

ORDINANCE NO. 2012-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING CHAPTER 64, ARTICLE I, DEVELOPMENT REVIEW OF THE CITY OF VERO BEACH LAND DEVELOPMENT REGULATIONS; PROVIDING FOR COMPREHENSIVE REVISIONS TO DEVELOPMENT REVIEW AND APPROVAL PROCESS AND CRITERIA; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to comprehensively amend the regulations governing development review and approval process in the City's Land Development Regulations in order to streamline and bring more clarity to the regulations governing the process; and

WHEREAS, this streamlining and improved clarity will result in a more efficient and effective development review system that is less costly and burdensome for both the public and the City; and

WHEREAS, the City Council of the City of Vero Beach finds that these amendments are in the public interest of the City of Vero Beach and consistent with the standards of Section 65.22(i)(2)-(3) of the City of Vero Beach Code;

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

Section 1. Adoption of "Whereas" clauses.

The foregoing "WHEREAS" clauses are hereby adopted herein.

Section 2. Amendment to Chapter 64, Article I, Development Review.

Chapter 64, Article I, Development Review, is hereby amended as follows:

**ARTICLE I. DEVELOPMENT REVIEW**

**Sec. 64.01. Purpose.**

The purpose of this article is to establish uniform requirements and procedures for review of applications for development approval to ensure consistency with the comprehensive plan, part III, land development regulations, and other applicable provisions of this Code.

**Sec. 64.02. Applicability.**

(a) Development review and approval required. Except as expressly exempted, development review and approval pursuant to this ~~chapter~~ article shall be required prior to:

- (1) Any work, construction, or other activity requiring a building permit under chapter 22, buildings and building regulations;-
- (2) Any change in the intensity, density or use of land; or
- (3) Any other activity requiring a permit,~~license~~ or development approval pursuant to part III, land development regulations of this Code.

(b) Modification of development review and approval procedures. If applicable, the development review and approval process and procedures pursuant to this ~~chapter~~ article shall be modified in accordance with chapter 76, historic preservation, and chapter 77, architectural review of this Code.

(c) Exemptions. Unless expressly required by this article, improvements to a conforming, lawfully established existing building or structure requiring a building permit are exempt from development review pursuant to this article provided that such work:

- (1) Does not involve a substantial improvement, as defined in section 73.02 of this Code;
- (2) Does not change the floor area, footprint, or height of a building or structure;
- (3) Does not change the number of hotel or motel rooms or the number of dwelling units;
- (4) Does not involve below base flood improvements in a special flood hazard area; or
- (5) Does not involve improvements subject to review pursuant to chapter 76, historic preservation or chapter 77, architectural review of this Code.

**Sec. 64.03. Application and fees.**

(a) *Application form and fees.* Every application for development approval or ~~and~~ appeals pursuant to this ~~chapter-~~ article shall be in a form prescribed by the planning director and accompanied by a nonrefundable fee in the amount as established from time to time by ~~ordinance~~ resolution of the city council to defray the actual cost of processing the application and provision of any required notice. The completed application and application fee shall be submitted to the planning and development department.

(b) *Persons authorized to submit application.* An application for development approval shall be signed by all owners~~(s)~~ of the subject property, an agent authorized in writing to act on the property owner's~~(s)~~ behalf, ~~and~~ or other person(s) having a written contractual interest in the subject property ~~proposed for development or development approval.~~

(c) *Coordination with federal, state, and county regulatory agencies.* Any application requiring a permit from a ~~state and/or federal~~ regulatory agency shall include

with the application a copy of the permit(s) or letter(s) of coordination from the appropriate federal, state, and county agency(ies).

(d) *Incomplete applications.* Only a complete application shall be accepted and processed by the planning and development department. ~~The determination of completeness will typically be made by department staff at the time of application submittal depending upon the complexity of the application. For applications requiring site plan approval, this completeness review may also occur during the application review process as provided for in this chapter.~~ An application shall be deemed complete when all required information and supporting documentation required in the application pursuant to this chapter has been provided together with the appropriate application fees.

**Sec. 64.04. Administrative appeals and stay of action.**

(a) *Appeals.* The applicant or any person aggrieved by a decision of the planning director or any administrative officer under part III, land development regulations, of this Code, may request a review of the decision by the planning and zoning board by submitting an appeal request application and a nonrefundable application fee to the planning and development department pursuant to section 64.03 within ten 10 days of the administrative officer's written decision. The planning director shall ~~cause the application to be advertised and placed~~ the application on the planning and zoning board's next available agenda for a public hearing unless otherwise requested by the appellant and agreed upon by the planning director. The public hearing shall be advertised in a local paper of general circulation no less than ~~14~~ 10 days before the date of the public hearing. The planning and zoning board shall consider review of the administrative decision at a quasi-judicial public hearing, after which it may affirm,

reverse, or modify the decision. Appeals of the planning and zoning board's decision regarding administrative orders shall be to the city council pursuant to the procedures in section 64.08(~~4~~).

(b) *Stay of action pending appeal of administrative officer's decision.* The filing of a notice of appeal of the administrative officer's decision shall result in a stay of all permit activity, work on the premises, and any proceedings in furtherance of the action appealed, unless the planning director certifies in writing to the planning and zoning board and applicant that a stay poses an imminent peril to life or property. The planning and zoning board shall review such certification and grant or deny a stay of the proceedings.

**Sec. 64.05. Code compliance certification.**

(a) *Purpose.* ~~The requirement for code compliance certification by the planning director is to ensure that building permits issued and other development approvals rendered that do not require site plan approval pursuant to section 64.06 are consistent with part III, land development regulations and other appropriate provisions of this Code. The certification of code compliance by the planning director is intended for those permit and development approvals that are routine and ministerial in nature with limited administrative discretion, not requiring specific and detailed site plan review.~~ Code compliance certification is intended to ensure that development permits and other development approvals are consistent with the provisions of part III, land development regulations and other pertinent provisions of this Code. Such approvals are routine and ministerial in nature with limited administrative discretion. A code compliance certification application may be approved by the planning director.

(b) *Applicability.* Except for permits that are expressly exempted pursuant to (c) of this section or development requiring site plan approval pursuant to section 64.06, eCode compliance certification by the planning director shall be required for the following:

- (1) Change of use not requiring additional parking.
- ~~(2) Construction, repairs and improvements requiring a building permit, but not a site plan.~~
- ~~(32) Construction, enlargement or structural alteration of residential docks and seawalls requiring a building permit pursuant to part III, chapters 31, boats and waterways, and chapter 74, bulkheads and waterways of this Code.~~
- ~~(4) Construction within an airport noise impact zone pursuant to part III, chapter 68, airport zoning.~~
- ~~(5) Placement and installation of signs requiring a sign permit pursuant to part III, chapter 38, signs.~~
- (63) Siting of new attached wireless communication facilities, the Collocation of antenna on existing antenna-supporting structures and buildings, and or the replacement and modification of existing stealth and non-stealth attached wireless communication facilities, ~~pursuant to part III, chapter 69, telecommunication tower and antenna siting, except as exempted from the city's land development regulations and procedures by F.S. § 365.172(11).~~
- ~~(7) Installation of attached wireless communication facilities pursuant to part III, chapter 69.~~
- ~~(8) Removal of trees requiring a tree removal permit, but not a site plan, pursuant to part III, chapter 72, landscaping and tree protection.~~

- (4) Siting of new or replacement of existing antenna-supporting structures with an overall height of 35 feet or less in residential zoning districts and 50 feet or less in nonresidential zoning districts.
- (5) Installation of new external emergency generators.
- (6) Installation of new external heating, air conditioning, ventilation and electrical equipment.
- (97) Installation of new ~~W~~walls and fences.
- ~~(10) Home occupation permit pursuant to section 64.13.~~
- ~~(11) Special events requiring a permit pursuant to section 64.12.~~
- ~~(128) Certain uses of the public right-of-way pursuant to part III, chapter 62, article X of this Code.~~
- (9) Changes to existing single family and duplex residential development or residential development of 3 or less dwelling units located within multiple buildings that involve any of the following:
- a. Increase of less than 500 square feet of new impervious surface area;
- b. New construction or additions to principal and accessory buildings of less than 500 square feet of floor area; or
- c. Construction of new pools, spas, and decks.
- (10) Changes to an existing multiple-family or residential development of 4 dwelling units located within multiple buildings that involve any of the following:

- a. Increase of 1,500 square feet or less of new impervious surface area;
  - b. New construction or additions to principal and accessory buildings of less than 500 square feet of floor area;
  - c. Modifications to existing required landscaped areas and approved parking layouts and driveways involving less than 1,500 square feet of area; or
  - d. Construction of new pools, spas, and decks.
- (11) Changes to existing nonresidential development that involve any of the following:
- a. Increase of 1,500 square feet or less of new impervious surface area;
  - b. Modifications to existing required landscaped areas and approved parking layouts and driveways involving less than 1,500 square feet of area;
  - c. New or additions to outdoor dining, retail display, or storage areas of less than 500 square feet;
  - d. Change in the number of hotel/motel rooms without any increase in floor area; or
  - f. Construction new pools, spas, and decks.
- (12) Installation of new playground equipment, lighting, benches, or other improvements not involving floor area within a public or privately-owned park.

(13) Improvements to enclosures below base flood elevation that are not a substantial improvement as defined in section 73.02 of this Code.

(14) Provision of accessory beach services to hotel patrons of oceanfront hotel properties.

(15) Any other modification to a building, structure, landscaping or impervious area that is not specifically exempt from development approval by this article or Code and does not require site plan approval pursuant to section 64.06.

~~(13) Construction or land alterations within a special flood hazard area, pursuant to part III, chapter 73, article I.~~

~~(14) Construction or land alterations affecting stormwater runoff quality and quantity pursuant to part III, chapter 73, article II.~~

~~(15) Construction, land alteration, or other development activity affecting marine turtle nesting pursuant to part II, chapter 46, article IV, division 2.~~

~~(16) Minor setback variances pursuant to section 66.04.~~

~~(e) Exemptions from code compliance certification. The following are exempted from the requirements for code compliance review:~~

~~(1) Building permit applications for any work, construction, or other activity pursuant to an approved site plan.~~

~~(2) Nonsubstantial improvements, as defined in section 73.02, to the interior and exterior of a lawfully established building or structure not subject to site plan review pursuant to section 64.06, chapter 76, historic preservation, or chapter 77, architectural review.~~

~~(d-c)~~ Application submittal completeness determination. ~~The complete application and nonrefundable fee shall be submitted to the planning and development department pursuant to section 64.03. Whenever possible, the code compliance certification application, submitted pursuant to section 64.03, shall be reviewed for completeness by the planning and development department staff at the time of its submittal. If determined incomplete, the application's deficiencies shall be identified by department staff and, unless the deficiencies are corrected at that time by the applicant, the application shall be returned to the applicant.~~

~~(e-d)~~ Application compliance review. The planning director shall distribute ~~cause the application to be distributed to appropriate city and county departments and evaluated for compliance review with this Code. Compliance review shall be completed not more than within five 5 working days or less from the date the complete application is provided to the planning and development department of the receipt of the complete application, depending upon the nature and content of the application. If the application is determined to be noncompliant, the planning director shall notify the applicant by telephone and in writing; by regular or electronic mail specifying the application's deficiencies. The applicant shall thereafter correct the deficiencies and resubmit the a revised application to the planning and development department within 30-15 days of the notification for further review or shall notify the department requesting the planning director to proceed with final action on the application pursuant to (f) below, or request a written extension from the planning director. If the applicant does not respond within 30 15 days by resubmitting a revised application or a written request for final action on the application, the planning director shall take final action on the application the~~

~~application shall be deemed abandoned unless the planning director grants the applicant an extension upon a showing of good cause. If abandoned, the original application shall be returned to the applicant and a copy retained by the planning and development department for public record.~~

(~~f~~e) *Action on application.* ~~Upon completion of the review, if the planning director finds the application in compliance with this Code, the planning director shall approve or approve with conditions the application. Any conditions placed on approval of the application by the planning director shall be reasonable and directly related to ensuring that the permitted activity complies with the intent and requirements of this chapter and this eCode. If the planning director determines that finds the application is not in compliance with this Code, the planning director shall deny the application. Written notice shall be served to the applicant by certified registered mail. Said notice shall notify the applicant of the planning director's action and shall specify the reasons for denial, including applicable code citations.~~

(~~g~~f) *Approved application.* ~~Approval of the application by the planning director certifying compliance with this Code shall authorize the issuance of building and other permits within the scope of the application, subject to any reasonable conditions placed on the approval by the planning director. to ensure compliance with the Florida Building Code, applicable federal/state/county permits and other chapters of this Code.~~

(~~h~~g) *Effective date and duration of code compliance certification.* ~~The effective date of an approved code compliance certification application shall commence upon termination of the 10-day appeal period or the appeal process, whichever occurs first. Application for a building permit authorized by the approved application shall be~~

made within 6 months of the effective date of the application. All certificates of occupancy or final inspections shall be obtained no later than 2 years from the effective date of the application or the approved application shall become null and void.

**Sec. 64.06. Site plans.**

(a) *Purpose.* The site plan review and approval process is intended to ensure that regulate the development of structures and sites is compliant with this Code and that the process in a manner which balances the property owner's right to use his land with the corresponding rights of nearby property owners, residents, and businesses and the need to protect the public health, safety, and welfare ~~abutting neighborhoods and the community at large, and ensures that development is carried out in compliance with this Code.~~

(b) *Categories of site plans.* Site plans ~~shall be~~ are divided into two separate categories, minor and major as described below: ~~pursuant to the standards in section 64.06 (e) and (f).~~

(1) Minor site plans involve development approvals that requiring a higher degree of complexity are more complex and require a higher level of technical review than that required for code compliance certification as provided for in section 64.05. ~~The types of development activity governed under minor site plan approval and~~ have only limited potential for adverse ~~off-site impacts and do not involve any conditional uses.~~

(2) Major site plans involve development approvals that require a higher ~~degree of complexity than that required for~~ are more complex and require a higher level of technical review than minor site plans and involve ~~The types of development activity governed under major site plan approval~~

have projects with the potential for greater adverse off-site impacts on other properties, roads and utilities infrastructure. ~~than minor site plan development approvals and include all conditional uses.~~

(c) *Authority.* ~~Pursuant to the standards and procedures of this chapter,~~ The ~~planning director may approve applications for minor site plans, amendments to minor site plans, minor amendments to major site plans, and technical revisions to all approved site plans. The planning and zoning board may approve applications for major site plans and major amendments to major site plans and minor site plans and technical revisions appealed from the planning director.~~

(d) *Existing development uses.* All development lawfully existing on January 7, 2009~~(effective date of this ordinance)~~, which would have required minor or major site plan approval under the terms of this section, shall be deemed to have an approved minor or major site plan for the purposes of determining the threshold level for development site plan application review and approval pursuant to the application of the threshold standards in (e) and (f) below to the existing development. ~~If this lawfully established development is non-compliant with any provisions of this Code, it shall be deemed non-conforming for those provisions.~~

(e) *Minor site plan approval required.* ~~Except for development approved pursuant to section 64.05,~~ The following development activities shall require minor site plan approval or an amendment to an approved minor site plan by the planning director:

- (1) Construction of new single family and duplex residential development residential principal and accessory buildings and structures ~~or new~~

residential projects involving 3 or less dwelling units located in multiple buildings.

(2) Changes to existing projects listed in (e)(1) above that involve any of the following:

a. Substantial improvements to principal and accessory buildings as defined in section 73.02 of this Code;

b. New construction or additions to principal and accessory buildings of 500 square feet or more in floor area;

c. Increase in the number of dwelling units subject to a maximum limit of 3 dwelling units; or

d. Increase of 500 square feet or more of new impervious surface.

(3) Construction of new multiple-family residential projects of 3 to 4 dwelling units or new residential projects involving 4 dwelling units located within multiple buildings.

(4) Changes to existing projects listed in (e)(3) above that involve any of the following:

a. Substantial improvements to principal and accessory buildings as defined in section 73.02 of this Code;

b. New construction or additions to principal and accessory buildings of 500 or more square feet of floor area;

c. Increase of more than 1,500 square feet of new impervious surface area;

- d. Increase in the number of dwelling units subject to a maximum limit of 4 dwelling units; or
  - e. Modifications to existing required landscaped areas and approved parking layouts and driveways involving 1,500 square feet or more of area.
- (5) Construction of new nonresidential projects of less than 10,000 square feet of floor area provided that the average daily trip generation of the project's total floor area is less than 100 vehicle trips per 1,000 square feet of floor area based on the latest edition of the "Trip Generation Manual" published by the Institute of Transportation Engineers (ITE).
- (6) Construction of new mixed residential-nonresidential projects that do not exceed the dwelling unit or floor area thresholds of this subsection.
- (7) Construction of new park and recreational facilities in a public or privately-owned park involving floor area of less than 10,000 square feet; however, any additional impervious parking lot improvements within a public park require site plan approval by the city council pursuant to section 62.09.01 of this Code.
- (8) Changes to existing projects listed in (e)(5) through (e)(7) above that involve any of the following:
- a. Substantial improvements to principal and accessory buildings as defined in section 73.02 of this Code;

- b. New construction or additions to principal and accessory buildings involving new floor area subject to a maximum buildout for the project of less than 10,000 square feet of floor area,
  - c. Increase in the number of dwelling units subject to a maximum buildout for the project of 4 dwelling units;
  - d. Increase in the number of hotel/motel rooms involving new floor area, subject to a maximum buildout for the project of less than 10,000 square feet of floor area;
  - e. Increase of 1,500 square feet of new impervious surface area;
  - f. Modifications to existing required landscaped areas and approved parking layouts and driveways involving 1,500 square feet or more of area;
  - g. New or additions to outdoor dining or retail display, or storage areas of 500 to 1,000 square feet; or
  - h. New or additions to outdoor storage areas of 500 to 10,000 square feet.
- (9) Construction of new ground-level parking facilities as a principal use involving less than 10,000 square feet of impervious surface or expansion of existing non-accessory ground-level parking facilities up to a maximum buildout limit for the parking lot project of less than 10,000 square feet of impervious surface.

- (10) Siting of new or replacement of existing antenna-supporting structures with an overall height of more than 35 feet to 50 feet in residential zoning districts and more than 50 feet to 75 feet in nonresidential zoning districts.
- ~~(2) Modifications and alterations to the land, buildings, and structures in (1) above that involve one or more of the following: additions to existing principal and accessory buildings and structures; changes in drainage patterns or the amount of impervious surface area; or changes in the footprint(s) of on-site buildings or structures.~~
- ~~(3) New construction of nonresidential principal and accessory buildings and structures, excluding hotels and mixed residential nonresidential development, that cumulatively involve on the development site:~~
- ~~a. Less than 4,000 square feet of floor area, if located less than 300 feet from a residential zoning district as measured from the property line of the subject project site to the residential zoning district line and generates less than 100 vehicle trips per 1,000 square feet of floor area per day based on the most recent edition of Trip Generation published by the Institute of Traffic Engineers;~~
- ~~or~~
- ~~b. Less than 10,000 square feet of floor area, if located 300 feet or more from a residential zoning district as measured from the property line of the subject project site to the residential zoning district line.~~

~~(4) Modifications and alterations to the land, buildings and structures in existing development in (3) above that involve one or more of the following: additions to existing principal and accessory buildings and structures; changes in the amount of impervious area or drainage patterns; changes in configuration or footprint(s) of existing buildings and structures; additions or expansions of outdoor dining, display, and storage areas; changes in site ingress and/or egress; or, changes in the number and location of parking spaces.~~

~~(5) Replacement and modification of existing wireless communications facilities pursuant to part III, chapter 69, that do not meet the exemption criteria of F.S. § 365.172(11)(e).~~

~~(6) New stealth wireless communication facilities pursuant to part III, chapter 69.~~

~~(f) Major site plan approval required. Except for development approved pursuant to section 64.05 and minor amendments to major site plans pursuant to (j), the following development activities shall require major site plan approval or a major amendment to an approved major site plan by the planning and zoning board:~~

~~(1) Construction of new projects requiring a Conditional uses approval by the planning and zoning board.~~

~~(2) Any nonresidential development Construction of new nonresidential projects within a POI zoning district.~~

~~(3) Construction of new nonresidential projects of any amount of floor area with a average daily vehicle trip generation rate of more than 100 vehicles~~

per 1,000 square of floor area based on the latest edition of the “Trip Generation Manual” published by the Institute of Transportation Engineers (ITE).

- (4) Construction of new nonresidential projects of 10,000 square feet or more of floor area.
- (5) Construction of new residential projects of 5 or more dwelling units.
- (6) Construction of new mixed residential-nonresidential projects that do not exceed the dwelling unit or floor area thresholds of this subsection.
- (7) Construction of new ground level parking facilities as a principal use involving 10,000 square feet or more of impervious surface area or the construction of new structured (multi-level) parking as a principal use.
- ~~(8) New antenna support structures pursuant to part III, chapter 69.~~
- (8) Siting of new antenna-supporting structures with an overall height of more than 50 feet in residential districts and more than 75 feet in nonresidential districts.
- (9) ~~All new construction, land improvements, or permanent modifications to public park and recreational lands in P-1 or P-2 districts~~ Construction of new park and recreational facilities involving 10,000 square feet or more of floor area; however, any additional impervious parking lot improvements within a public park require site plan approval by the city council pursuant to section 62.09.01 of this Code.

(10) Any change to an existing project, including a change of use, approved under a minor site plan that meets any one of the major site plan approval thresholds for new projects in (f)(1) through (f)(9) above.

(11) Changes to existing projects listed in (f)(1) through (f)(9) above that involve any of the following:

a. A change in a specific condition placed on a conditional use approval by the Planning and Zoning Board;

b. A new conditional use for a property;

c. New construction or additions to principal and accessory buildings of 1,000 square feet or more of floor area involving a conditional use;

d. New construction and additions to, or changes in use of, principal and accessory buildings of 1,000 square feet or more of floor area if the average daily trip generation of the total project is more than 100 vehicles per 1,000 square feet of floor area based on the latest edition of the "Trip Generation Manual" published by the Institute of Transportation Engineers (ITE);

e. New construction or additions to principal and accessory buildings of 10,000 or more square feet of floor area;

f. An increase of 10,000 or more square feet in the amount of impervious surface, excluding any increase in the area of the building footprint;

- g. Modifications to existing required landscaped areas and approved parking layouts and driveways involving more than 10,000 square feet of area;
- h. An increase of 5 or more dwelling units;
- i. A change in use from residential to nonresidential in a POI zoning district;
- j. New or additions to outdoor dining and retail display areas of more than 1,000 square feet of area; or
- k. New or additions to outdoor storage areas of more than 10,000 square feet of area.

~~(3) New construction of multiple family residential principal and accessory buildings and structures or new construction of the principal and accessory buildings and structures for any development site with three or more residential units.~~

~~(4) Modifications and alterations to existing development in (3) above that involve one or more of the following: additions to existing principal buildings and accessory structures; changes in the number of residential units; changes in the amount of impervious surface or drainage patterns; changes in the amount of floor area; changes in the configuration or footprint(s) of existing buildings and structures; changes in site ingress and egress; or changes in the number and location of parking spaces.~~

- ~~(5) — New construction of nonresidential principal and accessory buildings and structures that cumulatively involve on site:~~
- ~~a. — Less than 4,000 square feet or more of floor area if located less than 300 feet from a residential zoning district as measured from the property line of the subject project site to the residential zoning district line and generates 100 or more vehicle trips per 1,000 square feet of floor area per day based on the most recent edition of Trip Generation published by the Institute of Traffic Engineers;~~
  - ~~b. — 4,000 square feet or more of floor area if located less than 300 feet from a residential zoning district as measured from the property line of the subject project site to the residential zoning district line;~~  
~~or~~
  - ~~e. — 10,000 square feet or more of floor area if located 300 feet or more from a residential zoning district, as measured from the property line of the subject project site to the residential zoning district line.~~
- ~~(6) — New construction of hotels or mixed residential/non-residential principal and accessory buildings and structures.~~
- ~~(7) — Modifications and alterations to existing development in (5) and (6) above that involve one or more of the following: additions to existing principal and accessory buildings and structures; additions or expansions of outdoor dining, display, and storage areas; changes in the amount of impervious surface or drainage patterns; changes in the number of hotel/motel and residential units; changes in the configuration and footprint(s) of existing~~

~~buildings and structures; changes in site ingress and egress; or, changes in the number and location of parking spaces.~~

~~(g) — *Amendments to minor site plans.* Amendments to minor site plans shall be pursuant to the same standards and procedures as for minor site plan approval.~~

~~(h) — *Amendments to major site plans.* Except for minor amendments to a major site plan pursuant to (i) below, amendments to major site plans shall be pursuant to the same standards and procedures for major site plan approval.~~

(ig) *Minor amendments to major site plans.* Minor amendments to an approved major site plan shall be pursuant to the standards and procedures for minor site plan approval. The following changes to an existing project approved under a major site plan require a minor amendment: ~~provided that the proposed alteration, modification, or change in the approved major site plan:~~

- (1) New construction and additions to principal and accessory buildings, or changes in use of less than 1,000 square feet of floor area if the average daily trip generation rate of the project's total floor area is more than 100 vehicle trips per 1,000 square feet of floor area based on the latest edition of the "Trip Generation Manual" published by the Institute of Transportation Engineers (ITE).
- (2) New construction and additions to principal and accessory buildings of less than 1,000 square feet involving a conditional use.
- (3) New construction and additions to, or change in use of, principal and accessory buildings of less than 10,000 square feet of floor area.
- (4) Any increase of less than 5 dwelling units.

- (5) Any increase in new impervious surface area of more than 1,500 square feet to 10,000 square feet, excluding any change in the building footprint.
- (6) Substantial improvements to principal and accessory buildings as defined in section 73.02 of this Code that do not require a major amendment to a major site plan.
- (7) Modifications to existing required landscaped areas, parking layouts and driveways of between 1,500 to 10,000 square feet of area.
- (8) New or additions to outdoor dining and retail display areas of between 500 to 1,000 square feet.
- (9) New or additions to outdoor storage areas of between 500 to 10,000 square feet of area.
- (10) New construction of or additions to park and recreational facilities involving an increase in floor area of less than 10,000 square feet; however, any additional impervious parking lot improvements within a public park require site plan approval by the city council pursuant to section 62.09.01 of this Code.
- (11) Replacement of existing antenna-supporting structures that involve no increase in height.
- ~~(1) — Does not substantially alter the location of any points of access to the site;~~
- ~~(2) — Does not increase the number of residential units or motel/hotel units on the site;~~
- ~~(3) — Does not increase the nonresidential floor area by more than a cumulative total of 500 square feet or 20 percent, whichever is less;~~

- ~~(4) — Does not result in the cumulative change in the location of buildings and structures, parking and loading areas, and impervious surfaces involving more areas covered by these improvements of more than 4,000 square feet;~~
- ~~(5) — Does not increase the number of parking spaces by cumulative total of 20 percent or ten parking spaces, whichever is less;~~
- ~~(6) — Does not involve any additional impervious parking lot improvements within a public park;~~
- ~~(7) — Does not change or modify any conditions placed on the approved site plan or conditions on an approved conditional use; and~~
- ~~(8) — Does not involve a cumulative net increase in the amount of outdoor storage, sales and/or outdoor dining areas by more than 500 square feet.~~

~~(j-h)~~ *Technical deviations to approved site plans.* The planning director may approve technical deviations to site plans. A technical deviation is one that appears necessary in light of technical and engineering considerations brought by the applicant, building official, city engineer, planning director or other regulatory official based on problems uncovered during construction authorized pursuant to an approved site plan. Such deviations shall be compliant with all provisions of this Code and shall be limited to the following:

- (1) Alteration of the location of any walkway, road, building, structures, or site improvement by less than ~~five~~ 5 feet.
- (2) Alteration of the height of the building by one foot or less.

(3) Alteration of the type or quality of the landscaping elements, unless required as a specific condition of the site plan approval.

~~(k) Development reports to planning and zoning board. Unless otherwise directed by the planning and zoning board, the planning director shall provide the board with a monthly written activity report on minor site plans and amendments to minor and major site plans approved or denied by the planning director.~~

**Sec. 64.07. Minor site plan review and approval.**

~~(a) *Pre-application conference.* The applicant shall meet with the planning director prior to submission of an application if required by chapter 77, architectural review, or other provisions of this Code.~~

~~(b) *Application submittal.* The application and non-refundable application fee shall be submitted to the planning and development department pursuant to section 64.03.~~

~~(ea) *Application completeness determination review.* The planning director shall ~~cause the application to be distributed~~ the minor site plan application, submitted pursuant to section 64.03, to appropriate city and county departments and ~~evaluated for completeness~~ determination ~~within five working days or sooner~~ of its receipt depending upon the nature and content of the application. This review shall be completed no later than 5 working days from the date of the application's receipt. If the application is determined to be incomplete, the planning director shall notify the applicant by telephone and ~~in writing~~ by regular mail or electronic mail specifying the application's deficiencies. The applicant shall thereafter correct the deficiencies and ~~resubmit a revised application~~ to the planning and development department within 30 days from the date of the notification, or request an extension to this deadline in writing to the planning director. If~~

the applicant fails to respond to this notification within the time period, otherwise the said application shall be deemed abandoned unless the planning director grants an extension of such time for good cause. If abandoned, the application shall be returned to the applicant and a copy retained by the planning and development department for public record.

(db) *Application compliance review.* ~~Once the application is determined to be complete, t~~The planning director shall coordinate review of the application by appropriate city and county departments for compliance with section 64.10 of this article pursuant to this Code. The length of time for this review will vary depending upon the type and nature of the application and number of reviewing agencies; however, the planning director shall endeavor to incorporate the comments from reviewing city and county departments and complete the ~~written review within~~ by no later than 15 10 working days ~~or less from the date the application is determined to be complete.~~ The planning director shall provide the applicant by telephone or by electronic mail a consolidated list of any specific deficiencies in the application as they are identified by reviewers; however, all deficiencies in the application are to be identified and the applicant notified by telephone and by regular or electronic mail by the end of the 10-day review period. Nothing shall preclude any applicant from requesting or the planning director scheduling a meeting between the applicant and reviewers to resolve any issues with the application. Where such review finds deficiencies in the application that may lead to its denial by the planning director, the planning director shall notify the applicant by telephone and in writing specifying the application's deficiencies and citing the reasons for denial including applicable code citations. The applicant may thereafter correct the deficiencies

and resubmit a revised application to the planning and development department within ~~15~~ 30 days from the date of the notification of any deficiencies, withdraw the application without prejudice, or request an extension of the 30-day response period in writing to the planning director, unless the planning director grants an extension of time for good cause, otherwise review of the said application shall be deemed complete. Within 30 days from the date of notification, if the applicants fails to resubmit a revised application to the planning and development department, does not withdraw the application, or is not granted an extension for good cause, the planning director shall take action on the application.

(ec) *Action on application.* ~~Upon completion of the review of the minor site plan application;~~ In taking final action on the application, the planning director shall make written findings and conclusions based on the site plan review ~~criteria~~ standards pursuant to section 64.10. ~~If these findings determine that the application is found to be consistent with these site plan review standards criteria and compliant with this Code, the planning director shall in writing approve or approve with conditions the application. If the planning director's findings determine that the application is found not to be inconsistent with these site plan review standards criteria or compliant with this Code, written notice of denial shall be served to the applicant by certified registered mail. Said notice shall notify the applicant of the planning director's action and specify the reasons for denial, including applicable code citations.~~

(fd) *Minor site plans may be approved pursuant to standards and procedures for major site plan.* ~~After determining that the application is complete, if the planning director finds that an application for minor site plan approval or a minor amendment to a~~

major site plan may have the potential for significant on-site and/or off-site impacts or involve changes to a major site plan that substantively change the scope and character of an approved existing project, the planning director may require a minor site plan or minor amendment to a major site plan to be reviewed pursuant to the standards and procedures for approval of a major site plan. The planning director's findings shall be in writing and shall be served to the applicant by certified registered mail no later than ~~five~~ 5 working days from the date the application is determined to be complete or the application shall be processed in accordance with the procedures and standards for a minor site plan. If the application is to be processed as a major site plan, the additional costs for the posting, noticing, and advertising of the application shall be borne by the city.

~~(g) — Appeals. The applicant or any person aggrieved by the decision of the planning director may appeal the decision to the planning and zoning board pursuant to the procedures and standards for administrative appeals in section 64.04. The planning and zoning board's decision shall be based on findings required by section 64.10.~~

#### **Sec. 64.08. Major site plan review and approval.**

(a) *Pre-application meeting.* The applicant shall schedule an appointment and meet with the planning director prior to submission of an application if: for major site plan approval or major amendment to a major site plan. The purpose of this meeting is to discuss, in general, the procedures and substantive requirements for the application and, identify, any concerns that the planning director may have regarding the proposed project.

~~(1) — Architectural review is required pursuant to chapter 77, architectural review or other provisions of this Code; or~~

~~(2) A neighborhood workshop is required pursuant to paragraphs (b) and (e) below.~~

(b) *Neighborhood workshop applicability.* The following ~~types of projects to be approved as a major site plans or as a major amendment to a major site plan,~~ require the holding of a neighborhood workshop by the applicant pursuant to paragraph (c) below prior to submittal of ~~a major site plan~~ the application for development approval to the planning and development department:

(1) ~~Approvals for r~~Residential projects involving ~~five~~ 5 or more new units, including ~~the replacement of or substantial improvements to five or more existing residential units within a residential zoning district.~~

(2) ~~Approvals for non-~~Nonresidential projects of more than ~~5,000~~ 10,000 square feet of new floor area located ~~within, adjacent to, or across a right-of-way of 150 feet or less from a residential zoning district unless the subject property is separated from existing residential zoned uses by a public right-of-way of 150 feet or more.~~

~~(3) Approvals for any project of 2,500 square feet of floor area or larger located within 300 feet of a residential zoning district that generates 100 vehicle trips per 1,000 square feet of floor area per day based on the most recent edition of Trip Generation published by the Institute of Traffic Engineers.~~

(3) Nonresidential projects of 5,000 square feet or more of new floor area with a total average daily project trip generation rate of 100 or more vehicles per 1,000 square feet of floor area based on the latest edition of

the “Trip Generation Manual” published by the Institute of Transportation Engineers (ITE) that abut a residential zoning district unless the subject property is separated from residential zoned uses by a right-of-way of 150 feet or more.

- (4) ~~Approvals for any site plan Projects~~ within a POI zoning district requiring approval by the planning and zoning board.
- (5) ~~Approvals for any site plan Projects~~ requiring conditional use approval by the planning and zoning board.

(c) *Neighborhood workshop procedures and requirements.* The following procedures and requirements shall be followed by the applicant:

~~(1) The applicant shall have a pre-application meeting with the planning director prior to scheduling a neighborhood workshop meeting and prior to submitting a major site plan application.~~

(21) At its own expense, ~~the~~ applicant shall notify nearby property owners of the workshop by:

- a. Placing an ad in a local paper of general circulation not less than 14 days prior to the date of the workshop; and,
- b. Sending a letter to all ~~property owners~~ of real property located within 500 300 feet of the subject property.

(32) The workshop shall be held in a location near the subject development or shall be held at the city hall with a starting time of between 6:00 to 7:00 p.m. on weekdays and between 9:00 a.m. and 5:00 p.m. on weekends. A fee may be charged by the city to cover necessary personnel and

equipment costs of holding the workshop at the city hall. A second workshop shall be required if the applicant does not submit the major site plan application within six 6 months of the ~~first~~ required workshop.

(43) At the workshop the applicant shall present a conceptual site plan, proposed building elevations, and proposed use of the site. The applicant shall listen to and answer questions from the public and keep a written summary of the minutes of the workshop. A sign-in sheet shall be kept for those attending the workshop.

~~(5) Subsequent to the neighborhood meeting and prior to submission of the application, the applicant shall meet with the architectural review commission for review of its conceptual plans pursuant to chapter 77, architectural review.~~

(64) When the application for major site plan approval is submitted to the ~~planning and development department pursuant to this article, the application~~ it shall include the additional following items:

- a. A copy of the workshop meeting advertisement published in the newspaper;
- b. A copy of the letter noticing the workshop to property owners;
- c. A copy of the workshop sign-in sheet; and
- d. A written summary of ~~material presented and issues raised at the~~ workshop.

~~(d) Application submittal. The application and nonrefundable application fee shall be submitted to the planning and development department pursuant to section 64.03.~~

(e-d) *Application completeness determination review.* The planning director shall cause the application to be distributed the major site application submitted pursuant to section 64.03 to appropriate city and county departments and ~~evaluated~~ evaluated for completeness determination. This review shall be completed no later than within five 5 working days ~~or sooner~~ of its the application's receipt, depending upon the nature and content of the application. If the application is determined to be incomplete, the planning director shall notify the applicant by telephone and ~~in writing~~ by regular mail or electronic mail specifying the application's deficiencies. The applicant shall thereafter correct the deficiencies and resubmit ~~the~~ a revised application to the planning and development department within 30 days from the date of the notification, or request an extension to this deadline in writing to the planning director. If the applicant fails to responds to this notification within the time period, ~~for further review~~, otherwise the application shall be deemed abandoned unless the planning director grants an extension of such time for good cause. If abandoned, the application shall be returned to the applicant and a copy retained by the planning and development department for the public record.

(fe) *Application compliance review.* ~~Once the application is determined to be complete,~~ The planning director shall coordinate review of the application by appropriate city and county departments for compliance with section 64.10 of this article pursuant to this Code. The length of time for this review will vary depending upon the type and nature of the application and number of reviewing agencies; however, the planning director shall ~~endeavor to incorporate~~ the comments from reviewing city and county departments and complete a draft ~~the~~ written report within 30 days or less by no later than

25 working days from the date the application is determined to be complete. The planning director shall provide the applicant by telephone or by regular or electronic mail a list of any specific deficiencies as they are identified by reviewers. Nothing shall preclude any applicant from requesting or the planning director scheduling a meeting between the applicant and reviewers to resolve any issues with the application that may lead to a recommendation of denial by the planning director. At the conclusion of the review period, the applicant shall be provided with a copy of the draft review report by regular or electronic mail. Subsequently, the applicant may submit a revised application to the planning and development department based on the review comments in the draft report by no later than 15 days from the date of the draft report, request a 30-day extension to be submit a revised application, or withdraw the subject application. Unless the applicant is granted an extension or withdraws his application, the planning director shall prepare a written final report to the planning and zoning board shall consolidate that incorporates the comments and recommendations of the reviewing departments and agencies and contains specific findings and recommendations based on the site plan review standards pursuant to section 64.10. A copy of the written final report shall be submitted to the applicant and provided to the planning and zoning board prior to the scheduled hearing on the application.

(gf) *Public hearing before planning and zoning board.* ~~Unless the applicant submits a written request to the planning director within five working days from receipt of the written report to defer scheduling of the public hearing and request additional time to resubmit a revised application, the planning director shall cause the application to be advertised, noticed and placed on the planning and zoning board's next available agenda~~

for public hearing and consideration unless the applicant requests another meeting date acceptable to the planning director. The planning director shall notify the applicant of the date and time of the public hearing. The public hearing shall be advertised in a local paper of general circulation no less than 14 days before the date of the public hearing.

(hg) *Public hearing notice.* Notice of the public hearing shall be sent by regular mail, no less than 14 days from the date of the public hearing, by the planning and development department to all owners of real property within ~~500~~ 300 feet of the property, which is subject of the application. The addresses of property owners and properties shall be deemed as shown in the county property appraiser's records for purposes of said notice. The planning director shall prescribe the content and form of the notice. Failure of any landowner to receive such notice shall not invalidate any of the proceedings hereunder.

(ih) *Posting of property.* The planning and development department shall post notice of the public hearing on the subject property no less than 14 days before the date of the public hearing by the planning and zoning board. The notice shall be a waterproof and fade-proof sign of at least ~~two~~ 2 feet by ~~three~~ 3 feet in front surface area, which is lettered so as to be easily visible from all public right-of-way abutting the property. A posting sign shall be placed on each perimeter of the subject property fronting public right-of-way. The specific information to be presented on the sign and the form of the sign shall be in a form prescribed by the planning director.

(ji) *Action by the planning and zoning board.* The planning and zoning board shall conduct a quasi-judicial public hearing on the application ~~for major site plan approval.~~ At the public hearing, the planning and zoning board shall make required

findings and conclusions based on the review ~~criteria~~ standards pursuant to section 64.10. Based on these findings and conclusions, the planning and zoning board shall in writing approve, approve with conditions, or deny the application. If the application is denied the planning and zoning board in its written decision shall include the specific code citations for basing its decision.

(~~k~~j) *Appeals.* The applicant or any person aggrieved by the decision of the planning and zoning board ~~regarding a major site plan, including a conditional use,~~ may request a review of the decision by the city council by submitting an appeal request application and nonrefundable application fee to the planning and development department pursuant to section 64.03 within ~~ten~~ 10 days of the planning and zoning board's written decision. The ~~planning director~~ city clerk shall cause the application to be placed on the city council's next available agenda for a public hearing unless the applicant requests another appeal hearing date acceptable to the planning director and city clerk. The public hearing shall be advertised by the city clerk in a local paper of general circulation no less than 14 days before the date of the public hearing. The city council shall consider review of the planning and zoning board's decision at a quasi-judicial public hearing, after which it may affirm, reverse, or modify the decision of the planning and zoning board. The city council's decision shall be based on the site plan review standards of findings ~~required by~~ section 64.10.

(~~k~~k) *Stay of action pending appeal of planning and zoning board decision.* The filing of a notice of appeal of the planning and zoning board decision shall result in a stay of all permit activity, work on the premises, and any proceedings in furtherance of the action appealed, unless the chairman of the planning and zoning board upon the

recommendation of the planning director, certifies in writing to the city council and applicant, that a stay poses an imminent peril to life or property. The city council shall review such certification and grant or deny a stay of the proceedings.

**Sec. 64.09. Technical deviations to approved site plans.**

(a) *Application submittal.* ~~The application and non-refundable application fees shall be submitted to the planning and development department pursuant to section 64.03.~~ In the its application for a technical deviation submitted pursuant to section 64.03, the applicant shall present the reasons for the request and demonstrate that the request meets the eligibility requirements for a technical deviation pursuant to section 64.06(j).

(b) *Application eligibility and completeness review.* The planning director shall review the application for eligibility and completeness within one working day of the application submittal date. If the request is not eligible to be approved as a technical deviation, the planning director shall notify the applicant by telephone and by regular or electronic mail certified registered mail specifying the reasons for the ineligibility determination. If the application is incomplete, the planning director shall notify the applicant by telephone and regular or electronic mail specifying identifying information required to be submitted.

(c) *Application review and action.* ~~Once the application is determined to be complete and meets the eligibility requirements for a technical deviation,~~ the planning director shall distribute the complete application to appropriate city and county departments for review, if necessary. Within 5 working days or sooner of the date the application is determined to be eligible and complete, the planning director shall make a decision in writing based on review comments from participating review departments

either approving, approving with modifications and/or conditions, or denying the request. If the planning director denies the request, ~~written notice shall be served to the applicant by certified registered mail telephone and by regular or electronic mail denying the application and specifying the reasons for the denial including any pertinent code citations.~~

~~(d) *Appeals.* Appeals of the planning director's decision on technical deviation requests shall be to the planning and zoning board pursuant to the standards and procedures for administrative appeals in section 64.04.~~

**Sec. 64.10. Site plan review standards and conditions.**

(a) ~~*Site plan General review standards.*~~ All approved site plans and amendments to site plans shall:

- (1) Be consistent with the pertinent goals, policies, and objectives of the comprehensive plan;
- (2) Comply with all ~~applicable~~ pertinent provisions of part III, land development regulations of this Code including ~~marine turtle protection requirements of part II, chapter 46 and other pertinent provisions of this Code;~~
- (3) Comply with any applicable federal and state regulatory permits;
- (4) Take into consideration in the design of the site plan, the avoidance, where reasonable, of adverse impacts on the following sensitive environmental, historical, and archaeological features, as applicable:
  - a. Shorelines, beaches, and dunes.

- b. Aquifer recharge potential, as identified as “areas of special concern” in the conservation element of the comprehensive plan.
- c. Wellhead protection areas, as identified in the conservation element of the comprehensive plan.
- d. Wetlands, as identified by the St. John’s Water Management District and the conservation element of the comprehensive plan.
- e. Known habitat of protected, endangered or threatened species, as identified in by the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Commission, the conservation element of the comprehensive plan, and other regulatory and scientific sources and studies.
- f. Upland native habitat, as identified by the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Commission, the conservation elements of the Indian River County Comprehensive Plan and city comprehensive plan, and other regulatory and scientific sources and studies.
- g. Historic and archaeological resources as identified on the National Register of Historic Places, the Florida Master Site File, and the Vero Beach Register of Historic Places.

- (35) Be consistent with applicable site design performance standards of (b) below; and
- (46) Comply with pertinent development standards of (c) below.

(b) *Performance standards.* Except for single family and duplex residential development, ~~The~~ proposed use, design and layout of the development shall be consistent with the following site design performance standards:

- ~~(1) Provide adequate measures to provide ingress and egress in a manner that minimizes impacts on the neighborhood and traffic congestion and encourages the separation of different modes of transportation to not degrade safety for pedestrian, bicycle or vehicular movements (applicable to major site plans only).~~
- ~~(2) Minimize potential adverse environmental impacts on shorelines, endangered, threatened, or protected species, wildlife habitats, wetlands and upland vegetative communities, water quality, and historic, cultural, and archeological resources (applicable to all site plans).~~
- ~~(3) Generate no unreasonable adverse off-site impacts on the safety, stability and habitability of residential neighborhoods within 500 feet of the project by such adverse factors, but not limited to, noise, dust, odors, traffic volumes and circulations patterns (applicable to major site plans only).~~
- ~~(4) Design of buildings, structures, parking, and landscaping provides transition and mitigation of height, bulk, and scale impacts where:
  - ~~a. a proposed multi family or non-residential development abuts an existing single family or duplex use in a residential district or is separated from these uses by a right of way of 50 feet or less; and~~
  - ~~b. a proposed non-residential development abuts residential uses in a residential zoning district or is separated from such uses by a right of way~~~~

~~of 50 feet or less in width (above a. and b. are applicable to major site plans only).~~

- (1) The proposed design and layout of driveways, parking and loading areas, and pedestrian travel paths will create no hazardous conditions or conflicts for the parking of vehicles, unloading/loading of passenger and service vehicles, and internal movements of vehicles, pedestrians and bicycles.
- (2) The proposed location and design of the site's ingress and egress points will not result in off-site traffic congestion or hazards in the immediate vicinity of the project.
- (3) The proposed arrangement of buildings, parking and unloading/loading areas, landscaping and site activities will not result in unreasonable and disruptive impacts on adjacent properties, in terms of noise, odor, traffic, debris and trash, the hours of operation, changes in traffic circulation patterns, or other relevant disruptive factors.
- (4) The proposed arrangement of buildings, parking and unloading/loading areas, and outdoor uses and activities will not result in noticeable and direct adverse impacts on the safety, stability, and habitability of residential neighborhoods in the immediate vicinity of the project.

(c) *Development standards.* All approved site plans or modifications to site plans shall comply with the ~~following~~ specific development standards of this subsection, as applicable to the proposed development. ~~These development standards that are in addition to and exceed regulations those for individual zoning districts;~~ however, where the standards of the individual zoning district are more permissive or more stringent than

those of this subsection, the standards of the zoning district shall prevail. The following development standards shall apply:

- (1) Structures erected shall not resemble, in configuration or design, a product for sale.
- (2) Mechanical and utility equipment in a multiple-family and non-residential development ~~or other utility hardware other than antennas and stacks on roofs~~ shall be located and/or screened so as not to be visible from any public right-of-way.
- (3) Refuse and waste removal and recycling areas of multiple-family and non-residential development shall be screened from adjacent properties and public right-of-way by appropriate a minimum of a 5-foot high fences, walls, or hedges, or other opaque barrier. Such screening shall be approved by the planning director and, if applicable, compliant with the enclosure requirements of section 66-11 of this Code. ~~In cases where dumpsters must be located in areas highly visible from any public right-of-way, the planning director or planning and zoning board shall be authorized to require appropriate vegetative or structural screening of the dumpster.~~
- ~~(4) Any dumpster serving a restaurant use of 500 square feet or more of floor area shall be connected to a sanitary sewer system to allow for appropriate disposal of residual waste from the cleaning of the dumpster.~~
- ~~(5) All businesses, services, or manufacturing or processing shall be conducted within completely enclosed buildings in the M district and more~~

~~restrictive districts. If the planning director or planning and zoning board determine that a demonstrated necessity exists for outside storage or display due to the impracticality and unreasonableness of enclosure of such services, storage, and display areas, then, in such case, service, storage, and display areas or yards may be authorized subject to the condition that adequate screening is provided that shields the services, storage, and display areas from view at the public right-of-way.~~

- (4) All manufacturing or processing, services, and businesses shall be conducted completely within enclosed buildings, except as follows:
- a. Outdoor dining and retail display areas if approved by the planning director or planning and zoning board;
  - b. General and restricted retail sales and services provided, that any item displayed other than in an enclosed building shall be under roof and shall not encroach into a required yard, required landscaped areas, parking or vehicular circulation area;
  - c. Outside storage of vehicles and equipment in the same place for more than 24 continuous hours that are not on display for sale or rent or are vehicles used in the normal daily operation of a business establishment, provided that such storage areas are screened from view at the public right-of-way or adjacent property by at a minimum of a 5-foot high wall, fence, or other opaque barrier approved by the planning director;

- d. Outdoor major repair or servicing of vehicles, watercraft, or other equipment, provided that the areas for such repair or servicing are screened from view at the public right-of-way or adjacent property by a minimum of a 5-foot high wall, fence, or other opaque barrier approved by the planning director;
- e. Outdoor areas for the display of vehicles, equipment, and watercraft for sale or rent provided that the perimeter landscaping requirements for off-street parking areas pursuant to section 72.12 of this Code; and
- f. Commercial nurseries for the growth or sale of trees, plants, flowers, and other typical nursery items, such as mulch, soil, stones and statues; provided that all nonliving material are screened from view at the public right-of-way or adjacent property by a minimum of a 5-foot high wall, fence, or other opaque barrier approved by the planning director.

(65) Exterior lighting shall be so arranged as to shield or deflect the light from adjoining properties and public streets and cutoff lighting shall be used for any non-residential parking lot.

~~(7) All retail sales shall be conducted in accordance with the requirements of (5) above. This section is not intended to prohibit the following activities:~~

~~a. Open lots for the display of vehicles and watercraft. Said lots shall be subject to the screening set forth in part III, chapter 72.~~

~~b. Commercial nurseries for the growth or sale of trees, plants, flowers, and other typical nursery items, such as mulch, soil, stones and statues; provided that all nonliving material are screened from view at the public right of way by a wall, fence, or other opaque barrier.~~

~~e. General retail sales; provided, that any item displayed other than in an enclosed building shall be under roof and shall not encroach into a required yard, required landscaped areas, parking or vehicular circulation area.~~

(86) Except for metal roofs, no building of greater than 100 square feet in floor with an outside metal covering shall be constructed or placed ~~in the city~~ except in the M (Industrial zoning district), ALI (Airport Light Industrial zoning districts), and CM (Commercial Marina zoning districts) as defined in this title; provided, however, that the use of aluminum products may be permitted ~~anywhere in the city~~ used in any zoning district in the installation of carports, patio covers, screen rooms and marquees, ~~if such products conform to the standards established by this Code and the Florida Building Code.~~

~~(9) Meter rooms shall be provided and maintained in all buildings of multiple occupancy (four or more meters) to house electrical equipment, telephone equipment, television and cable equipment that serve the occupants of the entire building. Meter rooms where there are four to eight electrical meters shall have the following inside minimum dimensions: four feet wide by~~

~~six feet long by seven feet high. If there are more than eight electrical meters or the electrical requirements or demand is larger, the meter room shall be increased accordingly pursuant to approval by the city utilities director. The meter room may be reduced in depth providing doors are installed the same width as the equipment. All meter rooms shall be equipped with ventilated door(s). The meter room shall be accessible to the power company at all times. The meter room shall be provided with adequate ventilation. There shall be no storage of any kind permitted in the meter room. The floor area of meter rooms that meet the minimum dimensional requirements of this Code shall be exempted from the calculation of floor area ratio.~~

(d) *Conditional use standards.* In addition to the site plan review general and performance standards of this section above, any conditional uses shall only be approved in compliance with the provisions and standards for approving and regulating such uses pursuant to the applicable zoning district regulations governing the conditional use.

(e) *Conditions on site plan approval.* In rendering decisions on approval of site plan applications and modifications to a site plan, the planning director and planning and zoning board may impose reasonable conditions to ensure:

- (1) Consistency with the site plan review standards of this section and other applicable provisions of this Code.;
- ~~(1) Compatibility of the development with nearby existing and proposed uses.~~
- ~~(2) Concurrency management requirements are met pursuant to chapter 75, concurrency management.~~

- (3) ~~Compliance with requirements of chapter 76, historic preservation, if appropriate.~~
- (4) ~~Consistency with the goals, objectives and policies of the comprehensive plan.~~
- (5) ~~Consistency with performance standards in paragraph (b) above.~~
- (6~~2~~) Compliance with the requirements of this Code, which could have been achieved prior to approval, but remain outstanding at the time of approval, provided that they will be achieved in a later stage of the permitting process.

**Sec. 64.11. Approved site plans.**

(a) *Effective date and duration of approved site plans.* The effective date of an approved site plan or modification to a site plan shall commence upon termination of the ~~ten~~ 10-day appeal period or the appeal process, whichever is first. Unless otherwise specified in the approved site plan for phased, long-term projects, applications for building permit(s) authorized by the approved site plan shall be made within ~~six~~ 6 months of the effective date of the site plan and all certificates of occupancy or final inspections shall be obtained within ~~two~~ 2 years of the effective date of the site plan or the approved site plan shall become null and void unless an extension has been approved by the planning director. Approval times do not change with successive owners.

(b) *Extension of the duration terms of an approved site plan.* No later than 60 days prior to the expiration date of an approved site plan, the applicant may submit to the planning and development department an application and nonrefundable application fee

to extend the approved site plan for a one-time extension of an additional year. The planning director may approve the extension for good cause.

(c) *Effect of issuance of an approved site plan.* The approved site plan or modification to the site plan shall authorize the issuance of building and other permits within the scope of the application subject to any conditions placed on the approval and compliance with the Florida Building Code and appropriate federal/state permits.

(d) *Requirement for permits or certificates of occupancy.* Unless authorized by the building official in consultation with the planning director, the occupancy of any building approved by a site plan is not authorized until the applicant has received a certificate of occupancy or final inspection pursuant to the Florida Building Code.

(e) *Continuing maintenance required.* Failure to comply with and to continually maintain all elements of an approved site plan, including required landscaping, appearance, and other site development features, shall be a violation of this Code and subject to fines and penalties as provided for in this Code.

(f) *Conditions enforced.* Failure to comply with any conditions that may be attached to the approval of any site plan, including a conditional use, shall constitute a violation of this Code.

## **Section 2. Conflict and Severability.**

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

**Section 3. Effective Date.**

This ordinance shall take effect immediately upon its adoption.

\*\*\*\*\*

This Ordinance was read for the first time on the \_\_\_\_ day of \_\_\_\_\_ 2012, and was advertised in the Indian River Press Journal on the \_\_\_\_ day of \_\_\_\_\_ 2012, as being scheduled for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_ 2012, at the conclusion of which hearing it was moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember, \_\_\_\_\_ and adopted by the following vote:

<b>Mayor Pilar E. Turner</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Vice Mayor A. Craig Fletcher</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Councilmember Jay Kramer</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Councilmember Tracy M. Carroll</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Councilmember Richard G. Winger</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**ATTEST:**

**CITY OF VERO BEACH, FLORIDA**

\_\_\_\_\_  
Tammy K. Vock  
City Clerk

\_\_\_\_\_  
Pilar E. Turner  
Mayor

(SEAL)

Approved as to form and legal sufficiency:

Approved as conforming to municipal policy:

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

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