure that is noted.

Mrs. Minuse referred to page six (6), Section 64.45 – Standards for Specific Temporary Uses and Structures, (a) – Farmers Market (as a temporary use). A Farmers Market operating as a temporary use shall: (1), “Operate on a continuous basis for no more than five months per year on a single site.” She asked what does continuous mean.

Mr. Jeffries said this does not put a limit on the number of days. He said the way he reads the statement is that the Farmers Market could operate seven (7) days a week, but the Board could put a limit on it.

Mrs. Minuse asked doesn’t that statement bring the Farmers Market right into it.

Ms. Honse explained that the Oceanside Business Association’s Farmers’ Market is kind of unique because they have a license agreement with the City to use the parking lot.

Mr. Lauer said that he would be opposed to a Farmers Market anywhere that would compete with the Farmers Market on Ocean Drive. He is afraid that this designation would allow competition for an
existing market that they would like to promote.

Mr. Cahoy asked if they could limit it to allow one (1) per district.

Mr. Jeffries said they could add the verbiage of one (1) per week and somehow word it so that it has to be held on a different day than an existing Farmers Market.

Mr. Carroll thought the number of days is what is important.

Mrs. Pelensky did not think they should limit the time they could sell.

Mr. Jeffries said that he could revise it to one (1) per week and have some type of language about not competing.

Ms. Honse said that she has a property issue with not competing with other Farmers Markets. She said that she understands their concern, but you don’t keep out businesses because there are existing businesses.

Mrs. Pelensky said that she would be okay with one (1) day a week, 12 months a year, but she didn’t think they should tell them what day.

Mr. Cahoy suggested that they strike the five (5) month provision.

Mr. Jeffries said that he would make the changes.

Ms. Honse referred to page eight (8) (e) -Temporary Factory-Fabricated Portable Building, A temporary factory-fabricated transportable building shall comply with the following standards: (1)(f), “A temporary building providing temporary quarters for the occupants of a principal dwelling or nonresidential building damaged or destroyed by a fire, hurricane, or other physical catastrophe while the dwelling or building is being repaired or reconstructed.” She said there is not a time frame and some of the concern is that person who doesn’t diligently make repairs to their home.

Mrs. Minuse said it states under item (f), “while the dwelling or building is being repaired or reconstructed.” She asked is there a way they could have a mandate.

Ms. Honse said they could state that they have to have a building permit.

Mr. Jeffries said you don’t want to require them to have an active building permit right away because after a storm it takes a while for plans, etc., so they want to allow a reasonable time frame to file for the permit. He said that he would add criteria for that.

Mr. Carroll suggested the verbiage; apply for a permit within 60 days.

Mr. Jeffries said they could add something where the Planning and Development Director can waive this provision and extend the deadline if they have an unreasonable event, such as what happened in 2004 where two (2) hurricanes hit back to back.

The Board members agreed.

Mr. Jeffries said that he will make that change.
Mr. Lauer referred to page nine (9), item (g), Temporary Not-For-Profit Car Wash. Temporary not-for-profit car wash services shall comply with the following standards: (1), "The use shall be limited to no more than a total of 14 days per calendar year, per individual site." He suggested limiting the number of events that could occur to no more than one (1) per week. He questioned do they want to have someone operate a car wash for 14 consecutive days.

Mr. Jeffries said that he would make that change.

Mr. Lauer referred to item (h), Temporary Portable Storage Unit. Temporary storage in a portable storage unit may be permitted to serve an existing use on the same lot, subject to the following standards: (1), "No more than two units shall be located on a lot." He asked what is a lot.

Mr. Jeffries said that is the parcel.

Mr. Lauer asked shouldn’t it state parcel because a parcel could be including a number of lots.

Mr. Jeffries said he would change “lot” to “parcel” throughout this Section.

Mr. Cahoy said if after a storm where the home is being renovated and are storing their belongings in a POD, there is no way they can complete the renovation in 30 days. He asked how would they deal with that situation.

Mr. Jeffries said they could add a provision that under an emergency situation the time frame could be extended.

Mr. Cahoy asked would that only apply to a storm event. He asked what about other renovations.

Mr. Jeffries said during a storm event they want to allow some flexibility, but when someone has a planned renovation they should make allowances for storage.

Mr. Jeffries said another temporary use is outdoor commercial displays on sidewalks. He said they could add something where a business could have a small display without a permit as long as it is associated with their business.

Mr. Carroll said that he is not opposed to it, but sometimes it gets out of control when they are taking up sidewalk space.

Mr. Jeffries said that he would draft some language and if the Board doesn’t want it they can eliminate it. Another temporary use is sidewalk sales, such as what they have on Main Street and Ocean Drive.

Mrs. Minuse asked if it would make sense if for example a sidewalk is 10-feet that they could have their sales at so many feet.

Mr. Jeffries said when he drafts this there will be a criteria that they have to have so many feet clear in order to make it ADA compliant.

Mrs. Pelensky said that she would just state that it has to be ADA compliant.

Mr. Lauer said the way this was drafted was very good. He said instead of trying to add on to
something, to add new Sections is very good drafting and it is great to see it presented this way.

Mr. Jeffries said that he will make the changes as discussed and hopes to bring this back before the Board for hearing at their meeting next month.

At this time, Mr. Jeffries continued with his Power Point presentation discussing the Work Plan Updates and Schedule.

VI. BOARD MEMBERS’ MATTERS

None

VII. ADJOURNMENT

Today’s meeting adjourned at 3:01 p.m.

/sp
DEPARTMENTAL CORRESPONDENCE

TO: Planning and Zoning Board Members

THROUGH: Jason H. Jeffries, AICP
Director of Planning and Development

FROM: Cheri B. Fitzgerald, AICP
Principal Planner

DATE: April 4, 2019

SUBJECT: Voluntary Annexation Report – 1550 US Highway #1 (Application #AX19-000001)

Request

Based on the City's Annexation Policies and Procedures the Planning and Development Department staff is providing the attached Voluntary Annexation Report for your review and recommendation. Attached is the draft City Council Voluntary Annexation Ordinance for your information.

Overview

The City received a voluntary annexation application petitioning the City Council to annex a parcel of land containing 0.47 acres. The subject parcel is located at 1550 US Highway #1. The report provides: 1) background information on the property; 2) annexation statutory procedures and requirements; 3) analysis and findings; and 4) a staff recommendation.

Recommendation

Staff recommends that the Planning and Zoning Board recommend approval of the Voluntary Annexation Report and recommend to City Council to move forward to annex the subject property and approve the draft ordinance.

Attachment
CITY OF VERO BEACH FLORIDA

VOLUNTARY ANNEXATION REPORT

Prepared By: City of Vero Beach
Planning & Development Department
Application #AX19-000001

April 2019
TO: Monte K. Falls, P.E., Interim City Manager  
THRU: Jason H. Jeffries, AICP  
        Director of Planning and Development  
FROM: Cheri B. Fitzgerald, AICP  
        Principal Planner  
DATE: April 2, 2019  
SUBJECT: Voluntary Annexation Application (#AX19-000001); Property Address – 1550 US Highway 1

Request

Based on the City’s Annexation Policies and Procedures, the Planning and Development Department staff is providing this Voluntary Annexation Report for your review and approval. Upon your signature of approval (page 4 of the Report) the annexation application will be placed on the Planning and Zoning Board’s next available agenda, for subsequent consideration by the City Council, along with a draft annexation ordinance for First Reading.

Overview

The City received a voluntary annexation application (copy attached) petitioning the City Council to annex a parcel of vacant land containing 0.47 acres. The subject parcel is located at 1550 US Highway 1 (location map attached). The report provides: 1) background information on the property; 2) annexation statutory procedures and requirements; 3) analysis and findings; and 4) a staff recommendation.

Background

The subject parcel size is 0.47 acres and is located on the northeast side of the intersection of US Highway 1 and 15th Place. The parcel identification number is 33-39-12-00010-0020-00012.0 and the street address is 1550 US Highway 1. The property owners are RDP 12, LLC.
The parcel is contiguous to the current city of Vero Beach city limit boundary line to the west. Existing commercial development is adjacent to and surrounds the subject parcel under consideration for annexation.

The site is currently developed with a vacant commercial building which was a former Exxon gas/service station. The parcel is currently zoned CG, General Commercial and designated C/I, Commercial/Industrial on the County’s Future Land Use Map. The current zoning and land use designations allow commercial uses on the property.

The property owners are requesting the annexation of the subject parcel to redevelop the property with a commercial use.

**Statutory Annexation Procedures and Requirements**

The procedures and requirements for voluntary annexation are outlined in Section 171.044, Florida Statutes, a summary of which is as follows:

**Procedures**

- The owner or owners of real property in an unincorporated area, which is contiguous to a municipality and reasonably compact, petition the governing body of that municipality.

- Upon determination that the petition bears the signatures of all owners of property proposed to be annexed, the governing body may at any regular scheduled meeting adopt a non-emergency ordinance to annex said property and redefine the boundaries of the municipality to include that property. Prior to adoption of the ordinance, special notice and publication requirements must be meet pursuant to Section 171.044(2), Florida Statutes, that require notice be published in a local paper for two (2) consecutive weeks.

- Prior to publishing the annexation ordinance mentioned above, the governing body must provide a copy of the notice by certified mail to the board of county commissioners.

- Upon adoption, the ordinance must be filed with the clerk of the circuit court, county chief administrative officer, and Florida Department of State within seven (7) days after its adoption.
Requirements

- The property owner must consent to the annexation and provide the municipality with a signed letter confirming this condition has been met.

- The proposed property must be contiguous to the municipality, reasonably compact, and not create enclaves.

Analysis and Findings

Consistency with Statutory Conditions for Annexation

The subject property meets the requirements for voluntary annexation pursuant to Section 171.044 based on the following findings:

- The owner(s) of the property have submitted a written request for annexation.

- The City Attorney has determined that the property proposed for annexation is contiguous to the City limits, reasonably compact, and does not create an enclave (memorandum attached).

Impacts on City Services, Facilities, and Revenues

In response to request from the Planning and Development Department, city departments reviewed the proposed annexation for potential impact on city services and facilities. Based on the responses from city departments, the proposed annexed property can be accommodated with existing services and facilities. City water and sewer facilities are not available at this location and will be served by Indian River County utilities.

Based on the Indian River County Tax Collector records, the current taxable value (2018) of the subject property is $350,541. Based on the current taxable value the annual projected ad valorem tax revenue to the City of Vero Beach from the property is approximately $883 (2.5194 millage rate). The anticipated revenue should offset any increase in service costs to the City.

Once annexed, the property will be under all aspects of city jurisdiction, except for comprehensive planning and zoning. The properties will remain under Indian River County's Future Land Use Map and Zoning Map designations until the effective date of the City's adoption of the amendments to its Future Land Use Map and Zoning Map.

The comparable city designations for the County's C/I (Future Land Use) and CG (Zoning) are: C, Commercial and C-1, Commercial District, respectively.
Strengths, Weaknesses, Opportunities and Threats

An analysis of the Strengths, Weaknesses, Opportunities and Threats (SWOT) of annexation of the subject property into the City limits includes the following:

- **Strengths** - provides for an increase in the tax base, extension and control of the city's boundaries;
- **Weaknesses** - none identified;
- **Opportunities** - potential redevelopment of the site consistent with the City's land development standards and regulations, consolidation of services; and
- **Threats** – none identified.

Recommendation

The Director of Planning and Development is recommending that the Interim City Manager review and approve this report, as to conforming to municipal policy, and authorize the placement of the annexation application on the next available Planning and Zoning Board agenda for consideration and recommendation to the City Council.

Attachments

Approved as conforming to municipal policy:

[Signature]

Monte K. Falls, Interim City Manager

Date: 4/3/19
LEGEND

City Limits
Subject Property

AERIAL LOCATION MAP
1550 US 1, Vero Beach, FL

Prepared by:
Department of Public Works/GIS Division
City of Vero Beach
April 1, 2019

Scale: 1" = 500'

Disclaimer:
The City of Vero Beach makes no warranties, express or implied and assumes no responsibility for the use of this material by agencies or individuals other than the City of Vero Beach. Any use of this material is strictly at the risk of the user.
Voluntary Annexation Application
City of Vero Beach Planning Department
P.O. Box 1389, Vero Beach, FL 32961-1390
(772) 978-4550 – Fax (772) 778-3856
www.planning@covb.org

Date Received ___3/6/19___ Application # AX19-00000

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

APPLICANT Redtail Design Group Telephone 561-262-6304
MAILING ADDRESS 1136 S Ocean Dr. Ft. Pierce Fl 34949
SITE OWNER RDP 12 LLC Telephone
OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789
SITE LOCATION 1550 US Highway 1 Vero Beach, FL 32960
PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0
LEGAL DESCRIPTION Tropical Park Sub PBI 1-43 Lots 12, 13, & 14 Less E 77 ft of Lots 13 & 14 BLK 2
EXISTING USE COMMERCIAL INDUSTRIAL - C1

Please indicate the existing Indian River County Comprehensive Land Use Plan and Zoning designations:

Comp Plan COMMERCIAL INDUSTRIAL - C1 Zoning General Commercial C C

Should the above referenced property be annexed into the City of Vero Beach, please indicate the desired Vero Beach Comprehensive Land Use Plan and Zoning District designations:

Comp Plan Commercial Zoning C-1

Applicant Signature 3/6/19 Telephone # 772-742-1555

Property Owner Signature(s)* Date Telephone #

*Please note that all owners of a property must sign the application or the attached cover letter per #1 on the next page of this application.
February 26, 2019

Mr. Jason Jeffries, AICP, Director
1053 20th Place
P. O. Box 1389
Vero Beach, FL 32961-1389

RE: 1550 U.S. 1, Vero Beach, Annexation parcel from IRC to the City of Vero Beach

Dear Mr. Jeffries:

On behalf of RDP 12 LLC and as the applicant, we kindly request annexation of 1550 US Highway 1 from Indian River County into the City of Vero Beach. Our client desires to annex the .47 acre former Safford Exxon Service Center with property control number 33391200010002000012.0 into the City.

The property owners desire to bring the service center into the City of Vero Beach, thus allowing for the redevelopment of the site on this prominent US 1 corner. As we all watch the redevelopment of parcels along US 1, we know this is yet another prime example of a piece of land ready for redevelopment and would be better served under the City than the County.

The attached applications provide the existing land use and zoning designations from Indian River County, along with proposed designations for the City. Our request is that the City of Vero Beach provide a similar and complimentary land use (Commercial) and zoning (C-1 Highway Oriented Commercial) designation for the parcel. The site will be redeveloped in line with these two designations and the property owner desires to redevelop it into a Verizon.

We met and have been coordinating with City staff to review this request and are excited to collectively help revitalize this parcel and an important US 1 Highway area. As always, we appreciate your time and attention to this matter and stand ready to respond to any requests or comments that you may have for us.

Truly Yours,

Tod Mowery
President

C – RDP 12 LLC
Wesley Mills, P.E. – Mills, Shorts, & Associates
February 28, 2019

City of Vero Beach
Planning Department
1053 20th Place
P.O. Box 1389
Vero Beach, FL
32961-1389

Re: Agent Authorization Letter – 1550 US Highway 1

To whom it may concern,

Please be advised that RDP 12, LLC is the owner of real property located at 1550 US Highway 1 and further identified as 33391200010002000012.0 by Indian River County and being described as .47 acres. As owner, we authorize Redtail DG and Mills Shorts and Associates to act as agents for the approval of necessary annexation, land use, zoning and site related matters related to our site.

Sincerely,

Robert Gierke

The foregoing instrument was acknowledged before me this __ day of March, 2019, by ____________________________ (Name of Person Acknowledging) who is personally known to me or who has produced ____________________________ (type of identification) as identification and who did (did not) take an oath.

Notary Signature
Kathy S. Hall
Printed Name of Notary

My Commission Expires
Kathy S. Hall
State of Florida
NOTARY PUBLIC
Community GG065220
Expires 3/21/2021
Warranty Deed

This Warranty Deed made this / day of January, 2019 between Sifford, Inc., a Florida corporation whose post office address is 1550 US Highway 1, Vero Beach, FL 32960, grantor, and RDP 12, LLC, a Florida limited liability company whose post office address is 140 East Morse Boulevard #J, Winter Park, FL 32789, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Indian River County, Florida to wit:

A certain tract of land situate, lying and being near the City of Vero Beach, County of Indian River, State of Florida, being Lots 12, 13 and 14, Block 2, Tropical Park Subdivision, recorded in Plat Book 1, Page 43, Public Records of Indian River County, Florida and is more particularly described as follows: Commencing at a point on the West right of way line of U.S. Highway #1, said point being the Northwest corner of said Lot 12 and run thence South 89°32'09" East along the North line of said Lot 12, a distance of 135 feet to a concrete monument; thence South 0°31'32" West along the East line of said Lots 12, 13 and 14 a distance of 158.24 feet to a concrete monument on the North right of way line of 15th Place; thence North 89°35'28" West along said North right of way line of 15th Place a distance of 109.94 feet to the beginning of a tangential circular curve; thence in a Northwesterly direction along said curve having a radius of 25 feet through a central angle of 90°7' for an arc distance of 39.32 feet to the end of said curve and a point on the East right of way line of U.S. Highway #1; thence North 0°31'32" East along said East right of way line of U.S. Highway #1, a distance of 133.41 feet the point of beginning, less and except lands described in O. R. Book 609, Page 1363, of the Public Records of Indian River County, Florida.

Parcel Identification Number: 33-39-12-00010-0020-00012/0

Subject to taxes for 2019 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

Prepared by and return to:
Bruce Barkett, Esq.
Attorney at Law
Collins Brown Barkett, Chartered
756 Beachland Boulevard
Vero Beach, FL 32963
772-231-4343
File Number: 03576.004
Zoning, Indian River County, Florida

1550 US HIGHWAY #1
ANNEXATION PARCEL
Per your request, I have reviewed the proposed voluntary annexation application for compliance with Florida Statute 171.044 "Voluntary Annexation."

Under the voluntary annexation procedure set forth in section 171.044, the only limitations prescribed are that the property be contiguous, reasonably compact, and not create enclaves. City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985). I have reviewed the file and materials provided by your department, including a map and survey of the subject property, have discussed the annexation application with Director of Planning and Development Jason Jefferies, and have determined that the subject voluntary annexation meets the statutory requirements.

As you know, Florida Statutes 171.044 and 171.091 provide the required procedure for advertising the annexation ordinance and outline the various required filings of the ordinance after adoption, which required filings are time sensitive and mandatory. Note that the ordinance must include a map of the annexed area and a complete legal description of that area by metes and bounds. In addition, Appendix A "Description of Corporate Boundary" to the Charter of the City of Vero Beach will need to be revised to include the annexed property if the ordinance is adopted. A copy of that revision must be filed with the Department of State within 30 days of the adoption and submitted to the Office of Economic and Demographic Research with a statement specifying the population census effect and the affected land area.

Please let me know if you have any questions or you need anything further.
ORDINANCE NO. 2019-

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA; REQUESTED BY RDP 12, LLC TO ANNEX PROPERTY LOCATED AT 1550 US HIGHWAY #1 IN TROPICAL PARK SUBDIVISION, CONTAINING 0.47 ACRES MORE OR LESS, PURSUANT TO THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044 FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 171.044 Florida Statutes, provides for voluntary annexation of property into a municipality, provided, among other things, that the property is contiguous to the municipality and is reasonably compact and does not create enclaves of unincorporated areas, and provided that all the owners of the property petition for such an annexation; and

WHEREAS, the owner(s) of the property shown on the attached Exhibit “A” and accompanying sketch map, RDP 12, LLC, have determined that annexing the property into the City limits would be in their interest; and

WHEREAS, the City finds that the annexation of the property satisfies the requirements of section 171.044 Florida Statutes and would be in the public interest; and

WHEREAS, Indian River County has been provided notice of this annexation proceeding by certified mail at least ten (10) days before this ordinance was advertised, as required by section 171.044(6) Florida Statutes,

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 herein.

Section 2 - Land Annexed.

The property consisting of 0.47 acres more or less which is located at 1550 US Highway #1, in Tropical Park Subdivision, and which is more particularly described in the attached Exhibit

Plus Exhibit(s) incorporated by reference
“A” and accompanying sketch map, are annexed into the City of Vero Beach effective upon the adoption of this ordinance:

[SEE ATTACHED EXHIBIT “A”]

Parcel No. 33-39-12-00010-0020-00012.0

Section 3 - Redefine and Record Boundaries.

The City Engineer is authorized to prepare a redefinition of the boundary lines of the municipality for inclusion in the City Charter. A copy of such revision is to be filed with the Department of State within thirty (30) days of the adoption, with a copy to the Office of Economic and Demographic Research, as required by section 171.091 Florida Statutes.

Section 4 - Copies to State and County.

The City Clerk is directed to file a copy of this annexing ordinance with the Clerk of the Circuit Court of Indian River County, the County Administrator of Indian River County, and the Department of the State of Florida within seven (7) days after its adoption.

Section 5 - Ordinance Effective Date.

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

************************************
This Ordinance was read for the first time on the ___ day of _______, 2019, and was advertised on the ___ day of _______, 2019, and one week later on the ___ day of __________, 2019 as being scheduled for a public hearing to be held on the ___ day of __________, 2019, at the conclusion of which hearing it was moved for adoption by Councilmember ________________, seconded by Councilmember ________________ and adopted by the following vote:

Mayor Val Zudans
Vice-Mayor Anthony W. Young
Councilmember Laura Moss
Councilmember Robbie Brackett
Councilmember Harry Howle, III

ATTEST:

CITY OF VERO BEACH, FLORIDA

______________________________  ______________________________
Tammy K. Bursick                  Val Zudans
City Clerk                         Mayor

(SEAL)
ADMINISTRATIVE REVIEW
(For Internal Use Only-Sec.2-77 COVB Code)

Approved as to form and legal sufficiency:

Kira C. Honse
Interim City Attorney

Approved as to technical requirements:

Jason H. Jeffries
Director, Planning and Development

Approved as conforming to municipal policy:

Monte K. Falls
Interim City Manager

Approved as to technical requirements:

Monte K. Falls
Director, Public Works
EXHIBIT “A”
PROPERTY DESCRIPTION
VOLUNTARY ANNEXATION #2019-AX-01
PORTION OF LOTS 12-14, BLOCK 2, TROPICAL PARK SUBDIVISION
SECTION 12, TOWNSHIP 33 SOUTH, RANGE 39 EAST

Situated in the State of Florida, County of Indian River, being a part of Lots 12, 13, and 14, Block 2, Tropical Park Subdivision as recorded in Plat Book 1, page 43 of the Public Records of Indian River County, Florida, and being more particularly bounded and described as follows:

Commencing at a point on the West right of way line of U.S. Highway #1, said point being the Northwest corner of said Lot 12 and run thence South 89°32'09" East along the North line of said Lot 12 a distance of 135 feet to a concrete monument;

Thence South 00°31 '32" West along the East line of said Lot 12, 13 and 14 a distance of 158.24 feet to a concrete monument on the North right of way line of 15th Place;

Thence North 89°35'28" West along the North right of way line of 15th Place a distance of 109.95 feet to the beginning of a tangential circular curve;

Thence in a northwesterly direction along said curve having a radius of 25 feet through a central angle of 90°7'00" for an arc distance of 39.32 feet to the end of said curve and a point on the East right of way line of U.S. Highway #1;

Thence North 00°31'32" East along said East right of way line of U.S. Highway #1 a distance of 133.41 feet to the point of beginning;

Less and except lands described in O.R. Book 609, page 1363 of the Public Records of Indian River County, Florida.

Note: Property description from Warranty Deed as recorded in Official Records Book 3177, Page 1129 of the Public Records of Indian River County, Florida.

Said property containing 20,466 square feet or 0.47 acres more or less.

David Gay, PSM #5973

S:\Property Descriptions\2019\2019-AX-01_1550 US#1_Apr 8 2019.doc
LOT 10
1588 US HWY #1
TROPICAL PARK
PLAT BOOK 1, PAGE 43
BLOCK 2
LOT 11
S89°32'09"E 135.00'

SCALE 1"= 40' PLAT BOOK 1, PAGE 43
BLOCK 2 LOT 9
LOT 11
S89°32'09"E 135.00'

SUBJECT
ANNEXATION
LOT 12
N0031'32"E 25.00'

LOT 13
1550 US HWY #1
PARCEL# 33-39-12-00010-0020-00012.0
R=25.00' D=90°07' L=39.72'
S89°32'09"E 102.95'

LOT 14
N0031'32"E 48.24'

LOT 15
760 15TH PLACE
LOT 15
N89°35'28"W 7.00'

EXISTING CITY LIMIT

NOTE: EASEMENT DESCRIPTION IS BASED UPON A SURVEY SUPPLIED BY
WILLIAM B. ZENTZ & ASSOCIATES,INC., JOB # 211-012, DATED 03-04-2019.

DAVID GAY, PSM #5973
DATE 4/6/19
DEPARTMENT OF PUBLIC WORKS
TROPICAL SQUARE SUBDIVISION

NOTE: THIS SKETCH IS NOT A SURVEY
DEPARTMENTAL CORRESPONDENCE

TO: Planning and Zoning Board Members

THROUGH: Jason H. Jeffries, AICP
Planning and Development Director

FROM: Cheri B. Fitzgerald, AICP
Principal Planner

DATE: April 11, 2019

SUBJECT: Future Land Use Map Amendment Application (#C19-000001-FLUM-MAP); City Sponsored Request to Amend Map for Annexed Property

Overview

This is a request to amend the City’s Future Land Use Map for annexed property from C/1, Commercial Industrial (Indian River County) to C, Commercial (City of Vero Beach). The request is a small-scale (0.47 acres) map amendment. Attached is a draft ordinance for City Council consideration.

Background

The Planning and Development Department received a voluntary annexation application petitioning the City Council to annex a parcel of land. The subject parcel address is 1550 US Highway #1. The parcel size is 0.47 acres and is located on the northeast side of the intersection of US Highway #1 and 15th Place. The parcel identification number is 33-39-12-00010-0020-00012.0. The property owner(s) is RDP 12, LLC.

The parcel is contiguous to the current city of Vero Beach City limit boundary line to the west. Existing commercial development is adjacent to and surrounds the subject parcel. There is an existing vacant commercial building on site. The building use was a commercial Exxon gas/service station.

The parcel is currently designated C/1, Commercial/Industrial on the County’s Future Land Use Map. The land use designation allows commercial uses on the property. The proposed City future land use is C, Commercial.
Amendment Evaluation

Review of the Future Land Use Map amendment includes the applicable standards for considering such amendments in accordance with Chapter 65, Article III, of the City's Land Development Regulations. Section 65.22(i) sets the review standards for amendments.

Since the subject property is an annexed parcel the primary focus of the review and analysis is the City of Vero Beach's Annexation Policies and Procedures. The general policies and procedures state: "The City shall sponsor and initially designate annexed properties with future land use and zoning designations that are comparable with the existing designations under the County's comprehensive plan and zoning regulations."

**Justification for Amendments.** Pursuant to Section 65.22(i)(1), the staff finds that the requested amendment is justified in order to comply with Florida Statutes which requires the City to adopt a comprehensive plan amendment that designates a future land use designation and corresponding zoning for the annexed area.

**Consistency of Requested Future Land Use Change with the Comprehensive Plan.** Pursuant to Section 65.22(i)(4), the staff finds that the map amendment to the Future Land Use Map is consistent with the goals, objectives, and policies of the Comprehensive Plan and Chapter 163, F.S. as discussed below:

- **Land Use Element Policy 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.

Evaluation of the criteria in Land Use Element Policy 1.17 is included in the following sections of this document.

**Finding:** The staff finds that the requested amendment to the Future Land Use Map is consistent with Policy 1.17 as discussed in the following sections.

- **Land Use Element Policy 1.10:** The Commercial (C) Land Use designation shall be applied to areas that are suitable for small to medium scale urban development and intensities. Those areas shall be limited to lands located near existing urban uses. 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 may allow a broad mixture of mixed residential and nonresidential uses.
The subject property is located in an area that is urban in character located along the US Highway #1 corridor. Surrounding the subject property are a variety of existing commercial uses. The property is located at the intersection of US Highway #1 and 15th Place. US Highway #1 is a 4-lane urban principal arterial roadway.

Finding: The staff finds that the requested amendment to the Future Land Use Map is consistent with Policy 1.10.

- Impact on Public Facilities and Services: Since a request to change the land use map is not part of development review or a site plan, the impacts on available public facilities are in general terms. Specific impacts on public facilities and concurrency are part of the City’s development review process. In general, the Capital Improvements Element of the Comprehensive Plan states there is available capacity to support future demand on public facilities and services such as sewer, water, solid waste, and roads.

Public services for the most part will include existing city services and facilities. The exception is the provision of water and sewer services and facilities. City water and sewer facilities are not available at this location, however, Indian River County will accommodate the property and sufficient capacity exists in the county’s water and sewer system to accommodate the subject parcel.

Finding: Since the proposed existing County future land use allows similar zoning districts and permitted uses as the proposed land use the impacts should be similar. The staff finds that the amendment is consistent with concurrency requirements.

- Environmental impacts: Since the request to change the Future Land Use Map designation is similar to the existing County designation, the impacts should be similar.

Finding: The staff finds since the proposed existing County future land use allows similar zoning districts and permitted uses as the proposed land use the impacts should be similar.

- Compatibility with surrounding areas in terms of existing land use designations and uses: The amendment is compatible with the Future Land Use Map designation within the immediate vicinity of the proposed change.
Adjacent and surrounding properties located within unincorporated Indian River County to the north, south and east are designated C/I, Commercial/Industrial. Across US Highway #1 to the west, the City land use designation is C, Commercial. Both land use designations allow similar commercial zoning districts and uses.

Finding: The staff finds that the C, Commercial land use designation is compatible with the surrounding map designations.

- Applicable Requirements of Chapter 163, F.S: Amendments to the Future Land Use Map shall be consistent with all applicable requirements of Chapter 163, F.S. The proposed amendment, supporting staff analysis and data, and adoption process follows the requirements for an amendment to the Comprehensive Plan.

Finding: The staff finds that the requested amendment meets the requirements for an amendment of the Comprehensive Plan pursuant to Chapter 163, F.S.

Recommendation

Based on the analysis and findings in this document, the staff recommends that the Planning and Zoning Board recommend approval for submission to City Council of the following: An Ordinance amending the Future Land Use Map designation for the subject property (± 0.47 acres) from C/I, Commercial/Industrial to C, Commercial.

Attachment
DRAFT

ORDINANCE NO. 2019 – ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP BY CHANGING THE FUTURE LAND USE DESIGNATION OF ANNEXED LAND FROM INDIAN RIVER COUNTY DESIGNATION C/I, COMMERCIAL/INDUSTRIAL TO CITY OF VERO BEACH DESIGNATION C, COMMERCIAL FOR THE PROPERTY LOCATED AT 1550 US HIGHWAY #1, CONTAINING 0.47 ACRES MORE OR LESS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner(s), have submitted a request for voluntary annexation of property into the City limits; and

WHEREAS, the City Council approved the voluntary annexation request and annexed the subject property, located at 1550 US Highway #1, containing 0.47 acres, more or less, on __________; and

WHEREAS, this is a small scale amendment to the City of Vero Beach Comprehensive Plan Future Land Use Map pursuant to Chapter 65, Article III, of the City's Land Development Regulations, requesting changes in the Future Land Use Map from Indian River County designation of C/I, Commercial/Industrial to City of Vero Beach designation of C, Commercial for property comprising 0.47 acres, more or less, located at 1550 US Highway #1; and

WHEREAS, the City Council adopted the Vero Beach Comprehensive Plan on April 4, 2018; and

WHEREAS, the properties described herein meet the criteria for small scale comprehensive plan amendments, pursuant to Section 163.3187(1) (c) of the Florida Statutes; and

Page 1 of 4

Plus Exhibit(s) incorporated by reference
WHEREAS, pursuant to Section 163.3174(4)(a) of the Florida Statutes, the Planning and Zoning Board, acting as the Local Planning Agency, held an advertised Local Planning Agency Public Hearing on the small scale comprehensive plan amendment on __________, and made a recommendation regarding the amendment to the Vero Beach City Council; and

WHEREAS, the Vero Beach City Council finds the proposed amendment to the Future Land Use Map to be consistent with the goals, objectives, and policies of the Comprehensive Plan and other standards and criteria for review and approval of amendments to the Future Land Use Map pursuant to Section 65.22(i)(1) and (4) of the Vero Beach Code of Ordinances,

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

Section 1 - Adoption of “WHEREAS” Clauses.

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

Section 2 - Adoption of Small Scale Comprehensive Plan Amendment.

The small scale amendment to the Future Land Use Map of the Vero Beach Comprehensive Plan is hereby adopted for the property located at 1550 US Highway #1, comprising 0.47 acres, more or less, as graphically depicted on attached “Exhibit A.”

[See Exhibit “A”]

Map of Location and Future Land Use of Subject Property
Section 3 - Transmittal of Copies of Amendment.

One copy each of this Ordinance is to be transmitted to the State of Florida Department of Economic Opportunity, the Treasure Coast Regional Planning Council, Indian River County, and others.

Section 4 - Ordinance Effective Date.

The effective date of this ordinance is on the 31st day after adoption, as provided by Section 163.3187, Florida Statutes.

This Ordinance was read for the first time on the ___ day of ______, 2019, and was advertised on the ___ day of ____________, 2019, as being scheduled for a public hearing to be held on the ___ day of ____________, 2019, at the conclusion of which hearing it was moved for adoption by Councilmember _____________, seconded by Councilmember ____________, and adopted by the following vote:

Mayor Val Zudans
Vice-Mayor Anthony W. Young
Councilwoman Laura Moss
Councilmember Robbie Brackett
Councilmember Harry Howle, III

ATTEST:                     CITY OF VERO BEACH,
Tammy K. Bursick            FLORIDA
City Clerk

Val Zudans
Mayor

Page 3 of 4

Plus Exhibit(s) incorporated by reference
ADMINISTRATIVE REVIEW
(For Internal Use Only- Sec.2-77 COVB Code)

Approved as to form and legal sufficiency:

Kira C. Honse
City Attorney

Approved as conforming to municipal policy:

Monte K. Falls
Interim City Manager

Approved as to technical requirements:

Jason H. Jeffries
Director, Planning and Development

Plus Exhibit(s) incorporated by reference
FUTURE LAND USE MAP (FLUM) AMENDMENT APPLICATION
City of Vero Beach Planning & Development Department
1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389
Phone (772) 978-4550 / Fax (772) 778-3856

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

APPLICANT Redtail Design Group
Telephone 561-262-6304
Fax:

MAILING ADDRESS 1136 S. Ocean Dr. Ft. Pierce FL 34949

SITE OWNER RDP 12 LLC
Telephone
Fax:

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US HIGHWAY 1 VERO BEACH, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

LEGAL DESCRIPTION Tropical Park Sub PBI 1-43 Lots 12, 13, & 14 Less E 77 ft of Lots 13 & 14 BLK 2

PROPOSED CHANGE: FROM COMMERCIAL/INDUSTRIAL - C/I TO Commercial

(If this amendment requires a zoning change, a Zoning Change Application must accompany this request.)

Application Fee* with Zoning Change

Large Scale (More than 10 acres) $2,940 $4,090
Small Scale (Less than 10 acres) $2,100 $3,010

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

Applicant Signature Date

Property Owner Signature Date

(Print Name) (Print Name)
FUTURE LAND USE MAP (FLUM) AMENDMENT APPLICATION
City of Vero Beach Planning & Development Department
1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389
Phone (772) 978-4550 / Fax (772) 778-3856

Date Received Application # Z1900004-FLUM-MAP

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

APPLICANT Redtail Design Group Telephone 561-262-6304
Fax #: 

MAILING ADDRESS 1136 S. Ocean Dr. Ft. Pierce FL 34949

SITE OWNER RDP 12 LLC Telephone 
Fax #: 

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US HIGHWAY 1 VERO BEACH, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

LEGAL DESCRIPTION Tropical Park Sub PBI 1-43 Lots 12, 13, & 14 Less E 77 ft of Lots 13 & 14 BLK 2

PROPOSED CHANGE: FROM COMMERCIAL/INDUSTRIAL-C/I TO Commercial

(If this amendment requires a zoning change, a Zoning Change Application must accompany this request.)

Application Fee* with Zoning Change

<table>
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<th>Scale</th>
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<tr>
<td>Small Scale (Less than 10 acres)</td>
<td>$2,100</td>
<td>$3,010</td>
</tr>
</tbody>
</table>

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

Applicant Signature Date Property Owner Signature Date

(Print Name) (Print Name)

MAR 2019
February 26, 2019

Mr. Jason Jeffries, AICP, Director
1053 20th Place
P. O. Box 1389
Vero Beach, FL 32961-1389

RE: 1550 U.S. 1, Vero Beach, Annexation parcel from IRC to the City of Vero Beach

Dear Mr. Jeffries:

On behalf of RDP 12 LLC and as the applicant, we kindly request annexation of 1550 US Highway 1 from Indian River County into the City of Vero Beach. Our client desires to annex the .47 acre former Safford Exxon Service Center with property control number 33391200010002000012.0 into the City.

The property owners desire to bring the service center into the City of Vero Beach, thus allowing for the redevelopment of the site on this prominent US 1 corner. As we all watch the redevelopment of parcels along US 1, we know this is yet another prime example of a piece of land ready for redevelopment and would be better served under the City than the County.

The attached applications provide the existing land use and zoning designations from Indian River County, along with proposed designations for the City. Our request is that the City of Vero Beach provide a similar and complimentary land use (Commercial) and zoning (C-1 Highway Oriented Commercial) designation for the parcel. The site will be redeveloped in line with these two designations and the property owner desires to redevelop it into a Verizon.

We met and have been coordinating with City staff to review this request and are excited to collectively help revitalize this parcel and an important US 1 Highway area. As always, we appreciate your time and attention to this matter and stand ready to respond to any requests or comments that you may have for us.

Truly Yours,

Tod Mowery
President
C - RDP 12 LLC
Wesley Mills, P.E. - Mills, Shorts, & Associates

attachments
Voluntary Annexation Application
City of Vero Beach Planning Department
P.O. Box 1389, Vero Beach, FL 32961-1390
(772) 978-4550 – Fax (772) 778-3856
www.planning@covb.org

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

APPLICANT Redtail Design Group
Telephone 561-262-6304
Fax:

MAILING ADDRESS 1136 S Ocean Dr. Ft. Pierce Fl 34949

SITE OWNER RDP 12 LLC
Telephone
Fax:

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US Highway 1 Vero Beach, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

LEGAL DESCRIPTION Tropical Park Sub PBI 1-43 Lots 12, 13, & 14 Less E 77 ft of Lots 13 & 14 BLK 2

EXISTING USE COMMERCIAL/INDUSTRIAL - C/I

Please indicate the existing Indian River County Comprehensive Land Use Plan and Zoning designations:

Comp Plan COMMERCIAL/INDUSTRIAL - C/I Zoning General Commercial C-1

Should the above referenced property be annexed into the City of Vero Beach, please indicate the desired Vero Beach Comprehensive Land Use Plan and Zoning District designations:

Comp Plan Commercial Zoning C-1

Applicant Signature   Date   Telephone #

Property Owner Signature(s)* Date Telephone #

*Please note that all owners of a property must sign the application or the attached cover letter per #1 on the next page of this application.
ZONING MAP CHANGE AMENDMENT APPLICATION
City of Vero Beach Planning & Development Department
1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389
Phone (772) 978-4550 / Fax (772) 778-3856

Date Received Application # ZIq-00002-MAP

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

APPLICANT Redtail Design Group Telephone 561-262-6304
Fax #:

MAILING ADDRESS 1136 S. Ocean Dr. Ft. Pierce FL 34949

SITE OWNER RDP 12 LLC Telephone
Fax #:

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US Highway 1 Vero Beach, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

PROPOSED ZONING CHANGE: FROM General Commercial C-1 TO C-1

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

Application Fee* with Future Land Use Change

<table>
<thead>
<tr>
<th></th>
<th>Large Scale (More than 10 acres)</th>
<th>$3,370</th>
<th>$4,090</th>
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<td>Small Scale (Less than 10 acres)</td>
<td>$2,460</td>
<td>$3,010</td>
</tr>
</tbody>
</table>

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

Applicant Signature Date Property Owner Signature Date

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

APPLICANT Redtail Design Group

MAILING ADDRESS 1136 S. Ocean Dr. Ft. Pierce FL 34949

SITE OWNER RDP 12 LLC

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US HIGHWAY 1 VERO BEACH, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

LEGAL DESCRIPTION Tropical Park Sub PBI 1-43 Lots 12, 13, & 14 Less E 77 ft of Lots 13 & 14 BLK 2

PROPOSED CHANGE: FROM COMMERCIAL/INDUSTRIAL - C/I TO Commercial

(If this amendment requires a zoning change, a Zoning Change Application must accompany this request.)

Application Fee* with Zoning Change

| Large Scale (More than 10 acres) | $2,940 | $4,090 |
| Small Scale (Less than 10 acres) | $2,100 | $3,010 |

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

[Signature]

Applicant Signature Date

Property Owner Signature Date

(Print Name) (Print Name)
SITE PLAN APPLICATION (MINOR)
Multifamily Residential or Nonresidential
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

___ Multifamily Residential  ___ Nonresidential  ___ Minor Amendment to Major Site Plan

APPLICANT: Redtail Design Group  Telephone: ___________________

MAILING ADDRESS: 1136 S Ocean Drive  Ft. Pierce Fl 34949

PROPERTY OWNER: RDP 12 LLC

OWNER ADDRESS: 140 East Morse Boulevard #J Winter Park, FL 32789

SITE ADDRESS: 1550 US Highway 1 Vero Beach, FL 32960

PARCEL I.D. NUMBER: 33-39-12-00010-0020-00012.0

FLOOR AREA SQUARE FOOTAGE: Existing 1351  Proposed 2253

MULTIFAMILY - NUMBER OF UNITS: Existing ______  Proposed ______

Provide a brief description of specific modifications, as shown on the attached plans, and other development approval(s) being requested as part of this application: Converting an existing service station into a retail store. Expanding the building by 902 sqft, and other modifications as shown on the site plan.

This application is limited only to the specifically requested development approval. No permanent structure shall be located on City easements. In separate sheets, plans or documents attached to this application, provide the specific information required by Pages 2 through 4 of this application, as applicable.

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

Applicant Signature: ____________________________  Date: 3/6/19

*Property Owner Signature: ____________________________  Date: ____________________________

Applicant Name (Print): ____________________________  Property Owner (Print): ____________________________

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

Application Fee: __________
RDP 12, LLC  
140 E Morse Blvd., #J  
Winter Park, FL 32789  

February 28, 2019  

City of Vero Beach  
Planning Department  
1053 20th Place  
P.O. Box 1389  
Vero Beach, FL  
32961-1389  

Re: Agent Authorization Letter – 1550 US Highway 1  

To whom it may concern,  

Please be advised that RDP 12, LLC is the owner of real property located at 1550 US Highway 1 and further identified as 33391200010002000012.0 by Indian River County and being described as .47 acres. As owner, we authorize Redtail DG and Mills Shorts and Associates to act as agents for the approval of necessary annexation, land use, zoning and site related matters related to our site.  

Sincerely,  

Robert Gierke  

The foregoing instrument was acknowledged before me this 1 day of March, 2019, by Kathy S. Hall (Name of Person Acknowledging) who is personally known to me or who has produced __________________________ (type of identification) as identification and who did (did not) take an oath.  

Kathy S. Hall  
Notary Signature  

Printed Name of Notary  

Notary seal:
Warranty Deed

This Warranty Deed made this __L.2_ day of January, 2019 between Sifford, Inc., a Florida corporation whose post office address is 1550 US Highway 1, Vero Beach, FL 32960, grantor, and RDP 12, LLC, a Florida limited liability company whose post office address is 140 East Morse Boulevard #J, Winter Park, FL 32789, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Indian River County, Florida to-wit:

A certain tract of land situate, lying and being near the City of Vero Beach, County of Indian River, State of Florida, being Lots 12, 13 and 14, Block 2, Tropical Park Subdivision, recorded in Plat Book 1, Page 43, Public Records of Indian River County, Florida and is more particularly described as follows: Commencing at a point on the West right of way line of U.S. Highway #1, said point being the Northwest corner of said Lot 12 and run thence South 89°32'09" East along the North line of said Lot 12, a distance of 135 feet to a concrete monument; thence South 0°31'32" West along the East line of said Lots 12, 13 and 14 a distance of 158.24 feet to a concrete monument on the North right of way line of 15th Place; thence North 89°35'28" West along said North right of way line of 15th Place a distance of 109.95 feet to the beginning of a tangential circular curve; thence in a Northwesterly direction along said curve having a radius of 25 feet through a central angle of 90°7' for an arc distance of 39.32 feet to the end of said curve and a point on the East right of way line of U.S. Highway #1; thence North 0°31'32" East along said East right of way line of U.S. Highway #1, a distance of 133.41 feet the point of beginning, less and except lands described in O. R. Book 609, Page 1363, of the Public Records of Indian River County, Florida.

Parcel Identification Number: 33-39-12-0010-0020-00012/0

Subject to taxes for 2019 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

DoubleTime®
Indian River County Property Appraiser
PROPERTY APPRAISAL INFORMATION 2019

PROPERTY: 75528
Legal Description: TROPICAL PARK SUB PB 1-43 LOTS 12, 13 & 14 LESS E 77 FT OF LOTS 13 & 14 BLK 2
OWNER ID: SIFFORD INC
PO BOX 650640
VERO BEACH, FL 32965

TAX AREA: 7

PROPERTY

75528 R COMM

OWNER

ID: SIFFORD INC

OWNER ID: SIFFORD INC

TAX AREA:

7 IMPROVEMENT VALUE

172,537

SOH %: 0.00

ASSESSED VALUE

347,918

NSOH 64 %: 0.00

TAXABLE VALUE

347,918

APPR VAL METHOD:

Cost

EXEMPTION VALUE

0

AG VALUE

0

LEGAL DESCRIPTION

LAND MARKET

TOTAL MARKET VALUE

347,918

PRODUCTIVITY LOSS

0

SITUS

1550 US HIGHWAY 1 VERO BEACH, FL 32960

APPRAISAL VALUES

PO BOX 650640

VERO BEACH, FL 32965

TROPICAL PARK SUB PB 1-43 LOTS 12, 13 & 14 LESS E 77 FT OF LOTS 13 & 14 BLK 2

LEGAL DESCRIPTION

TAX AREA:

7 IMPROVEMENT VALUE

172,537

SOH %: 0.00

ASSESSED VALUE

347,918

NSOH 64 %: 0.00

TAXABLE VALUE

347,918

APPR VAL METHOD:

Cost

EXEMPTION VALUE

0

AG VALUE

0

LEGAL DESCRIPTION

LAND MARKET

TOTAL MARKET VALUE

347,918

PRODUCTIVITY LOSS

0

DATE PRINTED: 12/15/2018 9:14:36AM

Effective Date of Appraisal: January

by PacsCommand

WebID-75528
**NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

### Alt. Key | Account Number | Property Address | Tax Code | Escrow
--- | --- | --- | --- | ---
75528 | 33-39-12-00010-0020-00012/0 | 1550 US HIGHWAY 1, VERO BEACH, 32960 | 7 |

**Legal Description:**
TROPICAL PARK SUB PBI 1-43 LOTS 12, 13 & 14 LESS E 77 FT OF LOTS 13 & 14 BLK 2

**Skip The Trip - Pay online at www.IRCTax.com**

**If Postmarked By Nov 30, 2018**

**Please Pay** $0.00

**Discount**

**SIFFORD INC**

PO BOX 650640

VERO BEACH, FL 32965

---

**Ad Valorem Taxes**

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**Total Ad Valorem Taxes** $5,407.73

**Total Non-Ad Valorem Assessments** $554.45

**Taxes & Assessments** $5,962.18

**Tax Questions**
(772) 226-1343

---

**NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

**Alt. Key | Account Number | Property Address | Tax Code | Escrow
--- | --- | --- | --- | ---
75528 | 33-39-12-00010-0020-00012/0 | 1550 US HIGHWAY 1, VERO BEACH, 32960 | 7 |
Zoning, Indian River County, Florida

1550 US HIGHWAY #1
ANNEXATION PARCEL
DEPARTMENTAL CORRESPONDENCE

TO: Planning and Zoning Board Members

THROUGH: Jason H. Jeffries, AICP
Planning and Development Director

FROM: Cheri B. Fitzgibbon, AICP
Principal Planner

DATE: April 11, 2019

SUBJECT: Zoning Map Amendment (#Z19-000001-MAP); City Sponsored Request to Amend the Map for Annexed Property

Overview

This is a request to amend the City’s Zoning District Map for annexed property from CG, General Commercial (Indian River County) to C-1, Highway Oriented Commercial (City of Vero Beach). Attached is a draft ordinance for City Council consideration.

Background

The Planning and Development Department received a voluntary annexation application petitioning the City Council to annex a parcel of land. The subject parcel address is 1550 US Highway #1. The parcel size is 0.47 acres and is located on the northeast side of the intersection of US Highway #1 and 15th Place. The parcel identification number is 33-39-12-00010-0020-00012.0. The property owner(s) is RDP 12, LLC.

The parcel is contiguous to the current city of Vero Beach City limit boundary line to the west. Existing commercial development is adjacent to and surrounds the subject parcel. There is an existing vacant commercial building on site. The building use was a commercial Exxon gas/service station.

The parcel is currently zoned CG, General Commercial and designated C/I, Commercial/Industrial on the County’s Future Land Use Map. The current zoning and land use designations allow commercial uses on the property. The proposed City future land use is C, Commercial and C-1, Highway Oriented Commercial zoning.
Amendment Evaluation

Review of the Zoning Map amendment is based on the applicable standards for considering such amendments in accordance with Chapter 65, Article III, of the City’s Land Development Regulations. Section 65.22(i) sets the review standards for amendments.

Since the subject property is an annexed parcel the primary focus of the review and analysis is based on the City of Vero Beach’s Annexation Policies and Procedures. The general policies and procedures state: “The City shall sponsor and initially designate annexed properties with future land use and zoning designations that are comparable with the existing designations under the County’s comprehensive plan and zoning regulations.”

Justification for Amendments. Pursuant to Section 65.22(i)(1), the staff finds that the requested amendment is justified in order to comply with Florida Statutes which requires the City to adopt a comprehensive plan amendment that designates a future land use designation and corresponding zoning for the annexed area.

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

- **Land Use Element Policy 1.18:** The City should rezone land consistent with Table 2-2, Relationship between Future Land Use Designation and Zoning Districts, etc.

  The proposed zoning designation is C-1, Highway Oriented Commercial. This zoning district is listed as one of the appropriate districts under the C, Commercial land use designation. The C, land use category allows for a commercial development.

  **Finding:** The staff finds that the requested change in zoning designation is consistent with Policy 1.18 and Table 2-2.

- **Zoning District Standards and Criteria:** The amendment shall be consistent with the Land Development Regulations and zoning standards and criteria.

  A general purpose statement is included in the City Code for the various Commercial Districts, including the C-1 district. The applicable portion of the purpose statement includes: “These districts are designed to provide adequate space in appropriate and highly accessible locations suitable for accommodating various levels of commercial development...”.
The subject property is located in an accessible location, is adjacent to and has direct access to an urban principal arterial roadway (US Highway #1), is located within an existing urban area and is surrounded by existing established commercial uses.

Finding: The staff finds that the proposed zoning designation is consistent with the Land Development Regulations and zoning standards and criteria.

Compliance with Other Review Standards for Rezoning in the City Code. Pursuant to Section 65.22(i)(5)b. through f., the proposed zoning map amendment meets the following standards:

- Compatibility with Zoning Map Designations within Immediate Vicinity: The amendment is compatible with the Zoning Map designation within the immediate vicinity of the proposed change.

Adjacent and surrounding properties located within unincorporated Indian River County to the north, south and east are zoned CG, Commercial General District. Across US Highway #1 to the west the city zoning is C-1, Highway Oriented Commercial. Both zoning districts allow similar commercial uses.

Finding: The staff finds that the C-1 zoning designation is compatible with the surrounding zoning map designations.

- Changed Conditions: Changed conditions to the property, neighborhood, or the area in the vicinity in which the property is located that warrant an amendment.

As discussed in the justification for the amendment, the subject property was annexed into the City limits and is required to be designated in the City Comprehensive Plan and zoning map.

Finding: The staff finds that the need to accommodate the recently annexed property warrants the proposed amendments.

- Maintenance of the Level of Service: The amendment is consistent with the concurrency requirements of the Comprehensive Plan and Land Development Regulations. Since a request to change the zoning map is not part of development review or a site plan, the impacts on available public facilities are reviewed in general terms. Specific impacts on public facilities and concurrency are addressed as part of the City’s development review process. In general terms, the Capital Improvements Element of the Comprehensive Plan states there is available capacity to support future demand on public facilities and services such as sewer, water, solid waste, and roads.
The property can be accommodated for the most part with existing city services and facilities. The exception is the provision of water and sewer services and facilities. City water and sewer facilities are not available at this location, however, Indian River County will accommodate the property and sufficient capacity exists in the county's water and sewer system to accommodate the subject parcel.

Finding: Since the proposed existing County zoning allows similar permitted uses as the proposed zoning the impacts should be similar. The staff finds that the amendment is consistent with concurrency requirements.

- Maintenance of an Orderly & Logical Development Pattern: *The amendment is consistent with the maintenance of an orderly and logical development pattern.*

Adjacent and surrounding properties located within unincorporated Indian River County to the north, south and east are zoned CG, Commercial General District. Across US Highway #1 to the west the city zoning is C-1, Highway Oriented Commercial. Both of the zoning districts allow a continuation of the same zoning district and allowable uses and development pattern in the area.

Finding: Since the existing County commercial zoning allows similar permitted uses as the proposed C-1 zoning the maintenance of the development pattern should not change.

- Consistency and Harmony: *The requested amendment is consistent with the public interest and is in harmony with the purpose and intent of the land development regulations.*

The stated in, Section 62.34 of the Land Development Regulations (LDRs), the C-1, Commercial District is designed to provide adequate space in appropriate and highly accessible locations suitable for accommodating various levels of commercial development.

Finding: The staff finds that the proposed C-1 zoning designation is consistent with the public interest and in harmony with the intent of the LDRs.

**Recommendation**

Based on the analysis and findings in this document, the staff recommends that the Planning and Zoning Board recommend approval for submission to City Council of the following: A draft Ordinance amending the Zoning Map designation from CG, General Commercial to C-1, Highway Oriented Commercial.

Attachment
DRAFT

ORDINANCE NO. 2019 – ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DISTRICT DESIGNATION OF ANNEXED LAND FROM INDIAN RIVER COUNTY DESIGNATION CG, GENERAL COMMERCIAL TO CITY OF VERO BEACH DESIGNATION C-1, HIGHWAY ORIENTED COMMERCIAL, FOR THE PROPERTY LOCATED AT 1550 US HIGHWAY #1, CONTAINING 0.47 ACRES MORE OR LESS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owners, submitted a request for voluntary annexation of property into the City limits; and

WHEREAS, the City Council approved the voluntary annexation request and annexed the subject property, located at 1550 US Highway#1, containing 0.47 acres, more or less, on ____________; and

WHEREAS, pursuant to F.S. 171.062(2), land annexed into municipalities remains under county land use and zoning jurisdiction until the annexing municipality adopts comprehensive plan amendments to include the annexed area; and

WHEREAS, the Vero Beach City Council has adopted the small scale amendment to the Comprehensive Plan Future Land Use Map to designate this property from Indian River County designation of C/I, Commercial/Industrial to City of Vero Beach designation of C, Commercial for property comprising 0.47 acres, more or less, located at 1550 US Highway #1; and

WHEREAS, the Planning and Zoning Board held a public hearing on the zoning map amendment on ________________, and made a recommendation to the Vero Beach City Council; and

Plus Exhibit(s) incorporated by reference
WHEREAS, the Vero Beach City Council finds the proposed amendment to the Official Zoning Map to be consistent with the goals, objectives, and policies of the Comprehensive Plan and other standards and criteria for review and approval of amendments to the Official Zoning Map pursuant to Section 65.22(i)(5) of the Vero Beach Code of Ordinances,

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

Section 1 - Adoption of "WHEREAS" Clauses.

The foregoing "WHEREAS" clauses are hereby adopted and incorporated herein.

Section 2 - Adoption of Amendment to Official Zoning Map.

The amendment to the Official Zoning Map of the City of Vero Beach is hereby adopted for the property located at 1550 US Highway #1, comprising 0.47 acres, more or less, as graphically depicted on the attached "Exhibit A."

[See Exhibit "A"]

Map of Location and Zoning District Designation
of Subject Property

Section 3 - Ordinance Effective Date.

This Ordinance shall become effective upon the effective date of the small scale amendment to the Future Land Use Map.

*****************************************************************************

Page 2 of 4

Plus Exhibit(s) incorporated by reference
This Ordinance was read for the first time on the ____ day of ________, 2019, and was advertised on the ___ day of __________________, 2019, as being scheduled for a public hearing to be held on the __ day of __________________, 2019, at the conclusion of which hearing it was moved for adoption by Councilmember ________________, seconded by Councilmember ________________, and adopted by the following vote:

   Mayor Val Zudans            ____
   Vice-Mayor Anthony W. Young  ____
   Councilmember Laura Moss     ____
   Councilmember Robbie Brackett ____
   Councilmember Harry Howle, III ____

ATTEST:                              CITY OF VERO BEACH, FLORIDA

______________________________       ________________________________
Tammy K. Bursick                     Val Zudans
City Clerk                           Mayor
ADMINISTRATIVE REVIEW
(For Internal Use Only-Sec.2-77 COVB Code)

Approved as to form and legal sufficiency:  
Kira C. Honse  
City Attorney

Approved as conforming to municipal policy:
Monte K. Falls  
Interim City Manager

Approved as to technical requirements:
Jason H. Jeffries  
Director, Planning and Development

Plus Exhibit(s) incorporated by reference
ZONING DISTRICTS MAP
1550 US 1, Vero Beach, FL

LEGEND
- Subject Property
- COVB City Limits
- B-1: Planned Business
- C-1: Highway Oriented Commercial
- C-1 R: General Commercial Trades & Services
- M: Industrial
- MXD: Mixed Use
- POI: Professional Office & Institutional
- R-1: Residential Single Family
- RM-10: Residential Multifamily Medium & High Dens
- RM-10 / 12: Residential Multifamily Medium & High Dens

Scale: 1" = 500'

Approved by City Council:

Date: __________________________
Attest: __________________________
Tammy K. Bursick
City Clerk

Prepared by:
Department of Public Works
GIS Division
City of Vero Beach
April 1, 2019
File No: Z19-000001-Map

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

SUBJECT PROPERTY:
FROM C-8 (GENERAL COMMERCIAL) TO C-1 (COMMERCIAL)
ZONING MAP CHANGE AMENDMENT APPLICATION
City of Vero Beach Planning & Development Department
1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389
Phone (772) 978-4550 / Fax (772) 778-3856

Date Received ___, Application # Z19-MAP

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

APPLICANT Redtail Design Group Telephone 561-262-6304
Fax #:

MAILING ADDRESS 1136 S. Ocean Dr. Ft. Pierce FL 34949

SITE OWNER RDP 12 LLC Telephone
Fax #:

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US Highway 1 Vero Beach, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

PROPOSED ZONING CHANGE: FROM General Commercial C-1 TO C-1

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

Application Fee* with Future Land Use Change

| Large Scale (More than 10 acres) | $3,370 | $4,090 |
| Small Scale (Less than 10 acres) | $2,460 | $3,010 |

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

[Signature]
Applicant Signature Date

[Signature]
Property Owner Signature Date

(Print Name)

N:\Applications\Future Land Use Map Amendment

6/2013
ZONING MAP CHANGE AMENDMENT APPLICATION
City of Vero Beach Planning & Development Department
1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389
Phone (772) 978-4550 / Fax (772) 778-3856

Date Received __________________________ Application #014-00001-MAP

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

APPLICANT Redtail Design Group Telephone 561-262-6304
Fax #: __________

MAILING ADDRESS 1136 S. Ocean Dr. Ft. Pierce FL 34949

SITE OWNER RDP 12 LLC Telephone
Fax #: 

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US Highway 1 Vero Beach, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

PROPOSED ZONING CHANGE: FROM General Commercial TO C-1

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

Application Fee* with Future Land Use Change

Large Scale (More than 10 acres) $3,370 $4,090
Small Scale (Less than 10 acres) $2,460 $3,010

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

Applicant Signature __________________________ Date 3/6/19

Property Owner Signature __________________________ Date

(Print Name) (Print Name)

N:\Applications\Future Land Use Map Amendment 1 6/2013
February 26, 2019

Mr. Jason Jeffries, AICP, Director
1053 20th Place
P. O. Box 1389
Vero Beach, FL. 32961-1389

RE: 1550 U.S. 1, Vero Beach, Annexation parcel from IRC to the City of Vero Beach

Dear Mr. Jeffries:

On behalf of RDP 12 LLC and as the applicant, we kindly request annexation of 1550 US Highway 1 from Indian River County into the City of Vero Beach. Our client desires to annex the .47 acre former Safford Exxon Service Center with property control number 33391200010002000012.0 into the City.

The property owners desire to bring the service center into the City of Vero Beach, thus allowing for the redevelopment of the site on this prominent US 1 corner. As we all watch the redevelopment of parcels along US 1, we know this is yet another prime example of a piece of land ready for redevelopment and would be better served under the City than the County.

The attached applications provide the existing land use and zoning designations from Indian River County, along with proposed designations for the City. Our request is that the City of Vero Beach provide a similar and complimentary land use (Commercial) and zoning (C-1 Highway Oriented Commercial) designation for the parcel. The site will be redeveloped in line with these two designations and the property owner desires to redevelop it into a Verizon.

We met and have been coordinating with City staff to review this request and are excited to collectively help revitalize this parcel and an important US 1 Highway area. As always, we appreciate your time and attention to this matter and stand ready to respond to any requests or comments that you may have for us.

Truly Yours,

Tod Mowery
President
C - RDP 12 LLC
Wesley Mills, P.E. - Mills, Shorts, & Associates

attachments
Voluntary Annexation Application
City of Vero Beach Planning Department
P.O. Box 1389, Vero Beach, FL 32961-1390
(772) 978-4550 – Fax (772) 778-3856
www.planning@covb.org

Date Received Application # A# 1 - OOOO O

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

APPLICANT Redtail Design Group Telephone 561-262-6304
Fax #:
MAILING ADDRESS 1136 S Ocean Dr. Ft. Pierce Fl 34949

SITE OWNER RDP 12 LLC Telephone
Fax #:
OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US Highway 1 Vero Beach, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

LEGAL DESCRIPTION Tropical Park Sub PBI 1-43 Lots 12, 13, & 14 Less E 77 ft of Lots 13 & 14 BLK 2

EXISTING USE COMMERCIAL/INDUSTRIAL - C/I

Please indicate the existing Indian River County Comprehensive Land Use Plan and Zoning designations:

Comp Plan COMMERCIAL/INDUSTRIAL - C/I Zoning General Commercial C-1

Should the above referenced property be annexed into the City of Vero Beach, please indicate the desired Vero Beach Comprehensive Land Use Plan and Zoning District designations:

Comp Plan Commercial Zoning C-1

Applicant Signature 3/6/19 Telephone #

Property Owner Signature(s)* Date Telephone #

*Please note that all owners of a property must sign the application or the attached cover letter per #1 on the next page of this application.

C:\FORMS\ANNEX-APPL
ZONING MAP CHANGE AMENDMENT APPLICATION
City of Vero Beach Planning & Development Department
1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389
Phone (772) 978-4550 / Fax (772) 778-3856

Date Received __________________ Application #Z19-000001-MAP

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

APPLICANT Redtail Design Group Telephone 561-262-6304
Fax #:

MAILING ADDRESS 1136 S. Ocean Dr. Ft. Pierce FL 34949

SITE OWNER RDP 12 LLC Telephone
Fax #:

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US Highway 1 Vero Beach, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

PROPOSED ZONING CHANGE: FROM General Commercial C-1 TO C-1

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

Application Fee* with Future Land Use Change

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

[Signature]
Application Signature Date 3/4/19

[Signature]
Property Owner Signature Date

N:\Applications\Future Land Use Map Amendment  1  6/2013
Prior to completing or signing this application, applicants and property owners are encouraged to read it thoroughly. If you have any questions, please do not hesitate to contact the Planning Department at (772) 978-4550.

APPLICANT Redtail Design Group

MAILING ADDRESS 1136 S. Ocean Dr. Ft. Pierce FL 34949

SITE OWNER RDP 12 LLC

OWNER ADDRESS 140 East Morse Boulevard #J Winter Park, FL 32789

SITE LOCATION 1550 US HIGHWAY 1 VERO BEACH, FL 32960

PARCEL I.D. NUMBER 33-39-12-00010-0020-00012.0

LEGAL DESCRIPTION Tropical Park Sub PBI 1-43 Lots 12, 13, & 14 Less E 77 ft of Lots 13 & 14 BLK 2

PROPOSED CHANGE: FROM COMMERCIAL/INDUSTRIAL - CI TO Commercial

(If this amendment requires a zoning change, a Zoning Change Application must accompany this request.)

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* See attached fee schedule for additional advertising and administrative costs.
**Multifamily or Nonresidential With Requirements**

**SITE PLAN APPLICATION (MINOR)**

**Multifamily Residential or Nonresidential**

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

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**APPLICANT:** Redtail Design Group

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**MAILING ADDRESS:**

1136 S Ocean Drive  
Ft. Pierce Fl 34949

**PROPERTY OWNER:** RDP 12 LLC

**OWNER ADDRESS:**  
140 East Morse Boulevard #J  
Winter Park, FL 32789

**SITE ADDRESS:**

1550 US Highway 1  
Vero Beach, FL 32960

**PARCEL I.D. NUMBER:** 33-39-12-00010-0020-00012.0

**ZONING DISTRICT:** C-1  
**FLOOD ZONE:** 

**Floor Area Square Footage:**

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**Multifamily - Number of Units:**

<table>
<thead>
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<th>Proposed</th>
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Provide a brief description of specific modifications, as shown on the attached plans, and other development approval(s) being requested as part of this application: Converting an existing service station into a retail store. Expanding the building by 902 sqft, and other modifications as shown on the site plan.

This application is limited only to the specifically requested development approval. No permanent structure shall be located on City easements. In separate sheets, plans or documents attached to this application, provide the specific information required by Pages 2 through 4 of this application, as applicable.

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

**Applicant Signature**  
**Date**

**Property Owner Signature**  
**Date**

**Application Fee:**
February 28, 2019

City of Vero Beach
Planning Department
1053 20th Place
P.O. Box 1389
Vero Beach, FL
32961-1389

Re: Agent Authorization Letter – 1550 US Highway 1

To whom it may concern,

Please be advised that RDP 12, LLC is the owner of real property located at 1550 US Highway 1 and further identified as 33391200010020000012.0 by Indian River County and being described as .47 acres. As owner, we authorize Redtail DG and Mills Shorts and Associates to act as agents for the approval of necessary annexation, land use, zoning and site related matters related to our site.

Sincerely,

Robert Gierke

The foregoing instrument was acknowledged before me this ___ day of ______, by __________________________, (Name of Person Acknowledging) who is personally known to me or who has produced __________________________, (type of identification) as identification and who did (did not) take an oath.

________________________
Notary Signature

________________________
Printed Name of Notary

________________________
My Commission Expires

Kathy S. Hall
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG085220
Expires 3/21/2021
Warranty Deed

This Warranty Deed made this 12th day of January, 2019 between Sifford, Inc., a Florida corporation whose post office address is 1556 US Highway 1, Vero Beach, FL 32960, grantor, and RDP 12, LLC, a Florida limited liability company whose post office address is 140 East Morse Boulevard #J, Winter Park, FL 32789, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrumenl and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnessest, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Indian River County, Florida to-wit:

A certain tract of land situate, lying and being near the City of Vero Beach, County of Indian River, State of Florida, being Lots 12, 13 and 14, Block 2, Tropical Park Subdivision, recorded in Plat Book 1, Page 43, Public Records of Indian River County, Florida and is more particularly described as follows: Commencing at a point on the West right of way line of U.S. Highway #1, said point being the Northwest corner of said Lot 12 and run thence South 89°32'09" East along the North line of said Lot 12, a distance of 135 feet to a concrete monument; thence South 0°31'32" West along the East line of said Lots 12, 13 and 14 a distance of 158.24 feet to a concrete monument on the North right of way line of 15th Place; thence North 89°35'28" West along said North right of way line of 15th Place a distance of 109.95 feet to the beginning of a tangential circular curve; thence in a Northwesterly direction along said curve having a radius of 25 feet through a central angle of 90°7' for an arc distance of 39.32 feet to the end of said curve and a point on the East right of way line of U.S. Highway #1; thence North 0°31'32" East along said East right of way line of U.S. Highway #1, a distance of 133.41 feet the point of beginning, less and except lands described in O. R. Book 609, Page 1363, of the Public Records of Indian River County, Florida.

Parcel Identification Number: 33-39-12-00010-0020-00012/0

Subject to taxes for 2019 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

DoubleTime®
### Indian River County Property Appraiser

**PROPERTY APRAISAL INFORMATION 2019**

**PROPERTY** 75528  
**OWNER ID:** SIFFORD INC  
**TAX AREA:** 7  
**PROPERTY:** 75528  
**R COMM** 10/20/2015  
**ADDRESS:** PO BOX 850840, VERO BEACH, FL 32965  
**ACRES:** 0.4700  
**OWNER ID:** SIFFORD INC  
**TAX AREA:** 7  
**IMPROVEMENT VALUE:** 172,357  
**TOTAL MARKET VALUE:** 347,916  
**AG VALUE:** 0  
**PRODUCTIVITY LOSS:** 0  
**APPR VAL METHOD:** Cost  
**SOH %:** 0.00  
**ASSESSED VALUE:** 347,916  
**NSOH 64 %:** 0.00  
**EXEMPTION VALUE:**  
**TAXABLE VALUE:** 347,916

**LEGAL DESCRIPTION**

TROPICAL PARK SUB PBI 1-43 LOTS 12, 13 & 14 LESS E 77 FT OF LOTS 13 & 14 BLK 2

**Situs** 1550 US HIGHWAY 1, VERO BEACH, FL 32990

**GENERAL**

- **UTILITIES**
- **TOPOGRAPHY**
- **ROAD ACCESS**
- **ZONING**
- **PRIMARY USE**
- **NEXT REASON**
- **REMARKS**

**BUILDING PERMITS**

- **ISSUE DT**
- **PERMIT TYPE**
- **PERMIT AREA**
- **ST**
- **PERMIT VAL**

**SALES INFORMATION**

- **SALE DT**
- **PRICE**
- **GRANTOR DEED INFO**

#### SKETCH FOR IMPROVEMENT #1

**EXEMPTIONS**

**DESCRIPTION**

- **UNITS CODE**
- **DESCRIPTION**
- **UNIT PRICE**
- **GROSS VAL**
- **ADJ LAND ADJ SRC**
- **ADJ VALUE**

**PROPERTY FEATURES**

- **DESCRIPTION**
- **UNIT PRICE**
- **GROSS VAL**
- **ADJ LAND ADJ SRC**
- **ADJ VALUE**

**LAND INFORMATION**

- **TOTAL LAND**
- **LAND VALUE**
- **UNITS**
- **UNIT PRICE**
- **GROSS VAL**
- **ADJ LAND ADJ SRC**
- **ADJ VALUE**

**PRODUCTIVITY INFORMATION**

- **AG ACRES**
- **AG URE**
- **AG TABLE**
- **AG UNIT FRC**
- **ADJ VALUE**

**Effective Date of Appraisal:** January  
**Date Printed:** 12/15/2018 9:14:36 AM  
by Pasco Command  
WebID: 75528
**PROPERTY APPRAISAL INFORMATION 2019**

**PROPERTY 75528**

**OWNER ID:** SIFFORD INC

**TAX AREA:** 7

**IMPROVEMENT VALUE:** 172,537

**TOTAL MARKET VALUE:** 175,831

**AG VALUE:** 0

**APPR VAL METHOD:** Cost

**PRODUCTIVITY LOSS:** 0

**SOH %:** 0.00

**ASSESSED VALUE:** 175,831

**EXEMPTION VALUE:** 347,918

**TAXABLE VALUE:** 347,918

---

**LEGAL DESCRIPTION**

TROPICAL PARK SUB PBI 1-43 LOTS 12, 13 & 14 LESS E 77 FT OF LOTS 13 & 14 BLK 2

**STUDY**: 333912000100020000012.0

**Situs:** 1550 US HIGHWAY 1 VERO BEACH, FL 32960

---

### GENERAL

- **Utilities Last Appr.**
- **Topography Last Appr. Yr.**
- **Road Access Last Insp. Date**
- **Zoning Next Insp. Date**
- **Primary Use** # of Improv
- **Next Reason**
- **Remarks**

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### BUILDING PERMITS

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### SALES INFORMATION

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### EXEMPTIONS

**Utilities Last Appr.**

**Topography Last Appr. Yr.**

**Road Access Last Insp. Date**

**Zoning Next Insp. Date**

**Primary Use** # of Improv

**Next Reason**

**Remarks**

---

### PICTURE

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Effective Date of Appraisal: January 12/15/2018 9:14:36AM by PacsCommand
### 2018 PAID REAL ESTATE

**NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

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**Legal Description:**
TROPICAL PARK SUB PBI 1-43 LOTS 12, 13 & 14
LESS 77 FT OF LOTS 13 & 14 BLK 2

#### Ad Valorem Taxes

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**Total Ad Valorem Taxes:** $5,407.73

**Non Ad Valorem Assessments**

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**Total Non-Ad Valorem Assessments:** $554.45

**Total Taxes & Assessments:** $5,962.18

**Tax Questions**
(772) 226-1343

---

**2018 PAID REAL ESTATE**

**NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

**Legal Description:**
TROPICAL PARK SUB PBI 1-43 LOTS 12, 13 & 14
LESS 77 FT OF LOTS 13 & 14 BLK 2

---

**Skip the Trip - Pay online at www.IRCTax.com**

If Postmarked By: Nov 30, 2018
Please Pay: $0.00
Discount: $0.00

SIFFORD INC
PO BOX 650640
VERO BEACH, FL 32965
1550 US HIGHWAY #1
ANNEXATION PARCEL
Zoning, Indian River County, Florida

1550 US HIGHWAY #1 ANNEXATION PARCEL

IRC Planning Department, IRCGIS, Indian River County
TO: Planning and Zoning Board Members

FROM: Jason H. Jeffries, AICP
Director of Planning and Development

DATE: April 11, 2019

SUBJECT: Public Hearing on an Ordinance to Amend Chapters 62, 68, and 72, relating to airport security fences and interference with flight navigation.

OVERVIEW
The attached draft ordinance proposes to amend Section 62.105, Security Fences, to exempt the airport security fence from landscape and tree requirements, amend Chapter 68, Airport Zoning, to add regulations to prevent hazards that interfere with flight navigation in the runway approach surface zone, and amend Section 72.41, Tree Removal Permit Required, to exempt airport security clear zone from a tree removal permit. The staff has prepared the attached draft ordinance in response to new safety and security requirements from the FAA and the TSA.

SUMMARY OF REVISIONS
The following is a summary of the major revisions:

- Allows for a 15-foot area on either side of the airport security fence free from landscape and tree planting requirements. Pursuant to FAA and TSA requirements, the clear zone should be free of all stumps, brush, rocks, trees, or other obstructions or climbable objects that will interfere with the security of the airport. [Section 62.105]

- Adds an exemption from the tree removal permit for the removal of trees within the airport security fence clear zone. [Section 72.41]

- Adds definitions for airport protection overlay zone, runway approach surface and runway approach surface zone. The runway approach surface is the surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the runway (see attached map for the runway approach surfaces for the Vero Beach Airport). The runway approach surface zone is the land within and beneath the runway approach surface. [Section 68.01 (a)]

- Adds requirements for properties within the runway approach surface zone to not be used in a manner that will interfere with the landing, takeoff, or maneuvering of aircraft in the runway approach. Interference with flight navigation includes, but not limited to, interfering with radio communication between the airport and aircraft, making it difficult for pilots to distinguish between airport lights and other light sources, impair visibility near the airport, or creating bird strike hazards. [Section 68.06]
Planning Board Members  
Airport Safety & Security Text Amendments  
April 11, 2019

- Any project requiring site plan review within the runway approach surface zone will be required a review by airport staff for to determine if the proposal contains obstructions to flight navigation. [Section 65.07]

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. Chapter 333, Airport Zoning, of the Florida Statutes require the local government ordinances to comply with the provisions of this chapter. The FAA and TSA regulations require the airport to maintain an airport security fence with a 15-foot clear zone on each side of the fence. See the attached memo from FAA regarding airport security fence requirements. The FAA requires development in and around the airport to be compatible with the airport, including preventing interference with flight navigation in the runway approach surface delineated by the airport master plan.

The staff finds the text amendment in the attached proposed ordinance 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 text amendment, as proposed by staff, to be consistent with the following objective and policies of the Land Use Element of the City’s Comprehensive Plan:

Land Use Objective 3. Land Development Regulations and Administration. The City should administer and maintain its Land Development Regulations in a manner consistent with the goals, objectives, and policies of this and other elements of the Comprehensive Plan and should 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 with a sense of place.

Policy 3.2 The City should 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.
Land Use Objective 15: Land Use Compatibility with Airport Operations The City should regulate the use of lands in order to ensure that future uses are compatible with Vero Beach Regional Airport operations in order to promote public health, safety, and general welfare.

Policy 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.

Policy 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.

Policy 15.10 The City shall maintain its intergovernmental agreement with Indian River County to concurrently develop, administer, and enforce updated airport protection zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of the Vero Beach Regional Airport in compliance with Chapter 333, Florida Statutes.

The proposed amendment for regulation of development in the runway approach zone will ensure the developments, requiring site plan approval, within the zone are compatible with airport operations and is consistent with objective 15. Consistent with policy 3.2, the proposed text amendment provides reasonable thresholds for review of proposed projects for potential interference with flight navigation by requiring this review for larger projects that require a site plan review.

Consistency with Land Development Regulations. The proposed Ordinance would ensure that development surrounding the airport is compatible with aircraft operations; therefore, the staff finds the proposed ordinance is consistent with the Land Development Regulations.

RECOMMENDATION

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

JHJ
Attachment
To: Airport Operators and FAA Airport Certification Safety Inspectors (ACSIs)

Subject: Recommended Wildlife Exclusion Fencing Point of Contact: Amy Anderson, AAS-300, (202) 267-7205 Email: amy.anderson@faa.gov

1. Purpose.

This CertAlert contains airfield exclusion methods for deer and other large mammals.

Proper fencing is the best way of keeping deer and coyotes off aircraft movement areas. In some cases, deer have been observed jumping over 8-foot fencing and coyotes have been observed scaling 6-foot fencing. Deer and coyotes can fit through very small gaps between gates and under fencing. Deer have been observed squeezing through a 7.5-inch gap at the bottom of a fence. Coyotes can fit through 6-inch x 4-inch gaps under a fence and will also dig under the fence to access the airfield.

The FAA recommends a 10-foot fence with 3-strand barbed wire outriggers. In some cases, an airport may be able to use an 8-foot fence with 3-strand barbed-wire outriggers, depending on the amount of deer activity in a local area.

A 4- to 5-foot skirt of fencing material, attached to the bottom of the fence and buried at a 45-degree angle on the outside of the fence, is ideal to prevent animals from digging under the fence and reduce the chance of washouts. If the fence skirting cannot be installed at a 45-degree angle, then it is acceptable to install it horizontally underground several inches beneath the surface. This type of fencing also greatly increases airport security and safety. A concrete base along the bottom of the fence is also an option to prevent burrowing or digging under the fence. Airport Operators should keep the fence line right-of-way free of excess vegetation. The fence line should be inspected daily, and a fence inspection schedule (both for construction and maintenance), and adjacent habitat types. This information should be included in an airport’s Wildlife Hazard Management Plan (WHMP).

The key for excluding deer and coyotes is the proper installation and maintenance of a fence that is:

- Of sufficient height to deter jumping and scaling
- Constructed of a material that is difficult to penetrate
- Constructed fully around the airfield without gaps below the fence or at the gates or that mitigates the gaps with other exclusionary materials
- Constructed to deter digging or burrowing under the fence
For proposed fencing that will intersect wetlands or surface waters (streams, rivers, etc.), the airport sponsor should determine what state and federal permits will be required prior to installation. Fencing that is located in wetlands or over surface waters typically requires additional maintenance and/or cleaning due to debris getting caught and potentially damaging the fence. If a culvert is located along the perimeter fence, grates or some other barrier should be placed over the culvert to ensure wildlife cannot access the airfield through the culvert. The barrier should allow for water movement and should be inspected and cleared of debris regularly to ensure water is flowing efficiently.

**Advisory Circulars**

New Advisory Circular Regarding Deer Fencing AC 16-03

Gates should close with less than 6-inch gaps to prevent entry by deer or coyotes. If the gate has gaps along the bottom, installation of concrete "speed bumps" under the gate can be a solution. If there are gaps between the posts, a heavy brush material or militant metal bars can also be installed to prevent entry by deer or coyote. In some cases, a single strand of barbed wire strung between the bottom of the fence and the ground where there are gaps will minimize the potential for wildlife access.

The key for excluding deer and coyotes is the proper installation and maintenance of a fence that:

- Is of sufficient height to deter jumping and scaling
- Is constructed of a material that is difficult to penetrate
- Is constructed fully around the airfield without gaps below the fence or at the gates or that mitigates the gaps with other exclusionary materials
- Is constructed to deter digging or burrowing under the fence

**WHAT ARE THE FAA RECOMMENDED MANAGEMENT OPTIONS FOR CONTROLLING WILDLIFE AT AIRPORTS**

- Capture / Relocation
- Harassment
- Deterrents
- Habitat Modification

FAA Recommended Hierarchy
Clear Zones on Both Sides of the AOA Fence Lines

AC 150/5370-10G (7/21/2014) Section 160-3.2 Clearing fence line.

The site of the fence shall be sufficiently clear of obstructions, and surface irregularities. The fence line shall be graded so that the fence will conform to the general contour of the ground. The fence line shall be cleared to a **minimum width of 5 feet (1.5 m) on each side of the centerline of the fence.** This clearing shall consist of the removal of all stumps, brush, rocks, trees, or other obstructions that will interfere with proper construction of the fence. Stumps within the cleared area of the fence line shall be grubbed or excavated. The bottom of the fence shall be placed a uniform distance above ground as specified in the plans.
Clear areas - security effectiveness of perimeter fencing is materially improved by the provision of clear areas on both sides of the fence, particularly in the vicinity of the terminal and any other critical facilities. Such clearance areas facilitate surveillance and maintenance of fencing and deny cover to vandals and trespassers. Suggested clear distances range from 10 to 30 feet, within which there should be no climbable objects, trees, or utility poles abutting the fence line nor areas for stackable crates, pallets, storage containers, or other materials. Likewise, the parking of vehicles along the fence should also be minimized. In addition, landscaping within the clear area should be minimized or eliminated to reduce potential hidden locations for persons, objects, fence damage, and vandalism. Aviation shall utilize the design specifications detailed in FAA AC 150/5370-10, Standards for Specifying Construction of Airports, Item F-162 – Chain Link Fences.
Examples: Airport Fences Compromised by not having Sufficient Clear Area.
ORDINANCE NO. 2019 -

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA AMENDING CHAPTER 62, ARTICLE VII, AIRPORT MASTER PLAN LAND USE ZONES, SECTION 62.105 SECURITY FENCES EXEMPTING THE AIRPORT SECURITY FENCES; AMENDING CHAPTER 68, AIRPORT ZONING RELATING TO CONSTRUCTION AND OBSTRUCTIONS TO FLIGHT NAVIGATION IN THE AIRPORT PROTECTION OVERLAY ZONE; AND AMENDING CHAPTER 72, ARTICLE IV, TREE AND PALM PROTECTION, SECTION 72.41 PERMIT REQUIRED; EXEMPTIONS, EXEMPTING REMOVAL FOR AIRPORT SECURITY FENCE CLEAR ZONE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, airport obstruction hazards endanger the lives and property of users of an airport and of the occupants of land in its vicinity by reducing the size of the area available for aircraft taking off, maneuvering, or landing, thus tending to destroy or impair the functions of the airport;

WHEREAS, it is in the interest of public health, public safety, and general welfare that the creation or establishment of airport hazards and incompatible uses be prevented; and

WHEREAS, the Federal Aviation Administration (FAA) requires the owners of public airports to take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft; and

WHEREAS, every political subdivision having an airport hazard area within its territorial limits is required by Section 333.03(1)(a), Florida Statutes, to adopt, administer, and enforce, under police power airport protection zoning regulations for such airport hazard area, and to the extent allowed by law restrict use of land adjacent to or in the immediate vicinity of the airport; and

WHEREAS, the airport is required to maintain security fencing of sufficient height and sufficiently clear of obstructions and climbable objects to prevent trespassing into secured areas and reduce airfield intrusions of wildlife; and

WHEREAS, the Planning and Zoning Board, serving as the local planning agency under Florida Statute 163.3174, finds that the Code amendments provided in this Ordinance are consistent with relevant goals, objectives and policies contained within the City’s Comprehensive Plan; and

CODING: Words striken are deletions; words underlined are additions.
WHEREAS, the City Council of the City of Vero Beach ("City Council") finds that the
Code amendments provided in this Ordinance serve a municipal purpose and promote and protect
the public health, safety, and welfare,

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 Section 62.105, Security Fences

Section 62.105 is hereby amended to read as follows:

Sec. 62.105. - Security fences.

(a) Fences may be permitted to a maximum height of ten feet upon demonstration of need
during the site plan review process. No fence shall be permitted in the first ten feet of the
front yard building setback line. All fences must be fully landscaped with solid shrubs as
seen from any street. No security fence which obstructs the view of an intersection or
creates a traffic or air operation hazard shall be allowed. The airport security fence shall be
exempt from this section.

(b) The airport security fence shall be exempt from this section. In conformance with Federal
Aviation Administration (FAA) or Transportation Security Administration (TSA)
regulations, the site of the airport security fence shall be sufficiently clear of obstructions,
and surface irregularities. The airport security fence shall have a clear zone at least 15 feet
on each side of the centerline of the fence, or as required by current FAA or TSA
regulations and airport operational conditions. The clear zone shall be free of all stumps,
brush, rocks, trees, or other obstructions or climbable objects that will interfere with the
security of the airport. The height and style of the airport security fence shall meet FAA or
TSA requirements. Landscaping and Tree Protection requirements pursuant to Chapter 72
do not apply to the clear zone of the airport security fence.

Section 3 – Amendment of Chapter 68, Airport Zoning

Chapter 68 is hereby amended to read as follows:

Sec. 68.01. - Purpose and definitions.

(a) The purpose of this chapter is to establish reasonable airport zoning regulations to implement
the provisions of federal and state law related to airport zoning; ensure adequate airspace
protection for, and compatibility of land use with, continuation of normal and routine operation
of the Vero Beach Regional Airport; protect the public health, safety, and welfare in the vicinity
of the airport by minimizing the exposure to hazards and noise levels generated by aircraft
operations; and to provide a process to issue or deny permits and enforcement thereof for airport obstructions.

(b) The following definitions apply to this chapter:

Aeronautical study: A Federal Aviation Administration (FAA) study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C, and FAA policy and guidance on the effect of proposed construction or alteration upon operation of air navigation facilities and the safe and efficient use of navigable airspace.

Airport hazard: An obstruction to air navigation which affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.

Airport hazard area: Any area upon which an airport hazard may be established.

Airport layout plan: A set of scaled drawings that provides a graphic representation of the existing and future development plan for the airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the airport.

Airport protection overlay zone: A protected imaginary surface zone that includes all land lying beneath the primary, approach, transitional, horizontal and conical surfaces of the Vero Beach Regional Airport, in accordance with the FAA’s definition of these surfaces.

Aviation easement: An easement permitting unimpeded aircraft flights in the airspace above or in the vicinity of a particular property.

Noise impact zone: The area extending from the edge of pavement of each runway of the Vero Beach Regional Airport, a distance equal to one-half the length of the longest runway. The noise impact zone is depicted on the noise impact zone map, on file at both the planning director’s and airport director’s offices.

Obstruction. Any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 CFR. Part 77, Subpart C. The term includes:

(a) Any object of natural growth or terrain; or

(b) Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or

(c) Alteration of any permanent or temporary existing structure by a change in the structure’s height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.

Runway approach surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the runway.

Runway approach surface zone: The two-dimensional trapezoidal area on the land below the runway approach surface of each runway at the Vero Beach Regional Airport as defined by the Federal Aviation Administration (FAA). The runway approach surface is depicted on the airport layout plan map and airport airspace drawing in the airport master plan and is incorporated by reference and made part of this title. A copy of the airport master plan is on file at both the planning director’s and airport director’s offices.
Runway protection zone: The two-dimensional trapezoidal area at the approach end of each runway at the Vero Beach Regional Airport as defined by the Federal Aviation Administration and depicted on the runway protection zone airport layout plan map. The term "Runway Protection Zone (RPZ)," as defined herein and used in this chapter, is intended to mean the same as defined in F.S. ch. 333.01. The RPZ is depicted on the RPZ airport layout plan map in the airport master plan and is incorporated by reference and made part of this title. A copy of the RPZ airport master plan is on file at both the planning director's and airport director's offices.

Runway object free area: A component of the RPZ which is defined as the two-dimensional ground area surrounding each runway at the Vero Beach Regional Airport as defined by the Federal Aviation Administration and extending a fixed distance into the RPZ as depicted on the RPZ airport layout plan map.

Substantial modification: Any repair, reconstruction, rehabilitation or improvement of a structure when the actual cost of the repair, reconstruction, rehabilitation, or improvement of the structure equals or exceeds 50 percent of the market value of the structure.

Sec. 68.02. - Conflicting regulations.

Where there exists a conflict between any of the requirements or limitations prescribed in this chapter and any other requirements, regulations or zoning applicable to the same area, this chapter controls.

Sec. 68.03. - Residential construction in noise impact zone.

Prior to the issuance of a building permit for construction of a new residential building or addition or the substantial improvement of an existing residential building in the noise impact zone, the property owner shall:

(a) Grant an aviation easement to the City of Vero Beach, as owner and operator of the Vero Beach Regional Airport, a right to continue to operate the airport as a public transportation facility in accordance with federal and state laws, despite potential nuisance effects upon uses that may be established in close proximity to the airport; or

(b) Provide soundproofing sufficient to achieve an outdoor to indoor noise level reduction of 25 decibels. Soundproofing work shall be performed by a person or firm qualified to do such work and shall meet any applicable city, state or federal law requirements. Written verification shall be submitted to the city planning and development department that the residential structure is so designed and constructed prior to the issuance of the certificate of occupancy.

Sec. 68.04. - Airport protection overlay zone.

(a) To carry out the provisions of this chapter, there are hereby created and established, pursuant to Subpart C of 14 CFR Part 77, certain protected imaginary surface zones that include all land lying beneath the primary, approach, transitional, horizontal and conical surfaces of the Vero Beach Regional Airport. These imaginary surfaces provide the vertical boundaries for the airport protection overlay zone used in determining existing and potential obstructions penetrating airspace subject to city and FAA review.

(b) The imaginary surfaces are described and displayed in the Vero Beach Airport Layout Plan of the Airport Master Plan. The airport protection overlay zone is incorporated by reference.
and made part of this title. A copy of the airport protection overlay zone is on file at both the planning director's and airport director's offices.

(c) Any proposed construction or alteration that equals or exceeds the height limits of the imaginary surfaces depicted by the primary, approach, transitional, horizontal, and conical zones of the airport protection overlay zone shall be prohibited unless approved by FAA.

(d) Any proposed construction or alteration that is determined to interfere with the flight navigation within the runway approach surface of the airport protection overlay zone shall be prohibited unless approved by FAA.

Sec. 68.05. - Construction in runway protection zone and object free area.

Construction and compatible uses within the runway protection zone (RPZ) shall meet the requirements as defined under F.S. § 333.03 and applicable restrictions in accordance with Federal Aviation Administration Advisory Circular 150/5300-13 as amended or superseded. There shall be no structures or use other than open space in the object free area (OFA).

Sec. 68.06. - Development in runway approach surface zone.

No use of land within the runway approach surface zone shall occur in such a manner as to create interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Sec. 68.07. - Construction or alteration requiring notice to FAA.

A person shall file a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration with the FAA for any of the following types of construction or alteration:

(a) Any construction or alteration that is more than 200 feet above ground level (AGL):

(b) Any construction or alteration that exceeds an imaginary surface extending outward and upward of the following slope—100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway; and

(c) Any construction or alteration requiring site plan review, pursuant to Chapter 64 and is in the runway approach surface zone; and

(d) Other types of construction or alteration identified in section 77.9, 14 CFR Part 77, Safe, Efficient Use, and Preservation of Navigable Airspace, as amended or superseded.

Sec. 68.078. - Permitting.

(a) Administration and enforcement It shall be the duty of the city planning director in coordination with the airport director to administer and enforce the requirements of this chapter.

(b) Permit required: Any person proposing to construct, alter, or allow an obstruction in the airport protection overlay zone, or runway protection zone, or runway approach surface zone must apply for a development permit pursuant to chapter 64 of this title. Such permit may not be issued if it would allow the establishment or creation of an airport hazard or if it would permit a nonconforming obstruction to become a greater hazard to air navigation.

CODING: Words striken are deletions; words underlined are additions.
(c) Permit application: In addition to the standard submittal documents associated with a development permit application, all permit applications under this chapter shall include documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study conducted in accordance with the standards of 14 CFR, part 77, subpart C and FAA policy and guidance.

(d) Review criteria: In addition to other provisions of this title for development permit approval, the following criteria shall be considered when determining whether to issue or deny a permit:

1. The safety of persons on the ground and in the air;
2. The safe and efficient use of navigable airspace;
3. The nature of the terrain and height of existing structures;
4. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in F.S. chapter 330, and rules adopted there under;
5. The character of existing and planned flight operations and developments at the Vero Beach Regional Airport;
6. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designed by the FAA;
7. The effect of the construction or alteration of an obstruction on the minimum descent altitude or the decision height at the affected airport.

(e) FDOT review. Upon receipt of a complete permit application a copy of the application shall be provided to the Florida Department of Transportation (FDOT) Aviation Office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. Pursuant to F.S. § 333.025(4), the FDOT shall have 15 days to review the application and provide comments, if any, to the city, said time running concurrently with the review of the application by the city.

(f) Hazard marking and lighting: The owner of a permitted obstruction shall be required to install, operate, and maintain thereon, at his or her own expense, marking and lighting in conformance with the specific standards set forth by the FAA.

(g) Landfills: Landfills are prohibited within the corporate limits of the city.

(h) Residential uses and educational facilities: Residential uses and educational facilities, with the exception of aviation school facilities, are prohibited within the 65 decibel day-night average sound level (DNL) noise contour as adopted in the most recent Vero Beach Regional Airport FAR Part 150 Noise Study.

(i) Exemptions: Notwithstanding any provisions herein, the following activities and structures shall be exempt from the permitting requirements of this chapter:

1. Existing structures that received construction permits from the Federal Communications Commission that exceed federal obstruction standards before May 20, 1975. A permit is not required pursuant to this chapter for any necessary replacement or repairs to such existing structures if the height and location are unchanged.
2. Non-substantial modifications to existing structures provided that the principal use of the property has not been discontinued for a period of no less than 180 consecutive days.
(3) Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed 18 consecutive months are exempt from review by the Florida Department of Transportation, unless required by that agency or by the FAA.

Sec. 68.082. - Appeals.

Appeals of the administrative decisions of the planning director shall be acted upon by the planning director in accordance with the provisions of section 66.04 of this title.

Sec. 68.109. - Variance procedures.

Variances to the provisions of this chapter shall be acted upon by the planning and zoning board in accordance with the provisions of section 66.04 of this title.

Section 4 - Amendment of Section 72.41, Permit required; exemptions

Section 72.41 is hereby amended to read as follows:

Sec. 72.41. - Permit required; exemptions.

(a) Permit required. An approved tree removal permit issued pursuant to the provisions of this article shall be required before removal of any specimen tree, protected tree or palm, or any tree or palm required by an approved site plan or landscape plan.

(b) Exemptions. The following shall be exempt from the permit requirements of this article:

(1) Trees and palms classified as invasive pursuant to section 72.33, except when the tree or palm was required by an approved site plan or landscape plan.

(2) Trees and palms grown or sold by licensed plant or tree nurseries, but only for the relocation of those trees and palms for sale or intended for sale in the ordinary course of the licensee's business.

(3) All fruit trees.

(4) Trees and palms removed by a governmental entity or public utility when located in public right-of-way or utility easement where the tree or palm interferes with the physical construction of improvements within the right-of-way or easement, causes disruption to public utilities and services, is in a hazardous or unsafe condition, is dead or beyond recovery due to disease, infection, infestation or damage, or is at 80 percent or more of the average life cycle for the species.

(5) Trees or palms removed by a governmental entity when required by Federal Aviation Administration or Transportation Security Administration regulations where the tree or palm interferes with navigable airspace or the airport security fence clear zone.

(6) Trees having a DBH of less than three inches, except trees required by an approved site plan or landscape plan.

(7) Palms less than 12 feet in height, except palms required by an approved site plan or landscape plan.

CODING: Words striken are deletions; words underlined are additions.
(8) Palms and non-specimen trees located within the playing boundaries of a golf course, except trees and palms required by an approved site plan or landscape plan.

(9) Mangroves. However, any person trimming, cutting, or removing any mangroves or performing any other action affecting mangroves or causing any such actions shall comply with all permit and other requirements of the Florida Department of Environmental Protection, the St. Johns River Water Management District, and all other governmental and regulatory agencies that now have or may in the future have jurisdiction over and regulate such actions.

Section 5 - Codification.

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

Section 6 - Conflict and Severability.

In the event any provision of this Ordinance conflicts with any other provision of the 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 7 - Effective Date.

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

This Ordinance was read by title for the first time on the ___ day of ___________ 2019, and was advertised on the ___ day of ___________ 2019, for a public hearing to be held on the ___ day of ___________ 2019, at the conclusion of which hearing it was moved for adoption by Councilmember ____________, seconded by Councilmember ____________, and adopted by the following vote of the City Council:

Mayor Val Zudans
Vice Mayor Anthony W. Young
Councilmember Laura Moss
Councilmember Harry Howle III
Councilmember Robert Bracket

CODING: Words striken are deletions; words underlined are additions.
ATTEST: CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Val Zudans
Mayor

ADMINISTRATIVE REVIEW
(For Internal Use Only—Sec. 2-77 COVB Code)

Approved as to form and legal sufficiency:

Kira C. Honse
Interim City Attorney

Monte K. Falls
Interim City Manager

Approved as to technical requirements:

Ericson W. Menger
Airport Director

Jason H. Jeffries, AICP
Planning and Development Director
TO: Planning and Zoning Board Members
FROM: Jason H. Jeffries, AICP 345
Director of Planning and Development
DATE: April 10, 2019
SUBJECT: Public Hearing on an Ordinance to Create Chapter 64, Article III, Temporary Uses and Structures

OVERVIEW
The attached draft ordinance proposes to add a new Article III to Chapter 64 regarding temporary uses and structures. Current zoning practice is to differentiate between principal uses, accessory uses and structures, and temporary uses and structures in the zoning code and have specific standards for these uses when necessary.

BACKGROUND
Temporary uses are a common type of use in communities. Whether they take the form of a garage sale in a residential neighborhood, or a sidewalk sale in a commercial district, the City’s land development code (LDC) should reasonably permit these uses on a temporary basis while also ensuring that the use regulations protect public safety and the character of the area. The LDC currently has standards for issuing special event permits in Sec. 64.12. Special event is a type of temporary use. Otherwise, the LDC does not identify other types of temporary uses or structures.

The new Article III, Temporary Uses and Structures (Sec. 64.40 - 64.45) is added to Chapter 64, Development Review and Nonconforming Uses. This article will identify the permitted temporary uses and structures in the residential and non-residential zoning districts. The use charts for residential and nonresidential zoning districts delineates the type of temporary uses permitted in each zoning district, but not all temporary uses require a permit. The article provides general standards for all temporary uses and structures. The proposed text amendment also includes specific standards and criteria for certain temporary uses and structures.

SUMMARY OF PROPOSED CODE
The following is a summary of the more significant provisions in the proposed temporary use and structure regulations:

1. Section 64.12, Temporary Use Permit, pp. 2-3.
   • Amends Section 64.12 from specifically addressing Special Event Permits to outlining the procedures for issuing a Temporary Use Permit.
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- Special event permit criteria (Sec. 64.12(b), (c), (d)) are moved to the new Article III.

2. **Section 64.41, Definitions, pp. 3-5.**

- Adds new definitions, relating specifically to temporary uses and structures, in a similar format for definitions in other parts of the Land Development Regulations.

- Moves the definition for special event from Section 64.12 (b).

3. **Section 64.44 & 64.45, Temporary Uses and Structures – Permitted Use Tables and Specific Standards, p. 5-11.**

   Section 64.44 has use tables designating the zoning districts in which temporary uses or structures are allowed. A check "✓" indicates that the temporary uses or structures are allowed by right and a permit is not required. A "T" indicates that the temporary uses or structures are allowable in the corresponding zoning district only on approval of a temporary use permit issued by the planning department. The following are summary of the temporary uses or structures:

   - **Farmers’ Market.** Defined as a public market held in a structure or open area where farmers primarily sell produce and other farm products they have grown, gathered, or raised directly to consumers. Farmers’ markets are permitted to operate once per week in commercial and industrial zoning districts with a temporary use permit. There are limits on types of products sold in the market to differentiate from flea markets.

   - **Garage or Yard Sale.** The temporary and occasional use of the garage or yard of a residential dwelling for the sale of miscellaneous personal items. Garage sales are allowed without temporary use permit in residential zoning districts. The proposed text references existing standards for garage sales in Chapter 62 or Subpart A of the City Code.

   - **Special event.** Exhibitions, celebrations, festivals, special sales events, shows, and other activities taking place on non-residential private property. Special events require a permit and the permit criteria is moved from Section 64.12.

   - **Temporary Construction-Related Structure or Storage Facility.** A temporary structure or storage facility associated with a construction site, including storage buildings, construction waste, temporary sanitation facilities, outdoor
storage, and employee parking areas. Permitted in any zoning district during site construction with a permit. The site must have an active building permit.

- **Temporary Factory-Fabricated Portable Building.** Defined as a factory constructed building and designed to arrive at a site ready for occupancy and to be readily relocated to another site immediately following its use. Permitted in any zoning district with a temporary use permit for education, community administration, real estate sales for new residential development, community recreation, and commercial during reconstruction after catastrophe.

- **Temporary Model Sales Home/Unit.** A dwelling unit of a new development used for real estate sales associated with the initial sales of homes in the development. With a temporary use permit, the construction of model homes with a sales office during the construction of the residential development is allowed in zoning districts with permitted residential uses.

- **Temporary Not-for-Profit Carwash.** An occasional car wash service by or on behalf of a charity. Allowed in commercial zoning districts without temporary use permit, limited to one per week and 14 per year. Preventative measures are required to ensure contaminants do not enter the stormwater system.

- **Temporary Outdoor Promotional Activities and Sidewalk Sales.** The display and sale of goods and services outside of a building or structure by businesses located at the premises. Allowed in commercial and industrial zoning districts without a temporary use permit, limited to 3 consecutive days for 3 times per year on adjacent public sidewalk. Onsite, the promotional activity is limited to 10 consecutive days for three times per year.

- **Temporary Portable Storage Unit.** A transportable unit used for temporary storage of household items and other materials for use on a limited basis. Allowed without temporary use permit. In residential districts, the use is limited to placement in the driveway for 7 consecutive days or 14 days per calendar year. In nonresidential districts, the use is limited to placement in the side or rear yard for 14 consecutive days and 28 days per calendar year.

- **Temporary Use of an Accessory Structure as a Principal Dwelling After a Catastrophe.** The temporary use of an existing accessory structure pending repair or reconstruction of the principal dwelling, where the principal dwelling has been damaged or destroyed by a fire, hurricane, or other physical catastrophe. Allowed in residential districts without a temporary use permit for up to two years during the reconstruction after a catastrophe.
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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.** The current zoning code does not specifically list temporary uses or structures in the residential and nonresidential districts nor provide standards for the temporary uses or structures. Recent issues raised to the planning staff have identified the need to permit certain temporary uses or structures in certain zoning district, such as garage sale, portable storage units, and model home sales units. The text amendment is proposed to establish standards for certain temporary uses and structures of a limited duration in residential and nonresidential zoning districts.

The staff finds the text amendment in the attached proposed ordinance 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 text amendment to be consistent with the following objective and policies of the Land Use Element of the City’s Comprehensive Plan:

**Land Use Objective 3. Land Development Regulations and Administration.** The City should administer and maintain its Land Development Regulations in a manner consistent with the goals, objectives, and policies of this and other elements of the Comprehensive Plan and should 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 with a sense of place.

**Policy 3.1** The City’s adopted Land Development Regulations should 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 should 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;
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(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) Processing and reviewing development applications that may impact historic and archaeological resources and environmentally sensitive areas; and

(e) Permitting development within special flood hazard zones pursuant to the City’s flood regulations and the National Flood Insurance Program.

Policy 3.2 The City should 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.

The proposed article for temporary uses and structures will govern the type and character of temporary uses allowed in each zoning district and will ensure the temporary uses or structures are compatible with surrounding development, consistent with Policy 3.1. The proposed text amendment provides reasonable thresholds for review of the temporary uses and structures, consistent with Policy 3.2. Where the temporary use is limited in duration, a permit is not required. Temporary uses with a longer duration or potential impact to surrounding properties require a permit issued by the Planning Department. The listed criteria for certain temporary uses and structures in the LDC will provide a transparent expectation for the limited scope of the temporary uses and structures in the City.

Consistency with Land Development Regulations. The staff finds the text amendment, as proposed by staff, to be consistent with adopted City land development regulations.

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

Attachment
ORDINANCE NO. 2019 -
AN ORDINANCE OF THE CITY OF VERO BEACH,
FLORIDA, AMENDING SECTION 64.12 OF CHAPTER 64,
ARTICLE I, DEVELOPMENT REVIEW RELATING TO
TEMPORARY USE PERMIT; CREATING CHAPTER 64,
ARTICLE III, TEMPORARY USES AND STRUCTURES;
PROVIDING FOR CODIFICATION; PROVIDING FOR
CONFLICT AND SEVERABILITY; AND PROVIDING FOR
AN EFFECTIVE DATE.

WHEREAS, the City Council proposes to amend the zoning text of the City of Vero Beach
Code, pursuant to Chapter 65, Articles I & III, of the City’s Land Development Regulations; and

WHEREAS, the purpose and intent of this ordinance is to establish standards for certain
temporary uses of a limited duration and temporary structures in residential and nonresidential
districts; and

WHEREAS, the current zoning code does not specifically list such uses in the residential
and nonresidential districts nor provide standards for the temporary uses; and

WHEREAS, the Planning and Zoning Board, serving as the local planning agency under
Florida Statute 163.3174, finds that the Code amendments provided in this Ordinance are
consistent with relevant goals, objectives and policies contained within the City’s Comprehensive
Plan; and

WHEREAS, the City Council of the City of Vero Beach (“City Council”) finds that the
Code amendments provided in this Ordinance serve a municipal purpose and promote and protect
the public health, safety, and welfare,

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 Section 64.12 of Chapter 64 Development Review and
Nonconforming Uses
Section 64.12 is hereby amended to read as follows:

CHAPTER 64. - DEVELOPMENT REVIEW, AND NONCONFORMING USES, AND
TEMPORARY USES
Sec. 64.12 Special Events Temporary Use Permit

(a) Applicability. Except as expressly exempted, any temporary use special event shall require a temporary use special event permit from the planning and development department and required building, electrical, plumbing and other permits as appropriate. An application and non-refundable fee shall be submitted to the planning and development department pursuant to section 64.03. Temporary use permits will be issued under the following standards:

(1) Sec. 64.42, Prohibited Temporary Uses and Structures, lists several temporary uses and structures that are expressly prohibited.

(2) Sec. 64.43, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures.

(3) Sec. 64.44, Permitted Temporary Uses and Structures, establishes, in the use tables, the zoning districts in which a temporary use or structure is allowed. Abbreviations Used in Temporary Use/Structure District Tables, explains the abbreviations used in the tables showing whether a particular type of temporary use or structure is permitted or prohibited within the various zoning districts.

(4) Section 64.45, Standards for Specific Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Code.

(b) Special event definition. A special event means any occasion, including but not limited to exhibitions, celebrations, fairs, festivals, sales, shows, and other activities taking place on non-residential private property, that involves on a temporary basis, the occupation of land and/or construction of improvements not identified in an approved site plan or other development approval. Special events shall not include activities to be conducted entirely within public parks or on public right-of-way or vacant property.

(c) Limitation on the total number and length of special events. No property shall have more than a cumulative total of three such events in any calendar year. The total number of days for all special events on the property shall not exceed 30 days in any calendar year, except for Christmas tree sales. Christmas tree sales may commence no earlier than November 16 and end no later than December 30.

(d) Permit conditions. Every special events permit shall have the following conditions and any other conditions that may be required by the planning director or other appropriate authority to address a particular issue related to protecting the public health, safety, or general welfare of the public and the protection of the environment:

a. The activity, display and/or sales areas shall not interfere with the approved vehicular circulation system as specified on the approved site plan for the subject property.

b. The area of activity, display, and/or sales areas shall not occupy more than ten percent of the required on-site parking spaces, except where the special event is conducted outside of normal business hours for the approved uses on the site.

c. Applicable building, electrical, mechanical, and/or health permits shall be obtained for any temporary structures, utilities, and health and sanitation facilities.

d. The maximum hours of operation shall be limited to the period from 7:00 a.m. to 10:00 p.m. daily, except as further limited by the planning director to protect the public health, safety, or general welfare, including limiting adverse impacts on adjacent residential uses.

e. Any tent used for an activity, display, or sales shall be approved by the fire marshal for fire resistance.
f. All temporary structures and utilities for the special event shall be removed and the site returned
to its original condition no more than one day after the last day of the event.

(e) Approval criteria. If Section 64.44 requires a Temporary Use Permit and the proposed use or
structure meets applicable standards Section 64.43 and in Section 64.45. The planning director may
approve or conditionally approve the issuance of a special event temporary use permit, unless one
of the following circumstances exist:

(1) The applicant has made a material misrepresentation in the application.

(2) The applicant has not complied with the planning and development department's request for
further information.

(3) The proposed special event temporary use will substantially disrupt the peace and quiet within
any area of the city.

(4) The proposed special event temporary use will have a substantial negative impact upon traffic
within any area of the city.

(5) The proposed special event temporary use will have a material negative impact upon
neighboring properties.

(6) The proposed special event temporary use will create a safety hazard.

(f) Term of permit. Special event Temporary use permits issued pursuant to this section shall be
effective from the date of issuance through the date specified in the permit.

(g) Revocation of permit. The planning director for any of the following reasons may revoke a temporary
use special event permit:

(1) A material false statement contained in the application;

(2) Failure to comply with federal, state, or municipal laws and regulations;

(3) Failure to comply with the limitations and conditions imposed by the city on the issuance of
the special event permit; or

(4) Conducting the special event in such a manner as to create a public nuisance.

(h) Appeal of revocation or permit denial. Notwithstanding section 64.04, any appeal of the planning
director's decision to revoke or deny a special events temporary use permit shall be to the city
manager pursuant to section 2-203 of this Code.

Section 3 – Creation of Chapter 64, Article III, Temporary Uses and Structures

Chapter 64, Article III is hereby created to read as follows:

ARTICLE III. TEMPORARY USES AND STRUCTURES

Sec 64.40. Purpose.

This article allows for the establishment of certain temporary uses (including special events) of a limited
duration and temporary structures, provided that such uses, structures, and events do not negatively affect
adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction
or alteration of any permanent building or structure.

Sec. 64.41. Definitions

The following words and phrases shall have the following definitions when used in this Article:
(a) **Farmers' Market.** A public market held in a structure or open area where farmers primarily sell produce and other farm products they have grown, gathered, or raised directly to consumers. A farmers' market as a principal use occurs regularly for all or most of the year, whereas a farmers' market as a temporary use occurs occasionally or periodically for only a limited time period during the year.

(b) **Garage or Yard Sale.** The temporary and occasional use of the garage or yard of a residential dwelling for the casual sale of miscellaneous items of personal property to the general public, also known as estate or rummage sales.

(c) **Special event.** A special event means any occasion, including but not limited to exhibitions, celebrations, festivals, special sales events, shows, and other activities taking place on non-residential private property, that involves on a temporary basis, the occupation of land and/or construction of improvements not identified in an approved site plan or other development approval. Special events shall not include activities to be conducted entirely within public parks or on public right-of-way or vacant property.

(d) **Temporary Construction-Related Structure or Storage Facility.** A temporary structure or storage facility that is associated with construction—including storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas—and located on or adjacent to the construction site.

(e) **Temporary Factory-Fabricated Portable Building.** A building constructed in a factory that is designed to arrive at a site ready for occupancy (except for minor unpacking and connection to utilities) and to be readily relocated to another site immediately following its use.

(f) **Temporary Model Sales Home/Unit.** A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development.

(g) **Temporary Not-for-Profit Carwash.** A temporary occasional provision of car washing services to the general public as a fund-raising project by or on behalf of a charity or not-for-profit organization.

(h) **Temporary Outdoor Promotional Activities and Sidewalk Sales.** The display and sale of goods and services outside of a building or structure by businesses located the premises, including garden supplies, motor oil, food and beverages, boats, building and landscape materials, and similar materials or items.

(i) **Temporary Portable Storage Unit.** A transportable unit designed and used primarily for temporary storage of building materials, household goods, personal items, and other materials for use on a limited basis.

(j) **Temporary Use.** A use established for a temporary period of time with the intent to discontinue such use on the expiration of the time period.

(k) **Temporary Use of an Accessory Structure as a Principal Dwelling After a Catastrophe.** A temporary use of an accessory structure as a principal dwelling after a catastrophe is the temporary use of an existing structure that is accessory to an existing principal dwelling as the principal dwelling pending repair or reconstruction of the principal dwelling, where the principal dwelling has been damaged or destroyed by a fire, hurricane, or other physical catastrophe.
(I) **Temporary Use Permit.** A development permit authorizing certain temporary uses that is applied for, reviewed, and decided in accordance with Sec. 64.12, Temporary Use Permit.

### Sec. 64.42. Prohibited Temporary Uses and Structures

The following activities are prohibited in all districts:

(a) Retail sales or display of goods, products, or services within the public right-of-way, except as part of an authorized special event.

(b) Retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container, except as part of an authorized special event.

### Sec. 64.43. General Standards for All Temporary Uses and Structures

Unless otherwise specified in this Code, any temporary use or structure shall:

(a) Obtain a Temporary Use Permit (if required) and any other applicable City, county, or State permits;

(b) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

(c) Be compatible with the principal uses taking place on the site;

(d) Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;

(e) Not include permanent alterations to the site;

(f) Meet all the setback requirements of the zoning districts;

(g) Comply with temporary signage standards in Chapter 38, Article I, Signs.

(h) Not maintain temporary signs associated with the temporary use or structure after the activity ends;

(i) Not violate the applicable conditions of approval that apply to a site or a use on the site;

(j) Not interfere with the normal operations of any permanent use located on the property; and

(k) Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

### Sec. 64.44. Temporary Use/Structure Table for Residential and Nonresidential Districts

(a) **Abbreviations Used in Temporary Use/Structure District Tables.** In the tables designating the zoning districts in which a temporary use or structure is allowed, the following abbreviations apply:

(1) A check "✓" indicates that the use or structure is allowed as a temporary use by right in the corresponding zoning district, subject to compliance with Sec. 64.43, General Standards for All Temporary Uses and Structures, any standards set forth for the specific use or structure, and all other applicable regulations of this Code. No Temporary Use Permit is required.

(2) A "T" indicates that the use or structure is allowable as a temporary use in the corresponding zoning district only on approval of a Temporary Use Permit in accordance with Sec. 64.12, Temporary Use Permit, and subject to compliance with Sec 64.43, General Standards for All Temporary Uses and Structures, any standards set forth for the specific use or structure, and all other applicable regulations of this Code.
(3) A blank cell indicates that the use or structure is prohibited as a temporary use or structure in the corresponding zoning district.

(b) Temporary Use/Structure Table for Residential Districts

<table>
<thead>
<tr>
<th>Temporary Use/Structure Type</th>
<th>R-1AAA</th>
<th>R-1AA</th>
<th>R-1A</th>
<th>R-1</th>
<th>RM-8</th>
<th>RM-10</th>
<th>RM-11/12</th>
<th>RM-13</th>
<th>MPZ</th>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Garage or yard sale</td>
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<td>✓</td>
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<td>✓</td>
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<td>T*</td>
<td>T*</td>
<td>T*</td>
<td>T*</td>
<td>T*</td>
<td>T*</td>
<td>T*</td>
<td>T*</td>
</tr>
<tr>
<td>Temporary construction-related structure or storage facility</td>
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<td>T</td>
<td>T</td>
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<td></td>
</tr>
<tr>
<td>Temporary factory-fabricated Portable building</td>
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<td>T</td>
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<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td></td>
</tr>
<tr>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Temporary Outdoor Promotional Activities and Sidewalk Sales</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Temporary portable storage unit</td>
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<td>✓</td>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td></td>
</tr>
<tr>
<td>Temporary use of an accessory structure as a principal dwelling after a catastrophe</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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</tr>
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</table>

*Only permitted on non-residential use property

(c) Temporary Use/Structure Table for Nonresidential Districts

<table>
<thead>
<tr>
<th>Temporary Use/Structure Type</th>
<th>P-1 &amp; P-2</th>
<th>POI</th>
<th>C-IA</th>
<th>C-IB</th>
<th>B-1</th>
<th>C-1</th>
<th>M</th>
<th>C-IM</th>
<th>C-2M</th>
<th>Airport</th>
<th>Mixed Use</th>
<th>Downtown</th>
<th>Government</th>
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</thead>
<tbody>
<tr>
<td>Farmers’ market</td>
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<td>T</td>
<td>T</td>
<td>T</td>
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<td>T</td>
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<td>T</td>
</tr>
<tr>
<td>Garage or yard sale</td>
<td>T</td>
<td>T</td>
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<td>T</td>
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<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Special event</td>
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<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
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<td>T</td>
</tr>
<tr>
<td>Temporary construction-related structure or storage facility</td>
<td>T</td>
<td>T</td>
<td>T</td>
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<td>T</td>
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</tr>
<tr>
<td>Temporary factory-fabricated Portable building</td>
<td>T</td>
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<td>T</td>
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<td>T</td>
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<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Temporary model sales home/unit</td>
<td>T</td>
<td>T</td>
<td>T</td>
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<td>T</td>
<td>T</td>
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<td>T</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Temporary not-for-profit carwash</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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</tbody>
</table>
Temporary Outdoor Promotional Activities and Sidewalk Sales

Temporary portable storage unit

Temporary use of an accessory structure as a principal dwelling after a catastrophe

<table>
<thead>
<tr>
<th>Sec. 64.45. Standards for Specific Temporary Uses and Structures.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) <strong>Farmers' Market (as a temporary use).</strong> A farmers' market operating as a temporary use shall:</td>
</tr>
<tr>
<td>(1) Operate on one day per week on a single site;</td>
</tr>
<tr>
<td>(2) Renew all applicable Temporary Use Permits once per calendar year;</td>
</tr>
<tr>
<td>(3) Be limited to the retail sale of fresh fruits and vegetables, herbs, mushrooms, nuts, honey, raw juices, molasses, dairy products, eggs, poultry, meats, fish, shellfish, fresh-cut or dried flowers, nursery stock, seedlings, plants, and other agriculture, aquaculture, and horticulture products produced by the vendor/producer, including the sale of products made by the vendor/producer from such agriculture, aquaculture, and horticulture products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor/producer.</td>
</tr>
<tr>
<td>(4) Provide adequate ingress, egress, and off-street parking areas; and</td>
</tr>
<tr>
<td>(b) <strong>Garage or Yard Sale.</strong> A garage or yard sale is allowed as a temporary use provided it complies with the requirements in Subpart A, Chapter 62, Article V, Household Sales of the Code of Ordinances, as amended.</td>
</tr>
<tr>
<td>(c) <strong>Special Events.</strong> A special event shall comply with the following standards:</td>
</tr>
<tr>
<td>(1) The special event shall only occur on non-residential use property.</td>
</tr>
<tr>
<td>(2) <strong>Limitation on the total number and length of special events.</strong> No property shall have more than a cumulative total of three such events in any calendar year. The total number of days for all special events on the property shall not exceed 30 days in any calendar year, except for Christmas tree sales. Christmas tree sales may commence no earlier than November 16 and end no later than December 30.</td>
</tr>
<tr>
<td>(3) <strong>Permit conditions.</strong> Every special events permit shall have the following conditions and any other conditions that may be required by the planning director or other appropriate authority to address a particular issue related to protecting the public health, safety, or general welfare of the public and the protection of the environment:</td>
</tr>
<tr>
<td>a. The activity, display and/or sales areas shall not interfere with the approved vehicular circulation system as specified on the approved site plan for the subject property.</td>
</tr>
<tr>
<td>b. The area of activity, display, and/or sales areas shall not occupy more than ten percent of the required on-site parking spaces, except where the special event is conducted outside of normal business hours for the approved uses on the site.</td>
</tr>
<tr>
<td>c. Applicable building, electrical, mechanical, and/or health permits shall be obtained for any temporary structures, utilities, and health and sanitation facilities.</td>
</tr>
</tbody>
</table>
d. The maximum hours of operation shall be limited to the period from 7:00 a.m. to 10:00 p.m. daily, except may be as further limited by the planning director to protect the public health, safety, or general welfare, including limiting adverse impacts on adjacent residential uses.

e. Any tent used for an activity, display, or sales shall be approved by the fire marshal for fire resistance.

f. All temporary structures and utilities for the special event shall be removed and the site returned to its original condition by no more than one day after the last day of the event.

(d) Temporary Construction-Related Structure or Storage Facility.

(1) All temporary construction-related structures and storage facilities shall not be moved onto the project site prior to the issuance of a building permit and shall be removed within 30 days after issuance of the final certificate of occupancy for the constructed development.

(2) A temporary construction-related structure or storage facility may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structures or facilities on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the final certificate of occupancy of the constructed development.

(3) Parking for employees of the temporary construction-related structure and storage facility shall be provided.

(4) Construction site fencing may remain in place provided the building permit remains active and has not expired.

(e) Temporary Factory-Fabricated Portable Building. A temporary factory-fabricated transportable building shall comply with the following standards:

(1) The building may be placed on a parcel and temporarily used only for the following uses:

a. Temporary on-site expansion of classroom space for an existing school or other education use as an alternative means of meeting growing classroom needs or pending implementation of City-approved plans for the permanent expansion of classroom space.

b. Temporary on-site expansion of space for an existing community services use, government administrative offices, health care use, place of worship, or other community-serving institutional use (other than education uses) pending implementation of City-approved plans for the permanent expansion of existing facilities.

c. Temporary on-site office space for construction management and security uses during construction of new development in accordance with City-approved plans.

d. A temporary on-site space for real estate sales or leasing activities associated with a new development pending construction of the development.

e. Temporary on-site space for recreational use for a new residential development pending construction of permanent recreational facilities approved by the City as part of the development.

f. A temporary building providing temporary quarters for the occupants of a principal dwelling or nonresidential building damaged or destroyed by a fire, hurricane, or other physical catastrophe while the dwelling or building is being repaired or reconstructed.

(2) Except as otherwise provided in this Code, the temporary building may be located anywhere on the site except within the following areas:
a. Existing required landscaping or perimeter buffer areas;
b. Areas designated as future required landscaping areas, whether or not vegetation currently exists; and
c. Other areas designated on the site for open space, vehicular access, or parking.

(3) Adequate off-street parking for the temporary building use shall be provided in accordance with the minimum standards for number of off-street parking spaces in Chapter 63, Off-Street Parking and Loading Requirements.

(4) All permits required by applicable building, electrical, plumbing, and mechanical Codes shall be obtained before placement of the temporary building.

(5) The temporary building shall be compatible with any existing buildings on the site in terms of exterior color. Bright, luminescent, or neon colors and highly reflective surfaces are prohibited.

(6) Applicant shall have an active site plan application or approval for the development of the permanent facilities for the temporary building use.

(7) The temporary building shall be removed from the site within 30 days after issuance of the final certificate of occupancy for the permanent expansion, new development, permanent recreation facility, permanent facility, or repaired or reconstructed dwelling/building, as appropriate.

(f) Temporary Model Sales Home/Unit. A single model sales home/unit may be located on a new development site and temporarily used for sales or leasing uses associated with the development, subject to the following standards:

(1) A model sales home shall be located on a parcel or building site approved as part of the site plan, and a model sales unit shall be located within a building approved as part of the development.

(2) Adequate off-street parking for the real estate sales/leasing use of the model sales home/unit shall be provided, in accordance with the minimum standards for number of off-street parking spaces in Chapter 63, Off-Street Parking and Loading Requirements.

(3) One model home may be constructed for every 20 parcels, or one model home for every 15 parcels if the model homes are contiguous to each other under construction, up to a maximum of three model homes for a subdivision.

(4) A model sales home/unit may be used for temporary sales/leasing until such time as the last lot in the subdivision is developed.

(5) On termination of the temporary real estate sales/leasing use of a model sales home/unit, the home/unit shall be converted into, or removed and replaced with, a permanent permitted use, and any excess parking shall be removed and landscaped in accordance with Chapter 72, Article II, Landscaping.

(6) No model home may be constructed or occupied prior to preliminary plat approval by the City.

(7) No model home may be converted to a single family unit and occupied until all subdivision improvements are accepted in accordance with Chapter 70, Subdivisions.

(8) Temporary structures such as modular buildings may be allowed as a temporary sales office, only while the model home is being constructed in accordance with this section. There shall be no more than one temporary sales office per subdivision.

(9) City water and wastewater facilities shall be operating.
(10) A stabilized road access shall be in place.
(11) A model sales home shall not be used for storage of building materials.
(12) If the space for a required garage has been converted to space for purposes other than a garage, the space must be converted back to a residential garage and equipped with a standard garage door prior to the sale and use of the home as a dwelling unit.

(g) **Temporary Not-For-Profit Car Wash.** Temporary not-for-profit car wash services shall comply with the following standards:

1. The use shall be limited to no more than one day per week and a total of 14 days per calendar year, per individual site.
2. The use shall comply with National Pollutant Discharge Elimination System (NPDES) requirements for mobile vehicle washing, including use of containment booms or storm drain covers and mats to prevent wastewater from entering a stormwater drain.

(h) **Temporary Outdoor Promotional Activities and Sidewalk Sales.** The sale and promotion of goods and services made available by businesses located on the premises are permitted subject to the following:

1. Activities held on the adjacent public sidewalk may be held for up to three consecutive days up to three times per calendar year.
2. Activities that do not obstruct parking and are held on private property may be held for up to ten consecutive days up to three times per calendar year.

(i) **Temporary Portable Storage Unit.** Temporary storage in a portable storage unit may be permitted to serve an existing use on the same parcel, subject to the following standards:

1. Number. No more than two units shall be located on a parcel.
2. Size. No unit shall be more than eight feet wide, 16 feet long, or eight feet high.
3. Duration.
   a. No unit shall be placed on a parcel in a residential zoning district for more than 7 consecutive days, or for more than 14 days within any calendar year.
   b. No unit shall be placed on a parcel in a nonresidential zoning district for more than 14 consecutive days, or for more than 28 days within any calendar year.
   c. In the C-1 zoning district, a portable storage unit may be placed on a parcel during the holiday season (October 15 to January 15).

4. Location.
   a. In a residential zoning district, a unit may be placed only in a driveway or, if alley access to the rear of the lot exists, in the rear yard. If no driveway or alley access to the rear of the lot exists, a unit may be placed in the front yard of the lot provided Planning Director determines that such placement does not obstruct the free, convenient, and normal use of the public right-of-way.
   b. In a nonresidential district, a unit may be placed only in the rear yard or side yard. In no case may a unit be placed in the front yard, in any front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way.
(5) Removal upon Hurricane Warning. Notwithstanding the time limitations established in subparagraph (3) above, all portable storage units shall be removed immediately upon issuance of a hurricane warning by a recognized government agency.

   a. The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks.
   b. The unit shall be kept locked when not being loaded or unloaded.

(7) Hazardous Materials Prohibited. The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous material is stored within the unit.

(j) Temporary Use of an Accessory Structure as a Principal Dwelling After a Catastrophe. An existing structure that is accessory to an existing principal dwelling that has been damaged or destroyed by a fire, hurricane, or other physical catastrophe may be temporarily used as the principal dwelling on the parcel while the damaged or destroyed principal dwelling is being repaired or reconstructed, provided it meets the following standards:
   (1) The building or inhabited part thereof shall meet all applicable building, health, and other regulations for a habitable dwelling.
   (2) The building shall comply with any additional standards set forth in a Declaration of Emergency issued by authorized officials in response to the catastrophe.
   (3) The building shall be removed or converted to an authorized accessory use within 30 days after issuance of the certificate of occupancy for the permanent principal dwelling. In no case shall the building be used as the principal dwelling for more than two years unless authorized by a longer time period set forth in a Declaration of Emergency issued by authorized officials in response to the catastrophe.

Section 4 - Codification.

The provisions of this Ordinance shall be codified in the Code of Ordinances 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 the 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.
This Ordinance was read by title for the first time on the ___ day of _______________ 2019, 
and was advertised on the ___ day of _______________ 2019, for a public hearing to be held 
on the ___ day of _______________ 2019, at the conclusion of which hearing it was moved 
for adoption by Councilmember __________________, seconded by Councilmember 
________________, and adopted by the following vote of the City Council:

Mayor Val Zudans  
Vice Mayor Anthony W. Young  
Councilmember Laura Moss  
Councilmember Harry Howle III  
Councilmember Robert Bracket

ATTEST: 

Tammy K. Bursick  
City Clerk

CITY OF VERO BEACH, FLORIDA

Val Zudans  
Mayor

ADMINISTRATIVE REVIEW
(For Internal Use Only--Sec. 2-77 COVB Code)

Approved as to form and legal sufficiency:

Kira C. Honse  
Interim City Attorney

Approved as conforming to municipal policy:

Morte K. Falls  
Interim City Manager

Approved as to technical requirements:

Jason H. Jeffries, AICP  
Planning and Development Director