



Evaluation and Appraisal Report

For the City of Vero Beach Comprehensive Plan
Prepared by the City Planning and Development Department

Adopted September 21, 2010

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CHAPTER I INTRODUCTION

Purpose

The State of Florida recognized the need for periodic review of comprehensive plans and enacted laws and established requirements for local governments to follow to ensure the planning program is continuous and ongoing. The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II of the Florida Statutes (F.S.) requires local governments to evaluate and assess the overall performance of their Comprehensive Plans at least every seven (7) years.

In order to accomplish the assessment of comprehensive plans, Section 163.3191, Florida Statutes, requires that each local government adopt an Evaluation and Appraisal Report (EAR). Accordingly, the purpose of the EAR is to:

- Identify major local issues that are important to the City;
- Assess how the Comprehensive Plan has guided planning, growth and redevelopment since the last EAR-based amendments;
- Identify and evaluate changing conditions and trends, as they relate to the major issues identified;
- Assess both successes and shortcomings of the plan; and
- Identify changes to the Plan to effectively manage growth and redevelopment and impacts into the future.

The EAR assessment will serve as a guide to the City in amending the Comprehensive Plan to meet current statutory requirements and incorporate local issues. Once the 2010 EAR process is complete and the document is adopted by the City Council and found sufficient by the Florida Department of Community Affairs, the next phase can begin. The next phase includes the preparation of the amendments to update the Plan based on the findings and recommendations of the EAR process. This next phase is required to be completed within 18 months of the EAR sufficiency finding.

Brief History of Comprehensive Plan

The City of Vero Beach adopted a comprehensive plan in 1981. The scope of the 1981 plan was expanded in order to fulfill local comprehensive planning requirements mandated by the 1985 Local Government Comprehensive Planning and Land Development Regulation Act (Florida Statutes, Chapter 163). The 1981 plan was replaced in 1992 with the current adopted Vero Beach Comprehensive Plan.

This report is the second Evaluation and Appraisal Report (EAR) of the Vero Beach Comprehensive Plan. The City's first EAR was adopted in March 1997. The City of Vero Beach adopted corresponding EAR-based amendments to the Comprehensive Plan in 2008.

Visioning Process

Beginning in 2003, the City decided to pursue a “visioning process” in an effort to address issues regarding growth, development, and overall City character. The visioning process resulted in preparation and adoption of a “vision plan,” which broadly engaged the public and sought a community consensus for the future direction of the City.

During the visioning process, City residents and “stakeholders” engaged in community town hall meetings, interviews, focus groups, and a community-wide survey was used to gather opinions regarding key problems, issues, opportunities, goals, and priorities. In addition, the City Council appointed a fifteen member “Vision Team” to work with staff and consultants to develop a vision statement and report that was consistent with public input.

As a result of a two year visioning process, the City Council adopted the Vero Beach Vision Plan, which includes the following vision statement: “Vero Beach...the crown jewel of the Treasure Coast.” Future potential comprehensive plan amendments, based on the Vision Plan, are identified in the evaluation of major local issues section of this report.

Scope of Work and Organization

The following outlines the required content of an Evaluation and Appraisal Report pertinent to the City of Vero Beach, according to Chapter 163 of the Florida Statutes:

- (a) Population growth and changes in land area since the adoption of the original plan or the most recent update amendments.
- (b) The extent of vacant and developable land.
- (c) The financial feasibility of implementing the Comprehensive Plan and providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.
- (d) Location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.
- (e) An identification of the major issues for the City and, where pertinent, the potential social, economic, and environmental impacts.
- (f) Relevant changes to the State Comprehensive Plan, the requirements of this part, the minimum criteria contained in Chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

- (g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.
- (h) A brief assessment of successes and shortcomings related to each element of the plan, including a brief overview of each element.
- (i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. The paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.
- (j) A summary of the public participation program and activities undertaken by the City in preparing the report.
- (k) The coordination of the comprehensive plan with existing and future public school facilities.
- (l) The extent to which the City has been coordinating water supply planning, including conservation and reuse, necessary to meet the water needs within the City's jurisdiction.
- (m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster.
- (n) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties.

The Evaluation and Appraisal Report (EAR) has been prepared in accordance with the requirements of Florida Statutes (F.S.), Chapter 163, and is organized into the following sections:

- Introduction
- Community-wide Assessment
- Evaluation of Major Local Issues
- Assessment of Comprehensive Plan Elements

- Assessment of Changes in State and Regional Policy Plans and Florida Statutes

Schedule of EAR-Based Amendments

It is the intent of the City of Vero Beach to move forward in a timely manner in the preparation of amendments to comprehensively update the Comprehensive Plan following the guidance provided in this document. Based on the schedule for completion of these amendments, a draft of the EAR-based amendments will be completed within 15 months from the date that DCA finds this document to be sufficient. It is anticipated that once the draft amendments are completed it will take another three months to go through the public hearing and adoption process.

EAR Process and Public Participation

The public participation process for preparation of the Evaluation and Appraisal Report (EAR) is summarized in this section of the report. In August 2009, the Planning and Development Department began the process of evaluating the City's Comprehensive Plan. A tentative list of six major local issues was prepared by the Planning and Development Department staff along with a memorandum describing the background, general approach, requirements for preparation of the EAR, and schedule for the EAR preparation.

This information was provided and received a preliminary review by the Planning and Zoning Board (the Local Planning Agency) at an advertised regularly scheduled meeting on August 20, 2009. A scoping meeting was advertised and a public hearing held on September 17, 2009, with the City Planning and Zoning Board. Representatives from adjacent jurisdictions, and the various state and regional agencies involved in the comprehensive planning process were invited to attend and participate and/or provide written comments.

At that scoping public hearing, the Planning and Zoning Board approved the list of major issues for recommendation to the City Council. The list of issues along with a proposed Letter of Understanding between the City and the Florida Department of Community Affairs (DCA) was approved by the City Council at an advertised public hearing on October 6, 2009. Subsequently, the City received a signed Letter of Understanding from DCA agreeing to the list of local major issues to be addressed in the EAR.

On June 17, 2010, an advertised public participation workshop was held on the first three of the proposed six local issues to be covered in the EAR. Following that workshop, after further review, the staff made a decision to incorporate housing concerns under the umbrella of the "Neighborhood Preservation and Stabilization" issue, rather than focus on housing as a separate issue. An advertised public participation workshop was held on August 5, 2010, to discuss the completed draft section of the EAR containing the revised draft of the five major local planning issues.

In its role as Local Planning Agency, the Planning and Zoning conducted an advertised public hearing on September 2, 2010, and unanimously recommended approval of the draft EAR

prepared by staff for transmittal to the City Council for adoption. At n advertised public hearing on September 21, 2010, the City Council adopted Resolution No. 2010-25 adopting the EAR, stating the intent of the City Council to amend the Comprehensive Plan based upon recommendations contained in the EAR, and approving transmittal of the EAR to DCA for sufficiency review.

All workshops, meetings, and public hearings were advertised in the *Press Journal*, the local newspaper of general circulation, and on the City's website. In addition, all draft documents regarding the EAR were made available for public review and comment in City Hall and on the City's website. An e-mail line for the public to provide comments was also provided. The Appendix provides the minutes from the scoping meeting, workshops, and public hearings and public and agency comments received during the EAR preparation and approval process.

CHAPTER II COMMUNITY-WIDE ASSESSMENT

Introduction

The purpose of this section is to address issues that are outlined in Section 163.3191, Florida Statutes, that require as part of this report, an evaluation and assessment of changes in population, changes in land area, vacant land, maintaining level of service standards, location of development, coastal high hazard development, and the need to develop a common methodology for measuring transportation facilities, coordinating land use and school facilities and water supply planning.

Section 163.3191, F.S., requires that each evaluation and appraisal report evaluate the adopted comprehensive plan in effect at the time of the initiation of the new evaluation and appraisal report process. Therefore, the City's 2010 Evaluation and Appraisal Report (EAR) provides a comparison of how conditions in the community have changed between the date of the previously adopted Comprehensive Plan, July 21, 1992, and the February 5, 2008, Evaluation and Appraisal Report amendments, and the present (2010).

Changes in Population

A comparison of the previously estimated projected population data, found in the adopted Comprehensive Plan, and the actual population growth over the past several years is provided in this section.

Population data from the existing adopted Plan, along with actual Census figures, estimates and future projections are reproduced in the table on the next page. As shown in that table, the population projected in the adopted 1992 Comprehensive Plan for the year 2000 was 18,668, for a projected growth rate of 4.3% (768) from 1990 to 2000. The actual population growth that occurred from 1990 to 2000 based on the U.S. Census data was 355 or a growth rate of 2.0% for a total 2000 population of 17,705.

The 2009 estimate of the 2010 permanent population for the City, prepared by the University of Florida's Bureau of Economic and Business Research (BEBR), is 17,905. This translates into an estimated 1.1% annual growth rate from 2000 to 2010. The 1992 Comprehensive Plan projected a 2010 population of 18,668.

The data indicates a lower actual population growth rate than projected in the 1992 Plan. Factors that may have contributed to the City's slower than projected population growth include the lack of available land due to the essentially built-out status of the City coupled with a decreasing household size, significant provision of new less costly housing available outside the City limits during 1990s to 2005 to meet demand of in-migration of new residents to the region, and the decline in national housing market in the latter half of this decade.

The permanent City population is expected to remain stable over the next 20 years given the essentially built-out status of the City, unless the City were to undertake an aggressive major annexation program or attract considerable higher density redevelopment, both which are unlikely scenarios due to many factors. Although the University of Florida's BEBR is projecting a 54,000 increase in the number of permanent residents living in Indian River County between 2010 and 2030, it is unlikely that the City's growth will be impacted without some significant change in anticipated conditions. Therefore, the projected 2030 permanent population prepared by the University of Florida's BEBR of 18,188 appears reasonable for planning purposes.

1992 COMP PLAN				2010 EAR		
Year	Population	Growth	% Change (10 yrs.)	Population ¹	Growth	% Change (10 yrs.)
1980	---	---	---	16,176	---	---
1990	17,900	---	---	17,350	1,174	+ 7.3%
2000	18,668	768	+4.3%	17,705	355	+2.0%
2010	18,668	0	0%	17,905	200	+1.1%
2015	---	---	---	18,056	151	---
2020	---	---	---	18,104	48	+1.1%
2025	---	---	---	18,166	62	---
2030	---	---	---	18,188	22	+0.4%

Note: ¹ Sources - U.S. Bureau of the Census, 1980, 1990 and 2000 Census; 2009 University of Florida, Bureau of Economic and Business Research and Shimberg Center for Housing Studies estimates and projections, 2010 through 2030. The figures do not include seasonal population. Population data from the county indicate the seasonal population during the peak season is generally equal to 10% of the permanent population.

Changes in Land Area and Annexations

A comparison of the data found in the existing Comprehensive Plan and a compilation of annexations that occurred since then are summarized in this section. Through voluntary annexations, the City's land area expanded approximately 3% in 23 years, between 1987 and 2010, an increase of nearly 211 acres. The annexations are identified below.

YEAR	NAME	ACRES	LOCATION	FLU
1987	Ronald Kutschinski	3	Fronting north side of 17 th , west of Indian River Blvd	Commercial
1997	North/South Plaza Inc.	2.3	1265-1281 Old Dixie Hwy	Commercial
1997	Eckerds	1.5	NE 17 th St & US 1	Commercial
1998	Julio & Myrna Somoza Linda Stevens	1.11	465 & 485 18 th St	Residential
1999	Edward & Adele Papin	1.71	South side of 18 th St, approx 100' west of Indian River Blvd	Residential
2000	2001 Investments Inc.	3.2	Fronts both 17 th & 18 th Sts, approx 850' west of Indian River Blvd	Residential
2000	David Feldman	7.4	Approx 200' east of US 1, north of 33 rd St	Commercial
2003	City of Vero Beach	3.83	South of Charles Park at 15 th St & 24 th Ave	Park
2003	Somerset S/D Homeowners Assn	3.57	11 th Terrace - north of 30 th St, approx 750' east of US 1	Residential
2006	Astoria Group Corp.	22.17	Northeast of 13 th Ave & 33 rd St intersection	Residential
2007	Stephen Jankun	16.7	Western shore of Indian River Lagoon, north of 45 th St	Envir. Sign.
2007	W.E. Gene Wilcox	124	45 th St & Indian River Lagoon	Conservation
2007	Shiva Holding 17 th St LLC	3.68	Between 17 th & 18 th Sts, west of Indian River Blvd	Residential
2007	Vero 12 LLC	13.55	Northeast 12 th St & 12 th Ave intersection	Residential
2008	ARC of IRC, Mai, Willingham	1.56	East side of 16 th Ave, south of 14 th St	Residential
2008	Sexton, Inc. & John Bradley	1.29	Between 43 rd and 44 th Aves, south of SR 60	Commercial
	TOTAL	210.57		

Source: City of Vero Beach, Planning and Development Department.

In 2009, the City approved annexation policies and procedures which provide for general guidance, annexation criteria, and voluntary and non-voluntary annexation procedures. The ultimate boundaries of the area to be considered for annexation are to generally conform with the City's service areas for electric, water, and sewer utilities and within the Urban Service Area boundary adopted by Indian River County.

Location of Existing Versus Anticipated Development

In the 20 years between the data referenced in the current Comprehensive Plan and the present time, only four (4) amendments to the City's Future Land Use Map have been adopted, including two (2) different types of amendments, impacting a total of approximately 5.18 acres of land. As shown below, the Future Land Use Map has been amended on an infrequent basis and affected relatively small areas.

Annexed properties have generally maintained comparable land use designations and as such, for purposes of this discussion, are not considered changes in the future land use map. The future land use map amendments, excluding annexed properties, are listed in detail as follows:

YEAR	FLU FROM/TO ¹	ACRES	LOCATION
1992	RM - C	.57	Approx 100' north of 20 th St, east side of 20 th Ave & west side of 19 th Ave
1993	RM - C	.43	Approx 50' south of 21 st St west side 19 th Ave
1995	RM - C	2.03	East side of 43 rd Ave north of 18 th St
2009	RH - C	2.15	Between 20 th Pl & 20 th St & US 1 & 6 th Ave
	TOTAL	5.18	

Source: City of Vero Beach, Planning and Development Department. Notes to abbreviations: ¹FLU = Future Land Use; RM=Residential Medium; RH=Residential High; C=Commercial.

Vacant and Developable Land Analysis

According to the Comprehensive Plan's data and analysis conducted in 1987, there were 1,138 acres of vacant land within the City limits. Based on the analysis provided in a previous section of this Report, the City has grown in size by approximately 211 acres between 1987 and 2010 as a result of land annexed into the City. The table, located on the next page, indicates the estimated amount of vacant land currently within the City by aggregated land use designation. The total estimate is approximately 1,607 acres of vacant or undeveloped land, excluding parks/recreation/open space. The amount of vacant land was estimated using the City's Geographic Information System and Indian River County aerials.

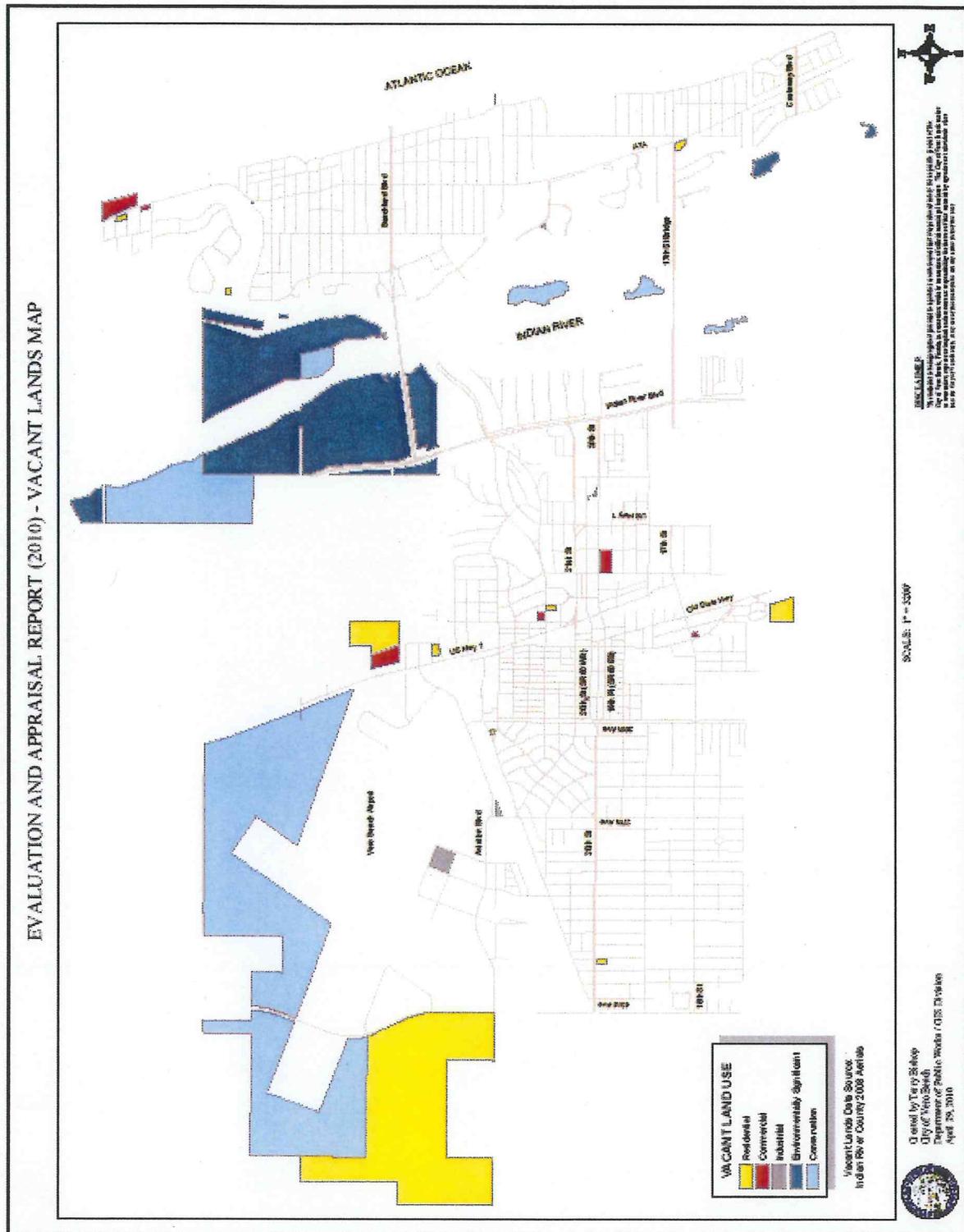
Vacant Land Type	Acres
<i>Residential</i>	375
<i>Commercial</i>	22
<i>Industrial</i>	7
<i>Environmentally Significant</i>	436
<i>Conservation</i>	767
Total Vacant Lands	1607

Notes: Source- COVB-GIS-Indian River County 2008 Aerials; excludes rights-of way; figures are estimates only.

Map 1, located on the next page, provides a graphic depiction of the general location of the vacant lands by aggregated type of land use designation, as described in the table above. As the table and map indicate, the vast majority of vacant lands within the City are designated either Conservation or Environmentally Significant. These lands are located in areas that are mostly unsuitable and inappropriate for development and are designated as such in the adopted Comprehensive Plan and Land Development Regulations.

As the data indicates, the City is almost entirely built out, with a few exceptions. One of the exceptions includes the largest area of vacant land available (over 200 acres) for future development and is currently designated Residential Low (up to 6 dwelling units per acre) and is mostly concentrated in the northwest section of the City located near the City of Vero Beach Airport. Two other areas of vacant developable land include an annexed 22-acre tract southwest of the Indian River Hospital complex and 14-acre tract near the City cemetery; both tracts are classified as Residential Medium (6 to 10 units per acre).

Some small parcels of vacant and infill commercial and industrial land remains available and other vacant lands available for development are limited largely to scattered residential lots throughout the City.



Demands of Growth on Infrastructure and Level of Service Standards

As discussed in the previous section of this report, the City of Vero Beach is a near fully developed municipality and anticipates little or no population growth over the next 20 years. A concurrency management system is in place that ensures that sufficient infrastructure is in place to serve existing and future needs and meet adopted level of service standards set in the Comprehensive Plan.

The City's water and sewer utility extends outside the City limits on all sides. The water system has sufficient supply sources and available treatment capacity to meet anticipated future needs over the next 20 years. Potable water is supplemented with reuse water from the wastewater treatment facility, which has reduced per capita water consumption in the City since the 1992 Comprehensive Plan.

The wastewater system has existing excess treatment capacity. This capacity is more than sufficient to meet the forecast small increase in future demand, as well as taking into account the decommissioning of individual septic systems still remaining within the City limits.

Solid waste generated in the City is disposed of in the County landfill. The County's comprehensive plan states that the County has sufficient solid waste disposal capacity for the next 25 years (to year 2030).

Drainage and stormwater management ordinances are in place and are required to be met as part of development approvals. The City continues to retrofit its stormwater outfalls to meet water quality discharge requirements for the Indian River Lagoon. The City will continue to make necessary improvements to its stormwater system to meet the anticipated new TMDL standards to be enacted by FDEP for the Indian River Lagoon.

The existing amount of park facilities and open space available within the City far exceeds the level of service standards established in the Comprehensive Plan and will easily meet any anticipated future needs. The extensive parks and recreation system services many non-City residents and tourists.

The City's roadways meet all Level of Service standards. Based on projections for the draft Indian River MPO 2035 Long Range Transportation Plan, most roadways within the City will have sufficient road capacity to meet future demand. Where improvements are needed to meet future demand, projects have been identified in the draft 2035 Long Range Transportation Plan and will be programmed through the MPO Transportation Improvement Program process using a variety of funding sources.

The evaluation of the elements of the Comprehensive Plan within this EAR addresses each of the LOS standards and indicates that there has been no degradation of any of the LOS standards; however, some of these standards, such as for sanitary sewer and water, require further refinement to be more meaningful for planning purposes. With the proposed extensive updating of the existing Comprehensive Plan as part of the EAR amendment process, the staff intends to

do a thorough job in projecting and evaluating infrastructure needs and establishing more meaningful level of service standards, where or if appropriate.

As noted above, the major updating of the Comprehensive Plan will involve further examination of long-term future infrastructure needs, which will be identified and programmed for funding through the City's annual five-year capital improvements programming process. The process identifies and prioritizes the infrastructure needs to maintain the established level of service standards and facilities identified in the Plan. The capital improvement program and process helps ensure the financial feasibility of the Comprehensive Plan over the 20-year planning period.

Redevelopment Feasibility and Property Rights in Coastal High Hazard Areas

A portion of the land in the eastern section of the City is located within a Coastal High Hazard Area (CHHA). The CHHA includes areas along the Indian River Lagoon on both the barrier island and the mainland. In 2006, the Florida Legislature passed House Bill 1359, which changed the State's definition of the Coastal High Hazard Area (CHHA). The CHHA is now defined as the area below the elevation of the Category 1 storm surge line as established by a "Sea, Lake, and Overland Surges from Hurricanes" (SLOSH) computerized storm surge model. At this time, there is a statewide effort to update the storm surge maps.

The State's 2006 change in the definition of the CHHA results in less land area that is included in the designation and, therefore, less likelihood of potential impacts on future redevelopment feasibility and property rights due to non-conforming residential land use densities. The City has developed and adopted Land Development Regulations articulating redevelopment rights, including provisions for replacement of lawfully existing non-conforming residential dwelling units subject to meeting applicable coastal construction building codes and State or Federal coastal permitting requirements.

Common Methodology for Measuring Transportation Facilities

The City has adopted and shares Indian River County's methodology for measuring impacts on major roadway transportation facilities for the purpose of implementing its concurrency management system. The City participates in the County's Concurrency Management System for major roadway transportation facilities.

Public School Facilities Planning

In 2005, the Florida Legislature amended s. 163.3180, F.S., and mandated the implementation of public school concurrency. The City has participated in a process with Indian River County, other local governments and the School District in response to school facilities planning requirements. The City adopted a new Public School Facilities Element on November 17, 2009. The City also participates in an Interlocal Agreement for Coordinated Planning and School Concurrency.

Water Supply Planning and Coordination

The City has a Consumptive Use Permit (CUP) through the St. Johns River Water Management District (SJRWMD) for allocation of water supply. A water and wastewater rate study completed in 2009 for the City's Water and Sewer Department included a comprehensive evaluation of existing and future needs of the City's water and reuse systems and provided specific recommendations on rate structure and improvements to sustain these systems financially and operationally.

It should be noted that the City is discussing with Indian River County and the Town of Indian River Shores possible alternatives for providing water to customers of Indian River County, City of Vero Beach, and Indian River Shores. The outcome of this effort will be incorporated in the comprehensive revisions to the Potable Water and Sanitary Sewer Sub-elements of the "Public Facilities Element".

The draft SJRWMD Water Supply Assessment 2008 indicates that Indian River County is outside a priority water resource caution area. The District Water Supply Plan 2010 is expected to be complete in early Fall 2010. The Potable Water Sub-element of the City's Comprehensive Plan will be evaluated and updated as necessary in order to be consistent with the new 2010 District Water Supply Plan.

CHAPTER III EVALUATION OF MAJOR LOCAL ISSUES

This chapter provides an evaluation of major local issues identified by the City during the EAR scoping process, except as noted previously regarding housing. Each issue is summarized in an issue statement outlining the general concerns to be addressed, followed by a background and analysis of the issue.

The background and analysis is followed by an evaluation of specific Comprehensive Plan objectives and policies related to the issue. Based on this evaluation and information provided in the issue analysis, specific recommendations for revising existing objectives and policies or creating new objectives and policies are presented for consideration during the preparation of the EAR-based amendment package.

It should be noted the City intends to completely update and thoroughly revise the current Comprehensive Plan. Therefore, the recommended revisions for consideration in this chapter reflect only a small fraction of policy changes that will be made to the Comprehensive Plan during the EAR-based amendment process.

Neighborhood Preservation and Stabilization

Issue Statement

The City of Vero Beach is almost entirely built out. Many of its older, historic neighborhoods located on the mainland surrounding the historic downtown have been under pressure for change resulting from expansion of nonresidential uses into neighborhoods, increased traffic, softening of property values, infill development inconsistent with the character of these neighborhoods, and deteriorating maintenance of yards and structures. The major issue is how residential, principally older historic neighborhoods should be preserved and stabilized using as starting point for this investigation the recommendations of the adopted Vision Plan and two neighborhood plans.

Issue Background and Analysis

As stated in the *Vero Beach Vision Plan*, “Vero Beach is a community of neighborhoods—neighborhoods of all shapes, sizes, characters, and styles” and from neighborhoods on the barrier island to those on the Mainland represent “more than mere places to live.” Neighborhoods form the backbone and lifeblood of the community.

Vero Beach neighborhoods have been undergoing increased pressure for change since the adoption of the 1992 Comprehensive Plan. In some neighborhoods, particularly on the barrier island, existing residences, some of which are of historical significance, have been replaced with larger, more expansive residences which many residents believe are out of scale and the character with existing residences in the neighborhood and adversely affects the overall quality of life.

In other neighborhoods, commercial and institutional uses have experienced intrusion by institutional and nonresidential uses disruptive to these neighborhoods' integrity and the quality of life of their residents. The very fabric of some of the older, less affluent neighborhoods show symptoms of destabilization, such as: loss of property values; a real or perceived increase in crime and a reduction in the sense of security among residents; an increase in the proportion of absentee landlords; and lack of property maintenance and code compliance. Residents of these neighborhoods, as typified in recently completed neighborhood enhancement strategies for two inner city neighborhoods, recognize that the lack of private investment and market factors contribute to these problems, but that insufficient public infrastructure, lack of amenities and inadequate policies and regulations to protect these neighborhoods and promote reinvestment are also contributing factors.

The City has undertaken capital programs to improve its older, established neighborhoods through provision of new sidewalks, lighting, street resurfacing, and stormwater and sewer improvements. An increased level of law and code enforcement activities have also been assigned to neighborhoods. However, no substantive comprehensive strategies or policies for directing such capital improvements and programs are in place.

The goal for neighborhoods in the Vision Plan calls for the reinforcement of a "community of neighborhoods" by developing pro-active rather than reactive, city-wide and local neighborhood strategies, some which are neither identified in the current Comprehensive Plan or conflict with existing land development regulations. Where infill/redevelopment opportunities may exist, no comprehensive set of policies or programs exist to encourage such activities or any guidance on their application to citywide or specific neighborhoods.

The Vision Plan identified the following strategies for achieving the goal for the City's neighborhoods:

- o Preserve native tree canopy by increasing plantings by the City on public lands and stronger tree protection regulations.
- o Limit all housing in residential areas to a 35 feet maximum height limit.
- o Require a site plan review for single family development.
- o Institute aggressive code and public safety enforcement in neighborhoods.
- o Develop design standards and zoning regulations to preserve and retain character of neighborhoods including the creation of overlay districts if supported by a supermajority of property owners.
- o Buffering of residential areas from incompatible uses.
- o Identify individual neighborhoods with gateway and entrance features.

- o Prepare plans for stabilization/revitalization of neighborhoods that encourage renovation of existing structures, as well as infill development and redevelopment as appropriate.
- o Create zoning regulations that encourage and allow mixed use development, including residential uses, in appropriate commercial areas. [Discussed under "Downtown and Commercial Districts."]

Since adoption of the Vision Plan, the City has moved forward to partially or fully implement some of the above strategies. In 2009, the City adopted more stringent tree protection provisions both in terms of protection and mitigation. A tree replacement fund has been established where mitigation funds are made available for planting of trees on public lands.

In 2007, after much debate, new height limitations were enacted. The maximum height of all new single family and duplex housing was set at 35 feet. With the comprehensive revisions to the City's development review and approval procedures, site plan approval was required for all single family development.

A Historic Preservation Ordinance was enacted in 2008 that established the Historic Preservation Commission and regulations and procedures for designating and protecting for historic sites. The first application for voluntary historic designation under the ordinance was approved by the City Council for a single family residence in the Original Town neighborhood in early 2010.

An Architectural Review Ordinance was enacted in 2008 which established an Architectural Review Commission and specific regulations and procedures for mandatory building and site design review of non-single family development and large single family residences. Although the actions by this Commission are only advisory, the ordinance has provisions that would enable the Commission to take on a more regulatory role in the future.

However, many of the strategies proposed in the Vision Plan need to be further evaluated in context of objectives and policies for neighborhood preservation and stabilization in the current Plan to determine appropriate actions and strategies to be proposed in the update of the Comprehensive Plan. This vetting process is particularly important especially in light of the significant changes in the housing market and economy since the Vision Plan was adopted and issues regarding property rights that have come prominently to the forefront during the City's adoption of a historic preservation ordinance.

Since the Comprehensive Plan was adopted in 1992, the City has worked with various neighborhoods on addressing neighborhood issues resulting in the preparation of *Sunnyside Park Neighborhood Plan* in 1993 and the *McAnsh Park Neighborhood Plan* in 2002. Although, the some of the recommendations from these plans were implemented by the City, the plans were never incorporated in the Comprehensive Plan.

The City adopted enhancement strategies for the historic Original Town (*Original Town Neighborhood Enhancement Strategies*) and Osceola Park (*Osceola Park Neighborhood Enhancement Strategies*) neighborhoods in October 2009, which build upon the Vision Plan, to

address preservation and stabilization of these neighborhoods. These strategies focus on issues of neighborhood identity, public safety, community appearance and property maintenance, and the intrusion of institutional and commercial development. The City Council has directed staff to evaluate these strategies during the preparation of the EAR for incorporation, as appropriate, in the update to the Comprehensive Plan.

The City has also been working on a continuing basis with the Royal Park neighborhood in addressing traffic calming, public safety, and code enforcement issues. Recently, the South Beach neighborhood on the barrier island met with staff regarding traffic calming and street beautification and neighborhood identification issues of concern.

The Comprehensive Plan has no policy framework for guiding the preparation of such neighborhood plans and strategies or their incorporation in context of its overall policy framework. In particular, policies guiding the implementation of neighborhood strategies are not considered in the current Comprehensive Plan, which undercuts the value and effectiveness of the City's neighborhood planning effort.

Evaluation and Recommendations

The following is an analysis of relevant objectives and policies related to neighborhood stabilization and revitalization along with recommendations for amendments to be considered in the EAR-based amendment package:

A. *Land Use Element*

1. *Objective 1(Land Uses): The City shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.*

Evaluation: This objective is satisfactory; however, it should be modified to make it more proactive than just maintaining the "status quo." A more comprehensive and preferable term would be to use the word "manage" rather than "regulate."

Recommendation: Consider amending the language of the objective to be more pro-active and change the emphasis of the objective from regulating to managing future development and redevelopment.

2. *Objective 1 (Land Uses), New Policy Governing Non-Residential Uses in Multi-family Land Use Designations*

Evaluation: Over the last two decades, the expansion of institutional uses has threatened the residential character and quality of life of several older, historic neighborhoods, such as Osceola Park and Original Town. Institutional uses, such as educational facilities and places of worship, are approved through the conditional use process under the City's Land Development Regulations.

The Comprehensive Plan provides little policy guidance in governing such uses either in a pro-active or reactive manner, especially in addressing the expansion of existing uses within residential zoning districts consistent with the RM (Residential Medium) and RH (Residential High) future land use designations. Although the conditional use process has criteria to evaluate such expansions, such criteria needs to be evaluated and amendments made to these criteria as necessary, especially the performance and design standards.

Recommendation:

- Consider amending the Land Use Element by creating a new policy under Objective 1 (Land Uses) that establishes more specific criteria for locating and expansion of non-residential uses in areas designated RM and RH; and
- Consider amending the Land Use Element by creating a new policy under Objective 2 (Land Development Regulations) that calls for a review of current criteria for conditional uses in RM-8, RM-10, RM-10/12, and RM 13 zoning districts and preparation of amendments to these sections of the Land Development Regulations as necessary with a completion date for this effort.

3. *New Objective and Policies for Residential Neighborhoods*

Evaluation: The Vision Plan calls the City of Vero Beach, a “community of neighborhoods- neighborhoods of all shapes, characters, and styles.” Due to the importance of neighborhoods to residents’ quality of life, the Comprehensive Plan should be revised to elevate the importance of neighborhoods by amending the Land Use Element to include a specific objective and supporting policies for neighborhood preservation and revitalization.

Recommendation:

- Consider amending the Land Use Element to include a new objective and supporting policies that consider, but are not necessarily limited to the following:
 - a. An objective that parallels the recommendations of the Vision Plan for maintaining and enhancing quality of life of residents through neighborhood preservation and revitalization.
 - b. A set of policies that address:
 - i. Subdivision standards for re-subdivision or combining of lots and new infill development and redevelopment.

- ii. Residential compatibility for new infill development and redevelopment through context-sensitive building and site design including the preparation of pattern books for individual neighborhoods, if appropriate.
 - iii. Historic preservation and neighborhood conservation.
 - iv. Residential street and pedestrian/bicycle network and connectivity including a functional classification system for residential streets and street calming measures.
 - v. Neighborhood infrastructure such as sidewalks, street lighting, street drainage, and streetscape improvements.
 - vi. Accessibility to public open space, beaches, and recreational opportunities and links to shopping, entertainment, civic, and governmental uses.
 - vii. Neighborhood identity.
 - viii. Neighborhood protection from incompatible uses and adverse traffic impacts.
 - ix. Housing and property maintenance.
 - x. Public investment and services.
 - xi. Role and involvement of neighborhood associations in neighborhood preservation and revitalization.
- c. A new policy or set of policies under Objective 3 (Land Development Regulations) of the Land Use Element that directs staff to prepare, as appropriate, amendments to the Land Development Regulations with a completion date(s), to implement new objective and policies in a. and b. above.

4. *New Objective and Policies for Neighborhood Planning*

Evaluation: The Land Use Element contains no objective or policies for guiding the development of neighborhood plans and their incorporation in or relationship to the Comprehensive Plan. With assistance of consultants, the City collaborated with the Osceola Park and Original Town residents in preparing neighborhood

plans for these two historic neighborhoods; however, this effort was primarily in response to the needs of these communities rather than a comprehensive, proactive City planning program as called for in the City's Vision Plan. Furthermore, no legislation or policy exists that indicates the City's long-term commitment to implementing such plans.

If the City is to move forward with a more pro-active neighborhood based planning program, it needs to establish an adequate monitoring or community data base useful for identifying specific community development needs, establishing and evaluating planning goals and objectives for individual neighborhoods along with capital improvements and public services to address these community development needs.

Recommendation: Consider amending the Land Use Element to including the following:

- A new objective that identifies and defines the desired scope and outcomes for the neighborhood planning program commensurate with the City's financial and staffing resources.
- A new policy stating specific principles guiding development and implementation of neighborhood plans including guidance on their funding and implementation.
- A new policy with a target completion date directing staff to research and identify the physical boundaries of neighborhoods for community planning and development purposes based on physical factors and community input.
- A new policy with a target completion date directing staff to establish baseline community data and parameters that can be used in the development and implementation of planning, capital improvements, and service delivery programs and in the monitoring and evaluation of these neighborhoods in meeting neighborhood goals and objectives as well as identifying neighborhoods with stabilization and revitalization needs.

5. *New Osceola Park and Original Town Objective and Policies*

Evaluation: In 2009, the City Council adopted the "Original Town Neighborhood Enhancement Strategies" and the "Osceola Park Neighborhood Enhancement Strategies." In the adoption resolution, the City Council directed staff to thoroughly review, refine, modify and/or expand the strategies contained in these documents. In responding to the City Council's direction, a separate objective and set of policies should be prepared for each neighborhood.

Recommendation: Consider amending the Land Use Element to include a new objective and set of policies each for Original Town and Osceola Park specifically tailored to these two neighborhoods based on the adopted neighborhood enhancement strategies that consider the following:

- An objective for maintaining and enhancing the community character of these neighborhoods and quality of life of their residents.
 - A set of supporting policies that address the following:
 - a. neighborhood identity
 - b. safety
 - c. community appearance
 - d. neighborhood conservation and historic preservation
 - e. transportation and pedestrian circulation
 - f. mixed uses and limits on intrusion of incompatible non-residential uses
 - g. recreation and public amenities
 - h. neighborhood coordination with City staff
6. *Objective 2 (Growth Management/Urban Sprawl), Policy 2.4: Redevelopment programs and incentives shall be established to foster infill development and revitalization of older areas of the City.*

Evaluation: The City has not established any incentive programs to encourage infill development and revitalization of older areas of the City. The City is currently pursuing the adoption of an ordinance which would provide property tax abatement for renovation or improvements to designated historic structures. This abatement program will provide an incentive for revitalization of residences in the historic older residential areas of the City. If any historic districts are enacted, the tax abatement program may be made available to contributing structures.

Other than vacant annexed properties, the City is almost built-out with few opportunities for “greenfield” development. With the increased emphasis on sustainable development, the City of Vero Beach has significant opportunities for attracting infill and redevelopment especially as the recession ends. The pertinent policy issue is how to create a policy and regulatory framework that balances the market demands for such development and the rights of property owners with the distinctive low density/intensity character of Vero Beach as espoused very clearly in the Vision Plan and the Comprehensive Plan.

Therefore, to properly address this policy vacuum, the City will consider specific amendments to the Comprehensive Plan in its EAR amendment package that establish a framework of neighborhood and commercial district policies and strategies for identifying specific redevelopment and infill opportunities and needs. This framework will encourage the participation of stakeholders in the

planning and development review process at the neighborhood and district level.

As part of this overall effort, the City needs to investigate mechanisms to encourage infill development and redevelopment, such as flexible site development standards through small scale planned development projects; overlay/floating zones; revisions to the nonconformity regulations that unduly restrict redevelopment; context sensitive design standards; floor area bonuses; and changes to off-street parking requirements.

One area that needs to be further addressed, regarding redevelopment, is the use of the Mixed Use designation. Although this designation is primarily applied to mostly non-residential areas, it has also been applied to a mixed residential area located between 20th and 18th Streets between FEC railroad and US Highway 1, which has been designated a MXD zoning classification. A full discussion of this issue is included under the Mixed Use designation issue later in this document.

Policy 2.4, as written, does not adequately establish appropriate parameters or conditions for any infill and redevelopment. Such conditions or parameters should at least state that such infill or redevelopment is at an appropriate scale and intensity, consistent with existing development patterns.

Recommendations.

- Consider amending the language of Policy 2.4 to include language with the general conditions or parameters for infill and redevelopment incentives and programs.
- Consider creating a new Policy under Objective 2 that calls for the staff to investigate programs and incentives for encouraging and managing infill including a completion target date for the investigation.

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

Evaluation: The City has adopted land development regulations to reduce and prevent land uses that are inconsistent with community character and incompatible with adjacent development. In 2003, the City established specific Floor Area Ratio (FAR) limits on the size of residences, which were being built out-of-scale with existing development. As stated previously, the City adopted a maximum height limit of 35 feet for all new single family and duplex residences, and the development review process was amended to expand the standards for site plan approval that further address incompatibility of uses and off-site impacts of development. In 2009, comprehensive amendments to the subdivision regulations

were enacted that require any further division of existing lots or parcels to be compatible in area and frontage width with surrounding subdivided plats. Therefore, the staff finds that this objective is being met and does not require any amendments.

Recommendation: Retain existing objective as written.

8. *Objective 3 (Land Use Regulations), Policy 3.1: Residential neighborhoods shall be protected and/or buffered against encroachment from higher density residential uses and commercial uses.*

Evaluation: This policy has been partially implemented through the Land Development Regulations through regulations that address conditional uses and building heights; however, specific buffer requirements between incompatible residential uses or between commercial and residential areas or other types of protective measures need to be fully investigated and appropriate amendments made to the City's Land Development Regulations.

Recommendation: Consider modifying Policy 3.1 or creating a new policy that:

- Directs staff to investigate and prepare amendments to the Land Development Regulations with a completion target date that better protect and buffer residential districts from incompatible and higher intensity uses;
- Calls for consideration of such measures as requirements for buffer yards between residential and non-residential zoning districts, landscape and physical barriers, step-down building setback requirements, and transitional uses.

9. *Objective 3 (Land Development Regulations), Policy 3.6: Existing codes shall be enforced by the City to eliminate substandard structures and to encourage upkeep of structures.*

Evaluation: The City has been actively enforcing the provisions of the Standard Housing Code and property nuisance provisions of Chapter 38 of the Vero Beach Code. As will be discussed under the Housing major local issue section of this chapter, the City is currently preparing amendments to the City Code that incorporate provisions of the International Property Management Code to replace the Standard Housing Code and property nuisance provisions of Chapter 38 of the Vero Beach Code. While maintaining the upkeep of buildings is critical to neighborhood stability, so is the need to ensure proper maintenance of properties. This issue has become even more of significance with the increase in the number of foreclosures and the recessionary declines in the housing market and household incomes.

The City is working with neighborhood and business associations in a cooperative effort to address code enforcement problems. It is recognized that code enforcement programs are more effective, if the City staff were working with the active commitment and support of residents and businesses in the neighborhood.

Recommendation: Consider amending Policy 3.6 to incorporate the following:

- Language regarding enforcement of property maintenance provisions.
 - Statement calling for active collaboration of neighborhood or business organizations with City code enforcement personnel in code enforcement programs.
10. *Objective 3 (Land Development Regulations), Policy 3.8 b: The following special provisions shall be incorporated in the land development regulations governing residential and/nonresidential land uses:*
- b. Density bonuses to encourage infill, redevelopment and provide affordable housing in designated locations and districts.*

Evaluation: The City has never adopted any regulations regarding density bonuses to encourage infill, redevelopment, or affordable housing, except perhaps indirectly through the Transfer of Development Rights provisions of the MXD zoning district (see Mixed Use Designation issue). A major obstacle to any such density bonus is the City's charter which limits the density levels existing in the Zoning Ordinance of the City of Vero Beach, Florida, on August 15, 1989, unless an increase is approved in a referendum. [Note: The City Attorney has opined that such a limitation doesn't apply to rezoning of a property.]

Therefore, the policy requires further review and modification. This policy should be amended to identify incentives for consideration such as, but not necessarily limited to small scale residential planned development projects with flexible building bulk and setback standards; use of overlay or new special zoning districts, coupled with a conditional site plan approval process; changes in nonconformities provisions of the Code to reduce the regulatory barriers to redevelopment. Any such policy should include provisions to ensure that any project is consistent with the neighborhood character.

Recommendation:

- *Consider eliminating Policy 3.8 b. and creating a new policy under Objective 3 that sets forth incentives in the Land Development Regulations based on the results of the new policy created under Objective 2 (Growth Management/Urban Sprawl) under A 6. above.*

11. *Objective 7 (Redevelopment): The City shall facilitate urban infill and redevelopment using land development regulations and implement a long-range strategy for revitalizing its Downtown commercial core and older residential areas.*

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

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

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

Evaluation: This objective and its supporting policies are too limited and should be replaced by objectives and policies for specific commercial districts (see "Downtown and Commercial Districts" issue) and residential neighborhoods (as recommended above). See the issue on the MX Use Designation for specific recommendations concerning Policy 7.1.

Recommendation: Consider replacing this objective and supporting policies with a specific objective and supporting policies for individual commercial districts and residential areas and specific neighborhoods and other appropriate revisions to reflect changes to policies regarding the Mixed Use future land use designation.

B. *Traffic Circulation (to be re-titled Transportation) Element*

1. *Objective 1 (Adequate Roadway Transportation System): The transportation circulation system, and improvements thereto, shall be coordinated with new development as depicted on the Future Land Use Map in order to retain the appropriate level service or otherwise provide for adequate and safe access concurrent with such new development or redevelopment.*

Evaluation: This objective appears adequate as written as it recognizes the need to balance transportation road system needs with land use considerations.

Recommendation: Retain as written.

2. *Objective 1 (Adequate Roadway Transportation System), Policy 1.12: The City shall promote a transportation grid system which does not disrupt established neighborhoods.*

Evaluation: Since the adoption of the Comprehensive Plan in 1992, the City has abandoned several street segments for religious institutions. Over the last few years, the City has been much more reticent to vacate segments of City's street grid noting the concerns of affected neighborhoods. Although the vacation of streets from the grid has not necessarily created increased traffic on other segments of the grid, it has had a disruptive effect on some neighborhoods by allowing expansion of nonresidential uses.

The current policy lacks criteria for promotion of a transportation grid system that does not disrupt established neighborhoods. Therefore, the policy should be amended to include criteria to be considered in making changes to the grid and interconnectivity of the street system, such as impacts on residential quality of life, pedestrian safety and movements, traffic volume and flow patterns, and land use patterns.

Recommendation: Consider amending Policy 1.12 to incorporate criteria that should be considered in making changes to the grid and interconnectivity of the street system, including impacts on residential quality of life, pedestrian safety and movement, traffic volume, flow patterns, and noise and land use patterns.

3. *Objective 3 (Multi-modal Transportation System), Policy 3.3: The City shall, through its Land Development Regulations, require sidewalks along all non-residential development that front roadways and that internal sidewalks are provided in residential subdivisions with densities of three units per acre or higher where pedestrian activity can be expected.*

Evaluation: The City has not adopted through its land development regulations requirements for sidewalks in new residential subdivisions; however, regulations are in place requiring sidewalks along all non-residential development that front roadways. It should be noted that as the City is almost built-out, few if any new residential subdivisions are likely to be constructed except in annexed areas.

Additionally, the policy doesn't address established residential subdivisions that lack complete sidewalk systems which are needed to make these neighborhoods walkable communities or situations where collector or arterials frame or pass-through residential neighborhoods.

Recommendations:

- Consider amending Policy 3.3 to investigate and prepare amendments to the Land Development Regulations with a completion date for requiring sidewalks in new residential subdivisions.

- Consider creating a new policy under Objective 3 establishing a specific policy for completing gaps in residential sidewalks and along arterials and collectors consistent with policy in A.3 above.
4. *Objective 6 (Land Use Compatibility), Policy 6: In areas where minor and principal arterial roadways and their intersections adversely affect existing neighborhoods, the City may provide buffers, berms, and other similar buffers alongside the roadway(s). The City shall review the feasibility of relocating roadways and intersections and limit the number of roadway connections and accesses. Where appropriate, the City will implement traffic calming improvements.*

Evaluation: This policy provides no criteria or guidelines for implementation of traffic calming improvements.

Recommendation: Consider modifying the existing or creating a new policy that establishes specific parameters and criteria for implementation of traffic calming measures in residential neighborhoods.

5. *Objective 9 (Protect Community/Neighborhood Integrity): The traffic circulation system in the City shall protect community and neighborhood integrity.*

Evaluation: This objective is acceptable and doesn't require amending.

Recommendation: Retain as written.

6. *Objective 9 (Protect Community/Neighborhood Integrity), Policy 9.1: The City shall strive to conserve and protect the character of neighborhoods by preventing the undue intrusion of through vehicles on local and collector streets.*

Evaluation: The City has been fairly successful in avoiding undue intrusion of through vehicles on local and collector streets through its Land Development Regulations and its street grid system. Recent changes in the site plan approval to add additional standards for site plan approval regarding off-site impacts have also been beneficial. This policy is acceptable as written and doesn't require amending.

Recommendation: Retain as written.

7. *Objective 9 (Protect Community/Neighborhood Integrity), Policy 9.2: Major thoroughfares and intersections should be located and designed in a manner which do not sever or fragment land which is or could otherwise be developed as well defined neighborhoods.*

Evaluation: As a mostly built-out City, few new major thoroughfares or intersections have been built since the initial plan adoption in 1992. In the planning of new major thoroughfares, such as a proposed east-west connector between Airport Boulevard and the Barber Bridge, the need to protect existing or anticipated residential neighborhoods from fragmentation or disruption was a key consideration in evaluating potential routes. This policy is acceptable as written and does not require amending.

Recommendation: Retain as written.

8. *Objective 9 (Protect Community/Neighborhood Integrity), Policy 9.3: The City shall discourage through traffic in neighborhoods by use of traffic management techniques, including signage, landscape design, traffic calming, and roadway design.*

Evaluation: The City has incrementally implemented this policy throughout the City, generally in response to requests from neighborhoods. The Osceola Park and Original Town neighborhood plans, recently adopted by the City Council, called for traffic management techniques to discourage or reduce through traffic. A more pro-active overall City policy would be desirable, incorporating such a policy in the neighborhood planning program.

Recommendation: Consider amending the current policy by incorporating the following concepts:

- A statement of commitment by the City to address, in conjunction with its neighborhood planning program, through traffic concerns.
- A statement acknowledging the City's financial constraints to implementing traffic management programs and the need to supplement the General Fund with grants and special assessments.

C. *Housing Element*

1. *Objective 1 (Affordable Housing), Policy 1.3: The City shall encourage infill development, removal of blighting influences and stabilization of neighborhoods through educational means such as meetings, research, and information exchanges, as well as coordinated and joint programs and activities by public and private sectors.*

Evaluation: The City has routinely met with neighborhood groups in addressing issues affecting a particular neighborhood. However, this policy may need to be revised in conjunction with recommendations regarding a new objective and policies for residential neighborhoods discussed in A. 3. above under the Land Use Element.

Recommendation: Consider revising this policy as appropriate based upon the new objective and policies for residential neighborhoods recommended in A.3 under the Land Use Element.

2. *Objective 1 (Affordable Housing), Policy 1.7: The City shall encourage the stabilization and redevelopment of older neighborhoods by creating zoning districts which recognize the limitations of these neighborhoods.*

Evaluation: One of the purposes of the Mixed Use zoning district (discussed under Mixed Land Use Designation issue section) was to allow a higher density (17 units/acre) than other zoning districts to address low- and moderate- income housing and provide incentives for further private investment in declining neighborhoods.

However, this policy is generally acceptable; however, it may be too limited in scope and should be revised, if appropriate, depending upon the outcome of proposed revisions to Policy 2.4 (discussed under A. 6.) and Objective 7 and supporting policies (discussed under A. 11.) of the Land Use Element.

Recommendation: Consider amending the policy, if appropriate, based on the outcome of revisions to Policy 2.4 and Objective 7 and supporting policies.

3. *Objective 2 (Meeting Housing Demand for All Income Groups) Policy 2.1: The City of Vero Beach, through its future land use plan map, hereby designates land for residential land uses and support services for a wide variety of housing types (including mobile homes), densities, and physical environments to facilitate an equally-wide variety of housing costs for present and future residents with special consideration given to the following:*

- o Lot sizes, setbacks and land use mixes.
- o Proximity to public transportation, recreational facilities, and community services, such as shopping, personal services, and health care.
- o Compatibility of land use relationships and neighborhood character.
- o Reduction of automobile travel to meet normal daily needs for access to employment, services, recreation and other local activities.

Evaluation: The City has designated through its Future Land Use Map designations land for a wide variety of housing types and densities. What is needed is some language regarding consideration of infill, redevelopment and mixed-use opportunities for residential development. With the City almost near build-out, such considerations are an important tool to provide increased housing supply and choices; support the revitalization efforts in the Downtown and commercial districts where a pedestrian-oriented development is encouraged; and

promote more sustainable land use patterns by encouraging new development in existing urban areas.

Recommendation: Consider revising Policy 2.1 to include considerations for infill, redevelopment, and mixed-use opportunities to provide a diversity of housing choices especially in the downtown, appropriate commercial districts, and older neighborhoods needing revitalization.

4. *Objective 2 (Meeting Housing Demand for All Income Groups), New Policy.*

Evaluation: In order to provide a diversity of housing for all income groups and markets, a policy is needed regarding encouraging and providing incentives for infill and redevelopment and mixed commercial-residential development. This new policy should be coordinated with proposed new policies in the Land Use Element to be considered for residential areas (discussed under A. 3.) and Policy 2.4 for redevelopment and infill in older residential areas (discussed under A. 6.),

Recommendation: Consider a policy that provides for diversity of housing choices and opportunities by providing a policy and regulatory framework, including incentives for residential infill and redevelopment and mixed commercial-residential development in conjunction with the proposed amendments discussed under A.3. and A.6. under the Land Use Element and Policy 2.1 of the Housing Element.

5. *Objective 3: The City of Vero Beach shall reduce the number of dwelling units with housing code violations through increased code enforcement programs. By 1995, the number of code violations shall be reduced from approximately 1.5% of total housing to 0.5%.*

Evaluation: This objective is out-of-date and the data base for determining the number of violations comes from the 1990 Census reports regarding the number of units lacking complete plumbing facilities and number of units lacking complete kitchen facilities. Where the policy refers to "housing violations," it is not referring to actual cited violations of the Code, but the 1990 Census data on units lacking complete plumbing or complete kitchen facilities. The more appropriate description should have been "substandard" dwelling units, rather than dwelling units with "housing violations."

The issue is further muddled by the wording and supporting policies of Objective 5 (see C. 10). The objective calls for a reduction in the estimated 304 substandard housing units by 50%. Based on the City's 1999 EAR, this definition of substandard included housing with greater than 1.01 persons per room, units lacking complete kitchen facilities, and units lacking complete plumbing. The language in the technical section of the 1992 Comprehensive Plan conflicts with this definition by defining substandard housing as only those units lacking completing plumbing facilities or complete kitchen facilities.

It should be noted that the total number of substandard housing units, using either definition, may be less than stated, as some units may have more than one of the substandard characteristics. Therefore, some caution should be taken in setting any quantifiable objectives that lump units with these characteristics into one grand total.

The 2000 Census indicates that in Vero Beach only 15 units lacked complete plumbing facilities, no units lacked complete kitchen facilities, and 227 units were housing with greater than 1.01 persons per room which compares to the 1990 Census figures of 57, 41, and 188 respectively.

Violations under the Standard Housing Code cover a wide range of elements that go far beyond the lack of kitchen and plumbing facilities. Many of these violations can only be uncovered through an on-site inspection. Therefore, it is exceedingly difficult to set a threshold to achieve as the number continually changes based on code enforcement activities, much of which is complaint driven.

It is clear this objective needs to be revised. As quantifiable data is available from census reports and housing violation data is a moving target, the most expeditious course would be to first ascertain what is an appropriate definition for "substandard" housing using characteristics provided by the U.S. Census, including: overcrowding (more than 1.01 persons per room); lack of complete plumbing facilities; lack of complete kitchen facilities; and lack of heating. Indian River County uses "lack of complete plumbing facilities" and "lack of heating" as its indicators of substandard housing.

Recommendation: The following is recommended in revising the objective:

- Evaluate what appropriate housing characteristic should be included in the definition of "substandard" housing and amend the Housing Element to include this definition based on this evaluation.
 - Revise this Objective to set either a numerical threshold(s) for reducing substandard housing.
6. *Objective 3 (Reduction in Housing Code Violations), Policy 3.1: The Standard Housing Code shall continue to be the City's standard for public health, safety, and welfare with regard to occupancy limits based on unit size, provision of adequate plumbing facilities and prevention of exterior physical deterioration. This code will be enforced by the Building Department and Code Enforcement Officer.*

Evaluation: The City has continued to enforce the Standard Housing Code. The Standard Housing Code and its companion code, Standard Unsafe Building Abatement Code, were adopted by reference in the City Code. However, both

codes are no longer supported by the Southern Building Code Congress International, Inc, and are not sufficient to address certain problems such as foreclosed and abandoned residences.

The City Attorney is drafting a Vero Beach specific code based on the International Property Maintenance Code to replace the Standard Housing Code, Unsafe Building Abatement Code, and nuisance provisions of the current City Code. The new code would also include enforcement measures regarding foreclosed and abandoned properties.

Recommendation: Revise the policy to reflect that the City shall protect public health, safety and welfare by enforcing the adopted Vero Beach Code standards for housing, property maintenance, elimination of unsafe buildings, and nuisances.

7. *Objective 3 (Reduction in Housing Code Violations), Policy 3.2: An inventory of housing conditions shall be undertaken prior to 1993 on a neighborhood-by-neighborhood basis to determine units suitable for concentrated code enforcement, rehabilitation, demolition, and, if appropriate, relocation or other actions to achieve a suitable residential environment.*

Evaluation: As far as it can be determined, no full scale survey was taken of all the neighborhoods as directed. If taken, any such data would be woefully out-of-date and not very useful. Such a survey needs to be periodically updated. It could be a part of the "baseline community data" that is called for in A. 5 under the Land Use Element. The policy language should be revised to reflect this approach to data on housing conditions and violations in the "baseline community" data.

Recommendation: Consider amending the language to state that a survey of housing conditions is to be included as part of community baseline data to be collected for each neighborhood in accordance with new Objective and Policy proposed in A.3 under the Land Use Element and updated on an as needed basis.

8. *Objective 3 (Reduction in Housing Code Violations), Policy 3.3: The City shall encourage improved housing maintenance by property owners by providing consumer information and technical assistance.*

Evaluation: As requested, the City has provided consumer information to property owners on housing and property maintenance primarily through its code enforcement officers. When the new property maintenance code is enacted, the staff intends to develop media materials for distribution as consumer information. The policy has two deficiencies that should be addressed. First, the policy fails to identify tenants as a targeted group. As renters are generally responsible for the upkeep of many aspects of their leased property, this group should be also be identified in the policy.

Secondly, to be more effective, it would be worthwhile to revise the policy to include neighborhood associations as such organizations, if active and involved, are an important link in any efforts to maintain and upgrade neighborhoods as discussed in A.3 and A.5 above under the Land Use Element. In main, it is more effective and efficient for the staff to work through neighborhood associations then dealing one-on-one with individual property owners and tenants.

Recommendation: Revise the policy to include neighborhood associations and tenants along with property owners as a targeted group for provisions of consumer information and technical assistance.

9. *Objective 3 (Reduction in Housing Code Violations), Policy 3.4: The City shall encourage improved neighborhood appearance by establishing neighborhood awareness programs and providing annual merit recognition awards for neighborhood improvement programs.*

Evaluation: This policy has definite merit; unfortunately, the City has never implemented a neighborhood awareness program or dispensed annual merit recognition awards for neighborhood improvement programs. On an infrequent basis, the City has recognized building and landscaping improvements to individual properties through its "Live Oak Award" program. With the development of a "neighborhood planning program," as proposed in A.3 and A.4 under the Land Use Element, serious consideration should be given to implementing this policy.

Recommendation: Retain as written.

10. *Objective 3 (Reduction in Housing Code Violations), Policy 3.5: The City shall support neighborhood conservation and stabilization efforts, where feasible, by investments in infrastructure, public facilities and public service improvements.*

Evaluation: The City has supported neighborhood conservation and stabilization efforts generally on a piecemeal, ad hoc basis, in response to requests from neighborhoods. These responses have included such activities as: installation of sidewalks and street lights; implementation of traffic calming measures such as stop signs and lower speed limits; institution of "Neighborhood Watch" programs and increased police patrols; resolution of neighborhood parking issues and land use conflicts; conducting of code enforcement sweeps and neighborhood cleanup programs; park improvements; neighborhood planning; and code changes such as enactment of a Historic Preservation Ordinance.

However, one major aspect of the proposed "neighborhood planning program," discussed in A.3 and A.4 under the Land Use Element above, would be to establish a more comprehensive policy framework for identifying, prioritizing, and addressing neighborhood needs in the City's planning and budgetary process.

Such a framework would allow the City to allocate its limited resources, both human and financial, more effectively and efficiently in a manner that is transparent and treats all City neighborhoods equitably.

Evaluation: Consider amending this policy based on the outcome of the recommendations presented in A.3 (New Objective and Policies for Residential Neighborhoods) and A.4 (New Objective and Policies for Neighborhood Planning).

11. *Objective 5 (Reduction of Substandard Housing Units): The City of Vero Beach will reduce the estimated 304 substandard housing units by 50% by 1995.*

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

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

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

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

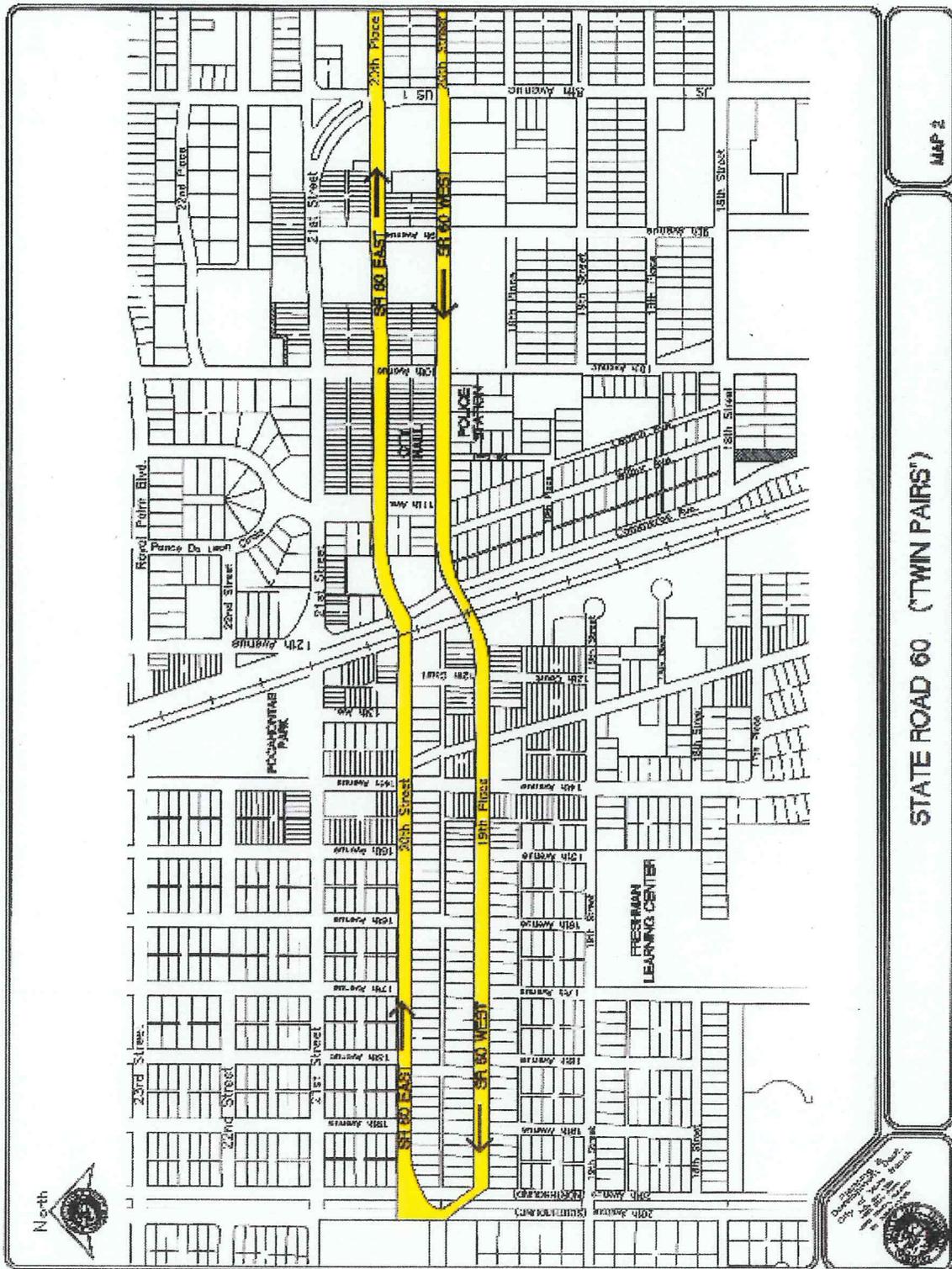
Evaluation: As discussed above under Objective 3 (C.5), this objective conflicts with Objective 3 and is not consistent with the definition of “substandard housing” contained in the technical background portion of the Housing Element. This objective should be eliminated and its policies reviewed for revision or inclusion under Objective 3.

Recommendation: Consider eliminating this objective and review supporting policies for inclusion under Objective 3 or other appropriate existing or new objective.

State Route 60 (“Twin Pairs”)

Issue Statement

Since adoption of the 1992 Comprehensive Plan, a rather controversial issue has arisen regarding State Route (SR) 60 (See Map 2), referred to locally as the “Twin Pairs.” The basic issue is whether or not SR 60 traversing through the City’s Downtown should or can be feasibly modified in some manner to lessen the adverse impacts on the Downtown while accommodating existing and future traffic volumes, ensuring the hurricane evacuation capacity of the roadway and minimizing impacts on inner city neighborhoods from diverted through traffic.



Issue Background and Analysis

The Downtown segment of SR 60 consists of one-way pairs with 2 to 3 east bound and 3 to 4 west bound thru-lanes, bisecting the City's historic downtown with a posted speed limit of 40 mph. The facility was initially designed in the 1970's to provide a connector of one-way pairs of 2 to 3 lanes each between US Highway 1 and Interstate 95. Plans were dropped when I-95 was completed through to Miami. However, in the early 1990's, the project was resurrected to address traffic circulation and drainage problems.

According to Florida Department of Transportation (FDOT) records, the Twin Pairs carry a large volume of traffic. For the Downtown segment of the facility, between 20th Avenue and Old Dixie Highway, the 2009 annual average daily traffic (AADT) was 22,858 vehicles per day, which was less than the peak of 26,765 in 2007. That segment of SR 60, between Old Dixie Highway and 10th Avenue had a 2009 AADT of 20,061 vehicles per day compared to 21,408 in 2007.

Based on an Indian River County Links Maintenance Report prepared in May 2010, the links for both east and west bound directions of the one-way pair segments of SR 60 were operating at a Level of Service C. The adopted Level of Service (LOS) for these segments of SR 60 is D.

The segments of SR 60 between 20th Avenue and 10th Avenue were operating at 40% or less of its LOS capacity in both directions, even accounting for trips vested by development approvals. Recent forecast data prepared for the "needs plan development" phase of the Indian River County MPO's draft 2035 Long Range Transportation Plan Update indicates that SR 60 through the Downtown is projected to meet its LOS through 2035 based on its current configuration.

Prior to construction of the Twin Pairs, it should be noted that a redevelopment plan and strategies prepared for the Downtown supported the proposed improvements to SR 60 as they would relieve traffic congestion, increase through traffic in the Downtown, and make the Downtown more accessible. However, the Twin Pairs became a focal point of some controversy soon after its completion, which was identified in the report entitled *DTW Revitalization Strategy for Vero Beach, Florida* prepared in 2000 for Downtown Vero Beach Association/Main Street. Criticisms regarding the facility's impact on the Downtown were brought forward in a public forum in the Vision Plan adopted by the City Council in 2005.

The Vision Plan identified "traffic calming" of the Twin Pairs as one important issue to be resolved to allow the downtown to "emerge as a more competitive and economically viable commercial district in Vero Beach." The strategy recommended in the Vision Plan to address the Twin Pairs called for undertaking a traffic engineering analysis. The goal of this analysis would be to "ascertain methods for making downtown a destination instead of a place to pass through." The analysis was to analyze traffic calming measures, pedestrian friendliness, and parking, as well as the ramification of two-way versus one-way traffic on the twin pairs.

Subsequent to the Vision Plan, the FDOT indicated to the City that it would be moving forward with its planned milling, re-stripping, addition of bike lanes, and landscaping of the SR 60 between 20th Avenue and Mockingbird Drive on the barrier island. At the request of the City,

FDOT extended the period for executing a joint participation agreement for landscaping of the facility to be funded with Transportation Enhancement Funds until the City had an opportunity to review the roadway's design.

A public charrette on design of the Twin Pairs was conducted by a consultant team hired by the City in September 2005. A report entitled *SR 60 Twin Pairs* was prepared describing the outcome of the design charrette incorporating the review comments of the Vision Implementation Team (advisory committee established by City Council to guide in implementation of Vision Plan). The report outlined the following three basic options for reconfiguring of SR 60 through the Downtown:

- o Option 1-Reconfigure to two lane, two way streets with several roundabouts at key intersections, parallel parking where possible, wide sidewalks, and extensive landscaping.
- o Option 2 – Reconfigure to two lane, one-way streets, with parallel parking where possible, wider sidewalks, and extensive landscaping.
- o Option 3 – Resurfacing only with minor design improvements at intersections.

The recommendations of the charrette report and Vision Implementation Team (VIT) were not wholly embraced by the community or stakeholders. The reasons for opposition included significant costs and safety issues associated with the roundabouts, possible reduction in highway capacity and further congestion due to traffic calming measures, adverse impacts on hurricane evacuation, and potential changes in east-west traffic patterns that would adversely impact inner city neighborhoods.

In making its recommendations to the City Council at a December 16, 2005, workshop, the Chairman of the Vision Implementation Team stated that the VIT unanimously agreed that the existing Twin Pairs configuration was unacceptable and a renewed and vibrant downtown, envisioned in the Vision Plan, cannot be accomplished with the current configuration. However, the VIT recommended that further study was needed prior to reconfiguring SR 60 into two-way traffic in each direction and construction of roundabouts at intersections between 20th Avenue and US 1.

In a report to the City Council for a workshop on the results of the Twin Pairs charrette, the City Public Works Director provided a staff memorandum discussing proposed roundabouts and other changes to the Twin Pairs. The memorandum pointed out the concerns that the Florida Department of Transportation's District IV Engineer had regarding the use of roundabouts on high traffic volume, multi-lane highways, such as the Twin Pairs and the significant modifications and costs required to implement such facilities in this situation. The memorandum also pointed out that changing the Twin Pairs to two two-way roads with one lane in each direction may eventually result in a deficient level of service on the roadway, assuming a 4% rate of growth in traffic.

With the deadline posed by the FDOT regarding SR 60, the City Council eventually went along with the staff recommendation to move forward with the resurfacing of SR 60 so as not to jeopardize the approximately \$400,000 in enhancement funds available as part of the \$5.8 million project. The project moved forward with resurfacing, striping of new through, turn, and bike lanes, streetscape and landscaping improvements, and construction of a bulb out on westbound left turn lane at the intersection of 14th Avenue and SR 60. No formal action was taken by the City Council at the workshop or subsequent to the workshop regarding any of the proposed options regarding the Twin Pairs.

Subsequent to the City Council workshop, the Vero Beach Main Street organization conducted a charrette on downtown issues in September 2006 (*Vero Beach Main Street Downtown Charrette*). A *Downtown Action Plan* was prepared by consultants for the City in coordination with the Main Street Board of Directors in 2008.

Recommendations in the charrette report and action plan reiterated concerns regarding the adverse impacts of the Twin Pairs on pedestrian safety, community appearance and vitality of the downtown businesses by encouraging speeding, limiting the visibility of retailers, and creating barriers to pedestrian movements between businesses. The planning documents called for further examination with FDOT of the Twin Pairs regarding traffic circulation, pedestrian design, landscaping and streetscape design, and parking.

It is apparent that any significant modification to the Twin Pairs such as the installation of roundabouts or returning to two, two-lane, two-way roadways is fraught with political, financial, and technical issues. Therefore, without a firm political and financial commitment, rather than further investigation of option 1, the more practical approach for political, financial, and technical reasons would be to investigate in a more in-depth manner option #2 identified in the final charrette report completed in 2005, including less “expensive” and “intrusive” changes such as a decrease in posted speed limits and other traffic calming measures.

Evaluation and Recommendations

The following is an analysis of relevant Objectives and Policies related to the Twin Pairs along with recommendations for amendments for consideration in the EAR-based amendment package:

A. *Land Use Element*

The impact of the Twin Pairs on the Downtown are also discussed under the Downtown and Commercial Districts section of this document. Some of the Land Use objectives and policies that may directly or indirectly be related to the impact of the Twin Pairs on the downtown are described and evaluated in that section.

B. *Traffic Circulation (to be re-titled Transportation) Element*

1. *Objective 1 (Adequate Roadway Transportation System): Provide attractive, safe, convenient, and efficient arterial, collector, and local roadway systems to serve travel demands between major activity centers within the City. The roadway*

systems should be designed and maintained to standards commensurate with the functional classifications of the roadways.

Evaluation: As discussed under B.1. above under “Neighborhood Preservation and Revitalization,” the language of the objective reflects only transportation demand concerns. No language is included in the objective, that balances or recognizes the interaction between land use considerations and community development (such as “downtown development and redevelopment”) with the need to serve travel demands.

Recommendation: As proposed in B. 1. under “Neighborhood Preservation and Revitalization,” language amending the objective should be considered to include considerations of balancing travel demand needs with land use and other community development and redevelopment needs.

2. *Objective 1 (Adequate Roadway Transportation System): New Policy*

Evaluation: No discussion or specific policy regarding the Twin Pairs issues is contained in the Comprehensive Plan. As discussed under the Issues Statement above, the adopted Vision Plan called for preparation of a traffic engineering study to evaluate changes to the roadway facility. This recommendation was further expanded upon in the *Downtown Action Plan* to include an urban design component consideration in any evaluation.

Therefore, before any decisions can appropriately be made or options examined regarding the Twin Pairs, further study is warranted. As stated in the *Downtown Action Plan* this examination should identify the potential impacts and effects of any alternative roadway configurations may have on public safety, level of service, local businesses, and adjacent neighborhoods as well as address “any misconceptions or concerns associated with the potential reconfiguration options of SR 60.”

Preferably, the study should be conducted by a professional transportation planning consultant with urban design input to properly integrate transportation considerations with land development and design issues regarding the downtown.

As concluded in the “issue and background analysis,” the main focus of such an effort should be to model and evaluate the impacts of Option #2 and other minor, less costly variations on this option. Without funding support from grants or the MPO, the City will need to use its own funding resources or financial support from downtown businesses and property owners to hire a professional traffic engineering and urban design firm to conduct such a study. Any study needs to be done in coordination with the FDOT and MPO.

Recommendation: Consider amending Objective 1, by creating a new policy that calls for the preparation of a traffic engineering study of Option #2, and other

more limited options (reduction in speed limits and traffic calming measures) with a specified completion date and funding source(s). The traffic engineering study should include an urban design component in the identification and evaluation of possible alternatives to ensure that the potential positive and negative impacts of any alternatives are properly identified and evaluated in context of their effects on the downtown and adjacent neighborhoods. The policy should include language with a target completion date for preparation of an improvements implementation plan with estimated costs and dedicated funding sources, depending upon the results of the traffic engineering study and its acceptance by City Council.

3. *Objective 6 (Land Use Compatibility): The transportation system shall be compatible with the Land Use Element and other elements of the Comprehensive Plan.*

Evaluation: This objective appears to be adequate for the time being, as the specific policies provide more specific guidance on the parameters to be considered in determining compatibility with the Land Use Element and other elements of the Comprehensive Plan.

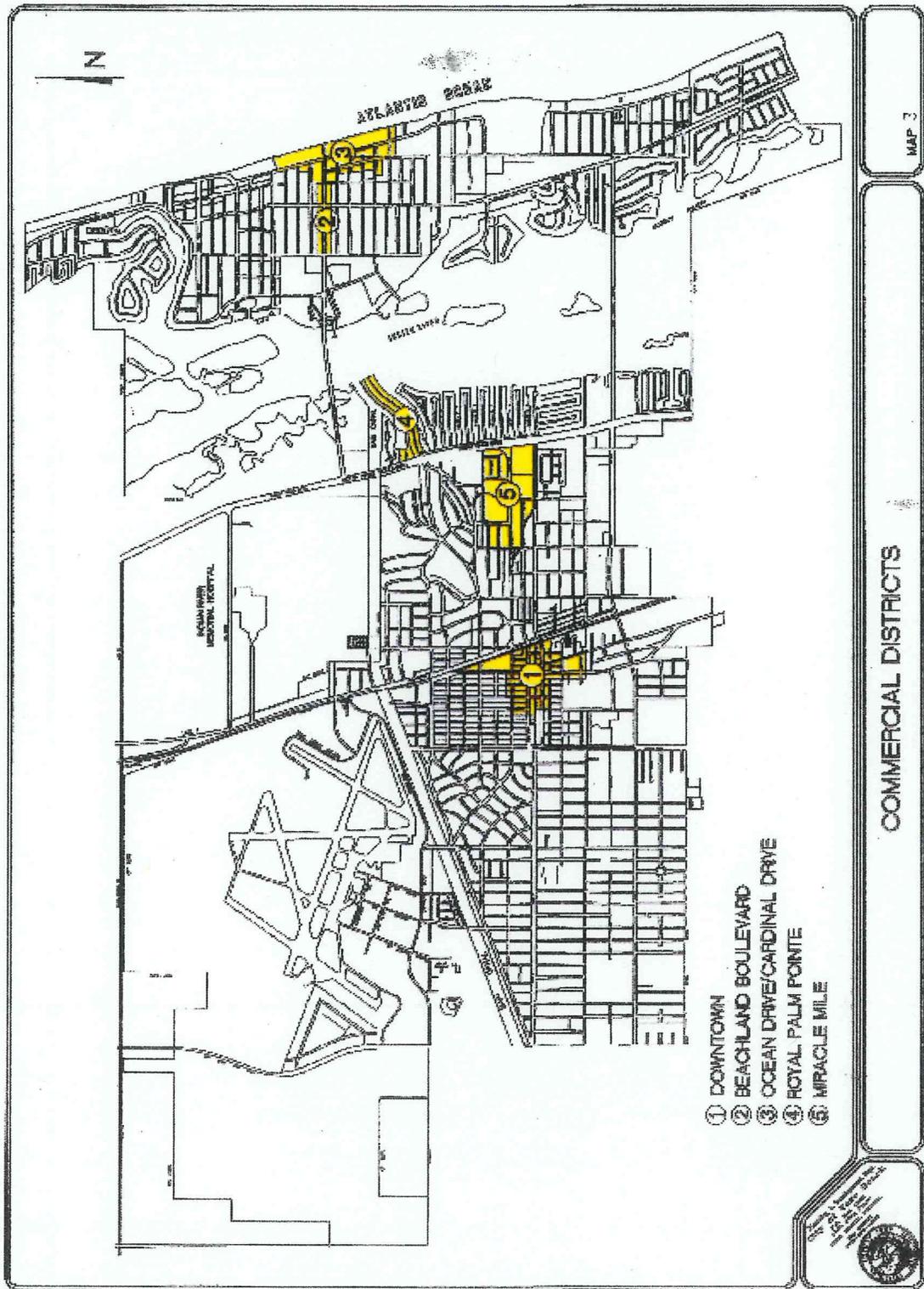
Recommendation: Retain as written; however, a new policy is proposed for consideration under the Downtown and Commercial Districts issue that would provide more specific guidance on addressing the relation of land uses and development patterns of the Downtown and other existing commercial districts.

Downtown and Commercial Districts

Issue Statement

The *Vero Beach Vision Plan* identified five distinct commercial districts outside the strip commercial development corridor centered on U.S. Highway 1 running north to south through the city. The general boundaries of these five districts are depicted on Map 3.

As called for in the Vision Plan, the challenges facing the City, business community, and other stakeholders is how to encourage and foster diverse commercial environments in each of these districts that are sustainable and support the distinctive character and functions of that district in a manner that is compatible with the small city “feel” of Vero Beach and contributes to the quality of life of its residents and residential neighborhoods. Each of these districts present certain challenges and issues, which can’t be solely addressed by the market, but require proactive public-private cooperation and partnerships that will involve “changes” to the City’s Comprehensive Plan, land development regulations, and public investment and development strategies to encourage appropriate infill, redevelopment, and mixed development.



Issue Background and Analysis

The five significant and distinct commercial districts discussed below are the Downtown, Royal Palm Pointe, Miracle Mile, Ocean Drive/Cardinal Drive, and Beachland Boulevard. [Please note: In the discussion of each individual district, some of the recent changes in the City's regulations or other actions by the City, such as the establishment of the Architectural Review Commission and site and building design review procedures, are germane to all districts, but are only discussed under one of the commercial districts to avoid unnecessary redundancy in the text.]

Downtown. Historically, the Downtown was the center of commerce for the City and Indian River County; however, with the development of the Indian River Mall and the Miracle Mile commercial district over the last 20 years, its functions have changed. While it has lost many of its retail establishments to these newer, more suburban commercial centers, it has remained a strong center for government and professional white collar employment with many destination restaurants and specialized, small scale retail businesses, and art/design galleries and studios. The Downtown has access to several close-in neighborhoods within walking distance and is served by regional public transit.

Property values are fairly stable and properties are generally well maintained with many interesting, historic buildings. Sidewalks and other streetscape features are fairly well maintained and on- and off-street public parking is generally available for most businesses. The existing land development regulations governing development are the most liberal and flexible in the City regarding parking requirements, building heights, mixed residential-commercial development, Floor Area Ratio, and residential densities.

The Downtown is not experiencing a significant number of vacant storefronts or any increase in crime. Property values are not decreasing out of proportion to other areas of the City and most buildings and properties are well maintained. New restaurants and stores are opening on a periodic basis and further private investment in small-scale redevelopment and rehabilitation projects is occurring.

The Goal of the Vision Plan for the Downtown is to "reinforce downtown as a mixed-use office, employment, and governmental center, as well as a unique cultural, arts, entertainment, and residential enclave, with shopping and dining opportunities that support the district and its surrounding neighborhoods." This goal is taken verbatim from Policy 7.3 of the Land Use Element of the Comprehensive Plan.

However, as articulated by the Vision Plan and the subsequent report entitled *Downtown Charrette*, prepared for Main Street Vero Beach, and the *Downtown Action Plan* prepared by a consultant for the City in cooperation with the Main Street Board of Directors, Downtown has issues and challenges which are restricting its potential as a vibrant destination in the region. Some of the more significant issues identified include need for traffic calming modifications to State Route 60; more diversification of retailers; need for a master plan or unified urban design; lack of residential and transient residential development in the immediate Downtown area; more

public landscaping and streetscape improvements; and need for funding mechanisms to finance public improvements.

The more significant strategies recommended by the Vision Plan and the other two documents discussed above to address the above issues included:

- o Preparation of a master plan to address issues of urban design, land use, circulation and parking, parks and open space, public improvements and pedestrian streetscape, signage, building design, historic preservation, and development incentives.
- o Preparation of a master plan for capital projects.
- o Undertake a traffic engineering analysis of State Route 60 (see discussion in previous section).
- o Maintain and enhance on-street parking and establish a district-parking concept, including more shared use of parking on private lots.
- o Promote active retail businesses and restaurants, arts or cultural activities, or other pedestrian-related uses on the ground floor and promote office and residential uses on second floors to support both daytime and nighttime retail and entertainment activities.
- o Increase downtown density to establish a viable and more competitive mixed-use center.
- o Support and engage an effective downtown advocacy organization.
- o Create a CRA or Business Improvement District for the Downtown.

These strategies need to be further evaluated in the preparation of the EAR amendments. Some strategies, such as the establishment of a CRA, are controversial with political and financial implications, even beyond the City limits. While others such as providing incentives by increasing density or building height raise concerns among many about losing the “small town” character of Vero Beach and would likely require a voter referendum. Many of the strategies require public financial or human resource commitments, which are severely limited especially in the current economic downturn. Regardless of the outcome of such evaluation, any amendments to the Comprehensive Plan clearly need to identify the specific goal and/or objective(s) for the Downtown and supporting action oriented policies to move forward in meeting those desired outcomes.

In the last year, the FDOT in joint cooperation with Amtrak, the FEC Railway, and South Florida Regional Transit Authority, has proposed to seek federal funding from the Federal Rail Administration to develop an Amtrak Service High-Speed Intercity Passenger Rail project between Jacksonville and Miami via existing FEC Railway and rebuilding of the connector track to the existing South Florida Rail Corridor. A part of this new service would be the construction

of eight passenger rail stations, including one in Vero Beach. Three site candidates have been identified in the Downtown with the preferred site at the historic Vero Beach Railroad Station.

The location of a passenger rail station in the Downtown will have a beneficial impact on redevelopment and infill. As the Comprehensive Plan does not expressly address passenger rail service or the preferred location of a future Amtrak station in the Downtown, the staff is currently preparing an amendment to the City's Comprehensive Plan to include the proposed station to be adopted prior to the EAR amendment process.

Royal Palm Pointe. Royal Palm Pointe was created when the Barber Bridge was constructed in 1995. At that time, the roadway and bridge approach was lined with primarily auto-oriented commercial uses. With the construction of the bridge, through vehicle access through the corridor was eliminated. This created an opportunity for a new and unique commercial district in Vero Beach.

Significant public and private investments in common parking areas and the installation of extensive landscaping and streetscape improvements to the median in the early part of this decade encouraged redevelopment and upgrading of properties located on the finger peninsula. A public park was constructed at the tip of the peninsula.

Although the Vision Plan gave credit to this transformation, it found that further transformation is needed to achieve its potential as "one of Vero Beach's and Florida's most innovative mixed use districts." The goal of the Vision Plan called for "complete the transportation of Royal Palm Pointe as a regional mixed-use center residential, commercial, and entertainment district; focusing on restaurants, recreation, and boutique retail venues."

The Vision Plan identified significant challenges needed to be met to achieve this goal, including:

- o Three multiple zoning districts that limited or discourage mixed residential-commercial development.
- o Inflexible parking regulations and the lack of sufficient parking that limit mixed use potential.
- o Lack of public waterfront access.

To address these challenges, the Vision Plan identifies the following strategies:

- o Preparation of a master plan for private property owners to guide in development and redevelopment of their properties that addresses urban design, building design, facade, signage, landscaping, parking, pedestrian access, access to waterfront, and issue of mixed use development.
- o Create a single zoning district to replace three districts that promotes an active mixed-use area by requiring ground floor retail, commercial, restaurants, recreational and entertainment uses in all new development with residential development on upper floors.

- o Establish a district-parking concept for Royal Pointe, which may involve surface and/or structured parking solutions.
- o Enhance water-borne access through creation of additional boat docks and, potentially marina facilities, including dredging to enhance navigation.
- o Reinforce the pedestrian nature of Royal Palm Pointe through construction of additional pedestrian walkways, landscaping and streetscape improvements, and provision of waterfront access through a “boardwalk” along the entire shoreline.

The City has indicated to property owners and business tenants that it will investigate the creation of a special district to replace the current three zoning districts and work with property owners to address the parking issues on a district basis. Over the last couple of years, the City has been working with property owners and business tenants to address specific parking issues related to conflicts between employee and customer parking. With their input, changes have been made in the durational limits of some off-street parking areas to improve parking turnover. Currently, the City staff is working with this group to investigate the further expansion of on-street parking in median areas. Any such capital improvements will most likely require financing by property owners through the creation of a special assessment.

Other strategies recommended in the Vision Plan need to be further evaluated and vetted during the EAR amendment process. One major issue with some of the strategies is that the financial sources to accomplish recommended strategies and actions are not identified. Other strategies are essentially no longer very relevant, such as the need for new marina facilities in Royal Palm Pointe due to the recent expansion of the City’s marina facilities on the barrier island. The strategy to construct a boardwalk around the waterfront is financially not feasible and would create significant conflicts with the riparian rights of waterfront property owners.

Amendments to the Comprehensive Plan need to be considered based on the Vision Plan and further investigation during the EAR amendment process to identify the specific goal and/or objective(s) for the Royal Palm Pointe and supporting action oriented policies to move forward in meeting those desired outcomes.

Miracle Mile.¹ The Miracle Mile developed as an auto-oriented commercial center in the 1980’s attracting retail and other commercial businesses from the Downtown. The development patterns along the Miracle Mile corridor (21st Street) resemble typical suburban commercial development of the latter half of the last century with large expanses of concrete for parking arranged in front of long commercial strip centers with little attention to pedestrian access.

The Vision Plan recognized the need to make this commercial district more environmentally pleasant and intimately scaled with the major concern being that such an area, as with other older suburban commercial auto-oriented corridors, will face increasing competition from newer outlying commercial developments. In recognition of this concern, the Vision Plan recommended the following strategies:

¹ The Vision Plan groups the Miracle Mile commercial district with the U.S. Highway 1 commercial corridor; however, for purposes of this report only Miracle Mile is considered as shown on Map __.

- o Continue landscaping and streetscape improvements along Miracle Mile with the consideration of bonuses or incentives for landscape treatment.
- o Limit the maximum size of new buildings to 40,000 square feet or less and consider building and site design standards for new buildings and building renovations with a consideration for bonuses or incentives for “outstanding design.”
- o Develop more innovative parking requirements that allow for parking reductions for mixed use development in accordance with Urban Land Institute’s (ULI) parking formulae; reduce overall parking requirements; require interconnectivity between adjacent parking areas; and increase required landscaping into larger, more contiguous planting areas.
- o Modify zoning ordinances to allow the creation of mixed-use and “village” character, including incorporating residential and other non-retail uses.

Since adoption of the Vision Plan, the City implemented by policy the use of ULI’s shared parking methodology. The staff is currently working on comprehensive revisions to parking regulations to reduce off-street parking requirements and provide incentives for more use of shared parking and other parking strategies.

As mentioned previously, the City established an Architectural Review Commission (ARC) in 2008. This advisory body reviews and provides recommendations to applicants of non-residential and multi-family projects on building and site design. The design criteria established by the ARC focuses on contextual design with an emphasis promoting friendly pedestrian-oriented development.

The Miracle Mile corridor has witnessed increased private investment as typified by the redevelopment of the old Modern Age furniture store into a 37,000 square foot retail-restaurant-entertainment-office complex and redevelopment of the 57,000 square foot Three Avenues multi-structure commercial development. Renovations of existing commercial buildings have taken place with the purchase and expansion to approximately 69,000 square feet of the old Winn Dixie grocery store by Publix and purchase and upgrading of the old grocery store, vacated by Publix, by the upscale Fresh Foods market. Immediately adjacent to the north of the Miracle Mile District, is the Parc 24 office project along Indian River Boulevard with a planned build-out of 112,000 square feet of professional office space.

With the recent rezoning of properties along 6th Avenue for a hotel, increased interest has been expressed among developers and some major property owners for transforming Miracle Mile into a more active, mixed-use commercial corridor. City staff has discussed cooperative efforts with some major property owners and developers regarding changes in the City’s regulations to encourage mixed-use redevelopment and infill.

A major obstacles to such development, as voiced by developers and recognized by staff, are the City’s regulations which do not provide sufficient enough flexibility to accommodate infill and

redevelopment projects without going through a difficult and problematic process to obtain variances from setbacks, lot coverage, floor area ratio, parking, and other zoning requirements. Furthermore, no specific incentives are provided in the City's regulations to promote and encourage high quality, mixed-use development.

Although such obstacles may be overcome through the establishment of "overlay or special district" regulations, the proper preparation and approval of such regulations will take time. Therefore, it may be desirable to amend the City's regulations to provide for "planned development districts" through use of a "floating zone" approval process for development projects, similar to what is done by Indian River County.

This approach would be applicable to other commercial areas within the City. The establishment of planned development districts would no longer be needed or permitted for commercial areas where overlay district regulations are enacted.

The establishment of "planned development districts" through use of floating zones will require text amendment(s) to the Comprehensive Plan and implemented through amendments to the City's Land Development Regulations. It would involve the approval of a conceptual site plan by the City Council as part of the rezoning of property to a planned development district. The "planned development districts" would not be shown on the zoning map until such time as it is approved through the rezoning process. Planned development districts would be limited to certain Future Land Use Map categories such as Commercial, Mixed Use, or Industrial.

The final site plan, which must be based on the approved conceptual site plan, would require approval by the Planning and Zoning Board. Specific incentives and development parameters and criteria would be set for all "planned development districts," which could be modified or waived during the process by the City Council or Planning and Zoning Board.

Recent development occurring in the Miracle Mile commercial district and surrounding properties has raised concerns regarding traffic congestion and safety issues. To be successful and attract private investment, mixed-use development needs to provide a diverse mix of pedestrian-oriented businesses and residential uses, which will generally require intense and denser development than current development patterns. If not properly planned, such increases may place further strains on the existing road network servicing commercial establishments and nearby residential neighborhoods.

With recent redevelopment projects in the Miracle Mile and the nearby Parc 24 office project, concerns have been raised by the Vero Isles neighborhood, regarding traffic safety and congestion problems on Royal Palm/Indian River Boulevard and 21st Street/Indian River Boulevard and safety issues related to access/turning movements to shopping centers in Miracle Mile. These aforementioned intersections, 21st Street, 7th and 6th Avenues, and SR 60 are important elements of the street grid that serve Miracle Mile and abutting development. Indian River Boulevard is a critical regional north-south commuting route.

Intersection and signalization improvements have been completed or are underway at both Indian River Boulevard intersections, including transportation system management improvements to

Indian River Boulevard. The City Public Works staff is working with major property owners near the Indian River Boulevard/21 Street intersection to address access and vehicle turning conflicts. With the redevelopment of the Three Avenues commercial center, a cross access road was required as a condition of site plan approval and constructed to connect the Publix shopping parking area with the Three Avenues parking area.

Regional transit service is provided along the entire Miracle Mile Corridor by Go Line six days week with one-hour headways. Along with other measures to reduce traffic and parking demand, upgrading of this service needs to be explored in conjunction with any plans to redevelop the Miracle Mile district.

In order to improve traffic circulation and reduce conflicting traffic turning movements on 21st Street and the 21st Street/Indian River Boulevard intersection, the Public Works staff has proposed extension of 5th Avenue across a drainage ditch to connect with Royal Palm Boulevard. Although no funding is currently available for this project, an amendment to the Traffic Circulation Map of the Traffic Circulation Element should be included in EAR amendment process.

The existing roads serving Miracle Mile are operating at Level of Service "D" or better; however, initial long range modeling for the MPO's 2035 Long Range Transportation Plan indicate that segments of Indian River Boulevard are forecast to fall below the Level of Service standard. Therefore, any development strategy for Miracle Mile that will likely involve increased density and intensity of uses to create a more pedestrian, mixed use development patterns needs to address transportation and mobility issues and compatibility with nearby residential neighborhoods. This investigation should examine expansion and upgrading of transit service as an element of any multi-modal strategy for Miracle Mile.

Amendments to the Comprehensive Plan need to be considered during the EAR amendment process based on the Vision Plan that identify the specific goal and/or objective(s) for Miracle Mile and supporting action oriented policies to move forward in meeting those desired outcomes.

Ocean Drive/Cardinal Drive. The commercial district on the barrier island centered on Ocean Drive and Cardinal Drive was recognized by the Vision Plan as a "symbolic heart" to many residents and visitors. The district is typified by small scale boutique retail and personal service businesses, hotels, and restaurants set in an up-scale pedestrian-oriented environment with a significant level of available public on-street and off-street parking facilities and well maintained landscaping.

The Vision Plan identified concern about the development pressures on the district. These pressures had been raising rents threatening to dislodge retail businesses to be replaced with professional offices and banks and other high rent tenants. In reaction to the construction of a large office structure on Ocean Drive, the City enacted an ordinance setting the FAR limits. [Note: The enactment of FAR regulations was also tied to the increase in "McMansions."]

In its assessment of the issue, the Vision Plan found that such large scale buildings were out-of-scale with existing development and required large scale solutions to meet parking demands,

such as multi-level structured parking. The perception or real lack of parking during season was another problem identified in the Vision Plan related to larger scale development and pressures to replace retail and service businesses with more profitable bank, financial, and other professional office uses.

The Vision Plan recommended the following strategies to address issues facing the district:

- o Prepare a master plan for the district to address issues of urban design, land use, traffic and parking, Ocean access, open space, public improvements, a unifying pedestrian-friendly streetscape program, and signage.
- o Prepare and implement architectural standards based on comprehensive master plan and a mechanism to review and enforce standards.
- o Retain Ocean Drive as mixed use district with retail or restaurants on ground floor and office and residential uses on upper floors.
- o Establish consistent building setbacks for each street with no side-yard setbacks between buildings on Ocean Drive.
- o Limit building heights of new buildings or additions to two stories except along the eastern Cardinal Drive frontage, with retail on ground floor and offices and residences on upper floor with no structure to exceed 35 feet as measured from existing façade sidewalk.
- o Encourage appropriate hotel development along Ocean Drive.
- o Establish a parking district concept and revise zoning ordinance to allow density-trade-offs for use of district parking and compliance with the massing, design, and retail use standards.

Subsequent to the adoption of the Vision Plan, the City moved forward with preparation and adoption of the “Ocean Drive/Cardinal Drive and Beachland Boulevard Master Plan.” The adopted Master Plan followed the recommendations of the Vision Plan providing specific details on development standards for the district. However, the Master Plan as adopted did deviate from the Vision Plan in the following substantive areas:

- o The maximum number of stories was established as two on the west side and three on the east side of both Cardinal and Ocean Drives.
- o The maximum height was set at 25 feet (plus 15 feet for embellishments above eave) for two-story buildings and 35 feet (plus 15 feet for embellishments above eave) for three-story buildings as measured from average front façade to the bottom of eave, except for buildings requiring higher ground floor elevation due to FDEP requirements.

- o A FAR limit of 1.0 was established, recognizing that more development incentives were needed to attract and retain retail, restaurant, and other uses that promote an active pedestrian street environment. [The Vision Plan did not address FAR.]

Following completion of the Master Plan, a report entitled *Parking Management Strategies* was prepared by a City consultant for the commercial district. Basically this document found that the lack of parking was more one of perception than reality, at least until further development takes place as the economy recovers. The report recommended short (1 to 2 years), intermediate (3 to 4 years), and long term (5 to 10 years) strategies including continued monitoring of the supply of on-street and off-street public parking spaces during season by City staff; assessment study of parking district; revisions to the City off-street parking requirements; implementation of way finding and directional signage; bicycle and streetscape improvements; parking enforcement and metering; shuttle trolley system during season; and construction of public or public-private parking garage when needed.

The City adopted Interim Zoning Regulations in 2007 based on the recommended Master Plan, which was an important incentive for the development of the multi-use Ocean Park development abutting Humiston Park and for securing private funds from the Ocean Park developer for significant upgrades to Humiston Park landscaping, streetscape, and parking. Along with the improvements to Humiston Park, the City made significant improvements to the northern end of the commercial district with upgrades to parking, landscaping, and streetscape at Sexton Plaza. Other improvements were made by private investors to properties in the district consistent with intent of the Vision Plan and Master Plan such as the Costa d'Este hotel and Vero Beach Hotel and Cabana, substantively rehabilitated hurricane damaged properties.

Prior to the termination of the Interim Zoning Regulations in 2008, the staff prepared regulations using the Master Plan as a template for an overlay district using a hybrid of a form-based code. The Planning and Zoning Board approved sending the draft ordinance to City Council for approval in 2009, but with the recommendation that would allow a maximum of three story buildings throughout the district and not just on the east side of Cardinal and Ocean Drives. As this issue is a highly polarizing one, final action on the draft ordinance has been delayed due to other more significant issues requiring the City Council's attention.

Amendments to the Comprehensive Plan need to be considered during the EAR amendment process based on the adopted Master Plan as a starting point to identify the specific goal and/or objective(s) for the Cardinal Drive/Ocean Drive commercial district and supporting action oriented policies to move forward in meeting desired outcomes. Such further evaluation is anticipated to help stakeholders reach a common agreement on the number of stories building limits for the district.

Beachland Boulevard. As the primary entrance to the barrier island and the Cardinal Drive/Ocean Drive commercial district, Beachland Boulevard is characterized by large office structures primarily occupied by financial and banking institutions and professional offices. The Vision Plan found that the market forces were replacing retail uses in the corridor, west of Eagle Drive, to financial and professional office uses. The newer buildings with smaller setbacks and

planting areas were replacing the “green spine” of the corridor characterized by many Live Oak trees.

The Vision Plan found that displacement of retail uses with office ones has a positive effect in that it reinforced the desired functions of the corridor as a financial, banking, and professional office district. According to the Vision Plan, this district has the capacity to absorb more office demand in Class A office space. Unlike the eastern segment of Beachland Boulevard, the segment west of Eagle Drive is much more automobile-oriented and retail uses on the ground floor are not essential to its viability.

The Vision Plan identified multiple functions for Beachland Boulevard. Beachland Boulevard must remain as the primary entrance gateway to the Barrier Island; respond to market demand for additional “Class A” office space to relieve pressures along Ocean Drive; and serve as an “entry portal” to neighborhoods and recreational opportunities in proximity to the corridor. A particular importance was also given to maintaining the “green spine” that historically defined Beachland Boulevard’s character.

Significant strategies identified by the Vision Plan to achieve these desired outcomes included:

- o Maintain and reinforce common landscape setback; and establish a minimum and maximum building setback line in the Beachland Boulevard Corridor;
- o Prepare a corridor landscape plan for Beachland Boulevard that includes elements such as vegetation, signage, public lighting, and street furniture;
- o Maintain all significant canopy trees.
- o Locate major parking areas behind buildings along Beachland Boulevard with cross connections between parking areas, minimization of curb cuts to parking areas along neighborhood streets, and landscape screening of parking along Azalea Lane.
- o All new buildings should front Beachland Boulevard;
- o Protect adjacent neighborhoods from light infiltration for all rear yard site and parking lot lighting.

As discussed under the previous section, subsequent to the adoption of the Vision Plan, the Ocean Drive/Cardinal Drive and Beachland Boulevard Master Plan was prepared by consultants with City staff assistance and adopted by the City Council in March 2007. The element of the Master Plan addressing Beachland Boulevard basically followed the recommendations of the Vision Plan and provided more specific detail to the recommendations.

Amendments to the Comprehensive Plan need to be considered during the EAR amendment process based on the adopted Master Plan as a starting point to identify the specific goal and/or

objective(s) for the Beachland Boulevard commercial district and supporting action oriented policies to move forward toward meeting desired outcomes.

Evaluation and Recommendations

The following is an analysis of relevant Objectives and Policies related to the five commercial districts along with recommendations for amendments to be considered in the EAR-based amendment package:

A. *Land Use Element*

1. *Objective 1 (Land Uses), New Policy for Planned Development Districts*

Evaluation: As stated in the analysis, the utilization of “planned development districts” would be desirable for infill and redevelopment, especially in achieving the recommendations of the Vision Plan as articulated through the Comprehensive Plan; however, the current Comprehensive Plan provides no enabling authority for the application of “planned development districts” through the use of a “floating zone” technique to implement this concept. The Planned Development District concept would enable the City through its Land Development Regulations to provide incentives and greater flexibility for infill and redevelopment projects in a manner that creates enhanced opportunities for incorporation of mixed and diverse uses, increased pedestrian activity and shared parking arrangements, and better site and building design in development projects.

Recommendation: Prepare amendments to the Land Use Element with specific development criteria for guiding the preparation of implementing regulations for creation of “planned development districts” through the “floating zone” method and set target date for completion of amendments to the Land Development Regulations to implement the concept.

2. *Objective 2 (Growth Management/Urban Sprawl): The City shall regulate and guide future development and redevelopment in an orderly and efficient manner and urban sprawl shall be discouraged by the provision of services necessary for development of unserved parcels within the designated urban service area.*

Evaluation: The objective lacks clarity in the language regarding urban sprawl and the provision of urban services. The reference to the “designated urban service” should reflect that designated urban service area is Indian River County’s.

Recommendation: Revise language to clarify the objective regarding urban sprawl and the designated urban service area.

3. *Objective 2 (Growth Management/Urban Sprawl), Policy 2.4: Redevelopment programs and incentives shall be established to foster infill development and revitalization of older areas.*

Evaluation: The policy does not fully address redevelopment and infill of commercial areas, especially by failing to include “encouraging and providing incentives for mixed use development” as identified in the Vision Plan. Mixed use development supports the objective of limiting sprawl by encouraging infill and redevelopment through provision of higher densities and intensities and a mix of residential-nonresidential uses that can be accommodated by existing infrastructure.

Recommendation: Revise the policy to address in general mixed use development in older areas of the City and commercial districts. [Note: Policies for specific commercial districts are recommended for consideration under A.3. of this section.]

4. *Objective 7 (Redevelopment): The City shall facilitate urban infill and redevelopment using land development regulations and implement a long-range strategy for revitalizing its Downtown commercial core and older residential areas.*

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

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

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

Evaluation: As discussed under A. 11 of the “Neighborhood Preservation and Stabilization” issue, this objective and supporting policies are inadequate. Recommended changes to be considered for residential neighborhoods were identified previously.

General policies regarding redevelopment/infill programs and incentives was addressed under A. 5 of the “Neighborhood Preservation and Stabilization” issue. Parameters and general principles for providing incentives and programs for commercial and nonresidential infill/redevelopment are to be considered as part of the revisions to Policy 2.4 of Objective 2 (Growth Management/Sprawl). Policy 7.1 regarding the “MX” future land use map designation is discussed under the “Mixed Use District” issue.

The identification of specific objectives and supporting policies for the Downtown and each of the other commercial districts warrant consideration to provide policy direction in achieving the preservation and enhancement of these areas, as viable, distinct and diverse commercial districts. The Vision Plan and other studies or policy documents cited in this report, completed over the last few years, should provide the initial basis for preparation of these objectives and supporting policies.

Recommendations: The following amendments should be considered to replace Objective 7 and supporting policies under the Land Use Element and should include quantifiable objectives/policies and target completion dates where appropriate:

- A separate objective with supporting policies for the Downtown, using as a starting basis for the preparation of these amendments, the recommendations of the Vision Plan and other planning documents prepared for the Downtown since 2000 including further evaluation of recommendations to create a CRA or Business Improvement District; increase the density or intensity in the Downtown; parking needs and management; preparation of a Downtown master plan and capital improvements plan; and modifications to the “Twin Pairs” (see discussion under previous issue).
- A separate objective and supporting policies for the Cardinal Drive and Ocean Drive commercial district, using as a starting basis for preparation of these amendments, the recommendations of the adopted Master Plan and Vision Plan including further evaluation of the limits on the number of stories and building heights.
- Separate objectives and supporting policies for Royal Palm Pointe, Miracle Mile, and Beachland Boulevard commercial districts, using as a starting basis for preparation of these amendments, the recommendations of the Vision Plan including further evaluation of the financial feasibility and practicality of several strategies identified for these districts.

B. *Traffic Circulation (to be re-titled Transportation) Element*

1. *Objective 1 (Adequate Roadway Transportation System), Policy 1.2: The City shall investigate the feasibility of designating a transportation currency exception area in the Comprehensive Plan for the Downtown central business district for the purpose of promoting urban infill, redevelopment, and downtown revitalization, as outlined in Chapter 163.3180, Florida Statutes.*

Evaluation: As discussed earlier under the “Twin Pairs” issue, currently the Downtown has no road concurrency issues and SR 60 has a significant additional capacity. The existing peak volumes for SR 60 and road system serving the Downtown and the projected traffic demand on the road system, modeled for the MPO’s 2035 Plan, don’t show a future network deficiency for the road system serving the Downtown.

It should be noted that the growth assumptions in the MPO model generally assume existing trends in residential and employment in the downtown. Without a detailed redevelopment and infill plan for the Downtown and lack of any data supporting the need for a Transportation Concurrency Exception Area or change in the Level of Service standards for SR 60 and other roads serving the Downtown, this policy is premature.

Although the recent change in the Florida Statutes (designating the City as a “dense urban land area”) make it much easier to establish a TCEA without approval by the Florida Department of Community Affairs, it still will require an amendment to the City’s Comprehensive Plan. Road concurrency, especially considering its role as a major east-west regional arterial and critical hurricane evacuation route and its implications for taxpayers and resident’s quality of life, is very important issue for the City. Any changes in level of service standards need to be based on sound policy supported by sound technical data.

Therefore, as road concurrency is currently not an impediment to redevelopment and infill in the Downtown and an amendment to the Comprehensive Plan with supporting data analysis will be required to institute a TCEA or change in Level of Service Standard, this policy is premature and unnecessary.

Recommendation: Consider eliminating this policy or revising the policy to make it more an option available to consider should changing conditions warrant necessitating its consideration.

POI Zoning District

Issue Statement

The Professional, Office and Institutional (POI) zoning district is permitted by the Comprehensive Plan to be located within Residential Medium (RM), Residential High (RH) and Commercial future land use designations. The zoning district is intended to provide a transition between residential neighborhoods and more intensive non-residential uses; however, all uses allowed within the zoning district are not necessarily consistent with this policy directive.

The inclusion of the POI district in residential future land use categories creates some uncertainty for both property owners and neighbors, and may lead to inappropriate land uses and the destabilization of established residential neighborhoods if proper site location criteria and site and building design standards are not in place. The exclusion of multi-family uses from the

zoning district is counter intuitive to the RM and RH designations and directly works against implicit strategies in the Vision Plan to encourage mixed development.

Although specific amendments were made to the Comprehensive Plan in 2008 to address concerns regarding the POI zoning district, the staff has not been able to move forward with changes to the Land Development Regulations governing the POI district. Recognizing the lack of any progress in making these revisions, the primary issue that needs further examination are what other amendments to the Comprehensive Plan may be warranted to address the above concerns.

Issue Background and Analysis

The POI zoning district was enacted in 1984 in response to rezoning and redevelopment pressures to convert single family residences to commercial uses along the SR 60 corridor west of the downtown. The intent of the district is to establish primary office and compatible supporting uses in highway-oriented commercial areas and areas suitable for providing transitional areas between residential and commercial areas. The district was also considered an interim measure to allow the gradual conversion of single family residences abutting SR 60 to limited nonresidential uses, as these residences were considered adversely impacted by the noise and high traffic volumes on that major arterial.

Prior to the district's enactment in the land development regulations, it was determined that the 1980 Comprehensive Plan required amending to enable this district to be applied in the rezoning of properties abutting SR 60. Rather than re-designate these properties as Commercial on the Future Land Use Map, the City decided to amend the text of the Comprehensive Plan to allow non-residential within the RM (Residential Medium) future land use category.

The 1992 Comprehensive Plan, building upon the 1980 Comprehensive Plan, authorized the inclusion of planned office professional developments in RM and RH future land use categories, which therefore permitted POI districts to be approved in these future land use categories. Since its enactment, POI zoning has been applied to a linear strip of properties along both sides of SR 60 west of the downtown, except for the McAnsh Park subdivision, and various locations along SR 60 east of the downtown; a 14.5 acre concentration north of the Miracle Mile; two areas of 9.3 acres each in the eastern corridor of Indian River Boulevard between 18th Street and the southern city limits; and several small isolated pockets in various parts of the City.

The POI zoning district allows various professional office uses, banks and financial institutions, administrative services, places of worship, day care services, select personal services, and single family uses. Retail or multi-family uses area are specifically prohibited in the district. The minimum lot width and size for development sites within the district is 100 feet. The district has specific height, setback, and landscaping regulations to buffer site development from nearby residential areas.

When these regulations are applied to large parcels of 5 or more acres, they have tended to spread out development over the entire site, allowing for less than efficient use of available land and limiting flexibility in applying step-down and other development design approaches to

mitigate impacts on adjacent neighborhoods. The staff is concerned that creation of large POI zoned areas may result in large scale developments that do not necessarily meet the intent of the POI district. Such large scale tracts may possibly be better addressed under a commercial land use designation with a new “planned office” zoning district or handled through a conditional use process with specific building and site design requirements, where the site is in close proximity to residential uses.

Allowing banks with drive-up facilities as a permitted use in the POI district has made it virtually impossible for any applicant to obtain a favorable rezoning to POI, even in suitable locations where such uses that would be compatible with existing development, due to the necessity to consider the impacts of the most intensive use allowed under POI when a rezoning is considered. In light of this dilemma, several property owners have asked the Planning and Development Department staff to consider enacting regulations for a “POI Light” that addresses this and other concerns that make it difficult to rezone properties to POI.

In response to these concerns, the City adopted two amendments to the Land Use Element of Comprehensive Plan in 2008. The first amendment, Policy 1.16 of the Land Use Element, was intended to provide clear policy direction in addressing the rezoning of areas to POI. The other amendment, Policy 1.17, provides some guidance on revisions to the regulations governing the POI district, such as use of conditional use approval and establishment of specified design and performance standards. The latter policy has not been implemented.

The issue regarding the incorporation of multi-family uses in the district was not identified in either of the two new policies. As discussed under both the Neighborhood Preservation and Stabilization and Downtown and Commercial Districts of this report, some attention should be given to considering increasing opportunities for mixed residential and non-residential development. Such consideration of multi-family in appropriate locations would not only support a mixed use policy, but provide some diversity in the development that would vary from the strip commercial development pattern, found along major thoroughfares.

Evaluation and Recommendations

The following is an analysis of relevant objectives and policies along with recommendations for amendments to be considered in the EAR-based amendment package:

A. *Land Use Element*

1. *Objective 1 (Land Uses), Policy 1.15: The City shall regulate land use categories depicted in the Future Land Use Map by establishing compatible zoning districts in the land development regulation. In Land Use Table 1.11, the relationship between land use designations and zoning districts is summarized and shall be used as a guide.*

Evaluation: Table 1.11 directs that the POI zoning classification is permitted in the RM (Residential Medium), RH (Residential High), MR (Mixed Residential), MX (Mixed Use), and C (Commercial) Future Land Use designations. Whether or

not this Policy will require amending will depend upon the review of the existing Land Development Regulations in Policy 1.17 regarding the POI district.

Recommendation: Consider amending this Policy if necessitated by the outcome of the review of the regulations governing the POI district called for in Policy 1.17.

2. *Objective 1 (Land Uses), Policy 1.16: The land development regulations may contain provisions for an office, institutional and financial use zoning district(s), called a Professional Office Institutional (POI) District, that shall be limited to appropriate locations within medium and high residential, mixed use, and commercial land use designations. This zoning district(s) is intended to provide for a transition and/or buffer between medium to high density residential and more intensive non-residential uses and to preserve the essentially residential character of blighted or declining residential areas, which are no longer appropriate for residential use but are not considered appropriate for a broad range of commercial uses as permitted in commercial zoning districts. This zoning district(s) is to be located principally along arterial roadways. Development within this district may be subject to approval through the land development regulations' conditional use process based on specified design and performance standards to ensure compatibility with existing development and to ensure that off-site impacts of the development do not adversely impact the community character of residential neighborhoods and properties in its immediate vicinity.*

Evaluation: This policy, enacted in 2008, is fairly comprehensive and provides adequate guidance in the locating such districts and for the review and preparation of regulations to implement the policy. Although multi-family housing is not specifically identified in the policy, the language of this policy regarding suitable land use designations for POI zoning districts, does not preclude allowing multi-family in such districts.

Recommendation: Retain the language of this policy as written.

3. *Objective 1 (Land Uses), Policy 1.17: The City shall review its existing land development regulations for the Professional Office and Institutional (POI) District and prepare and adopt revised land development regulations for that district consistent with policies in the Comprehensive Plan by July 2008.*

Evaluation: The City has not met the target date cited in Policy 1.17 for the preparation and adoption of revised regulations for the POI district due to other higher priority work demands on staff. This date for completion of this effort should be revised. However, as the staff anticipates that work on implementing this policy could be initiated within the next six months, it is very likely by the time the EAR amendments are prepared this policy will be unnecessary.

Recommendation: Depending upon the staff's progress in revising the regulations governing the POI district, consider deleting the policy or revising the target date for completion should the staff encounter a significant delay in their preparation.

4. *Objective 2 (Growth Management/Urban Sprawl), Policy 2.3: Land use designations and regulations shall be used to limit future strip commercial development along roadway thoroughfares.*

The inclusion of "planned office developments" in Residential Medium and Residential High future land use designations generally conflicts with this policy as commercial development is occurring in POI zoned areas along SR 60. In fact, the 1992 Comprehensive Plan uses the Future Land Use Map designations on SR 60 west of downtown as an example of meeting Policy 2.3. The pattern of existing uses along this stretch of SR 60 appears to contradict this statement.

Recommendation: Consider revising this policy to be consistent with the results of the review of policies related to the POI zoning proposed under the previous section of this report.

B. *Housing Element*

Residential infill and redevelopment, which is effected by the provisions of the current POI regulations regarding the prohibition of multi-family development in the zoning district, is addressed under C. 4. of the Housing Element of the Neighborhood Preservation and Stabilization issue.

Mixed Use Land Use Category

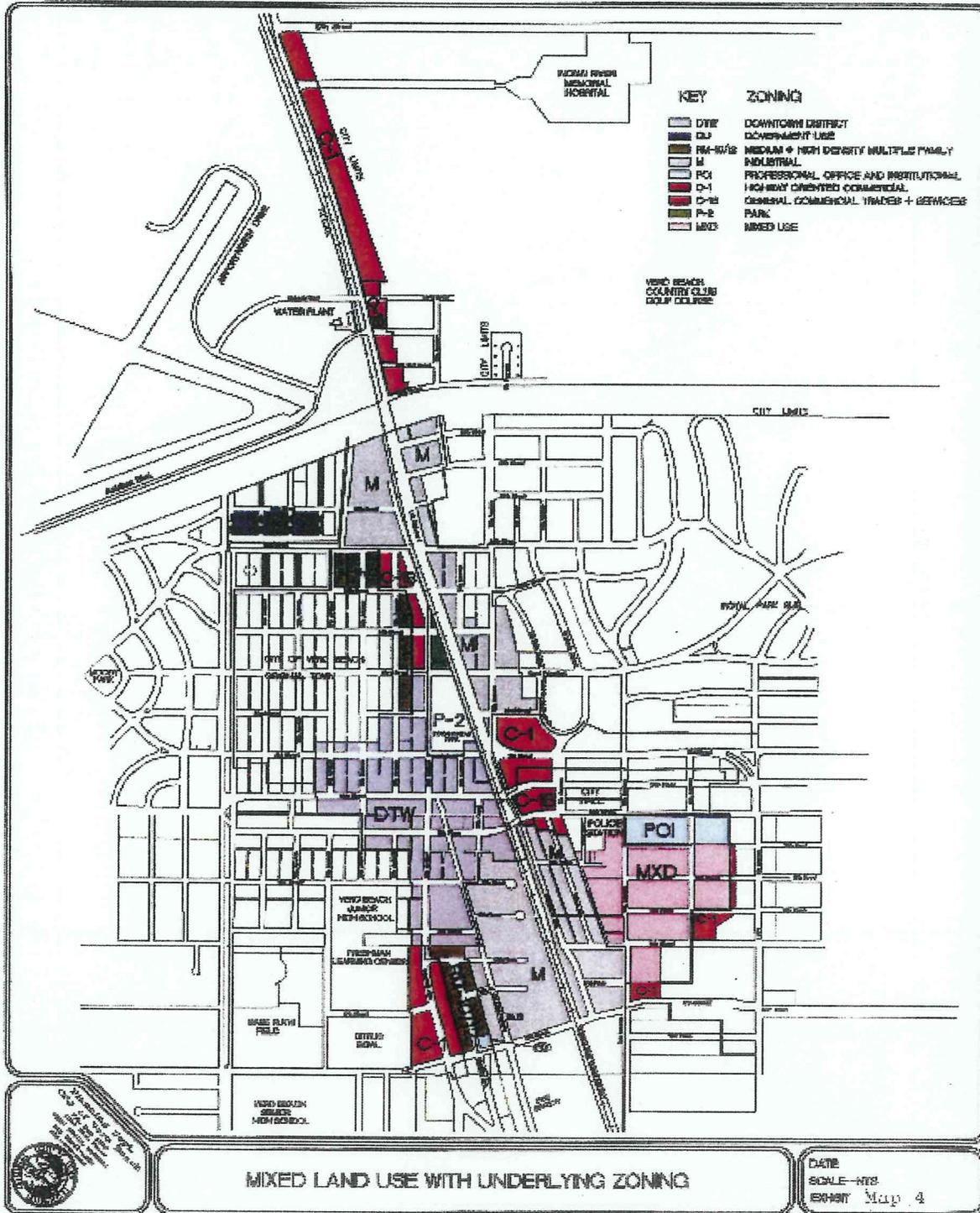
Issue Statement

The Mixed Use (MX) designation on the Future Land Use Map has been applied to a wide area of the central portions of the city encompassing the downtown and industrial, commercial, and residential areas bordering the Florida East Coast Railroad. The Mixed Use designation provides for an overly broad mix of different and not necessarily compatible zoning districts and uses.

This "catch-all" category is too broad to be an effective policy or regulatory tool, especially in areas where mixed development, redevelopment, and infill are to be encouraged. Therefore, the issue regarding the Mixed Use category concerns what changes are needed in the policies of the City's Comprehensive Plan Land Use Element to make this designation a more effective policy and regulatory tool consistent with mixed use, infill and redevelopment, and neighborhood preservation policies of the Comprehensive Plan.

Issue Background and Analysis

The Mixed Use designated areas are shown on Map 4 along with the underlying zoning districts for properties within these areas. The Mixed Use designation allows a maximum density of 17



dwelling units/30 hotel rooms per acre with a FAR ratio of .30 to 2.00. The Mixed Use designation allows for the following zoning districts:

- o Downtown District (DTW): maximum of 17 units/acre and 30 rooms/acre; maximum FAR of 2.0; permits retail, restaurants, financial, personal services, office, medical, institutional, transient residential (hotel/motel), residential, and governmental uses.
- o Highway-Oriented Commercial District (C-1): maximum of 0 units/acre and 30 rooms/acre; maximum FAR of 0.5; permits retail, restaurant, financial, personal services, office, medical, vehicular sales and services, transient residential and governmental uses.
- o General Commercial Trades and Services District (C-1B): same as C-1, except this district excludes transient residential and vehicular sales and services.
- o Government Use District (GU): maximum of 0 units/acre and 0 rooms/acre; max. 0.5 FAR; permits educational, government, and hospital uses.
- o Professional, Office, and Institutional District (POI); single family detached with minimum lot size of 7,500; maximum of 0 rooms/acre; maximum FAR of 0.5; permits single family uses, office, medical, financial, limited personal service uses, nursing homes, and day care facilities.
- o Mixed Use District (MXD): maximum of 17 units/acre and 0 rooms/acre; maximum FAR of 0.5; permits residential uses, educational, government and personal services, office, and restricted retail, office, medical, personal service uses in combination with residential uses.
- o Industrial District (M): maximum of 0 units/acre and 30 rooms/acre; maximum FAR of 0.5; permits retail, restaurant, office, medical, education, transient residential, vehicular sales and services, wholesale trade and services, light industrial, transportation facilities, and outdoor storage.

As stated in the City's 1997 EAR and the City's 1999 EAR amendment package, the Mixed Use designation was intended to be applied to areas where redevelopment and infill was anticipated or planned by the now defunct Community Redevelopment Agency. The initial Mixed Use designation mainly covered the downtown. This area was further expanded based on an intention by the redevelopment agency to expand the scope of its redevelopment plan to cover areas adjacent to the downtown along the Florida East Coast rail line which bisects the City.

With the dissolution of the Community Redevelopment Agency and a change in City redevelopment policies, the City proposed in its EAR amendment package to amend the Future Land Use Map by reducing the Mixed Use area to only the downtown and the immediate fringe area to reflect the change in redevelopment policy. The other rationale for the change was that the "Mixed Use designation includes a presumption that residential and nonresidential uses should be allowed to coexist in order to promote redevelopment." However, the MX designation covers several areas with underlying zoning that allows for no residential density."

The staff further commented that this situation is "potentially in conflict with the City charter, which prohibits the increase in density (or building height) without approval by the electorate through a referendum. This comment is based on the staff's interpretation of Section 5.06 of the City Charter which states the density levels existing in the Zoning Ordinance of the City of Vero Beach, on August 15, 1989, can't be increased without a voter referendum.

However, this staff opinion has been rendered moot by an official opinion of the City Attorney that this section of the Charter applies only to instances where the actual "Zoning Ordinance" itself is being considered for amendment to allow for increase in density. It doesn't apply to amendments to the Official Zoning Map that rezone property to a higher density.

To reduce the area of the Mixed Use designated areas, 13 separate amendments to the Future Land Use Map were proposed, totaling over 255 acres, changing the designations of properties from Mixed Use to C, I, RH, or GU. This included the proposed designation of the downtown under a new land use designation of DT (Downtown). A small area mixed residential-commercial area, currently zoned Mixed Use (MXD), located southeast of the downtown was to remain Mixed Use.

The City decided not to move forward to adopt these amendments after receiving objections from DCA in that agency's Objections, Recommendations, and Comments report on the amendment package. However, the staff's concerns about the Mixed Use category being too broadly applied are as relevant today as they were in the 1990s.

Furthermore, the inclusion of industrial uses within the Mixed Use area is in many cases not compatible with the intent of the designation as stated in Policy 1.9. This designation is to be applied to areas suitable for urban scale development and intensities, particularly in central mixed use locations. Many industrial uses are not compatible with more sensitive residential uses or mixed residential-commercial uses that promote walkable and sustainable neighborhoods and pedestrian-oriented business districts.

A similar argument could be made regarding other zoning districts allowed under the Mixed Use designation, such as the highway-oriented Commercial District (C-1) and the Commercial Trade and Services District. The former district is primarily intended for uses dependent upon vehicular traffic, while the latter allows for no residential uses.

This issue needs to be addressed through further review and consideration of revised policy language regarding the Mixed Use District and zoning districts compatible with this designation. Depending upon the outcome of this effort, changes in the designation of properties under the

Mixed Use designation may be considered including possible revisions to the policies related to Commercial and Industrial future land use categories.

Another related issue not addressed in the 1999 EAR Amendment package was the Mixed Use zoning district, which, as noted above, is one of the zoning classifications permitted under the Mixed Use future land use designation. Initially enacted in March of 1989 and subsequently amended three times, the purposes of the district as listed in Section 62.200 of the Code are to:

- o Establish flexible development standards in areas of the City that are in a state of decline and where residential activity is needed or desirable by preserving and enhancing the residential character of neighborhoods and allowing small scale, low intensity, non-residential uses;
- o Reduce urban sprawl, encourage infill development, provide for moderate income housing opportunities, discourage strip commercial development, stabilize and increase property values, and reduce energy consumption; and
- o Create an environment where people can live, work and have recreation opportunities in the same area.

Section 62.200 of the City Code goes on further to state that the regulations are intended to make designated areas a “new focus of pedestrian-oriented, residential development activity.” The regulations of the zoning district to accomplish this goal include reduced dwelling unit sizes, reduced setbacks, transfer of development rights, public open space, and recommended building and site design guidelines.

The district has never lived up to the expectations expressed in its purpose statement for a variety of reasons. Although the lack of any concerted public community development or infrastructure programs in the area is certainly a factor, the major barrier to meeting the purposes outlined for this area are the regulations themselves.

Rather than provide flexible development standards to encourage private investment, the standards for the district, except for off-street parking requirements and a few minor setback standards, are as strict or stricter than those of other districts. The requirements for attracting or allowing small scale non-residential development are generally impossible to meet.

The incentives provided in the district regulations are also flawed. The Transfer of Development Rights provisions, as written, directly conflict with limitations on density in the Comprehensive Plan and may violate the increase in density provisions in the City Charter. The provisions to meet a reduction in open space requirements are cumbersome and require contribution to a City-established open space trust fund, that has never been established as no project for use of such funds has ever to the staff's knowledge been identified.

In conjunction with the effort to review the Mixed Use future land designation, some consideration should be given to further review of the regulations for this zoning district to

determine what changes are needed to make it more functional and consistent with the purposes and criteria of the Mixed Use future land use designation.

Evaluation and Recommendations

The following is an analysis of relevant objectives and policies along with recommendations for amendments to be considered in the EAR-based amendment package:

A. *Land Use Element*

1. *Objective 1 (Land Use), Policy 1.9: The Mixed Use (MX) land use designation shall be applied to those areas that are suitable for urban scale development and intensities. Those areas shall be limited to lands near arterial or collector streets with adequate public facilities, existing mixed use central locations, including the central core of the city and the downtown area. This land use category shall allow a mixture of residential and commercial uses, which may be located in the same building. Additional allowed uses include park and recreation uses, public facilities, institutional uses, schools, cultural and civic uses, utilities, professional office uses, and tourist-oriented facilities.*

Evaluation: The language of the policy states that the Mixed Use designation “shall be applied to those areas that are suitable for urban scale development and intensities.” However, both the Commercial and Industrial designations also employ the exact same introductory purpose statement language, which creates a confusing overlap among the three types of designations and limits their effectiveness in the planning process.

The policy, as currently written, is too broad as it calls for Mixed Use areas to be limited to lands near “arterial or collector streets” and “existing mixed use central locations, including central core of the city and the downtown.” Such broad language includes every main roadway in the City.

The inclusion of the multitude of different and widely varying zoning districts only further confuses what is the specific purpose of the district. Without further policy guidance and more specificity, such a broad umbrella of disparate and often times conflicting land uses, creates internal inconsistencies among plan policies and their application, and may lead to legal challenges.

For example, the Mixed Use designation has not just been applied to areas suitable for “urban scale development and intensities,” such as the downtown, but has been also applied to areas of the City with 3 to 4 units density currently zoned MXD as discussed above. Clearly, more specific policy guidance is required to differentiate the application of the Mixed Use designation to “urban scale development densities,” such as the downtown with nearby areas located near the city core. One approach to resolving this problem would be to define each designation in more specific and quantifiable terms.

Recommendation: Consider comprehensive revisions to the policy that clarifies the intent or purpose of the Mixed Use designation and provides specific guidance in quantifiable and more precise terms regarding areas appropriate for designation in conjunction with recommendations regarding Commercial and Industrial designations discussed below.

2. *Objective 1 (Land Uses)*

Policy 1.10: The Commercial (C) Land Use Designation shall be applied to those areas that are suitable for urban scale development and intensities. Those areas shall be limited to lands that are located near existing urban centers, near the center of several neighborhoods, areas in transition from residential uses to offices, at high access points such as the intersection of arterial streets, located adjacent to arterial or collector streets. This land use category shall allow a mixture of highway-oriented commercial uses, such as retail trade, professional offices, business and personal services, residential, cultural and civic uses, public facilities, park and recreation uses, schools, institutional, utilities, tourist-oriented facilities, marinas, and aviation-oriented uses.

Policy 1.11: The Industrial (I) Land Use Designation shall be applied to those areas that are suitable for urban scale development and intensities. Those areas shall be limited to lands that are located adjacent to major transportation facilities such as airports, arterial streets or railroads, buffered from residential neighborhoods or located with consideration to environmental impacts and other performance standards provided for in the City Land Development Regulations. This land use category shall allow a mixture of highway-oriented commercial uses, such as retail trade, professional offices, business and personal services, residential, cultural and civic uses, public facilities, park and recreation uses, schools, institutional, utilities, light industrial and aviation-oriented uses.

Evaluation: As discussed under Policy 1.9, the policy language regarding the intent and application of the Commercial and Industrial designations is too similar to that for the Mixed Use designation. This problem is further compounded by the extensive list of uses permitted within the Industrial zoning district that defeats the purpose for designating areas for industrial uses, with many uses not compatible with other uses permitted within the district such as highway-oriented commercial uses that are land extensive uses.

Recommendation: Consider revisions to both policies to clarify the intent and purpose of each designation and provide more specific guidance in more precise and quantifiable terms areas appropriate for these designations and uses.

3. *Objective 1 (Land Uses), Policy 1.15: The City shall regulate land use categories depicted in the Future Land Use Map by establishing compatible zoning districts in the land development regulations. In Land Use Table 1.11, the relationship*

between land use designations and zoning districts is summarized and shall be used as a guide.

Evaluation: Table 1.11 shows that the following zoning districts are compatible with the Mixed Use future land use designation: RM 10/12 (multi-family); Mixed Use (MXD); POI; DTW; GU; C-1; C-1B; and M districts. This spread of zoning districts is far too broad to be applied as initially envisioned under the 1992 Comprehensive Plan and the earlier 1980 Comprehensive Plan. As discussed above, the change in the direction of the City's redevelopment policies with the demise of the Community Redevelopment Area and changing conditions require that both the geographic scope and purposes of the Mixed Use District be re-evaluated in conjunction with the policies governing the Commercial and Industrial designations.

Recommendation: Consider amending this Policy depending upon the outcome of the changes to Policies 1.9, 1.10, and 1.11 above, which may eventually result in amendments to the Future Land Use Map as part of the EAR amendment package or subsequent to adoption of these amendments.

4. *Objective 3 (Land Development Regulations), New Policy:*

Evaluation: Both the Industrial (M) and Mixed Use (MXD) zoning districts have deficiencies identified under the Issue and Background section above that warrant further review and revisions.

Recommendation: Consider a new policy under Objective 3 that calls for review of both the Industrial and Mixed Use zoning districts regulations based on adoption of revision to Policies 1.9, 1.10, and 1.11 and preparation of appropriate revisions by a specified target date for completion.

5. *Objective 7 (Redevelopment), Policy 7.1: The city shall adopt standards and regulations for the mixed-use "MX" land use district shown on the Future Land Use Map to encourage infill and redevelopment of the downtown and older central area of Vero Beach, such standards to include higher residential densities and commercial floor area ratios than found in other districts.*

Evaluation: Subsequent to the adoption of the 1992 Comprehensive Plan, the City adopted new zoning districts for the downtown, and core areas as articulated in the DTW (Downtown District) and MXD (Mixed Use District). The regulations for the DTW District did provide higher residential densities and commercial floor area ratios than found in other districts.

Although MXD District regulations provide for higher residential densities, as discussed above, the TDR provisions of the regulations which allow up to 21 units per acre are inconsistent with land use density provisions of Table 1.10 (Policy 1.14) of the Land Use Element and may be inconsistent with provision of the City

charter regarding increases in residential density. Furthermore, commercial development is strictly limited in the MXD conflicting with the intent of this policy as written.

Recommendation: Consider amending this policy in coordination with the efforts to revise Policy 1.9 (Mixed Use) and other related policies identified in this section regarding both the Mixed Use future land use designation and Mixed Use zoning district.

B. *Housing Element*

The relevant objectives and policies related to the Mixed Use District are discussed under the Housing Element of the Neighborhood Preservation and Stabilization issue.

CHAPTER IV ASSESSMENT OF COMPREHENSIVE PLAN ELEMENTS

Land Use Element

The Land Use Element is intended to be the central, critical policy framework for coordinating and guiding future development and redevelopment of land in a manner that is consistent with the character and vision of the City and with state and regional plans. This overall goal is to be accomplished by achieving a future land use pattern that provides for the sufficient supply of land to meet additional growth or redevelopment demands, ensures that land uses are located in a rational and efficient manner and that growth and redevelopment are adequately served by public infrastructure while protecting the City's finite natural resources.

Although the City has identified, through this most recent EAR process, local planning issues that would amend objectives and policies of the Land Use Element, this element overall has done well in the past guiding future development and maintaining the character of the City. The City revised the objectives and policies in the Land Use Element in 2008 to be more specific and clarify existing practices and implementation of land development regulations. The City adopted a new historic preservation ordinance as part of the Land Development Regulations in 2008, including the establishment of a Historic Preservation Commission.

However, as discussed under the Evaluation of Major Local Community Planning Issues, the existing Comprehensive Plan has focused primarily on the separation of uses, but has not entirely satisfactorily addressed the needs to encourage and foster mixed use and infill development as called for in the Vision Plan or the preservation and revitalization of the City's neighborhoods. The data and analysis of the element, including most of the maps and support data, date back to the late 1980's and need comprehensive and substantial revisions. In this updating process, it is expected that further revisions will need to be made to the goals, objectives, and policies of the element in addition to those called for in the Evaluation of Major Local Community Planning Issues.

Traffic Circulation Element

The purpose of the Traffic Circulation Element is to incorporate transportation planning into the City's land development decisions to guide the provision of a safe, efficient, accessible, financially feasible and attractive transportation system. The element includes an inventory of all modes of transportation, including roadways, public transit, bicycle/pedestrian, and aviation facilities. The element also identifies current and future levels of service and needs to accommodate existing and future development identified in the Land Use Element while striving to protect community character.

This element has been generally successful in guiding development and maintaining existing and planning for future transportation system improvements while striving to maintain the character of the City. The Indian River County MPO was formed subsequent to the 1992 Comprehensive Plan, which has been a critical framework for facilitating transportation planning and analysis for the City and the County.

The City revised the objectives and policies and updated data and analysis in the Transportation Element in 2008 to be consistent with the current conditions and implementation of land development regulations. Recently, the City sent proposed amendments to this element to DCA for review that address the support for an Amtrak passenger rail station and other multi-modal facilities in the downtown and areas identified as Mixed Use on the Future Land Use Map.

All applicable City land development reviews include a concurrency review by the County's Traffic Division. The City has adopted Indian River County's concurrency management system ordinance to address concurrency, adhering to the methodologies outlined in the County's Code. This shared participation between the City and County ensures consistent methodology for monitoring and measuring impacts on the regional and local transportation systems.

A major shortcoming of the element is the lack of emphasis on non-roadway oriented transportation alternatives, such as mass transit, rail, airport, and bicycle/pedestrian transportation and need for multi-modal approaches that can be supported by appropriate development patterns. The shortcoming is reflective of the title of the element, which will be changed to the "Transportation Element" as part of the major updating of the Comprehensive Plan during the EAR amendment process. Another shortcoming that was never addressed in the 1992 Comprehensive Plan is Vero Beach Municipal Airport and land use compatibility issues related to the airport's operations.

The comprehensive revisions and updating of this element will need to be coordinated with the Indian River County MPO to ensure consistency between the new Transportation Element and Indian River County MPO's 2035 Long Range Transportation Plan that calls for mixed use and infill development in the urban areas of Indian River County.

Housing Element

The purpose of the Housing Element is to evaluate and quantify housing needs and develop policies to ensure a varied supply of housing to meet the needs of different income groups and the different lifestyle stages of households that include a diversity of housing choices. In 2008, amendments to the Comprehensive Plan, updated data on housing needs from the 2000 U.S. Census and Florida Data Clearinghouse in response to an objection raised by the DCA in its Objections, Recommendations, and Comments Report on EAR based amendments to the 1992 Comprehensive Plan prepared in 1999.

This element has been generally successful in the past as the objectives established for housing in the 1992 Comprehensive Plan were fairly limited. Except for the aforementioned 2008 amendments, the housing needs analysis or goals, objectives, and policies of the Housing Element were never updated during the previous EAR process and, therefore, require major updating and revisions.

The significant changes in the housing market in recent years and the anticipated long-term lingering effects of the "Great Recession" have heightened the need for such an undertaking. Some of the issues directly related to needed revisions in the Housing Element are discussed under the major local issue regarding "Neighborhood Preservation and Stabilization."

Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element

The purpose of this element, which will be re-titled the “Public Facilities Element” as part of the EAR amendment process, is to guide the provision of efficient and effective sanitary sewer, solid waste, potable water, and storm drainage facilities and services and protection of groundwater resources. These facilities and services should support redevelopment and infill development, protect public health and safety and maintain environmental quality, with consideration to limited financial resources.

This element has been successful in guiding the provision of public facilities and services in the City. Level of service standards have been adopted and maintained for these public facilities and capacity is available during the planning horizon; however, as pointed out in the Technical Addendum prepared for the 2008 amendments required to bring the Comprehensive Plan into compliance with state statutes, the level of service standards for sanitary sewer and potable water based on a “gallons per capita” standard need to be revised based on an “equivalent residential or dwelling unit” standard to be more useful.

Similarly, the solid waste level of service standard needs to be examined to determine whether the pounds per capita level of service standard needs revision. Some consideration should be given to using the landfill capacity as part of the level of service standard.

Although the City successfully amended its land development regulations and adopted a major update to the storm water protection ordinance consistent with the Comprehensive Plan, the regulations for aquifer recharge area have yet to be enacted. The City has moved forward through improvements to its wastewater treatment system that will eliminate all future wet-weather discharges to the Indian River Lagoon by transmitting this treated effluent to the City’s new deep injection well.

EAR based amendments should include revisions to the element and map series which include revising data as well as goal, objectives and policies to add new initiatives, modify partially completed initiatives, eliminate complete initiatives, and modify others to address changes in conditions or direction.

Coastal Management Element

The purpose of the Coastal Management Element is to guide development activities within the coastal zone in a manner that protects and conserves natural resources and protects human life and property from storm events and limits public expenditures that are vulnerable to natural disasters.

Overall, this element has been successful in guiding the City’s efforts in managing the coastal zone by striving to protect natural resources, water quality, beaches and dunes, and other objectives outlined in the element. The data and analysis and many of the objectives and policies of the element date back to the late 1980’s and are in need of comprehensive revisions and updating.

EAR based amendments should include revisions to the element and map series which include revising data as well as goal, objectives and policies to add new initiatives, modify partially completed initiatives, eliminate complete initiatives, and modify others to address changes in conditions or direction. One map that will definitely need changing is the Coastal High Hazard Area that was changed by the State a couple of years ago, but is not reflected in the current Comprehensive Plan.

Conservation Element

The purpose of the Conservation Element is to provide a comprehensive framework for the ongoing monitoring, management, use, and protection of the City's natural resources. The Conservation Element includes goals, objectives, and policies related to the preservation, management, and enhancement of the natural environment and resources of the City of Vero Beach, including air quality, surface water, groundwater, wetlands, native vegetation, protected terrestrial and marine wildlife and vegetation, beach and sand dunes, and upland native vegetation.

Overall, this element has been successful in guiding the City's efforts in protecting natural resources. The City substantially revised the wetlands and groundwater protection objectives and policies in the Conservation Element in 2008, although the wetland policies have not been fully implemented through revisions to the City's Land Development Regulations. The data and analysis and many of the other objectives and policies of the element date back to the late 1980's and are in need of significant updating.

EAR based amendments should include revisions to the element and map series which include revising data as well as goal, objectives and policies to add new initiatives, modify partially completed initiatives, eliminate complete initiatives, and modify others to address changes in conditions or direction.

Recreation and Open Space Element

The purpose of this element is to identify the City's needs and priorities for the acquisition, development, and long-term maintenance of an adequate parks and recreation system. Specific standards and guidelines are established to analyze the needs for future capital and service improvements and to ensure that adequate recreation facilities and open space are available to serve existing and future development.

Overall, this element has been successful in guiding the City's efforts to provide for a recreation system and maintain open space. The data and analysis and objectives and policies of the element date back to the late 1980's and are in need of updating.

The objectives of the Recreation and Open Space Element have either been achieved, are being achieved or are being maintained. EAR based amendments should include revisions to the element and map series which include revising data as well as goal, objectives and policies to

add new initiatives, modify partially completed initiatives, eliminate complete initiatives, and modify others to address changes in conditions or direction.

Intergovernmental Coordination Element

The purpose of this element is to promote and implement improved planning coordination processes among local governments and local, regional, state and federal agencies.

Overall, this element has been successful in guiding the City's efforts to improve planning coordination among governmental entities. The data and analysis and objectives and policies of the element date back to the late 1980's and revisions are warranted especially as new regional entities have come into being, such as the Indian River County Metropolitan Planning Organization and others have been replaced or cease to exist.

The objectives of the Intergovernmental Coordination Element have either been achieved, are being achieved or are being maintained. EAR based amendments should include revisions to the element and which include revising data, as well as goal, objectives and policies to add new initiatives, modify partially completed initiatives, eliminate complete initiatives, and modify others to address changes in conditions or direction.

Capital Improvements Element

The purpose of the Capital Improvements Element (CIE) is to implement a capital planning program that provides and maintains in a timely, efficient and fiscally prudent manner, public facilities and services which protect the public health, safety, and welfare, adequately serve existing and new development, and minimize public costs. It provides the policy framework that identifies and programs capital improvements needed to implement the Comprehensive Plan and ensure that the adopted level of service standards are achieved and maintained.

Overall, this element has been successful in guiding the City's efforts to continue to implement a capital planning program. The City substantially revised the entire element for the 2009 CIE annual update and is in good standing.

As the Capital Improvements Element is required to be maintained and updated annually, it is highly unlikely that any significant revisions to goals, objectives, and policies will be necessary.

Public School Facilities Element

The purpose of the Public School Facilities Element is to coordinate school planning activities with the School Board and the other local governments to maintain adopted level of service standards that meets the needs of existing and future development.

This element has been successful in assisting with the coordination of the local governments and the School Board in public school facilities planning efforts. This element is the most recently prepared of the Comprehensive Plan elements and is in good standing with the most recent 2009 annual update.

The objectives of the School Element have either been achieved, are being achieved or are being maintained. It is not anticipated that the EAR based amendments will include changes to the Public School Facilities Element; however, if there are any changes to the interlocal agreement which necessitate amendments, they will be done as part of the this process.

CHAPTER V
ASSESSMENT OF CHANGES IN STATE/REGIONAL POLICY PLANS
AND FLORIDA STATUTES

Subsection 163.3191(2)(f), Florida Statutes (F.S.), requires that the Evaluation and Appraisal Report (EAR) assess the consistency of the City of Vero Beach's adopted local Comprehensive Plan with relevant changes in the growth management policies expressed in the State Comprehensive Plan (187.201, F.S.), Strategic Regional Policy Plan, Chapter 163, Part II, F.S., the Local Comprehensive Planning Act, and Rule 9J-5, the Minimum Criteria for Review of Local Government Plans. This section of the EAR only evaluates growth management policy changes that have occurred between 1999 and 2010. Changes made prior to 1999 were addressed during the 1999 EAR-based amendments. Based upon observed inconsistencies between the adopted Comprehensive Plan and the above referenced documents, this section of the EAR also recommends proposed corrective amendments to the City's Comprehensive Plan.

State Comprehensive Plan

A review of the changes made to the State Comprehensive Plan, between 1999 and 2010, indicate the City's existing Comprehensive Plan is consistent with the State's Comprehensive Plan. The EAR-based amendments may include some refinements to the goals, objectives, and policies of the City's Comprehensive Plan furthering its consistency with the State Comprehensive Plan policies.

Treasure Coast Strategic Regional Policy Plan

Chapter 186, F.S. governs the adoption and revision of the Strategic Regional Policy Plans (SRPP) by Regional Planning Councils. The 1999 Evaluation and Appraisal Report-based Comprehensive Plan amendments adopted on February 5, 2008 analyzed the City of Vero Beach Comprehensive Plan in reference to policies in the 1995 Treasure Coast Strategic Regional Policy Plan (TCSRPP). Recommended changes were incorporated into the 1999 EAR-based amendments and reviewed by the Treasure Coast Regional Planning Council. The new 2010 EAR-based amendments may include some refinements to the goals, objectives, and policies of the City's Comprehensive Plan furthering its consistency with the Treasure Coast Strategic Regional Policy Plan.

Changes in Florida Statutes and Administrative Rules

Summary Review of the Most Recent Changes

One of the new requirements is school facilities planning. Local governments must adopt a Public School Facilities Element (PSFE). As stated earlier in the report, the City has met all the deadlines associated with the PSFE and school concurrency.

Coordination of the local Comprehensive Plan with the regional 10-year water supply plan is an update that the City will need to implement. The water supply plan will be referred to in the Comprehensive Plan's Infrastructure Element and other elements.

The State requires the Comprehensive Plan to include a 5-year schedule of capital improvements in the Capital Improvements Element. The schedule of capital improvements must be reviewed and updated on an annual basis and submitted to the State by December 1st of each year. The City has submitted its CIE update and it was found sufficient.

The newest statutory revisions occurred in 2008 and 2009 and include subjects such as reducing emissions of greenhouse gases. The 2008 statutory revisions require changes to be made to the land use, transportation, conservation and the housing elements to address energy efficiency and conservation. Amendments to address these new requirements will be made to the appropriate elements as part of the EAR-based amendments.

The 2009 statutory revisions include the designation of the City by the State as a dense urban land area and local planning requirements that include land use and transportation strategies to support and fund mobility, including alternative modes of transportation.

Detailed Review of the Changes in Chapter 163, Florida Statutes

Chapter 163, Part II, Florida Statutes, covers Growth Policy, County and Municipal Planning, and Land Development Regulations. The following list summarizes legislative changes made to Chapter 163 since the adoption of the 1999 Evaluation and Appraisal Report-based Comprehensive Plan amendments and identifies whether: 1) these changes require modification to any particular element of the City's Plan; 2) whether the changes have already been addressed through prior plan amendments; and 3) whether the changes are optional or are simply procedural in nature.

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
92	Required that ports and local governments in the coastal area, which has spoil disposal responsibilities , identify dredge disposal sites in the comp plan.	163.3178(7)		Land Use Element Objective 6, Policy 6.19	
93	Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187(1)(h)	N/A		
94	Required rural counties to base their future land use plans and the amount of land designated industrial on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economies.	163.3177(6)(a)	N/A		
95	Added the Growth Policy Act to Ch. 163, Part II to promote urban infill and redevelopment .	163.2511, 163.2512, 163.2520, 163.2523, and 163.2526		Land Use Element Objective 7 & Policies 7.1-7.3	
96	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)		Land Use Element Objective 9, Policies 9.1-9.4	
97	Made transportation facilities subject to concurrency.	163.3180(1)(a)		Land Use Element Objective 5, Policies 5.2 and 5.4 & Capital Improvements Element Objective 5, Policies 5.1 & 5.5 & Traffic Circulation Element Objective 1, Policy 1.7	
99	Excludes public transit facilities from concurrency requirements.	163.3180(4)(b)		Procedural	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
100	Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)		Procedural	
101	Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		Procedural	
102	Exempted amendments for urban infill and redevelopment areas, public school concurrency from the twice-per-year limitation .	163.3187(1)(h) and (i) [Now: (i) and (j)]		Procedural	
103	Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also, see Section 163.3221(1) for "brownfield" definition.]	163.3220(2)		Procedural	
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]					
104	Repealed Section 163.3184(1)(c), F.S. , that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c)	N/A		
105	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7)	N/A		
106	Repealed Sections 163.3191(13) and (15), F.S.	163.3191(13) and (15)	N/A		
107	Allowed small scale amendments in areas of critical state concern to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c) 1.e	N/A		
108	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of incentives for new development within urban infill and redevelopment areas .	163.2517(3)(j) 2.		Procedural	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
2001: [Ch. 2001-279, s. 64, Laws of Florida]					
109	Created the rural land stewardship area program.	163.3177(11)(d)	N/A		
2002: [Ch. 2002-296, ss. 1 - 11, Laws of Florida]					
110	Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board.	163.3174		Rep. Added to LPA; Not in Comp. Plan	Intergovernmental Coordination Element
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)		No	Potable Water; Intergovernmental Coordination; Land Use Conservation & Other Elements
112	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)		Procedural	
113	Required that by adoption of the EAR , the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)		No	Potable Water; Intergovernmental Coordination; Land Use; Conservation; Capital Improvements & Other Elements
114	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)		No	Conservation Element

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
115	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)	N/A	No	Intergovernmental Coordination Element
116	Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h) 4.		New Agreement Executed in 2008	
117	Required that counties larger than 100,000 population and their municipalities submit an inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.	163.3177(6)(h) 6., 7., & 8.		No	Intergovernmental Coordination Element
118	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003. NOTE: this requirement repealed by Ch. 2005-290, s. 2, LOF.	163.3177(6)(h) 9.		Repealed	
119	Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776	N/A		
120	Added a new Section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777		Intergovernmental Coordination Element Objective 3, Policy 3.4	
121	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)		Procedural	
122	Expanded the definition of "affected persons" to include property	163.3184(1)(a)		Procedural	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
123	owners who own land abutting a change to a future land use map. Expanded the definition of "in compliance" to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)		Procedural	
124	Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)		Procedural	
125	Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)		Procedural	
126	Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)		Procedural	
127	Required Evaluation and Appraisal Reports to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)		Procedural	
128	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		Procedural	
129	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246		Procedural	

	Chapter 163, F.S. Citations	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S.</p> <p>130 Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a “boating facility siting plan or policy” (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).</p>	<p>163.3187(1)</p>	<p>N/A</p>	
<p>131 Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.</p>	<p>163.3194(6)</p>	<p>Procedural</p>	
<p>2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.</p>			
<p>132 Creates the Agricultural Lands and Practices Act.</p> <p>(2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation.</p> <p>(3): Defines the terms “farm,” “farm operation,” and “farm product” for purposes of the act.</p> <p>(4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land.</p> <p>(4)(a): Provides that the act does not limit the powers of a county under certain circumstances.</p> <p>(4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances.</p>	<p>163.3162</p>	<p>N/A</p>	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	(4)(c): Provides that the act does not limit the powers of certain counties. (4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation.				
133	Changes "State Comptroller" references to "Chief Financial Officer."	163.3167(6)	N/A		
134	Provides for certain airports to abandon DRI orders.	163.3177(6)(k)		Procedural	
135	Throughout s.163.3177, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	163.31776		Procedural	
136	Throughout s.163.31777, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	163.31777		Procedural	
137	(10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act. (13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period. (14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.	163.3167		(10) N/A (13) No (14) Procedural	(13) Potable Water Element
138	(1): Provides legislative findings on the compatibility of development with military installations. (2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.	Creates 163.3175	N/A		

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	Addressed (where/how)	Amendment Needed By Element
<p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p> <p>(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>	N/A		
<p>139</p> <ul style="list-style-type: none"> • Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. • Changed to encourage rural land stewardship area designation as an overlay on the future land use map. <p>(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.</p> <p>(10)(1): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations.</p> <p>(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in</p>	163.3177	N/A	

	Changes to Chapter 163, F.S. implementing provisions relating to rural land stewardship areas.	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
140	<p>(11)(d)2.: Provides for multi-county rural land stewardship areas.</p> <p>(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area.</p> <p>(11)(d)6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.</p> <p>(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.</p> <p>(11)(f): Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requires DCA to provide technical assistance to local governments.</p>	Creates 163.31771		Procedural - Optional	

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	<p>dwelling unit must include an affidavit from the applicant, which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.</p> <p>(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.</p>				
141	<p>(6): Requires the DCA to report to the Legislature. Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act.</p>	163.3184(1)(b)		Procedural	
142	<p>(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.</p> <p>(1)(n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.</p>	163.3187	N/A		
143	<p>Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations.</p>	163.3191(2)(n)	N/A		
2005	<p>Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, Laws of Florida</p>				
144	<p>Added the definition of "financial feasibility."</p>	163.3164(32)		Procedural	
145	<p>(2): Required comprehensive plans to be "financially" rather than "economically" feasible.</p> <p>(3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of</p>			(2)Procedural	(3)(a)5. Capital Improvements Element, Objective 1,

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	Addressed (where/how)	Amendment Needed By Element
<p>these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement.</p> <p>(3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.</p> <p>(3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements.</p> <p>(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p> <p>(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).</p> <p>(6)(a): Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.</p> <p>(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects and traditional water supply projects and conservation and reuse selected by the local</p>	<p>N/A</p>	<p>Policy 1.6</p> <p>(3) (a) 6. b.1. Procedural</p> <p>(3)(a)6.c. Procedural</p> <p>(3)(a)6.d. Procedural</p> <p>(6) (a) Procedural</p> <p>(6) (a) No</p> <p>(6) (a) N/A</p> <p>(6) (c) No</p>	<p>(6)(a) Land Use & Potable Water Elements Water Supply Plan</p> <p>(6)(c) Potable Water Element Water Supply Plan</p>

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.</p>				
<p>(6)(e): Added waterways to the system of sites addressed by the recreation and open space element.</p>			(6) (e) No	(6)(e) Recreation & Open Space Element
<p>(6)(h)1.: The intergovernmental coordination element must address coordination with regional water supply authorities.</p>			(6) (h) 1. No	(6)(h)1. Intergovernmental Coordination Element
<p>(11)(d)4.c.: Required rural land stewardship areas to address affordable housing.</p>			(11)(d)4.c. N/A	
<p>(11)(d)5.: Required a listed species survey be performed on rural land stewardship receiving area. If any listed species present, must ensure adequate provisions to protect them.</p>			(11)(d)5. N/A	
<p>(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area.</p>			(11)(d)6. N/A	
<p>(11)(d)6.j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.</p>			(11)(d)6.j. N/A	
<p>(12): Must adopt public school facilities element.</p>			(12) Public School Facilities Element	
<p>(12)(a) and (b): A waiver from providing this element will be</p>			(12) (a-b) Procedural	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	<p>allowed under certain circumstances.</p> <p>(12)(g): Expanded list of items to be to include collocation, location of schools proximate to residential areas, and use of schools as emergency shelters.</p> <p>(12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.</p> <p>(12)(i): Required DCA to establish a schedule for adoption of the public school facilities element.</p> <p>(12)(j): Established penalty for failure to adopt a public school facility element.</p> <p>(13): (New section) Encourages local governments to develop a “community vision,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.</p> <p>(14): (New section) Encourages local governments to develop an “urban service boundary,” which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).</p>		N/A	<p>(12) (g) Public School Facilities Element</p> <p>(12) (h) Public School Facilities Element</p> <p>(12) (i) Procedural</p> <p>(12) (j) Procedural</p> <p>(13) Procedural - Optional</p> <p>(14) Procedural - Optional</p>	
146	163.31776 is repealed	163.31776 [Now: Repealed]	N/A		
147	(2): Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency . The opt-out provision at the end of Subsection (2) is deleted.	163.31777		Procedural	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
148	<p>(5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.</p> <p>(7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.</p> <p>(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.</p>	163.3178	N/A		
149	<p>(1)(a): Added "schools" as a required concurrency item.</p> <p>(2)(a): Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development will be available by the date of issuance of a certificate of occupancy.</p> <p>(2)(c): Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.</p> <p>(4)(c): The concurrency requirement, except as it relates to transportation and public schools, may be waived in urban infill and redevelopment areas. The waiver shall be adopted as a plan amendment. A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within an urban infill and redevelopment area.</p>	163.3180		<p>(1) (a) Capital Improvements Element Objective 5, Policy 5.1</p> <p>(2) (a) No</p> <p>(2)(c) Capital Improvements Element, Policy 5.12</p> <p>(4)(c) N/A</p>	<p>(2)(a) Land Use & Capital Improvements Elements</p>

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p> <p>(5)(e) – (g): If local government has established transportation exceptions, the guidelines for implementing the exceptions must be “consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.” Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.</p> <p>(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.</p> <p>(7): Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.</p>			<p>(5) (d) No</p> <p>(5)(e)-(g) N/A</p> <p>(6) Procedural – Optional</p> <p>(7) Procedural – Optional</p>	<p>(5) (d) Land Use and Capital Improvement Elements</p>

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	Addressed (where/how)	Amendment Needed By Element
<p>(9)(a): Allowed adoption of a long-term concurrency management system for schools.</p> <p>(9)(c): (New section) Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system.</p> <p>(9)(d): (New section) Required evaluation in Evaluation and Appraisal Report of progress in improving levels of service..</p> <p>(10): Added requirement that level of service standard for roadway facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions.</p> <p>(13): Required school concurrency (not optional).</p> <p>(13)(c)1.: Requires school concurrency after five years to be applied on a “less than districtwide basis” (i.e., by using school attendance zones, etc).</p> <p>(13)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.</p> <p>(13)(c)3.: No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must to shifted to contiguous service areas with school capacity.</p> <p>(13)(e): Allowed school concurrency to be satisfied if a developer</p>	<p>N/A</p>	<p>(9) (a) Procedural</p> <p>(9)(c) Procedural</p> <p>(9)(d) EAR</p> <p>(10) N/A</p> <p>(13) Public School Facilities & Capital Improvement Elements</p> <p>(13) (c) 1. Public School Facilities Element</p> <p>(13) (c) 2. Procedural</p> <p>(13) (c) 3. Procedural</p> <p>(13) (e) Procedural</p>	

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	Addressed (where/how)	Amendment Needed By Element
<p>executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community:</p> <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition <p>(13)(g)2.: (Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.</p> <p>(13)(g)6.a.: [Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.</p> <p>(13)(g)7. [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p> <p>(13)(h): (New 2005 provision) The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.</p>	<p>N/A</p>	<p>(13) (e) 1. Procedural</p> <p>(13) (e) 2. Procedural</p> <p>(13)(g)2. Replaced</p> <p>(13)(g)6.a Procedural</p> <p>(13)(g)7. Procedural</p> <p>(13)(h) Procedural</p>	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	adopt within this cycle results in penalties . Once updated, the comprehensive plan must be submitted to the DCA.				
153	(10) New section designating Freeport as a certified community . (11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.	163.3246	N/A		
2006 Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, Laws of Florida					
154	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.	163.3162(5)		Procedural	
155	Defines agricultural enclave . Ch. 2006-255, LOF.	163.3164(33)		Procedural	
156	(6)(g)2.: Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions. Ch. 2006-220, LOF.	163.3177(6)(g) 2.		No-Optional	
157	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a rural land stewardship area . Ch. 2006-220, LOF.	163.3177(11)(d)6.	N/A		
158	Recognizes "extremely-low-income persons" as another income groups whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.	163.31771(1), (2) and (4)		Procedural	
159	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans . Ch. 2006-68, LOF.	163.3178(2)(d)		Procedural	
160	Changes the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.	163.3178(2)(h)		No	Coastal Management & Land Use

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
161	Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.	163.3178(9)(a)		Optional	Elements
162	Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.	163.3178(9)(b)		Optional	
163	Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA , and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.	163.3178(2)(c)		No	Coastal Management & Land Use Elements
164	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.	163.3180(2)(a)		Procedural	
165	Changes s.380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.	163.3180(12) (a)		Procedural	
166	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	163.3187(1)(c) 1.f.		Procedural	
167	Creates a new section related to electric distribution substations ; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM	163.3208		Partial- No Criteria	Land Use Element

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.				
168	Creates a new section preventing a local government from requiring for a permit or other approval vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way . Ch. 2006-268, LOF.	163.3209		Procedural	
169	Community Workforce Housing Innovation Pilot Program ; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.			Procedural	
170	Affordable housing land donation density incentive bonus ; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.			Procedural	
2007 [Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida]					

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	Addressed (where/how)	Amendment Needed By Element
<p>(3)(e) Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.</p> <p>(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF.</p> <p>(6)h. and i. Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008 and provides a penalty if this date is missed. Ch. 2007-198, LOF.</p>	<p>N/A</p>	<p>(6)(f)1.d. N/A</p> <p>(6)h. and i. N/A</p>	
<p>(4)(b) Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF.</p> <p>(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.</p> <p>(5)(f) Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area. Ch. 2007-204, LOF.</p>	<p>163.3180</p>	<p>(4)(b)-(17) Procedural</p>	

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
<p>(12) and (12)(a) Deletes the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Ch. 2007-204, LOF.</p> <p>(12)(d) Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Ch. 2007-204, LOF.</p> <p>(13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.</p> <p>(16)(c) and (f) Allows proportionate fair-share mitigation to be directed to one or more specific transportation improvement. Clarifies that such mitigation is not to be used to address backlogs. Ch. 2007-204, LOF.</p> <p>(17) Allows an exempt from concurrency for certain workforce housing developed consistent with s.380.061(9) and s.380.0651(3). Ch. 2007-198, LOF.</p>				

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
174	Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standard. Defines the powers of the authority to include tax increment financing and requires the preparation of transportation concurrency backlog plans. Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3182		Procedural	
175	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19)		Procedural	
176	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187(1)(p)		Procedural	
177	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3191(14)	N/A		
178	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229		Procedural	
179	Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465	N/A		
180	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement . Ch. 2007-196, LOF.	339.282		Procedural	
181	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the	420.5095(9)	N/A		

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.				
2008 [Ch. 2008-191 and Ch. 2008-227, Laws of Florida]					
182	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)		Land Use Element Objective 2 & Policies	
183	The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Ch. 2008-191, LOF.	163.3177(6)(a)		No	Land Use Element
184	The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	163.3177(6)(a)		No	Land Use Element
185	The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(b)		No	Transportation Element
186	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		No	Conservation Element
187	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		No	Land Use Element
188	The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.	163.3177(6)(f) 1.h. and i.		No	Housing Element
189	Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(j)		No	Transportation Element
190	Various changes were made in the State Comprehensive Plan (Chapter 187, F.S.) that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan		Procedural	
2009 [Chapters 2009-85 and 2009-96, Laws of Florida]					

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
191	Changes "Existing Urban service area" to "Urban service area" and revises the definition of such an area. Section 2, Chapter 2009-96, LOF.	163.3164(29)		Procedural	
192	Adds definition of "Dense urban land area." Section 2, Chapter 2009-96, LOF.	163.3164(34)		Procedural	
193	Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible . Section 3, Chapter 2009-96, LOF.	163.3177(3)(b)1.		Procedural	
194	Requires the future land use element to include by June 30, 2012, criteria that will be used to achieve compatibility of lands near public use airports . For military installations, the date is changed from June 30, 2006, to June 30, 2012. Section 3, Chapter 2009-85, LOF.	163.3177(6)(a)		No	Land Use Element
195	Requires the intergovernmental coordination element to recognize airport master plans . Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1.b.		No	Intergovernmental Coordination Element
196	Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, F.S., for this purpose. Section 3, Chapter 2009-96, LOF.	163.3177(6)(h)1.c.		No	Intergovernmental Coordination Element
197	Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to s.333.03(1)(b), F.S., between adjacent local governments regarding airport zoning regulations . Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1.d.		No	Intergovernmental Coordination Element
198	Defines " rural agricultural industrial center " and provides for their expansion through the plan amendment process. Section 1, Chapter 2009-154, LOF	163.3177(15)(a)		Procedural	
199	Allows a municipality that is not a dense urban land area to amend	163.3180(5)	N/A		

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	its comprehensive plan to designate certain areas as transportation concurrency exception areas . Section 4, Chapter 2009-96, LOF.	(b)2.			
200	Allows a county that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas . Section 4, Chapter 2009-96, LOF.	163.3180(5)(b) 3.	N/A		
201	Requires local governments with state identified transportation concurrency exception areas to adopt land use and transportation strategies to support and fund mobility within such areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b) 4.		No	Land Use and Transportation Elements
202	Except in transportation concurrency exception areas , local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System . Section 4, Chapter 2009-96, LOF.	163.3180(10)	N/A		
203	Defines a backlogged transportation facility to be one on which the adopted level-of-service is exceeded by existing trips, plus additional projected background trips. Section 5, Chapter 2009-85, LOF.	163.3180(12)(b) & (16)(i)		Procedural	

N/A = Not Applicable

Changes to Rule 9J-5, Florida Administrative Code

Rule 9J-5, F.A.C. established the minimum criteria for the preparation, review and determination of compliance of the comprehensive plans and plan amendments pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, F.S. An analysis of all of the changes to Rule 9J-5, F.A.C. that have occurred is provided in the list provided on the following pages.

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
March 21, 1999					
55	Defined public transit and stormwater management facilities	9J-5.003		Procedural	
56	Revised the definitions of affordable housing, coastal planning area, port facility, and wetlands.	9J-5.003		Procedural	
57	Repeal the definitions of adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit, paratransit, public facilities, very low-income family.	9J-5.003		Procedural	
58	Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)		Procedural	
59	Repealed transmittal requirements for proposed evaluation and appraisal reports, submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-1.1, F.A.C.</i>	9J-5.0053(2) through (5)		Repealed	
60	Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6		Repealed	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
61	Required the future land use map to show the transportation concurrency exception area boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)	N/A		
62	Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high recharge and prime recharge areas.	9J-5.011(2)		Sanitary Sewer ... et.al. Element, Objective 21 & Policies	
63	Repealed the Intergovernmental Coordination Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)		Repealed	
64	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a Traffic Circulation Element and that local governments with a population of 50,000 or less are not required to prepare Mass Transit and Ports, Aviation and Related Facilities Elements .	9J-5.019(1)		Procedural	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
65	<p>Required objectives of the Transportation Element to:</p> <ul style="list-style-type: none"> • Coordination the siting of new, or expansion of existing ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Elements; • Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system; • Coordination ports, airports, and related facilities plans with plans of other transportation providers; and • Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation. 	9J-5.019(4)(b)		<p>Traffic Circulation Element, Objective 6, Policy 6.7</p> <p>Traffic Circulation Element, Objective 6, Policy 6.7</p> <p>Traffic Circulation Element, Objective 6, Policy 6.7</p> <p>Traffic Circulation Element, Objective 8, Policy 8.2</p>	Rename Element
66	<p>Required policies of the Transportation Element to:</p> <ul style="list-style-type: none"> • Provide for safe and convenient on-site traffic flow; • Establish measures for the acquisition and preservation of public transit rights-of-way and corridors; • Promote ports, airports and related facilities development and expansion; 	9J-5.019(4)(c)		<p>Traffic Circulation Element, Objective 4, Policy 4.5</p> <p>Traffic Circulation Element, Objective 6, Policy 6.6</p> <p>Traffic Circulation Element, Objective 6, Policy 6.7</p>	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> • Mitigate adverse structural and non-structural impacts from ports, airports and related facilities; • Protect and conserve natural resources within ports, airports and related facilities; • Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and • Protect ports, airports and related facilities from encroachment of incompatible land uses. 			Traffic Circulation Element, Objective 6, Policy 6.9	
				Traffic Circulation Element Objective 6, Policies & Objective 10, Policy 10.2	
				Traffic Circulation Element, Objective 6, Policy 6.7	
				Traffic Circulation Element, Objective 6, Policy 6.9	
67	Added standards for the review of land development regulations by the Department.	9J-5.022		Procedural	
68	Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023		Procedural	
February 25, 2001					
69	Defined general lanes	9J-5.003		Procedural	
70	Revised the definition of " marine wetlands. "	9J-5.003		Procedural	
71	Repeal the definition of " public facilities and services. "	9J-5.003		Repealed	
72	Revised procedures for monitoring , evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)		Procedural	
73	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053		Repealed	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
74	Revised concurrency management system requirements to include provisions for establishment of public school concurrency .	9J-5.005(1) and (2)		Public School Facilities & Capital Improvements Elements	
75	Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts .	9J-5.0055(2)(b) and (3)(c)	N/A		
76	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)	N/A		
77	Provide that public transit facilities are not subject to concurrency requirements.	9J-5.0055(8)		Procedural	
78	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution .	9J-5.0055(9)	N/A		
79	Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)	N/A		
80	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)	N/A		
81	Required data for the Housing Element include a description of substandard dwelling units and repealed the requirement that the housing	9J-5.010(1)(c)		Housing Element	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
82	<p>inventory include a locally determined definition of standard and substandard housing conditions.</p> <p>Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.</p>	9J-5.10(2)(b)		Procedural	
83	<p>Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency.</p>	9J-5.015(3)(b)		No timeframe	Intergovernmental Coordination Element (ICE)
84	<p>Required the Intergovernmental Coordination Element to include:</p> <ul style="list-style-type: none"> • Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas; • Recognize campus master plan and provide procedures for coordination of the campus master development agreement; 	9J-5.015(3)(c)		Intergovernmental Coordination Element (ICE) Policy Objectives and Policies	Update ICE
			N/A	Optional	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> • Establish joint processes for collaborative planning and decision-making with other units of local government; • Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities; • Establish joint processes for the siting of facilities with county-wide significance; and • Adoption of an interlocal agreement for school concurrency. 			Intergovernmental Coordination Element Objectives and Policies	Update ICE
				Intergovernmental Coordination Element Objective 3, Policies 3.4 & 3.5	
				Intergovernmental Coordination Element (ICE) Objectives and Policies	Update ICE
				Intergovernmental Coordination Element Objective 3, Policies 3.4 & 3.5	
85	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts , if locally established.	9J-5.016(4)(a)		Capital Improvements Element Objective 1, Policy 1.3	
86	Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)	N/A		

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	N/A	Addressed (where/how)	Amendment Needed By Element
87	Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)	N/A		
88	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)	N/A		

N/A = Not Applicable

APPENDIX A
MINUTES OF PUBLIC WORKSHOPS, MEETINGS,
HEARINGS ON EAR

DRAFT MINUTES

Mr. Daige asked the City Manager if the point that Mr. Heady just brought up about increases in salaries was correct.

Mr. Gabbard needed to hear if there was a specific issue. Mr. Heady would need to show him what he is talking about. Mr. Gabbard made it clear that there were no across the board salary increases authorized.

Mr. Heady heard Mr. Gabbard say that there were no across the board salary increases. He asked if any City employee received an increase.

Mr. Gabbard said that there may have been some promotions given so in that case salary increases were given.

The Clerk polled the Council and the motion passed 4-1 with Mr. Daige voting yes, Mr. Heady no, Mr. White yes, Mr. Abell yes, and Mayor Sawnick yes.

- D) A Resolution of the City Council of the City of Vero Beach, Florida, adopting the Evaluation and Appraisal Report for the City of Vero Beach Comprehensive Plan; stating the Intent of the City Council to amend the Comprehensive Plan based upon recommendations contained in the Report; approving Transmittal of the Report to the Department of Community Affairs in accordance with Section 163.3191, Florida Statutes; providing for an Effective Date.**

Mayor Sawnick read the Resolution by title only.

Mr. Tim McGarry, Planning and Development Director, gave a presentation on the evaluation of the appraisal report.

Mr. Heady wanted to know if the Power Point presentation had been provided to Council in their backup.

Mr. McGarry told him no. He then continued with the Power Point presentation (please see attached).

Mayor Sawnick opened the public hearing at 8:31 p.m.

Mr. Peter Jones, Vice President of Main Street Vero Beach, reported that his Board voted unanimously to approve the EAR report and that it be transmitted to the Department of Community Affairs. He appreciated and enjoyed a wonderful and prosperous relationship with the whole Council.

Mayor Sawnick closed the public hearing at 8:33 p.m., with no one else wishing to be heard.

Mayor Sawnick made a motion to approve the Resolution. Mr. Daige seconded the motion and it passed 4-1 with Mr. Daige voting yes, Mr. Heady no, Mr. White yes, Mr. Abell yes, and Mayor Sawnick yes.

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

None

5. FIRST READINGS BY TITLE FOR ORDINANCES AND RESOLUTIONS THAT REQUIRE A FUTURE PUBLIC HEARING

None

6. CITY CLERK'S MATTERS

None

7. CITY MANAGER'S MATTERS

A) Electric Utility Discussion

Mr. John Lee, Acting Electric Manager, more than a yr cost of service study completed. The cost of service study approved by cc and new electric rates and tariffs were designed. Then went to PSC and came back approved. Then cc approved those same documents. The first rate Jan 1, 2010 in the cost of service study rec look at rates in April and Oct. Looked at first in march and lowered them. Looked at them in april and lowered again. Now looking at rates in Oct so what he wanted to show them the impact of those rate changes to go into effect on October 1st (please see attached). FP&L lowest cost state of fl and in nation so it makes perfect since to look at them to see if they will buy us. It is not a simple process. I am doing everything that I can to lower the rates when I can.

TW mentioned some places that are higher then we are. FP&L is looking for a huge rate increase which will bring them up considerably.

SA John get the comparision that we have for FP&L and VB goes back to 2000 and 2001. The graph was provided them to us by FMPA. The public should know that FP&L has said that this is a long process.

JL FP&L is still in the discovery stage and at same pt they will do an appraisal of the system.

SA utilities owned by t/p cvb and we have to maximize benefits to the t/p. No guarantee anything come out of this. There is a reliability factor and VB is considerably better.

KD when this rate increase went into effect I was not on council at time and spoke out against it. I have challenged our cm and his team to get the bottom line of the bills down.

MINUTES - APPROVAL PENDING - REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD – SEPTEMBER 2, 2010, 1:30 P.M., COUNCIL CHAMBER, CITY HALL, VERO BEACH, FLORIDA

PRESENT: Chairman Dennis Ryan; Mr. Cliff Norris; Mr. Richard Kennedy; Mr. Bob Sammons; Mr. Mark Mucher; Mr. Charles Vogt; Mr. Scott McCracken; Mr. Kevin Doty; Mr. Tim McGarry, Planning and Development Director; Ms. Cheri Fitzgerald, Vision Manager; Mr. Wayne Coment, Assistant City Attorney; Ms. Ginny Beigel, Secretary

EXCUSED ABSENCES: Mr. Craig Fletcher; Mr. Ed Llerena
UNEXCUSED ABSENCE: Mr. Peter Jones

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None.

II. APPROVAL OF MINUTES

A. Regular Meeting – July 15, 2010

Mr. Norris moved for approval of the minutes; Mr. Sammons seconded the motion and it was unanimously approved (8-0).

III. PUBLIC HEARING

[Legislative]

A. Review and Provide a Recommendation to City Council Regarding the Draft Evaluation and Appraisal Report Prepared Pursuant to Section 163.3191, Florida Statutes.

Mr. McGarry said he would give a brief presentation on the Evaluation and Appraisal Report (EAR), asked that the board members point out any edits, and that he would ask for the board's approval today. He said we could make minor changes unless it's substantive. He proceeded with his PowerPoint presentation (on file in Planning).

[Mr. Mucher arrived and was seated at 1:33 p.m.]

Mr. McGarry explained how the chapters in the EAR were broken down and what was included in each one.

Mr. Doty said a lot of work went into it and that he realizes it's a really high level overview. With reference to an earlier comment about changing speed limits to 25 mph

on non-collector roads, he said he liked what he heard. He also mentioned how it's easier to drive through St. Petersburg than Vero Beach because they have synchronized lights. He spoke about how it would be beneficial for Vero to have a similar system.

Mr. McGarry said he likes what Mr. Doty brought up and that it would be part of the energy conservation section. He also said certainly Amtrak would be covered more fully as well.

Responding to a question regarding a reference to Indian River County being outside a priority resource area, Ms. Fitzgerald said the water management district is still in the process of finalizing a plan and that the county is not considered a cautionary area for future water consumption. She said it's not a warning, that cautionary is not an emergency type of situation yet, and they don't predict we will be. She said to the north and south they do have a different level of caution.

There was a discussion about the limitations for input that the city and county have with reference to these determinations and that the St. Johns Board is appointed by the governor and how larger areas, such as Orlando, may have more political clout. It was also noted that people from here do review data generated regarding this issue.

With reference to Mr. Doty's concern about traffic, Mr. Vogt brought up what the county is doing to improve traffic flow, including regulating the lights on streets like Indian River Boulevard.

Mr. Mucher said he thinks that's great, but he said doesn't know about the rest of you, but he's seen the traffic synchronization get worse. Regarding the water issue, he said he thinks issues are and should be tied to density. He said we're low density because of our height limits and density levels. He said hopefully, that's why we're not under the microscope. He also said you mentioned mixed use while talking about neighborhoods. He asked does that really belong there?

Mr. McGarry said we are thinking of looking at where you could have limited commercial uses. He said if you are going to have a workable, sustainable community, neighborhood retail is a concept that needs to be looked at more.

Mr. Mucher said when he thinks of neighborhoods and thinks of residential districts...

Mr. McGarry said he had this in mind for some of our older districts. He said it fits there and that maybe it would be more appropriate to RM districts.

Mr. Mucher said he knows the city hasn't done this in a long time and that the board relies on you to tell us this is the way things are done, but everything you do is "evaluate and study" instead of "do." He asked is that the way these things are usually handled?

Mr. McGarry said there are two ways you could go. He said the county actually does it during the EAR process; they have already done all the changes. He said if you've got tight timeframes and not a lot of staff, you get an agreement. He said if there's something we don't want to look at, it then gets taken off the table without getting bogged down and arguing over what the end product is.

Mr. Sammons said he likes the multi-use with the POI and commercial. He spoke about driving down Ocean Drive and not finding a parking place at Humiston or the big development [Ocean Park], but you couldn't find a person in the middle. Secondly, he said he likes the synchronization and lower speed limits. He briefly spoke about EPA testing and how it's only done for pollution when cars are at idle and why and how fuel injections systems work. Thirdly, he spoke about how the synchronization of lights needs to be adjusted because he will be at a light where there are no cars there and it's ridiculous.

Mr. Vogt said there are areas that are not equipped at this time.

Mr. Sammons said he was listening to you evaluate the population of the city and that we have less people than expected in the last 10 years and that you've mentioned more expansion in commercial development and with our churches and then he hears our sewer system needs to be merged with the county.

Mr. McGarry said it is not true and that we have plenty of capacity. He also said we're still the hub of the county; we're its business center and that we have lots of amenities.

There was a brief discussion about how the city has come well under growth that it has planned for 10 years and how the sewer system has recently added an injection well for discharge instead of using the lagoon.

Mr. Sammons said we were well below our expectations and that he thinks the city did a good job with our planning overall.

Ms. Linda Hillman, 2315 18th Avenue, said she would like to say thank you to Mr. McGarry and Ms. Fitzgerald for meeting with us and explaining the process of what goes into a comp plan. She also said she would just like to mention being on the board of main street, one of the most important things is [SR 60], not just Original Town and Osceola Park, which is something that Vicky [Gould] and she have been working very hard on. She said she feels like we're gerbils on a wheel and that it gets kind of hard. She said she knows it's taking time, and will take more time, but putting in, again, the clause for the element for SR 60, that's very important if we're going to be bringing in this train. She said it is extremely important if we have people come into our downtown area to reduce the speed limits and that it would bring a light to the downtown area. She said downtown is struggling to keep itself going and that we're hoping to get it back there again. She said she wanted to thank Tim [McGarry] and Cheri [Fitzgerald] for

putting them in there and that it is very important, especially to get grants and hopefully to even get beautification for the twin pairs. She concluded saying she wanted to thank everyone very much for this opportunity.

Ms. Vicky Gould did not wish to speak/

Mr. Sammons was excused at 2:17 p.m.

Mr. Ryan said we are being asked to make a recommendation to council.

Mr. Kennedy said he would move, then, that we, one, thank Tim [McGarry] and Cheri [Fitzgerald] for their hard work and, two, send this on to council for their consideration. Mr. McCracken seconded the motion and it was unanimously approved (7-0) on a roll call vote: Chairman Ryan, aye; Mr. Norris, aye; Mr. Kennedy, aye; Mr. Mucher, aye; Mr. Vogt, aye; Mr. McCracken, aye; Mr. Doty, aye.

IV. PLANNING DEPARTMENT MATTERS

A. Landscape and Tree Protection Ordinance.

Mr. McGarry said he made revisions to the tree ordinance and would get those out for you for the next meeting. He said if you have comments, give them to him before the hearing and that it would make the process a little simpler, while at the same time leaving power for specimen trees for you all. He also said he tried to work out a compromise for golf courses.

Mr. Mucher said Sea Grape?

He said we are looking at the Sea Grape. He said the county considers it a specimen tree at a smaller diameter. He said he may do revisions on that since some trees aren't in our climatic zone. He said we'll send those out ahead of the meeting and that he would appreciate any comments you have.

He said we have nothing scheduled for you at your next meeting.

V. CHAIRMAN'S MATTERS

Mr. Ryan thanked Ginny [Beigel] for her service and said we are going to miss her.

VI. ADJOURNMENT

The meeting adjourned at 2:22 p.m.

gkb

Mr. Norris added then there was an error entered into the lease without checking to see if the zoning was compatible.

Mr. McGarry did not want to get into the specifics of where the proposed site of the Church would be located. He reiterated that this was a text amendment and it needed to be looked at as a whole.

Mr. Fletcher brought up compatibility and felt that this just was not compatible. He encouraged the Planning Director not to allow this.

Mr. Mucher would like to know the location that this church wanted to go in. He said that if it was an attractive area he would be in favor of doing this for now and then researching their Ordinance. He hates to put this congregation out of business on a technicality. Mr. McGarry told him that it is not a technicality.

Mr. Llerena felt that if Mr. McGarry takes a position on this (permitting it) then he is establishing a real precedent.

Mr. McGarry sensed the way that the Board felt about this matter. He is leaning towards not doing it. He just wanted to find out how this Board felt about it.

Mr. Vogt commented that this property was leased to the Church under false pretenses.

Mr. Kennedy wanted to see an area designated for something like this.

Mr. McGarry stated that their Ordinances allow for churches in a lot of places. He thanked the Board for their comments.

V. CHAIRMAN'S MATTERS

Chairman Ryan reported that he received a letter from the Mayor, (on file in the Clerk's office) which he let each member read. It was the consensus of the Board that it was not necessary for the Mayor to attend one of their meetings. Chairman Ryan said that he would relay this to the Mayor.

VI. WORKSHIP

A. Discuss Major Local Community Planning Issues for the Evaluation and Appraisal Report.

Mr. McGarry reported that staff is working on the completion of the remaining elements of the Evaluation and Appraisal Report (EAR). It is anticipated that this draft will be ready to be scheduled for public hearing at the Planning and Zoning Board's first meeting in September, followed by the adoption public hearing before the City Council on September 21, 2010. He

said that staff has been working on this for a long time and is almost done with the whole document. The document contains five major local issues, not the six which was originally proposed. As the entire Housing Element needs to be comprehensively updated and revised, staff decided not to include a separate issue on housing in this document. Instead, appropriate revisions to the Housing Element have been proposed under the revised "Neighborhood Preservation and Stabilization" issue. He talked briefly about the mixed-use district and said that he needs to look at that district. He said in that particular district it is impossible for some people to do what the district intended them to be able to do.

Mr. Mucher suggested looking at the mixed use district and perhaps doing a survey to see what the uses are and then possibly it could be merged into some other district.

Mr. McGarry said that he would look at that. He agreed that they could reduce some of the districts that they currently have. He felt that there were too many districts.

Mr. Fletcher had many issues with this. He asked for permission from the Chairman to meet with Mr. McGarry one on one to go through his issues.

Chairman Ryan had no problems with Mr. Fletcher meeting with Mr. McGarry to discuss his concerns and then having this matter brought back to the Planning and Zoning Board.

Mr. McGarry told the rest of the members if they had any comments to make on the EAR to either call him or send him an email.

VII. ADJOURNMENT

Today's meeting adjourned at 3:27 p.m.

/tv

MINUTES - APPROVED - REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD – JUNE 17, 2010, 1:30 P.M., COUNCIL CHAMBER, CITY HALL, VERO BEACH, FLORIDA

PRESENT: Vice Chairman Bob Sammons; Mr. Mark Mucher; Mr. Richard Kennedy; Mr. Craig Fletcher; Mr. Scott McCracken; Mr. Ed Llerena; Mr. Tim McGarry, Planning and Development Director; Ms. Cheri Fitzgerald, Vision Manager; Mr. Wayne Coment, Assistant City Attorney; Ms. Ginny Beigel, Secretary

EXCUSED AGENCES: Mr. Kevin Doty; Mr. Peter Jones; Mr. Cliff Norris; Mr. Dennis Ryan; Mr. Charles Vogt

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

II. APPROVAL OF MINUTES

A. Regular Meeting – May 20, 2010 (to be transcribed)

III. PUBLIC HEARING

[LEGISLATIVE]

A. Public Hearing to Consider Proposed Text Amendments to the Traffic Circulation and Capital Improvements Elements of the Comprehensive Plan to Change the Level of Service Standard for SR A1A from SR 60 to the North City Limits (#C10-000002-CLP-TXT).

Mr. McGarry said what you have before you is ongoing and that the city is also having a concurrency issues with the southern portion of A1A as well. However, he said there are improvements that have been included in the Indian River County Capital Improvements Plan that will take care of it. He reviewed the backup (on file in Planning) explaining how the Level of Service (LOS) for A1A north of Beachland Boulevard has fallen from D to F. He said he has been working with Indian River County Community Development. He said the state won't allow you to have a LOS F, which is essentially failure. He said it is staff's recommendation to change from D to LOS D + 30. He explained how this is determined and applied.

Mr. Mucher said he lives very close to this road and was curious as to how many days or weeks a year it is at capacity.

Mr. McGarry said since we've gone into our great recession, there's been a decrease in traffic. He said platted single family lots are already vested and that he could not tell you that number. He said clearly it's very problematic; if someone brought something in, we would have to deny it. He said he believes the smartest thing to do would be to just add this additional Level of Service (LOS) capacity to that road. He said the problem with the barrier island, like Monroe County, is highway capacity models don't really work that well because everyone is on one road.

Mr. Mucher said but the capacity and LOS is based on the county's traffic counts and model.

Mr. McGarry said the state has a model that it's based on and that the county uses it and that he didn't think it was going to go up a lot because the island is mostly developed.

Mr. Mucher said he understands that but sometimes it's hard pulling out on A1A and that he has never seen the hoses where they do the car counts.

Mr. McGarry said he doesn't really know how they determine it.

Mr. Fletcher said the exhibit lists LOS at E, but on other pages says there are none.

Mr. McGarry said this is an arterial road and there are no E arterial roads. He said other roads could have an LOS E.

Mr. Fletcher said when we went through this, he had helped put this model together and it took about three years, he understood if a developer decides to build, if he trips the trigger, he is responsible for mitigation or they have to buy right-of-way or provide a right-turn lane. He asked why are we worried about it?

Mr. McGarry said in these cases, they wouldn't be able to do it and that it puts them in a conundrum.

Mr. Fletcher asked if it were political.

Mr. McGarry said it's a policy decision of how much capacity you want on your road.

Mr. McCracken asked to be clear, there's not going to be an increase in capacity on the road?

Mr. McGarry said it's a paper increase.

Mr. Llerena said the traffic to a great extent is people who come to work in the morning and people who go home, that it's quite dangerous, and that something could be done.

Mr. McGarry said there are ways they can improve safety, referring to timing on the lighting as an example.

Mr. Fletcher said for your information, when we went through this, they came up with the same thing for 27th Avenue and 43rd Avenue. He said we sent it in as an F and they state sent it back and suggested it as D plus increased capacity.

Mr. Kennedy said could you go to D + 50?

Mr. McGarry said the whole idea is to be careful. He said you could have possible conflicts with environmental issues, the barrier island, and intensity. He said you could do that, but doesn't think it's necessary at this time.

Mr. Mucher said you just mentioned 27th Avenue as under the county's purview. He asked why is the title of this hearing limited to A1A?

Mr. McGarry said that's already been done. He said what we failed to do was get in into the traffic circulation element of the plan. He said it's not new policy.

Mr. Michael O'Haire, law office at 3111 Cardinal Drive, said he is here because he represents a number of property owners with vacant property at the north city limits on A1A. He said one piece is a 10-acre unit on the ocean side and that it's been owned by the same family for between 40 and 50 years. He said they've always intended to put it to use, though they're not obliged to put it to use. He said as things stand now, a single-family house would not be permitted on this parcel. He said the property is on the tax rolls for 20 million dollars and that it couldn't be used for anything with an LOS F and that LOS F is a designation the FDOT will not tolerate. He said it's a paper issue. He said they can't graze livestock and that it's a huge problem financially. He also said he would really like to thank Mr. McGarry. He said his clients, unfortunately for him, aren't really interested in litigating the problem.

Mr. O'Haire said it's a problem that has ramifications for the whole length of A1A within city limits. He said Mr. McGarry has provided the solution and it's a good solution for the time being. He said it's an interim measure only and not a permanent measure and in two years, three years, four years, it might not do the job anymore, and coming up with a permanent solution may not be possible at the time. He said he would urge you to recommend to the council to go ahead and make these changes solve the problem that is directly in front of you now.

Mr. O'Haire also said he would ask that you encourage your staff to get with Chris Mora of the county because there's a similar problem to the south of Beachland. He said a solution is in the works for the next three years, but a solution might need to be looked at further down the road. He said physically it's not a problem that can be solved. He said geographical constraints aside, you have political issues and also said you don't need to four-lane it. He said it's not a politically acceptable solution. He said he would recommend that you pass it on with your approval to city council and in the meantime ask staff to work with the county regarding the problem at 17th Street and A1A.

Mr. Kennedy asked what is the problem?

Mr. O'Haire said the problem is an intersection problem and correlating solving an intersection problem to solving a link/volume problem is more than he, as a lawyer, is up to. He said there is a correlation, though. He said unless there is an additional lane for through traffic going from south to north, you're going to be seeing LOS F south of Beachland Boulevard. He said he's told it's an LOS F already. Staff noted improvements were being worked on with county staff.

Mr. McGarry said yes, and we are working with the county on this and the only reason he hasn't moved forward on this is because these improvements have been programmed and Bob Keating and he have been working on. He said if we feel that's it not going to happen, we will have to come back and do that. He said so we are coordinating that and he appreciates the comments.

Mr. O'Haire said it would be a problem within the next 12 to 24 months and the three months are almost up and that the city and the county are going to have to act on it or he would be up here for some other people, which is not all bad.

Mr. Fletcher said for those of you who are not familiar with the traffic flow study, if you get a copy of the intersection interruption plan he has there, it's really worthwhile looking at. He said it tells you every intersection that is impacted by any increase in flow and it goes

down through literally every intersection. Mr. Fletcher asked Mr. McGarry if you could get them a copy of that.

Mr. McGarry said he just has a links report.

Mr. Fletcher said yes, okay, and that the links report is really instructional. He said you see how trips right down the line, how it trips all different roads.

Mr. Mucher said it also points out how ridiculous this thing is. He said he remembers, and Mr. Fletcher would remember, three or four years ago when Mark Brackett wanted to build Liberty Park out at 512 and 66th Avenue. He said it had one car that broke the link at 17th and A1A.

Mr. Fletcher said that's true.

Mr. Mucher said they decided well, we're only going to consider intersections within six miles of the project because that was about 17 miles.

There was a discussion about the concurrency system in use, how it isn't perfect, and about the Vero Beach Hotel and Club and how, by revising its site plan, the property with the additional property across the street was no longer required to meet code.

There was a discussion about west SR 60 experiencing similar issues and how state funding was used.

Mr. Fletcher said he would make a motion to recommend the Council accept this as presented, but he would like to add a caveat to that. He said since we can't instruct staff or Council, we could make a suggestion to ask them. He said he would like to ask the council, along with that, to put together a committee of some sort with the county to see what a permanent fix would like because in 18 months to two years, this is going to need a permanent fix and we need to start working on that now.

Mr. Sammons asked what do you think Mr. McGarry?

Mr. McGarry said he thinks it's fine to look at; he said that would be all right with me and that we're going to have to work with other agencies anyway on this thing.

Mr. Fletcher said we need to start now.

Mr. Mucher said is that an MPO thing?

Mr. McGarry said it would be an MPO function too. He said the cast and characters include the same people.

Mr. Fletcher said the MPO decides a prioritization of where the funding goes.

Mr. Mucher said Mr. Fletcher, before your motion is seconded, what kind of a committee are you envisioning?

Mr. Fletcher said he's looking at five people or under with maybe an attorney, certainly Bob Keating, and both planning departments. He said they need to get some rough order of

magnitude plan. He said he doesn't mean a detailed plan, but something that's going to happen in two years.

Mr. Mucher said he agrees that we need to start taking a look at it now, but he doesn't know about a whole other organization.

Mr. McGarry said well he didn't know if it has to be that; he said it could be just a technical group getting together.

Mr. Fletcher said maybe he should not have used the word committee and suggested asking staff to start working on something permanent.

Mr. Mucher said he would second that, Mr. Chairman.

Mr. Fletcher said he would withdraw the word committee.

Mr. McGarry said just to say to have the staffs work together on this together, the MPO and Indian River. He said that would be good enough and then we could keep it at the staff level.

Mr. Fletcher said we know it's going to happen. He said it's just crazy not to go ahead and try to find some type of solution.

The motion was unanimously approved (6-0) on a roll call vote: Vice Chairman Sammons, aye; Mr. Mucher, aye; Mr. Kennedy, aye; Mr. Fletcher, aye; Mr. McCracken, aye; Mr. Llerena, aye.

[LEGISLATIVE]

- B. Public Hearing to Consider Proposed Text Amendments to the Land Use and Traffic Circulation Elements of the Comprehensive Plan Related to Supporting Amtrak Passenger Rail Station Facilities (#C10-000003-CLP-TXT).

Mr. McGarry reviewed the backup (on file in Planning), including how the Treasure Coast Regional Planning Council requested the city include policy in the comp plan for a railroad station to show support.

Mr. Fletcher said the last time we did this, applied for funds for the grant, the grant was not funded. He said even though we want to do this, the state doesn't have to fund this.

Mr. McGarry said there are funds. He said back in 2000, there was an opportunity to do this and it fell through. He said we have all these federal funds available and that we're in a good position as to whether we are going to be given the grant.

Mr. Fletcher said other thing, to be a caveat in the contract: last time the railroad required a number of passengers per day. He said if we didn't provide that number, the City of Vero Beach was required to pay that fee.

Mr. McGarry said we're not at that point yet. He spoke about some of the concerns the city had, such as having to put in 2500 linear feet of siding and who was going to maintain the facility and that we would be looking at assistance from the county down the line.

There was a discussion about the different locations, why the old power plant was not chosen, and how the old location was preferred.

Mr. McGarry said he thinks a lot of people are excited about it and that it has some real value to it.

Mr. James Gillon, Granada Towers, 2525 Granada Avenue, said he can't wait till we get rail service back and that he thinks it will be fabulous. He spoke about working for the Pennsylvania Railroad in the 60s in Indiana and how it evolved over the years, such as handicap access not being available back then, how trains routinely had first class cars and coaches, and how they would stop twice with each train at each station [so the platform did not have to be so long]. He said he would urge you to put in some kind of caveat for a handicap access platform and that it be restricted to 500 feet instead of 1,000. He said you don't need 1,000 feet for handicap access. Concluding, he said he couldn't wait to get service.

Mr. Sammons said if we did put it back where the other station is sitting now, the northbound trains would block an intersection, would it not?

Mr. McGarry said he has a good point. He said it's not going to block the road since we are talking about less than several minutes. He said he is a little concerned that the 1,000 square foot platform has a canopy all the way along that and that it could be worked on and that the city wasn't agreeing to it yet.

Mr. Sammons said he would entertain a recommendation.

Mr. Fletcher said he would move to adopt as presented.

Mr. Kennedy seconded the motion and it was unanimously approved (6-0) on a roll call vote: Vice Chairman Sammons, aye; Mr. Mucher, aye; Mr. Kennedy, aye; Mr. Fletcher, aye; Mr. McCracken, aye; Mr. Llerena, aye.

For the record, Mr. Sammons said Mr. Doty left a note totally in support of the Amtrak facility and is a proponent of mass transit.

IV. PLANNING DEPARTMENT MATTERS

Mr. McGarry said he just wanted you to know the applicant for Three Avenues has appealed to City Council. He said what the application would like to do is to come back with a revised plan. He said he thinks several of you, even those who voted against it, indicated that you might be willing to look at a revised application, work with staff and with Vero Isles residents. He said Scott [Parker] most likely would not be back till July. He said he thinks it would be best for everyone without getting into an appeal process for council during an election year. He said he hopes you would be amenable to that.

There was a brief discussion about where the owner might go with the plan, how staff requested him to look at a phased development, and how everybody needs to be comfortable, including the neighborhood people.

Mr. McCracken said what he would like to see is an actual parking survey rather than a

Mr. White made a motion to approve the Resolution. Mr. Fish seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes and Mayor Abell yes.

Council took a short break at 9:14 p.m.

E) Major Community Local Planning Issues for Evaluation and Appraisal Report for the City of Vero Beach Comprehensive Plan

Mr. McGarry explained that as a preliminary step in the EAR preparation process, the City of Vero Beach needs to identify major local community planning issues that the City will address, which are in addition to the requirements required by the State and the general updating of the Comprehensive Plan. Once the major list of major community planning issues have been approved by the City Council, the City will request DCA to approve the list in a Letter of Understanding. The proposed major local community planning issues for investigation of the Evaluation and Appraisal Report for the City of Vero Beach Comprehensive Plan are: 1) Neighborhood Preservation and Stabilization; 2) Miracle Mile, Downtown, Royal Palm Pointe, and Ocean Drive/Cardinal Drive, and Beachland Boulevard Commercial Districts; 3) Mixed Use Land Use Designation; 4) POI Zoning District; 5) State Route 60 (Twin Pairs) and 6) Housing. Staff recommends that the City Council approve submittal to DCA by the Planning and Development Director of the list of major local issues, which will form the basis for a Letter of Understanding between the agency and the City.

Mayor Abell opened and closed the public hearing at 9:35 p.m., with no one wishing to be heard.

Mr. White asked if there would be any changes to the twin pairs (widening of lanes, bike paths, etc.).

Mr. McGarry stated that there is only so much that you can do at this late stage. He said that they need to look at it, but he didn't know if would ever be changed back to the way that it was. He said that he doesn't foresee that happening. He said what they may do is reduce some of the lane widths to slow traffic down.

Mr. White recalled that they were told by the Florida Department of Transportation (FDOT) that if they wanted to change things, they would be glad to give the road back to the City which means they would be responsible for maintaining the road and they cannot afford to do that.

Mr. Sawnick made a motion to approve the major Community Local Planning Issues for Evaluation and Appraisal Report for the City of Vero Beach Comprehensive Plan. Mrs. Fromang seconded the motion and it passed 5-0 with Mr. Sawnick voting yes, Mr. Fish yes, Mrs. Fromang yes, Mr. White yes, and Mayor Abell yes.

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

MINUTES – CORRECTED & APPROVED - REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD – SEPTEMBER 17, 2009, 1:30 P.M., COUNCIL CHAMBER, CITY HALL, VERO BEACH, FLORIDA

PRESENT: Chairman Dennis Ryan; Mr. Cliff Norris; Mr. Bob Sammons; Mr. Mark Mucher; Mr. Charles Vogt; Mr. Ed Llerena; Mr. Kevin Doty; Mr. Tim McGarry, Planning and Development Director; Ms. Cheri Fitzgerald, Vision Manager; Mr. Wayne Coment, Assistant City Attorney; Ms. Ginny Beigel, Secretary

EXCUSED ABSENCES: Mr. Richard Kennedy; Mr. Scott McCracken; Ms. Connie Pease

[Prior to the start of the meeting, it was noted that Mr. Mark Mucher was running late and would be seated upon arrival.]

I. PRELIMINARY MATTERS

A. Agenda Additions and/or Deletions

None.

II. APPROVAL OF MINUTES

A. Regular Meeting – September 3, 2009

Mr. Norris moved for approval of the minutes; Mr. Doty seconded the motion and it was unanimously approved (6-0).

III. PUBLIC SCOPING MEETING

A. Consider Major Local Community Planning Issues to be Addressed in the Evaluation and Appraisal Report (EAR)

Mr. McGarry said the purpose of this meeting is to identify major local issues that we are going to address in the EAR and update our comp plan. He said the purpose is to get an agreement on what we're looking at and to get an agreement with the Department of Community Affairs (DCA). He said he would briefly go over it (backup on file in Planning). He also said he did invite other agencies to be here and that Susan Olson, representing the school district, and Phil Matson, IRC MPO Director, were here. He said he spoke with the head of the Treasure Coast Regional Planning Council and he was fine with what was proposed.

He reviewed the major issues identified:

- Neighborhood preservation and stabilization
- Miracle Mile, Downtown, Royal Palm Pointe, Ocean Drive/Cardinal Drive and Beachland Boulevard Commercial Districts
- Mixed Use Land Use Designation
- POI Zoning District
- State Route 60 (Twin Pairs)
- Housing

[Mr. Mucher was seated at 1:35 p.m. as the issues above were being discussed.]

Mr. Phil Matson, Indian River County Metropolitan Planning Organization (MPO), said thank you very much for inviting me today. He said it looks like you've hit most of the major points and he appreciates your trying to get in line with the MPO Plan. He mentioned more people wanted biking opportunities and suggested adding greenways and trails. With reference to land use countywide, he said a jobs/housing balance analysis had been done for the county and spoke about the results for the county's three zones: Sebastian, Vero Beach, and south county and what the city should keep in mind.

Mr. McGarry asked to have that information provided to coordinate data.

Mr. Matson agreed and said the more boards he can talk to the better it is for everybody.

A discussion followed about bike paths, the primary financing sources for them, and potential conflicts with vehicular traffic as bicycle use increases. Also noted were the benefits of increased bicycle usage, such as reducing greenhouse gases.

At Mr. Norris's request, Mr. Matson spoke to the board about the MPO, when and why it was begun, its boards and representation on them, its function, and his thoughts on creating a centralized location for varying transportation modes.

Mr. Doty asked do we not have to address in this EAR mass transit?

Mr. McGarry said that's an element of our comp plan; we will be updating our entire plan and addressing mass transit at that time.

Mr. Matson explained how dollars are spent and matched by the federal government as well as studies required by the government.

There was a brief discussion about bussing, what improvements were being considered, and how scheduling might be provided for commuters and how successful the bussing system is here compared with other municipalities. Other observations were also made about annexation plans and about which municipality has jurisdiction on certain roadways.

Ms. Susan Olson, Director of Facilities for the School District of Indian River County, said she tries never to miss an opportunity to address this group, though she has nothing in particular on this item. She said she concurs with Phil (Matson), you've all done a good job and that this doesn't affect the school board, per se. As she mentioned at a previous meeting, she reiterated the school district's desire to continue to be a good neighbor and spoke of some of its future plans, including expanding Beachland Elementary School.

Beachland Elementary School's unexpected increase in enrollment was briefly discussed, including students being bussed there.

Mr. Llerena said first, he wanted to give a compliment to the Planning Department and to the fact that we're preplanning what might be happening a year from now and getting preapproval. He said obtaining upfront concerns from the DCA will help. Second, he spoke about the roadways and his distress at what he sees as the county commissioners always looking at SR 60 when there are east/west problems rather than a grid program. He said other streets should be taking some of the burden and that the same thing is true with northbound and southbound roads. He mentioned several roads that should be incorporated to distribute traffic flow.

There was a discussion about the city's intention to retain a grid system and how the city has considerable input within MPO by way of the city representatives who serve on it and the other committees, such as Citizens Advisory and Technical Advisory Committees.

In continuing, Mr. Llerena said his third concern was SR 60 and how the twin pairs were built with the intention to speed traffic in and out of town and that there is no question it disturbs the crossing over from old Vero to the southern end, which is considered part of the Downtown District.

In discussion it was noted that while the downtown people didn't want the speeding, this issue would have to be looked at by other interests as well and perhaps something in between might be found.

In reference to a question by Mr. Mucher wanting to know if there weren't a representative on the other side, Mr. McGarry said that would happen in time. He said it will be a balanced look at the pros and cons and that it was not going to be an easy thing. He said even to change the one-way pairs would take five years. He said other things can be done to slow down the process.

Mr. Mucher said we went through a whole lot of dialogue five years ago and nothing came of it.

At Mr. Vogt's request, Mr. Matson explained the regional planning arrangement we have with adjoining counties and the purpose and spoke about some proposed roadway improvements between the counties and how the DOT provides incentives, such as one for 14 million dollars. to enter into agreements with them and how a new board had been created for this.

Mr. Vogt said he has a feeling when a major highway like SR 60 transforms the downtown, until that's eliminated, you can never make it a pedestrian friendly location. He provided background information about SR 60, including its being built because I-95 ended at that road. He also said there is a plan underway to enhance the east west routes and minimize the traffic on SR 60, the enhancement of Aviation Boulevard.

Mr. Matson briefly discussed that project and said we have a very good grid here.

Mr. Doty said he would make a motion to recommend this to City Council for approval. Mr. Llerena seconded the motion and it was unanimously approved (7-0) on a roll call vote: Chairman Ryan, aye; Mr. Norris, aye; Mr. Sammons, aye; Mr. Mucher, aye; Mr. Vogt, aye; Mr. Llerena, aye; Mr. Doty, aye.

IV. PLANNING DEPARTMENT MATTERS

A. Uses in the C-1A District

Mr. McGarry said he had a recent inquiry from an individual representing a firm that had to do with an existing space on Beachland Boulevard. He said they wanted to put in a small hardware store. He went over a handout he provided (on file in Planning) that listed definitions for Restricted Sales and Services and for General Retail Sales and Services. He said the definition of Restricted Sales and Services is pretty broad and that there were shoe stores that don't really meet the definition while in the definition for General Retail Sales and Services hardware stores are identified directly. He said what he has here is a problem of trying to apply this ordinance and that his basic instinct is that no, this is not consistent with the existing code.

There was discussion in which it was noted that there is an existing store currently selling designer hardware. Problems with the code were also discussed as was staff's recommendation to make a change in the code to allow retail with a suggestion to limit square footage.

talking about.

Ms. Fitzgerald names the surrounding properties and locations, including Rita's Italian Ice and Osceola Magnet School.

No one from the public wished to speak for or against this application.

Mr. Sammons said he would like to know if the applicant would let us know what his plans are.

Mr. Jim Vitter, Kimley-Horn, 601 21st Street, said he has been sworn and said Keith Kite and Kelly Kite brought a presentation in front of the Architectural Review Commission. He said right now it's planed to be a Hampton Inn and Suites Development, though he knows you can't consider it as part of the rezoning request.

Mr. Kennedy said he would move for approval. Mr. Ryan said he has a motion to approve as presented. Mr. Llerena seconded the motion and it was unanimously approved (6-0) on a roll call vote: Chairman Ryan, aye; Mr. Sammons, aye; Mr. Mucher, aye; Mr. McCracken, aye; Mr. Kennedy, aye; Mr. Llerena, aye.

IV. PLANNING DEPARTMENT MATTERS

A. Briefing on Senate Bill 360

As requested by a member at the last meeting, Mr. McGarry provided a handout (on file in Planning) on Senate Bill 360 regarding changes in Florida's growth management laws. He provided basic information and how different factions have different interpretations, mentioned current law suits pending relative to the bill, and touched on the major highlights this bill impacts.

B. Briefing on Evaluation Appraisal Report; Major Local Issues Scoping Process; and Staff Draft of Major Local Issues

Mr. McGarry reviewed a briefing on EAR (on file in Planning) because we have to begin our report and said the deadline is September 1, 2010, which we are going to try to meet, but may not be able to. He said a preliminary step for the EAR process would be to come up with a list of the major issues we want to focus on in the comp plan and that many sections need to be updated because they're not relevant anymore. Referencing the backup, he said he did provide a summary of requirements for the comp plan and goes over everything that has to be included in that. He said this is to provide a process for the major local issues, to identify issues, and uses the Planning Board as the forum for that and that council would use that to provide a letter of understanding to the DCA. He continued speaking about the board's role would be in this process and major issues, such as incorporating neighborhood plans into the comp plan and looking at the Mixed Use District, which hasn't worked too well. He touched on the other major points noted in the backup, such as problems with the POI District and the negative impact of the twin pairs on the Downtown District. He said we will have a scoping

meeting the second meeting in September and a public meeting.

Responding to a question about the neighborhood plans being discussed at a meeting of the Historic Preservation Commission [HPC] and the outcome by Mr. Mucher, Mr. McGarry said we did not place them on the agenda; the neighborhoods [Osceola Park and Original Town] requested it. The presidents of those associations gave presentations and had some things they wanted the HPC to support, which was basically outside its framework and duties. He said the group asked the same of the Architectural Review Commission [ARC] whose members gave comments, but felt it was outside their authority.

The Downtown Action Plan of 2008 was discussed and Mr. McGarry said it was to help Main Street focus where they wanted to go and basically was everything recommended before based on old studies that were done.

Mr. Mucher said he doesn't know if we would have any say in it, but he would like to be aware of it.

Mr. McGarry said sure and that we will get a copy to you and that it's also available online.

V. CHAIRMAN'S MATTERS

The excused absences of Mr. Vogt, Ms. Pease, Mr. Norris and Mr. Doty were noted.

VI. ADJOURNMENT

The meeting adjourned at 2:03 p.m.

gkb

APPENDIX B
PUBLIC AND AGENCY COMMENTS

**St. Johns River Water Management District
Comments for the City of Vero Beach Evaluation and Appraisal Report (EAR) Scoping Meeting – 9/16/09**

Vero Beach is within the jurisdictions of the St. Johns River Water Management District (SJRWMD). SJRWMD's review of the EAR and subsequent EAR-based amendment will focus on the following:

1. Water supply planning issues

SJRWMD has released its draft 2008 Water Supply Assessment in which the City is identified as a "potential" priority water resource caution area (PWRCA). SJRWMD's southern planning area, which includes the City, is being further evaluated during SJRWMD's ongoing water supply planning process for the 2010 District Water Supply Plan and may be identified as a PWRCA upon completion of the additional evaluation. Implications for local governments within PWRCA's include the need to identify water conservation measures and future sources of water, including reclaimed water, to meet increasing demands, and the completion of additional comprehensive planning activities. Because of the potential for the City to be designated as a PWRCA, it is especially important that the EAR indicate the following:

- a. **Cumulative legislative changes:** Indicate in the EAR (e.g., legislative changes matrix) how the City is addressing the cumulative legislative changes made in 2002, 2004, and 2005 (SB 360 and SB 444) to Chapter 163, *Florida Statutes* (F.S.), regarding water supply planning requirements in comprehensive plans. [Refer to the last two pages of these notes for some specific legislative citations to address.] For general assistance, refer to the DCA water supply planning Web page at <http://www.dca.state.fl.us/fdcp/DCP/WaterSupplyPlanning/index.cfm>.
- b. **Water supply concurrency:** Indicate in the EAR when the City updated or will update its concurrency system to address the revised requirements of Section 163.3180(2)(a), F.S., which became effective July 1, 2005. To meet the requirements, the City's comprehensive plan and land development regulations must ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the City anticipates issuing a certificate of occupancy. Additionally, the City must include consultation with the applicable water supplier (i.e., Vero Beach Utilities Department) during the permit review process and prior to the approval of a building permit, to determine if adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy. Below is an example policy that provides enabling language for the concurrency requirements:

"The City shall issue no development orders or development permits without first consulting with the Vero Beach Utilities Department to determine whether adequate water supplies to serve the development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent."

- c. **Future water demands:** The City is not required to complete a 10-year water supply facilities work plan because the City is not currently in SJRWMD's PWRCA. However, the City is required to address in the EAR other water supply planning requirements.

The City should assess current and projected water needs and sources for at least a 10-year period, considering the applicable consumptive use permit, and identify water supply-related projects necessary to meet projected demands for the 10-year planning horizon. The City should evaluate how the comprehensive plan addresses existing deficiencies. If adequate facilities do not (or will not) exist, address corrective actions, including recommendations for comprehensive plan amendments to ensure

construction of the necessary facilities to meet demands. It is important that the City address water conservation practices and the City's role in implementing the provision of reuse to meet nonpotable water demands.

SJRWMD worked with DCA/DEP/WMDs to develop comprehensive plan amendment guidelines, available on the DCA Web site at: <http://www.dca.state.fl.us/fdcp/dcp/publications/Files/finalguidelines.pdf>

- d. **Intergovernmental coordination:** Describe in the EAR how the City will update the Intergovernmental Coordination Element (ICE) to address cooperative efforts with other local governments, utilities, regional water supply authorities, and water management districts with regard to potable water and reuse services. Below is a suggested policy to add to the ICE to ensure the necessary coordination between the City and SJRWMD.

"The City will participate in the development of updates to SJRWMD's Water Supply Assessment and District Water Supply Plan and in other water supply development-related initiatives facilitated by SJRWMD that affect the City."

- e. **Capital Improvements:** Indicate in the EAR whether the City has completed any annual updates to the 5-Year Schedule of Capital Improvements to include its participation in funding water supply-related projects, including reuse facilities and development of any alternative water supply projects, or any privately funded projects that the City intends to rely on to achieve and maintain adopted level-of-service standards when approving new development.
- f. **Future land use map (FLUM) amendments:** If the comprehensive plan includes criteria for approving FLUM amendments, indicate whether the criteria need to be updated to address the adequacy of planned water supply sources and facilities to support FLUM amendments submitted to DCA for review.

1. SJRWMD worked with DCA/DEP/WMDs to develop future land use map amendment guidelines, which are available on the DCA Web site at <http://www.dca.state.fl.us/fdcp/dcp/WaterSupplyPlanning/Files/WSDA.pdf>
2. SJRWMD developed a Potable Water Availability Worksheet for use by local governments submitting comprehensive plan amendments to determine the availability of potable water resources to serve proposed development. The worksheet is available at: http://www.sjrwmd.com/comprehensiveplanning/potable_water_worksheet.doc

2. Policies and projects to protect water resources are consistent with the SJRWMD's surface water improvement and management program (SWIM) or basin initiatives

Indian River Lagoon Basin (IRLB): The City is located in the District's IRL Basin. The goal of the IRL Basin program is to attain and maintain the water and sediment quality needed to support a macrophyte-based (seagrass) system, endangered and threatened species, fisheries, and recreation in the lagoon. Relative to the IRL Basin Program goal, the City's EAR should address the following:

- Stormwater Management: Identify City or cooperatively funded stormwater system upgrades or retrofit projects recently completed or ongoing within the City as specified in any master stormwater plan.
- Implementation of reuse / reclaimed water.
- IRL Comprehensive Conservation Management Plan (IRL CCMP) Implementation:
 - Identify comprehensive plan policies that implement IRL CCMP elements or "Actions".
 - Identify City-related projects that implement IRL CCMP elements or "Actions". For example, upgrades to the stormwater drainage system that reduce pollutant loading in the IRL, thereby

furthering implementation of Action 13 of the CCMP (page 29 - upgrade existing stormwater drainage systems.

- o IRL CCPM websites:

<http://www.sjrwmd.com/indianriverlagoon/index.html>

[http://www.sjrwmd.com/indianriverlagoon/pdfs/CCMP Draft 021808.pdf](http://www.sjrwmd.com/indianriverlagoon/pdfs/CCMP_Draft_021808.pdf)

3. Policies are consistent with water resource development projects identified in SJRWMD's District Water Supply Plan 2005

- a. Abandoned artesian well plugging program <http://www.sjrwmd.com/abandonedwells/index.html>
- b. Wellhead protection [<http://www.dep.state.fl.us/water/groundwater/wellhead.htm>], which is a component of the aquifer protection program
- c. Protection of aquifer recharge areas, also a component of the aquifer protection program (The recharge to the Floridan aquifer 2005 data in the natural resources section of SJRWMD's GIS data download table at <http://www.sjrwmd.com/gisdevelopment/docs/themes.html> can be used to map recharge areas).
- d. Technical assistance relative to the projects listed above can be provided by SJRWMD staff as follows:
 - 1. Delineation of wellhead protection areas, contact Doug Munch at dmunch@sjrwmd.com or at (386) 329-4173.
 - 2. Delineation of significant aquifer recharge areas, contact Don Boniol at dboniol@sjrwmd.com or at (386) 329-4188.
 - 3. Development of appropriate comprehensive plan policies and land development regulations, Steve Fitzgibbons at sfitzgib@sjrwmd.com or (386) 312-2369

4. Policies promote and encourage the use of low impact development techniques (For example, provide development incentives for water efficient developments, such as those that use the Florida Water StarSM program, a point-based, new home certification program, similar to the federal Energy Star program.)
For additional information about the Water Star program go to <http://www.floridawaterstar.com/>.

5. Policies to protect water resources are not in conflict with the SJRWMD's environmental resource (ERP) and consumptive use permitting rules. SJRWMD's rules and handbooks can be accessed from the E-permitting Web page at <https://permitting.sjrwmd.com/epermitting/jsp/start.jsp>.

6. Future Land Use Map designations assigned to SJRWMD's land and easements allow planned management activities.

7. Proposed transportation corridors or facilities do not impact SJRWMD's land or easements.

8. Policies that identify the SJRWMD as a receiver of easements include the statement "subject to SJRWMD's acceptance." SJRWMD will review proposed easements that are not required by SJRWMD-issued permits, but may not accept them.

Other information sources

- a. SJRWMD's District Water Management Plan <http://www.sjrwmd.com/dwmp/index.html>. This version of the Plan has active links to various resources.
- b. GIS resources <http://www.sjrwmd.com/gisdevelopment/docs/themes.html>

SJRWMD personnel resources

- a. Indian River Lagoon Basin Program Manager – Troy Rice (321) 984-4928
- b. Florida Water Star Program Coordinator – Deirdre Irwin (386) 312-2310
- c. SJRWMD Policy Analyst – Steve Fitzgibbons (386) 312- 2369

Statutory changes to address in EAR document or in EAR's legislative changes table

Comprehensive plans should address all current statutory and rule requirements. Below is a listing of some statutory changes made in 2002, 2004, and 2005 (SB 360 and SB 444) relative to water supply planning that are of interest to the SJRWMD. The EAR indicate how the City is addressing the cumulative legislative changes made in 2002, 2004, and 2005 (SB 360 and SB 444) to Chapter 163, *Florida Statutes* (F.S.), regarding water supply planning requirements in comprehensive plans. DCA's Work Table for Chapter 163 Part II can be accessed from the following Web page <http://www.dca.state.fl.us/fdcp/dcp/EAR/files/WorkTableCh163.doc>

<u>DCANo.</u>	<u>Item</u>	<u>Citation</u>
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)
113	Required that by adoption of the EAR, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)
114	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)
115	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)
127	Required Evaluation and Appraisal Reports to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163.3191(2)(1)
137	(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.	163.3167(13)
139	(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.	163.3177(6)(c)
145	(3)(a)5: Required the comp plan to include a 5-year schedule of capital Improvements . Outside funding of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement.	163.3177(3)(a)(5)

- (6)(a): Requires the future land use element to be based upon the **availability of water supplies** (in addition to public water facilities). 163.3177(6)(a)
- (6)(c): Required the **potable water element** to be updated within 18 months of an updated regional water supply plan to incorporate the **alternative water supply projects** and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments. 163.3177(6)(c)
- (6)(h)1.: The intergovernmental coordination element must address coordination with **regional water supply authorities**. 163.3177(6)(h)(I)
- 149 (2)(a): Required consultation with water supplier prior to issuing building permit to ensure “adequate water supplies” to serve new development will be available by the date of issuance of a certificate of occupancy. 163.3180(2)(a)
- 152 (2)(I): The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying alternative water supply projects, including conservation and reuse, needed to meet projected demand. Also, the Report must identify the degree to which the local government has implemented its 10-year water supply work plan. 163.3191(2)(I)

McGarry, Tim

From: Aquavistastudios@aol.com
Sent: Friday, June 18, 2010 3:04 PM
To: McGarry, Tim; Gabbard, Jim; Falls, Monte; kendaige@att.net
Subject: Tim, I very much appreciate

the ideas and ideals incorporated in the City's draft EAR. So for the 'record' allow me the following:

Some follow up comments will include a general tightening of the words "should" to "shall" --- a dilemma DCA began facing in 1989 as you know.

I also suspect that, with respect to land use compatibility, the VB Airport will (or should) come into play given the impacts on mainland neighborhoods, and their years of documented complaints. That to me sounds like a legitimate land use incompatibility issue worthy of DCA's interest. A situation we will have a greater understanding of after the August special call meeting to address airport impacts and safety.

With respect to the Twin Pairs, I appreciate your willingness to bring this inconvenient problem up again.

The Pairs are a technical, economic, and downtown disaster worthy of our best efforts to correct.

And all while the City gives A1A a 'sub F' LOS pass for reasons more political than technical.

So I urge you to give the Twin Pairs the same technical and intellectual treatment given A1A (under threat of litigation). After all, it took Monty Falls in his January 31, 2006 memo to conclude that "Assuming a 5% traffic growth rate** the two lane, one-way facility would degrade to LOS 'D' in 15 years, and LOS 'E' in 16 years:" and followed up with "If left as is (assuming the same 5% traffic growth rate) the facility would degrade to LOS 'D' in 23 years and LOS 'E' in 24 years." You couldn't 'break' the Pairs in 24 years, yet while A1A is currently broken---the City seems to find this politically acceptable.

And all while A1A is currently at a LOS 'F' yet worthy of immediate consideration.

These are symmetrical urban issues being addressed based more on zip codes than adopted public policy.

And it is wrong.

You, Monte and Jim know that for more than five years I have been trying to breath some fresh air into the simple idea that a seven lane highway through our historic down town is neither technically valid nor wise public policy. And the immediate attention to retain A1A as a two lane section (a "political decision" which I support), does not relieve the City of justifying why SR 60 at seven lanes through down town makes any economic, social, environmental, or technical sense.

And some of us plan to reluctantly make such decisions political --- given the pace of change on urban issues of critical importance to the main land.

The "spook speak" of TCEA's, LOS, Concurrency, and the rest are beyond those you serve, so I urge you to seriously revisit the fundamental flaws with the Twin Pairs (as documented in five adopted public policy plans), and to give them the same urgency given A1A and Zip Code 32963.

Best,

David Risinger

** Tim, your documentation uses a 4% trip growth rate. Monty and Mora used a 5% growth rate. A annualized trip generation rate without justification, or one which (at the time) would not be imposed on a Walmart or a 7-11...which would have been in the vicinity of 3%. These are questions worth asking, and these are technical questions worth answering. Particularly given the stakes involving the future of our down town.

McGarry, Tim

From: Riddle, Andrew [Andrew.Riddle@dot.state.fl.us]
Sent: Friday, September 25, 2009 8:52 AM
To: McGarry, Tim
Subject: City of Vero Beach EAR Scoping Meeting - FDOT District Four Comments

Mr. McGarry:

The department was not able to attend the September 17, EAR Scoping Workshop, but would like to offer the comments below for your consideration:

- Identification of Strategic Intermodal System (SIS), Treasure Coast Regional Multimodal System Corridors and Transportation Regional Incentive Program (TRIP) facilities. (See Florida Statute 163.3180(10).)
- The comprehensive plan and plan amendments should include short-term (five years) and long-term planning objectives. The long-term planning horizon must be at least ten years and the Department recommends the long-term planning period be consistent with the MPO's Regional Long Range Transportation Plan (RLRTP), to foster coordination between transportation and land use planning.
- The Department recommends that background data and support material be updated as part of the EAR-based amendments. Much of the future land use element analysis and support material is updated as part of the EAR process. Updating the support material for the Transportation Element will ensure internal consistency between the Future Land Use and Transportation Elements. Updated support material also will provide an accurate baseline of current conditions to be used for subsequent comprehensive plan amendments and the next Evaluation and Appraisal Report.
- The City's comprehensive plan should incorporate measurable objectives and if not already addressed, the City could consider incorporating additional transportation related performance standards, such as performance standards for transit, pedestrian and bicycle facilities. One point of reference for such performance standards is the Regional Element of the RLRTP. This includes a set of regional goals and objectives aimed at enhancing regional connectivity throughout the Treasure Coast Region.
- If not already addressed in the comprehensive plan, the City should define minimum and maximum densities and intensities for all future land use designations. This information is important for transportation modeling and forecasting, which is based on the uses identified on local governmental future land use maps.
- The Department encourages the City to establish roadway access management policies providing for more free flowing traffic on roadways. Please refer to the following website for use in establishing access management policies:

http://www.cutr.usf.edu/research/access_m/publicat.htm
- Policies and standards to reduce the use of Strategic Intermodal System (SIS) facilities for local trips are recommended. Improving parallel regional and local facilities and enhancing transit service on parallel facilities are two methods to address this Rule requirement.
- Transportation safety remains a priority issue for the Department. As development and redevelopment occurs, it is feasible to incorporate safety techniques during site plan design and building, particularly regarding pedestrian and bicycle improvements.

- The Committee for a Sustainable Treasure Coast (created by executive order No. 04-61) issued its final report in September of 2005. This report contained several guiding principles and recommendations covering issues such as sustaining natural systems, retaining rural lands, creating a sustainable built environment and enhancing access to education, health and cultural opportunities, and achieving economic diversity and prosperity for the region. Concerning the built environment, several specific strategies were developed addressing land use and transportation. The City should consider incorporating goals and policies to further advance the recommendations stemming from this final report.
- The City should include policies relating to energy efficiency, conservation and reduction of greenhouse gases consistent with recent legislative requirements (e.g.: HB 694).

Thank you for the opportunity to participate in the City's EAR process. If you have any comments or questions, please feel free to contact me.

ANDREW RIDDLE, AICP
OFFICE OF MODAL DEVELOPMENT
FDOT - DISTRICT FOUR
3400 WEST COMMERCIAL BOULEVARD
FORT LAUDERDALE, FL 33309
TEL: 954-777-4605 FAX: 954-677-7892
EMAIL: ANDREW.RIDDLE@DOT.STATE.FL.US

APPENDIX C LIST OF SOURCES

- Anna Brady, *Historic Resource Survey Update of the Original Town and Osceola Park Area Neighborhoods*, July 2008.*
- Baskerville-Donovan, Inc., *Wastewater Treatment Facility (WWTF) Alternatives Analysis Conceptual Report*, January 2007.
- City of Vero Beach Planning Department, *City of Vero Beach Evaluation and Appraisal Report (EAR) Based Comprehensive Land Use Plan Land Use Element Amendments, Related Rezonings, and Recent Annexations*, May 18, 1999.
- City of Vero Beach Planning Department, *Comprehensive Plan, City of Vero Beach*, September 1980.
- City of Vero Beach Planning Department, *Comprehensive Plan Evaluation and Appraisal Report, City of Vero Beach*, March 1997.
- City of Vero Beach Planning Department, *Sunnyside Park Neighborhood Plan*, February 1993.
- City of Vero Beach Planning and Development Department, *McAnsh Park Neighborhood Action Plan, 2002*.
- Committee for Sustainable Treasure Coast, *Sustainable Treasure Coast*, September 20, 2005.
- Gould Evans Associates, *Vero Beach Vision Plan*, February 24, 2005.*
- HDR, *Ocean Drive/Cardinal Drive and Beachland Boulevard Master Plan*, March 20, 2007.
Gould Evans Associates, *Vero Beach Vision Plan*, February 24, 2005.*
- Hunter Interests, Inc., *DTW Revitalization Strategy for Vero Beach, Florida*, December 18, 2000.
- Indian River County Community Development Department, *Indian River County Evaluation and Appraisal Report 2008, November 2008*.
- Land Design South and Land Design Innovations, Inc., *Downtown Action Plan*, August 2008.*
- Land Design South and Land Design Innovations, Inc., *Original Town Neighborhood Enhancement Strategies*, October 2009.
- Land Design South and Land Design Innovations, Inc., *Osceola Park Neighborhood Enhancement Strategies*, October 2009.

* Document is available on-line on the City's website at www.covb.org. under Vision Plan link.

Land Design South and Land Design Innovations, Inc., *Parking Management Strategies, Ocean Drive, Cardinal Drive and Beachland Blvd.*, July 2009.

Public Resources Management Group, Inc., *City of Vero Beach 2009 Water and Wastewater Rate Study*, June 2009.

Strategic Planning Group, Inc. and Canin Associates, *Downtown Vero Beach Redevelopment Program*, July 2, 1990.

Treasure Coast Regional Planning Council, *Indian River Long-Range Transportation Plan, Community Vision Plan*, June 2009.

Trias and Associates, *SR 60 "Twin Pairs" Charrette Report*, October 11, 2005.

Trias & Associates, *Vero Beach Main Street, Downtown Charrette, Citizen's Report*, September 30, 2006.

Vero Beach Community Redevelopment Board, *Downtown Vero Beach, 1992 Redevelopment Plan*, June 1992.

APPENDIX D
LETTER OF UNDERSTANDING



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

March 4, 2010

The Honorable Sabin C. Abell
Mayor, City of Vero Beach
1053 20th Place
Vero Beach, Florida 32961-1389

Re: City of Vero Beach Evaluation and Appraisal Report
Letter of Understanding

Dear Mayor Abell:

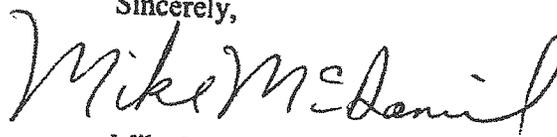
The Department of Community Affairs received the City's proposed Letter of Understanding dated October 13, 2009 and apologizes for the delay in responding. The Department has reviewed your proposed Letter of Understanding outlining the major issues that will be the focus of the City's Evaluation and Appraisal Report (EAR). We have also discussed the scope of work outlined in your letter with the state and regional agencies that will be reviewing the Evaluation and Appraisal Report when it is submitted. The Department agrees with the summary of the issues as set forth in the attached letter. This letter serves as confirmation of our understanding.

In addition to the major issues identified by the City, the EAR should also address the evaluation requirements of sections 163.3191(2)(a) through (p), Florida Statutes. As a result of the assessment, there may need to be proposed changes to the comprehensive plan to better implement the intended planning objectives.

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us
♦ COMMUNITY PLANNING 850-488-2358 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7959 (p) 850-922-5823 (f) ♦

If you or your staff have any questions or if we can be of further assistance as the City proceeds with preparing its Evaluation and Appraisal Report, please contact Laura Regalado, Community Planner, at (850) 921-3762.

Sincerely,



Mike McDaniel, Chief
Office of Comprehensive Planning

MM/lmr

cc: Wendy Evans, Florida Department of Agriculture and Consumer Services
Tracy Suber, Florida Department of Education
Jim Quinn, Florida Department of Environmental Protection
Susan Harp, Florida Department of State
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission
Gerry O'Reilly, Florida Department of Transportation, District 4
Steven Fitzgibbons, AICP, St. Johns River Water Management District
Michael Busha, AICP, Executive Director, Treasure Coast Regional Planning
Robert Keating, Director of Community Development, Indian River County

City of Vero Beach

1053 - 20th PLACE - P.O. BOX 1389
VERO BEACH, FLORIDA 32961-1389



OFFICE OF THE
PLANNING AND DEVELOPMENT DIRECTOR

October 9, 2009

Mr. D. Ray Eubanks, Plan Processing Administrator
Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: Request for Letter of Understanding for the City of Vero Beach
2010 Evaluation and Appraisal Report

Dear Mr. Eubanks:

This letter serves to identify proposed major local community planning issues to be addressed in the City's Evaluation and Appraisal Report (EAR) of the City of Vero Beach Comprehensive Plan. The City of Vero Beach requests a Letter of Understanding from the Florida Department of Community Affairs acknowledging your agency's concurrence on these major local issues.

The City's proposed major local community planning issues are described in the attachment. The City intends to address these major issues as they relate to relevant objectives within each element of the Vero Beach Comprehensive Plan adopted in 1992. Additionally, the City's EAR will meet the minimum content requirements of Section 163.3191(2), Florida Statutes.

The City's proposed major issues were initially drafted by the Planning and Development Department staff and received a preliminary review by the City's Local Planning Agency, the Planning and Zoning Board at its regularly scheduled meeting on August 20, 2009. A scoping public hearing for the draft major issues was advertised and conducted by the Planning and Zoning Board on September 17, 2009.

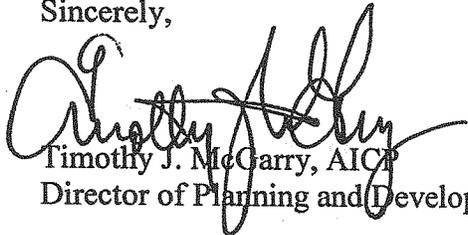
The Planning and Zoning Board after receiving input from representatives of the Indian River County School District and Indian River County MPO and the public, approved the list of major issues for consideration by the City Council. Prior or subsequent to that meeting, the City received comments from the Florida Department of Transportation, St. Johns Water Management District, and the Treasure Coast Regional Planning Council.

At an advertised public hearing held on October 6, 2009, the City Council approved the list of major issues and directed the City staff to prepare this letter for transmittal to your agency.

Mr. D. Ray Eubanks
Major Local Issues
October 9, 2009
Page 2

The City of Vero Beach looks forward to working with the Department and other agencies in the development of the EAR and comprehensive update. Should you have any questions, please don't hesitate to call Ms. Cheri Fitzgerald or me at the number above.

Sincerely,


Timothy J. McGarry, AICP
Director of Planning and Development

TJM/tf
Attachment

cc: James M. Gabbard, City Manager
Cheri B. Fitzgerald, AICP, Vision Implementation Manager

**PROPOSED MAJOR LOCAL ISSUES
FOR INVESTIGATION IN
THE PREPARATION OF THE
EVALUATION AND APPRAISAL REPORT
FOR THE CITY OF VERO BEACH
COMPREHENSIVE PLAN**

1. Neighborhood Preservation and Stabilization

The Vero Beach Vision Plan adopted by the City Council in February 2005, identified general strategies for neighborhood preservation/conservation and neighborhood revitalization/stabilization. In the EAR, these strategies will be further reviewed and refined, modified and/or expanded as appropriate to be incorporated as objective(s) and policies in the Comprehensive Plan. Additionally, a specific policy framework for guiding the development of neighborhood plans and their incorporation into the comprehensive plan will be addressed including specific strategies and guidelines for implementation actions, such as the development of neighborhood conservation or historic overlays and improvement districts.

2. Miracle Mile, Downtown, Royal Palm Pointe, and Ocean Drive/Cardinal Drive, and Beachland Boulevard Commercial Districts

The Vero Beach Vision Plan identified numerous goals and strategies for the 5 major commercial districts within the City. Except for the Ocean Drive/Cardinal Drive commercial district on the barrier island, these districts are encompassed within the "Land Use Vision Plan," prepared in June 2009 as the initial step in the preparation of the Indian River County MPO Long Range Transportation Plan. The strategies identified in the Vero Beach Vision Plan for these districts complement and further the land use objectives of the "Infill Alternative," identified in the aforementioned MPO Land Use Vision Plan that is intended to serve as the preferred future land use scenario for modeling of the Indian River County's 2035 transportation needs and costs.

The strategies in the Vero Beach Vision Plan focus on mixed use development, site and urban design, landscape and streetscape design, parking, open space and tree preservation within these districts. For the EAR, these goals and strategies will be further reviewed and refined, modified, and/or expanded as appropriate to be incorporated as objectives and policies in the Comprehensive Plan.

3. Mixed Use Land Use Designation

An unresolved issue from the last Evaluation Appraisal Report, which was never addressed in the subsequent EAR-based amendments, was the Mixed Use Future Land Use Map designation. The Mixed Use is designated on the Future Land Use Map for a wide area that encompasses the downtown, an industrial area bordering the downtown along the Florida East Coast railroad, and a mixed residential-commercial area located

south of State Route 60 between 14th Avenue and 9th Avenue north of 17th Street. The Mixed Use designation allows for an overly broad mix of different and not necessarily compatible districts or uses including multi-family, professional office and institutional, government use, commercial, manufacturing, downtown, and mixed use. This “catch-all” designation is too broad to be an effective policy or regulatory tool, especially in areas where mixed development, redevelopment and infill are to be encouraged. The evaluation of this designation will also focus on needed changes in the implementing Land Development Regulations, including a comprehensive review of the Mixed Use zoning district.

4. **POI Zoning District**

The Professional, Office and Institutional (POI) Zoning District is allowed by the Comprehensive Plan to be located within Residential Medium (RM) and Residential High (RH) Future Land Use Map designations, including the Commercial designation. This zoning district is intended to provide a transition between residential neighborhoods and more intensive non-residential uses; however, all the uses allowed within the district are necessarily consistent with this policy directive. The inclusion of the POI district within Future Land Use Map designations of RM and RH, not intended to be mixed use areas, creates uncertainty and, may in some cases, lead to inappropriate land uses for certain locations.

The exclusion of multi-family uses from the zoning district is counter intuitive to the RM and RH designations and directly works against the implicit strategies of the Vero Beach Vision Plan to encourage mixed development. The development standards for POI are insufficient to properly create a transition or buffer between lower density residential areas and higher intensity areas, including highly travelled arterials within the City.

The EAR will focus on needed changes to the Future Land Use designation policies and objectives to address such issues and identify specific strategies for guiding needed changes in the City’s Land Development Regulations.

5. **State Route 60 (Twin Pairs)**

The adverse impacts on the historic Downtown of the “Twin Pairs,” State Route 60, have been well documented in the Vero Beach Vision Plan and recently identified by the Main Street Vero Beach as a priority of that organization in the Downtown Action Plan prepared in August 2008. Studies have pointed to the negative impacts of the Twin Pairs on pedestrian safety, community appearance and vitality of downtown businesses by encouraging speeding, limiting the visibility of retailers, and creating barriers to pedestrian movements between businesses.

At the same time, any changes to the Twin Pairs, including traffic calming measures need to be carefully evaluated in context of the arterial’s function and role in the City’s transportation network and for hurricane evacuation. The EAR will identify and evaluate strategies to address this issue.

6. **Housing**

The existing Housing Element needs to be comprehensively revised, especially in light of the current "bust" in the housing market. The EAR will focus not only addressing workforce housing in light of the current and foreseeable housing market, but on identifying and evaluating strategies for encouraging workplace, residential, recreational, personal services and retail infill opportunities which will support mixed use strategies to be examined for Major Issues 1 through 4 above.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial statements. This includes not only sales and purchases but also expenses, income, and transfers between accounts.

The second part of the document provides a detailed breakdown of the accounting cycle. It outlines the ten steps involved in the process, from identifying the accounting entity to preparing financial statements. Each step is explained in detail, with examples provided to illustrate the concepts.

The third part of the document focuses on the classification of accounts. It discusses the different types of accounts, such as assets, liabilities, equity, and income, and how they are used to record and summarize business transactions. It also explains the relationship between these accounts and the accounting equation.

The fourth part of the document covers the process of journalizing and posting. It describes how transactions are recorded in the journal and then transferred to the ledger. It also discusses the importance of double-entry bookkeeping and how it helps to ensure the accuracy of the accounting records.

The fifth part of the document discusses the preparation of financial statements. It explains how the information from the ledger is used to create the balance sheet, income statement, and statement of owner's equity. It also discusses the importance of these statements in providing a clear picture of the business's financial performance.

The sixth part of the document covers the closing process. It explains how the temporary accounts, such as income, expenses, and owner's drawings, are closed to the permanent accounts, such as assets, liabilities, and equity. This process is essential for starting a new accounting period with a clean slate.

The seventh part of the document discusses the importance of internal controls. It explains how these controls help to prevent errors and fraud, and how they can be used to improve the efficiency of the accounting process. It also discusses the role of the auditor in verifying the accuracy of the financial statements.

The eighth part of the document covers the use of accounting software. It discusses the benefits of using software to automate the accounting process, such as reducing the risk of errors and saving time. It also discusses the importance of choosing the right software for the business's needs.

The ninth part of the document discusses the importance of ethics in accounting. It explains how accountants have a responsibility to provide accurate and honest information, and how they can use their skills to help businesses and society. It also discusses the consequences of unethical behavior in the accounting profession.

The tenth part of the document covers the future of accounting. It discusses the impact of technology on the profession, such as the use of artificial intelligence and blockchain. It also discusses the need for accountants to continue to learn and adapt to new challenges.

RESOLUTION NO. 2010 – 25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE CITY OF VERO BEACH COMPREHENSIVE PLAN; STATING THE INTENT OF THE CITY COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council adopted the City of Vero Beach Comprehensive Plan on July 21, 1992; and

WHEREAS, the City of Vero Beach Comprehensive Plan was amended based on the 1999 Evaluation and Appraisal Report on February 5, 2008; and

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or shortcomings of the adopted comprehensive plan to adequately address changing conditions and state policies and rules; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the comprehensive plan provides appropriate policy guidance for growth and development; and

WHEREAS, the City of Vero Beach Planning and Zoning Board, acting as the designated Local Planning Agency, reviewed the Evaluation and Appraisal Report, held an advertised public hearing on September 2, 2010, provided for participation by the public in the process, and rendered its recommendations to the City Council; and

WHEREAS, the City Council reviewed the Evaluation and Appraisal Report and held an advertised public hearing in accordance with the requirements of state law;

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

Section 1. Adoption of the Evaluation and Appraisal Report

The City Council hereby adopts the Evaluation and Appraisal Report for the City of Vero Beach Comprehensive Plan, attached here as Exhibit A.

Section 2. Intent to Amend the Comprehensive Plan

The City Council hereby states its intention to amend the City of Vero Beach Comprehensive Plan in accordance with the recommendations contained in the Evaluation and Appraisal Report.

Section 3. Transmittal of the Evaluation and Appraisal Report

The City Council hereby directs staff to transmit the Evaluation and Appraisal Report to the Department of Community Affairs for the purpose of a sufficiency review in accordance with Section 163.3191, Florida Statutes.

Section 4. Repeal of Conflicting Provisions

All previous ordinances, resolutions, or motions of the City Council, which conflict with the provisions of this resolution, are hereby repealed to the extent of such conflict.

Section 5. Effective Date

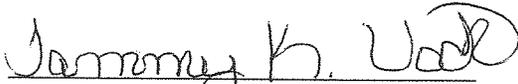
This Resolution shall be effective upon adoption.

This Resolution was advertised in the Press Journal on the 11th day of September 2010, as being scheduled for a public hearing to be held on the 21st day of September 2010, at the conclusion of which hearing it was moved for adoption by Councilmember Sawnick, seconded by Councilmember Daige, and adopted by the following vote:

Mayor Kevin Sawnick	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vice Mayor Sabin C. Abell	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Councilmember Thomas P. White	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Councilmember Brian Heady	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Councilmember Kenneth J. Daige	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

ATTEST:

**CITY OF VERO BEACH,
FLORIDA**



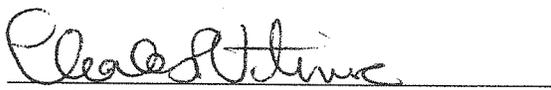
Tammy K. Vock
City Clerk



Kevin Sawnick
Mayor

Approved as to form and legal sufficiency:

Approved as conforming to
municipal policy:

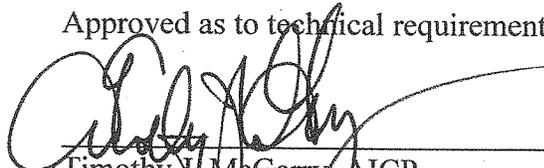


Charles P. Vitunac
City Attorney



James M. Gabbard
City Manager

Approved as to technical requirements:



Timothy J. McGarry, AICP
Planning and Development Director

