

ORDINANCE NO. 2017- 08

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING SECTION 71.14 IN THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF VERO BEACH RELATING TO RESTRICTIONS ON IMPROVEMENT OF CERTAIN DESIGNATED CITY RIGHTS-OF-WAY; ALLOWING FOR STEP SYSTEM INSTALLATION ON THE CAMINO DEL RIO RIGHT-OF-WAY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 71.14 in the City's land development regulations of the City's Code of Ordinances was previously adopted designating certain City rights-of-way to remain in an unimproved condition as much as possible in order to protect the City's large desirable trees and to protect the historical significance and aesthetic appeal of such designated rights-of-way, including a prohibition on installation of utility poles and sewers; and

WHEREAS, the City Council previously adopted a Septic Tank Effluent Pump ("STEP") System Program in Chapter 78 of the City Code to provide for the conversion of properties utilizing private wastewater disposal systems (septic systems) to a modified septic tank effluent pump ("STEP") system and thereby enable a more affordable and convenient method to capture and treat effluent from such converted septic systems at the City's wastewater treatment plant; and

WHEREAS, the residences along the aforementioned rights-of-way typically are served by septic tank and drain field systems for effluent disposal, making them prime candidates for conversion to the City's STEP System in furtherance of the City's goal of eliminating septic tanks and drain fields as a point source of pollution leaching to the Indian River Lagoon; and

WHEREAS, construction of the City's STEP System does not involve substantial digging in or disruption of rights-of-way but rather is accomplished by the use of directional boring for installation of the effluent sewer collection lines thereby preserving the historical significance or aesthetic appeal of the City's rights-of-way designated to remain unimproved; and

WHEREAS, property owners along East and West Camino Del Rio have expressed interest in having the City's STEP system made available to them, and the City Council finds that the amendment provided for herein serves a municipal purpose and is in the best interest of and promotes the health, safety and welfare of the public, the community, and the health of the Indian River Lagoon by allowing installation of the City STEP system for collection and proper treatment and disposal of wastewater along the East and West Camino Del Rio right-of-way,

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

Section 1 – Adoption of “Whereas” Clauses.

The foregoing “WHEREAS” clauses are hereby adopted and incorporated herein as the legislative findings, purpose, and intent of this Ordinance.

Section 2 – Amendment of Section 71.14.

Section 71.14, “Rights-of-way required to be improved,” of Chapter 71, “Public Rights-of Way” is hereby amended to read as follows:

[CODING: Words deleted are designated by ~~strikethrough~~; words added are underscored]

Sec. 71.14. - Rights-of-way to be improved.

This right-of-way improvement policy shall not be interpreted to require the improving of certain rights-of-way if paving would result in the destruction of large, well-maintained, and desirable trees, or if rights-of-way which have historical significance or aesthetic appeal which would be ruined by improvement. It shall be up to the discretion of the city council to classify rights-of-way in these categories on an individual basis and the following streets are designated to remain unimproved:

- (a) Sandfly Lane;
- (b) Lady Bug Lane;
- (c) Painted Bunting Lane between Club Drive and Ocean Drive;
- (d) Camino Del Rio (east and west); and
- (e) Eugenia Road east of A-1-A.

It is the intent of this section that said roads shall remain narrow sand and shell roads, not paved or hard-surfaced, not straightened or widened, or the grade changed, and the city shall do no pruning or removal of trees or plants unless said tree or plant had been determined to be a safety hazard by the city manager or his designee; the pruning shall be guided by standards established by the International Society of Arboriculture. There shall be no installations of any utility poles and sewers along, on, or under same, except that a septic tank effluent pump (“STEP”) sewer system may be installed by directional boring methods on the East and West Camino Del Rio right-of-way, and said roads shall remain in their present condition and state as much as possible, and the material used for maintenance shall be sand or shell similar to what is there now.

Section 3 – Conflict and severability.

In the event any provision of this Ordinance conflicts with any other provision of the Code or other applicable law, the provisions of this Ordinance shall apply and supersede. If any phrase or portion of this Ordinance or article or application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

Section 4 – Codification.

The amendments provided for herein shall be codified in the Code of the City of Vero Beach, Florida.

Section 5 - Effective Date.

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

This Ordinance was read for the first time on the 18th day of July 2017 and was advertised on the 29th day of July 2017, for a public hearing to be held on the day of August 8, 2017, at the conclusion of which hearing it was moved for adoption by Councilmember Sykes, seconded by Councilmember Howle, and adopted by the following vote of the City Council:

Mayor Laura Moss	<u>yes</u>
Vice Mayor Harry Howle III	<u>yes</u>
Councilmember Richard G. Winger	<u>yes</u>
Councilmember Lange Sykes	<u>yes</u>
Councilmember Anthony W. Young	<u>yes</u>

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
Tammy K. Bursick
City Clerk

Laura Moss
Laura Moss
Mayor

[Seal]

Approved as to form and
legal sufficiency:



Wayne R. Coment
City Attorney

Approved as conforming to municipal
policy:



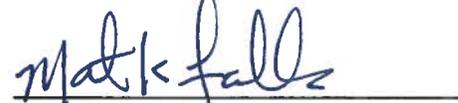
James R. O'Connor
City Manager

Approved as to technical requirements:



Robert J. Bolton
Water and Sewer Director

Approved as to technical requirements:



Monte K. Falls
Public Works Director

Approved as to technical requirements:



Timothy McGarry
Planning & Development Director