

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, MAY 3, 2018 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

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

**Excused Absence:** John Carroll

**I. PRELIMINARY MATTERS**

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

None

**II. APPROVAL OF MINUTES**

**A) Regular Meeting – April 5, 2018**

**Mr. Cahoy made a motion to approve the minutes of the April 5, 2018 Planning and Zoning Board meeting. Mrs. Pelensky seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

**[Legislative]**

**A. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60, General Provisions, of the Land Development Regulations, By Creating New Section 60.17; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.**

The Chairman read the proposed Ordinance amending Chapter 60, General Provisions, of the Land Development Regulations by creating a new Section 60.17 by title only.

Mr. Tim McGarry, Planning and Development Director, gave a brief overview of staff's report to the Board members (attached to the original minutes).

Mr. Lauffer said it is his understanding that under the Building Code, a room would have to have a window (an ingress/egress) of a certain size, as well as a closet before it would be considered a bedroom. He asked does this impact the proposed Ordinance.

Mr. McGarry said they would overlap. He said this would take precedence over the Building Code. He said that someone could have a den that could be used as a sleeping area.

Mr. Lauffer questioned then they wouldn't be in violation of the Building Code. He said you can't build a home and call the room a bedroom if it doesn't meet the criteria of the Building Code.

Mr. McGarry said that is true. He said the Building Code does not get into occupancy so they would overlap. He said that he could add the verbiage, *“that any bedroom has to be consistent with the Florida Building Code.”*

The Board members agreed.

Mrs. Minuse referred to page one (1) of the Ordinance where it states in part, *“the County Attorney and Planning Director are concerned that many of these type of uses are not licensed ...”* She asked what does *“licensed”* mean.

Mr. McGarry said a State license is not required to run a sober house.

Mr. Lauer wondered why they were not using the defined terms that they have under the Code. He said an example is that in the Code they have the term “dwelling units,” which is defined in part as *“One or more rooms in a residential building or residential portion of a building...,”* in this Ordinance it is called “residential dwellings” and has the definition, *“each single family dwelling, duplex, or multi-family dwelling ...,”* and in the Standard Housing Code they use the term “dwelling unit.” The other issue is that under the Standard Housing Code they have the term “habitable rooms” instead of “sleeping rooms.” He said that he didn’t think it was really a “sleeping room,” but a “habitable room.”

Mr. McGarry said “habitable rooms” are not the same as “sleeping rooms.”

Mr. McGarry said they could state, *“every single dwelling unit”* rather than spelling out single family dwelling, duplex, etc.

Mr. Lauer suggested that they change the verbiage of the title of Section 60.17 from *“Maximum occupancy limits for residential dwellings”* to *“Maximum occupancy limits for dwelling units.”*

Mr. McGarry said that he would make that change. He said that he would also change the verbiage in 60.17 (a) and (b) where it currently states, *“each single family dwelling, duplex, or multi-family dwelling shall contain ...”* to *“each dwelling unit shall contain ...”*

The Board members agreed to the above changes.

Mr. Lauer went back to the term “sleeping rooms.”

Mr. McGarry explained that “sleeping rooms” are not defined. However, they state what room are not “sleeping rooms,” such as kitchens, etc.

The Chairman opened and closed the public hearing at 1:52 p.m., with no one wishing to be heard.

Mr. Lauer suggested that they add the word “occupancy” to the last sentence under Section 60.17 (b) so it would state, “Kitchens, bathrooms, living rooms, closets, toilet compartments, and dining, living, storage, and utility rooms shall not be counted as rooms *“occupied”* for sleeping purposed in applying the requirements of this section.”

The Board members agreed.

**Mr. Lauer made a motion that the Board approves the Ordinance as amended, and the**

amendments would be to substitute “dwelling units” for “single family dwelling, duplex, or multi-family dwellings;” to add “halls” to the second definition; to take out “living;” after rooms to add “occupied” and to add the reference of the Building Code. Mrs. Minuse seconded the motion and it passed 5-0 with Mr. Cahoy voting yes, Mr. Lauer yes, Mrs. Pelensky yes, Mrs. Minuse yes, and Mr. Lauffer yes.

[Legislative]

**B. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60, Appendix, Definitions. C-1 (Highway Commercial), M (Industrial), H (Hospital and Institutional), and GU (Government Use) Zoning Districts and Chapter 63, Off-Street Parking and Loading Requirements of the Land Development Regulations; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date.**

The Chairman read from staff’s report Subject: Public Hearing on Ordinance Amending Chapter 60, Definitions and Chapter 62, Article III, C-1 Commercial District, Article IV, Industrial District, Article VIII, Hospital and Institutional District, and Government Use District.

Mr. McGarry gave a brief overview of staff’s report to the Board members (attached to the original minutes).

Mr. Lauer asked is the term “medical services” used as far as zoning is concerned. He asked are there certain types of zoning districts where medical services are allowed.

Mr. McGarry answered yes and they are listed in staff’s report.

Mr. Lauer said the definition of “medical services” in the Code states, *“The provision of therapeutic, preventative or corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services. These services are not provided to patients who are admitted for examination and treatment by a physician and with no overnight lodging.”* He felt the definition they added in the proposed Ordinance overlaps “medical services” so they should amend “medical services” by adding *“other than other treatment service facilities.”*

Mr. McGarry said then they want to add *“does not include clinical treatment services.”*

Mr. Lauer said that is correct.

Mr. McGarry said that he did not have a problem with this change.

Mr. Lauer thought the intention was to not include clinical under medical so they should cross reference it.

Mr. McGarry said that he would add that to the definition.

Mrs. Minuse referred to Chapter 60, clinical treatment service facilities. She said the definition references “opiate” addiction.

Mr. McGarry said they could change *“opiate addiction”* to *“drug addiction.”*

The Board members agreed.

Mr. Cahoy asked isn't there a fine line between clinical facilities and medical facilities. He said if a medical facility is involved and the physician prescribes a patient to go to a clinic for treatment of drug addiction, it seemed to him that there would be some conflict. He said it was mentioned that there could be overnight treatment.

Mr. McGarry said this does allow overnight stays. He noted that overnight stays are not permitted under medical services.

Mr. Lauer felt that could be resolved by amending the definition of clinical treatment service facilities from "*Facilities that may include the following services...*" to "*Facilities that include the following as its primary services ...*"

The Board members agreed.

The Chairman opened and closed the public hearing at 2:14 p.m., with no one wishing to be heard.

**Mr. Lauer made a motion that the Board approves the proposed Ordinance with the following amendments; under the definition of clinical treatment service facilities that the first sentence would state "*facilities that include the following as its primary services;*" to amend the definition of medical services by adding to the end of the first sentence "*other than clinical treatment facilities.*"**

**Mr. McGarry reminded Mr. Lauer of the amendment to change "*opiate addiction*" to "*drug addiction.*"**

**Mr. Lauer added the amendment to change "*opiate addiction*" to "*drug addiction*" to his motion. Mrs. Pelensky seconded the motion and it passed 5-0 with Mr. Cahoy voting yes, Mr. Lauer yes, Mrs. Pelensky yes, Mrs. Minuse yes, and Mr. Lauffer yes.**

## **V. PLANNING DEPARTMENT MATTERS**

Mr. McGarry reported that the May 17, 2018 Planning and Zoning Board meeting has been cancelled. He noted that they don't have anything on the schedule and he will be out of town.

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

None

## **VII. ADJOURNMENT**

Today's meeting adjourned at 2:27 p.m.

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