ORDINANCE NO. 2013- 19

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING SECTIONS 72.42 AND 72.43 OF ARTICLE IV, CHAPTER 72, LANDSCAPE AND TREE PROTECTION OF THE CITY OF VERO BEACH CODE; PROVIDING FOR REVISIONS TO PERMITTING PROCEDURES FOR REMOVAL OF SPECIMEN TREES AND MITIGATION REQUIREMENTS FOR TREE AND PALM REMOVAL; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board ("Board") and Planning and Development Department staff have raised concerns about the mitigation requirements and costs for tree removal and the procedures required to obtain approval for removal of specimen trees pursuant to Chapter 72, Landscape and Tree Protection; and

WHEREAS, on the basis of these concerns, the Board directed staff to prepare proposed revisions for its review during two workshops held in May and June of this year; and

WHEREAS, the Board thoroughly discussed the proposed revisions and made changes based on input from fellow members, the public, and staff; and

WHEREAS, this Ordinance represents the final product of the collaborative effort of the Board and staff; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the public interest, consistent with the standards of Section 65.22(i)(1) and (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 and incorporated herein.

Section 2. Amendment of Section 72.42, Permit application; review and approval.

Section 72.42 of Article IV, Chapter 72, Landscape and Tree Protection, is hereby amended as follows:

72.42. Permit application; review and approval.

(a) *Application.* A permit application for ~~tree or palm removal~~ removal of a specimen tree, protected tree, protected palm, or tree or palm required by a site plan or other development approval shall be submitted to the planning and development department on a form specified by the planning director together with all required supporting materials and a nonrefundable application fee. If the tree or palm removal is in conjunction with a site plan or other development approval, the permit application shall be submitted with the site plan or development application.

(b) *Multiple trees or palms.* A single permit application may be provided for removal of multiple protected trees, ~~and protected~~ palms and specimen trees. ~~A single permit application shall be required for removal of multiple specimen trees, except that a separate permit application shall be required for each specimen tree requiring approval by the planning and zoning board.~~

(c) *Contents of application.* The application shall include the following for all trees and palms proposed for removal subject to the provisions of this article:

(1) Description of each tree and palm proposed to be removed, but not relocated onsite or offsite, including species, DBH, height, and condition.

(2) Description of each tree and palm, proposed to be relocated onsite or offsite including species, DBH, height, and condition.

~~(2)~~(3) Reasons for removal of the tree or palm.

~~(3)~~(4) Description of efforts and options the applicant has considered and evaluated to preserve the tree or palm through relocation or through alteration of any proposed structure or site improvement design or location, if applicable.

~~(4)~~(5) Mitigation the applicant proposes to provide for each tree or palm to be removed, if required by section 72.43 ~~and, if modification of mitigation requirements is requested pursuant to section 72.43(h)(1) and (2), the rationale supporting the request~~.

~~(5) If the applicant requests a waiver from any of the conditions required to be met for issuance of a tree removal permit, the justification documentation as required by (e) below.~~

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~~(6) If the applicant elects to pay into the city tree replacement fund the cost for purchase and installation of some or all required replacement trees or palms in lieu of installing the replacement trees or palms on the site, a description and accounting of such costs together with supporting documents as may be required by the planning director.~~

(~~7~~6) Two copies of an accurate and legible tree location plan provided on minimum 8½-inch by 11-inch and maximum 24-inch by 36-inch paper specifying the following information:

a. Location of all existing trees and palms, identifying those to be removed or relocated onsite or offsite;

b. The proposed location for relocated or replacement trees and palms;

c. DBH of each relocated or replacement tree and palm and the height of each replacement palm;

d. The common or scientific name for each relocated or replacement tree and palm; and

e. The location of existing and proposed improvements, including, but not limited to, structures, paving, utility easements, power lines, and stormwater retention and detention areas.

(~~8~~7) Written determination and report of a certified arborist for any tree or palm to be removed because it is dead, beyond recovery, or at the end of its lifecycle, whenever such determination and report are deemed necessary by the planning director because the condition of the tree or palm or the cause of such condition cannot be readily determined without the professional services of a certified arborist. The professional services of a certified arborist and all supporting materials, inspections, and reports shall be provided by the applicant at the applicant's expense.

The planning director may waive or modify any of the above permit application requirements that are deemed unnecessary due to the nature and scope of the proposed tree or palm removal. If the proposed tree or palm removal is tied to an approved landscape plan or site plan, the information provided in the approved landscape or site plan may be used to fulfill some or all of the above application requirements, if approved by the planning director.

(d) *Application review; conditions for permit approval.* The following specified authority, procedures, and conditions shall apply to the review of permit applications and permit approval that do not require a waiver pursuant to (e):

(1) *Dead, dying, hazardous specimen trees, or specimen trees disrupting utilities.* Except as provided in (d)(2) below, all permit applications for the removal of any specimen tree shall be reviewed and approved by the planning director upon finding one or more of the following conditions exits:

a. The tree is in a hazardous or unsafe condition.

b. The location or condition of the tree creates a danger of causing disruption to public utilities or services.

c. The tree is dead or beyond recovery due to disease, infection, infestation, damage, or other condition from natural causes.

d. The age of the tree is at 80 percent or more of the average lifecycle for its species as supported by the written findings of a certified arborist.

e. The tree is within a power line right-of-way or easement and cannot be properly pruned.

f. The tree or its root system is causing damage to a structure, areas or improvements used for vehicular traffic or utility facilities.

(2) *Specimen trees.* Except as provided in (d)(1) above, all permit applications for removal of any specimen tree shall be reviewed by the planning and zoning board. Such review shall be pursuant to the procedures provided by section 64.08 of this Code for major site plan review, including public hearing requirements, but excluding those provisions which by their nature have no application to this chapter. The planning and zoning board shall approve issuance of the permit upon finding that all of the following conditions exist:

a. The tree is located on that portion of the site where structural or other construction or site development is proposed;

b. Such tree location inordinately burdens, restricts, or limits the reasonable use of the property; and

c. The applicant has made every reasonable effort to the maximum extent practicable to preserve the tree through its relocation or

~~through alteration of the design or location of site improvement. For purposes of this subsection "reasonable use" of the property includes existing and reasonably foreseeable non-speculative land uses permitted by the land development regulations of the city that are suitable for the subject property and compatible with adjacent land uses.~~

~~Permit approval may include reasonable conditions deemed necessary by the planning and zoning board to assure compliance with the purpose and intent of this chapter.~~

~~(3) *Protected trees and palms; trees and palms required under an approved site or landscape plan.*~~ (d) *Application review; conditions for permit approval.* All permit applications for removal of any specimen tree, protected tree, ~~or~~ protected palm or tree or palm required by a site ~~or landscape~~ plan or other development approval shall be reviewed by the planning director in consultation with the public works director, if necessary. Such review shall be pursuant to the procedures provided by section 64.05 of this Code for code compliance certification or section 64.06 for site plan review, as applicable ~~excluding those provisions which by their nature have no application to this chapter.~~ The planning director shall approve issuance of the permit upon finding one or more of the following conditions exist:

~~a.~~(1) The tree or palm is in a hazardous or unsafe condition.

~~b.~~(2) The location or condition of the tree or palm creates a danger of causing disruption to public utilities or services.

~~c.~~(3) The tree or palm is dead or beyond recovery due to disease, infection, infestation, damage, or other condition from natural causes.

~~d.~~(4) The age of the palm or tree is at 80 percent or more of the average lifecycle for its species as supported by the written findings of a certified arborist.

~~e.~~(5) The tree or palm is within a power line right-of-way or easement and cannot be properly pruned.

(6) The tree or palm, including but not limited to its root system, is causing damage to a structure or site improvements used for vehicular traffic or utilities.

~~f.~~(7) The tree or palm is located on that portion of the site where structural or other construction or site development is proposed~~;~~ or, the proposed improvements are located within the protection zone for the tree or palm as calculated in section 72.45 and a certified arborist or the public works

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director has determined that the chances of the tree's survival due to the proximity of proposed site improvements is very unlikely. ~~such~~ And the tree or palm in such location inordinately burdens, restricts, or limits the reasonable use of the property~~;~~ and the applicant has made every reasonable effort to the maximum extent practicable to preserve the tree or palm through its relocation or through alteration of the design or location of the structure or other proposed site improvements. For purposes of this subsection "reasonable use" of the property includes existing and reasonably foreseeable non-speculative land uses permitted by the land development regulations of the city that are suitable for the subject property and compatible with adjacent land uses.

~~g. The tree or palm or its root system is causing damage to a structure, areas or improvements used for vehicular traffic or utilities.~~

(e) *Permit conditions.* Permit approval may include reasonable conditions deemed necessary by the planning director to assure compliance with the purpose and intent of this chapter.

(f) *Permit duration.* Any permit issued for tree removal permit shall be valid for 60 days, except that the term of any tree removal permit issued in conjunction with an approved site plan or other development approval shall run concurrently with the term of the associated development approval.

~~(e) *Waiver of conditions for issuance of permit for tree or palm removal.* The planning and zoning board may grant a waiver from meeting any condition of this section required for approval of a permit for the removal of a protected palm, protected tree, or a specimen tree, where strict adherence to such condition creates an unnecessary economic hardship to a property owner. The procedures and standards for granting the waiver and the tree removal permit shall be as follows:~~

~~(1) The applicant shall submit an application for a tree removal permit pursuant to this section, including the request for a waiver. The waiver request portion of the application shall include justification for the waiver by providing the following:~~

~~a. A description of all alternatives considered by the property owner to avoid removal of the palm or tree; and~~

~~b. Explanation of why all such alternatives to the removal of the tree or palm are unreasonable in that they would constitute an unnecessary hardship to the property owner.~~

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~~(2) The permit for removal of the palm or tree and waiver request shall be reviewed by the planning and zoning board. Such review shall be pursuant to the procedures provided by section 64.08 of this Code for major site plan review, including, public hearing requirements, but excluding those provisions which by their nature have no application to this chapter. No waiver and issuance of a permit to remove the palm or tree shall be approved unless the planning and zoning board makes the following findings based on competent substantial evidence:~~

~~a. Implementation of any of the alternatives to the removal of the tree or palm would constitute an unnecessary hardship to the property owner;~~

~~b. Approval of the permit with such waiver will be in harmony with the spirit and intent of this article to protect trees;~~

~~c. Such a waiver is not adverse to the public interest.~~

Section 3. Amendment of Section 72.43, Mitigation required; tree replacement fund; mitigation exceptions.

Section 72.43 of Article IV, Chapter 72, Landscape and Tree Protection, is hereby amended as follows:

Sec. 72.43. Mitigation required; tree replacement fund; mitigation exceptions.

(a) *Applicability.* Except as otherwise provided in this section, the removal of any specimen tree, protected tree, or protected palm, or tree or palm required by an approved site plan or other development approval ~~landscape plan~~ shall be mitigated by meeting or exceeding the total DBH required to be replaced either by the installation of replacement trees and palms and/or payment into the city tree fund pursuant to the requirements this section. Mitigation is not required for the removal of any trees and palms successfully relocated onsite or offsite in accordance with (l) below.

(b) *Mitigation requirements.* The mitigation required for trees and palms to be removed and not relocated on site or off site shall be determined in accordance with the following procedures:

(1) Within the front, side, and rear yard setbacks for principal buildings, the total DBH of each specimen tree removed, one-half the DBH of each protected tree removed, and one-half the DBH of each protected palm removed shall be calculated and summed for each of the three categories.

(2) Outside the front, side, and rear yard setbacks for principal buildings, the total DBH of each specimen tree removed, one-half the DBH of each

protected tree removed, and one-half the DBH of each protected palm removed shall be calculated and summed for each of the three categories.

(3) The resulting total DBH calculated for each category in (b)(2) shall then be multiplied by a DBH reduction factor of 5 percent.

(4) The total DBH for each category in (b)(1) above shall then be added to the resulting adjusted DBH values calculated in (b)(3) above for each category as applicable. The resulting DBH sum for each category is the required mitigation for tree and palm removal.

(c) *Mitigation options.* Mitigation requirements of this section shall be met by the installation of replacement trees and palms pursuant to (d) and (e) below, payment into the tree replacement fund pursuant to (i) below, or a combination of replacement and payment into the tree replacement fund. Any of the required mitigation that is not met by replacement trees and palms shall be met through payment into the tree replacement fund.

~~(b)~~(d) *Replacement ~~S~~specimen and protected trees.* ~~Mitigation of specimen tree removal~~ Replacement trees for a specimen or protected tree shall meet or exceed the following requirements:

(1) Replacement trees shall be ~~the same species as the tree~~ of a species on a list recommended by the Florida Urban Forestry Council for Central Florida similar to the tree removed in terms of height and canopy spread at maturity. A replacement tree not on the aforementioned recommended list may be substituted with the approval of the planning director in consultation with the public works director. ~~If such species is not available in sufficient size or quantity or is otherwise shown to be impractical or not reasonably possible, another species from the specimen tree classification, as approved by the planning director, may be used as a replacement.~~

(2) ~~The total DBH of the replacement trees shall equal or exceed the total DBH of the trees removed.~~ Multiple approved replacement trees meeting the requirements of this section may be installed to satisfy the DBH replacement requirement ~~provided acceptable spacing and design are provided as determined and~~ subject to the approval of their spacing and location ~~approved~~ by the planning director in consultation with the public works director.

(3) Each ~~R~~replacement trees shall be a minimum of ~~three~~ 3 inches DBH at the time of installation.

(4) ~~Replacement trees shall be a minimum overall planted height of 12 feet at the time of installation.~~ At the time of installation, each replacement tree shall meet the minimum height standards for the particular tree species in

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Matrices Numbers 1-5 in the latest edition of "Grades and Standards for Nursery Plants" published by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

(5) Replacement trees shall be Florida Grade No. 1 or better in quality as established by the Florida Department of Agriculture and Consumer Services and shall be free from all disease, insects, and other pests.

~~(c)~~(e) *Replacement ~~P~~protected ~~trees and~~ palms.* ~~Mitigation of~~ Replacement palms for a protected ~~tree or~~ palm ~~removal~~ shall meet or exceed the following requirements:

(1) Replacement ~~trees and~~ palms shall be ~~the same species as the tree or palm removed~~ of a species on a list recommended by the Florida Urban Forestry Council for Central Florida similar to the palm removed in terms of height and canopy spread at maturity. A replacement palm not on the aforementioned recommended list may be substituted with the approval of the planning director in consultation with the public works director. ~~If such species is not available in sufficient size or quantity or is otherwise shown to be impractical or not reasonably possible, any native species, as approved by the planning director, may be used as a replacement.~~

(2) ~~The total DBH of the replacement trees and palms shall equal or exceed one-half of the total DBH of the trees and palms removed.~~ Multiple approved replacement ~~trees and~~ palms meeting the requirements of this section may be installed to satisfy the DBH replacement requirement ~~provided acceptable spacing and design are provided as determined and~~ subject to the approval of their spacing and location ~~approved~~ by the planning director in consultation with the public works director.

~~(3) Replacement trees shall be a minimum of two inches DBH.~~

~~(4) Replacement trees and palms shall be a minimum overall planted height of ten feet at the time of planting. .~~

(3) Replacement palms shall be a minimum overall height of 10 feet at the time of installation.

(~~5~~4) Replacement ~~trees and~~ palms shall be Florida Grade No. 1 or better in quality as established by the Florida Department of Agriculture and Consumer Services and shall be free from all disease, insects, and other pests.

~~(d)~~(f) *Trees and palms required by an approved site plan or other development approval ~~landscape plan~~.* Mitigation for removal of any tree or palm required by ~~or~~

~~relocated, preserved, or installed pursuant to~~ an approved site plan or other development approval ~~landscape plan~~ to meet the landscape or landscape buffer requirements of this Code or conditions placed on site plan approval shall meet or exceed the following requirements:

(1) Removal of any tree or palm meeting the classification of a specimen tree, ~~or~~ protected tree, or protected palm at the time of removal shall be mitigated pursuant to the requirements of this section for such classification of tree or palm with the condition that all or part of the mitigation requirement shall be met by replacement of the removed tree or palm in accordance with (d) and (e) above.

(2) Removal of any tree or palm, other than a tree or palm meeting the classification of a specimen tree, ~~or~~ protected tree or protected palm shall be mitigated by replacement with a species on a list recommended by the Florida Urban Forestry Council for Central Florida ~~the same species and~~ having the same or greater DBH and height. A replacement tree or palm not on the aforementioned recommended list may be substituted with the approval of the planning director in consultation with the public works director.

(3) Removal of any tree or palm meeting the classification of an invasive tree or invasive palm at the time of removal shall be mitigated by replacement with a~~n approved~~ non-invasive species on a list recommended by the Florida Urban Forestry Council for Central Florida ~~with the appropriate DBH and height pursuant to subsections (1) and (2) above~~. A replacement tree or palm not on the aforementioned recommended list may be substituted with the approval of the planning director in consultation with the public works director.

(4) Replacement trees and palms shall be Florida Grade No. 1 or better in quality as established by the Florida Department of Agriculture and Consumer Services and shall be free from all disease, insects, and other pests.

(5) Each replacement tree or palm shall meet the requirements and be installed on the site in accordance with sections 72.12 and 72.13.

~~(e)~~(g) *Time for mitigation.* ~~All mitigation by~~ The installation of replacement trees or palms and the relocation of trees and palms onsite, ~~except that required in conjunction with an approved site plan or landscape plan as specified below,~~ shall be completed within 30 days after removal of the tree or palm or if required in conjunction with a site plan or other development approval, all relocated trees and palms and the mitigation by installation of replacement trees or palms shall be completed prior to the final landscaping inspection or issuance of a certificate of occupancy. Such time may be

extended by the planning director for good cause shown upon written request of the permit holder. ~~Mitigation by installation of replacement trees or palms required in conjunction with development or redevelopment of a site pursuant to an approved site plan or landscape plan shall be completed prior to the final landscaping inspection.~~

~~(f)~~(h) *Inspection required.* The permit holder shall notify the planning and development department within ~~five~~ 5 days after installation of the replacement and relocated trees and palms provided to meet the ~~in mitigation~~ requirements of this section. Upon notification, the planning director ~~or his agent~~ shall make an inspection of the site and shall either approve the mitigation or notify the permit holder or his agent by electronic and regular mail of any violations which must be corrected in order to comply with the permit conditions and requirements ~~and~~ of this chapter ~~Code~~. In any instance requiring re-inspection, the permit holder shall pay the assessed re-inspection fee before compliance may be certified.

~~(g)~~(i) *Tree replacement fund; alternative mitigation.*

(1) There is hereby established a city tree replacement fund for the purpose and intent of providing applicants with an alternative means for mitigating the removal of specimen trees, ~~and~~ protected trees, and protected palms by allowing payment by the applicant into such fund the amount that it would cost for purchase and installation of the required replacement trees and palms. The amount of such costs shall be as determined or approved by the city engineer. All amounts paid into the fund shall be reserved solely for the removal of invasive plants, purchase, ~~installation~~ relocation, planting, ~~and~~ or, maintenance of trees and palms on public property and rights-of-way within the city. With the approval of city council, such funds may be used to purchase vacant property for the preservation of existing trees or palms of significant public interest.

(2) The applicant for a tree removal permit may mitigate the removal by payment into the city tree replacement fund the amount that it would cost for purchase and installation of the required replacement trees and palms in lieu of installing some or all of the required replacement trees or palms on the ~~property or~~ site. The removal of any tree or palm required by an approved site plan or other development approval ~~landscape plan~~ shall be mitigated by replacement pursuant to (f) and, if any remaining mitigation is required due to the size of the removed tree or palm, it ~~and~~ ~~may not~~ shall be mitigated pursuant to this ~~sub~~section.

(3) The tree or palm removal permit shall not be issued until the applicant electing to mitigate tree or palm removal pursuant to this section has paid the amount approved for mitigation into the city tree replacement fund.

~~(h)~~(j) *Exceptions to mitigation requirements.* ~~The following exceptions and modifications shall apply to the mitigation requirements of this section:~~ Except for a tree or palm required by an approved site plan or other development approval, mitigation shall not be required for removal of a specimen tree or protected tree or palm that is dead or beyond recovery due to natural causes or that is in a weakened and unsafe condition due to age, storm, fire, insects, disease, or other natural causes.

~~(1) *Single-family and duplex property.* The number of replacement trees and palms and the total replacement DBH required by this section for mitigation may be reduced, adjusted, or otherwise modified by the planning director for any single-family or duplex lot whenever the planning director determines in his professional opinion that the trees and palms preserved on the lot plus the replacement trees or palms to be provided are of sufficient number and quality to substantially comply with the purpose and intent of this chapter.~~

~~(2) *All non-single-family or non-duplex property.* The number of replacement trees and palms and the total replacement DBH required by this section for mitigation may be reduced, adjusted, or otherwise modified by the planning and zoning board for any non-single-family or non-duplex lot pursuant to the procedures provided by this Code for major site plan review, including public hearing requirements, but excluding those provisions which by their nature have no application to this chapter. The planning and zoning board shall make its decision to reduce, adjust, or modify the mitigation requirements of this section based on competent substantial evidence that demonstrates the trees and palms preserved on the property, plus the replacement trees or palms to be provided, are of sufficient number and quality to substantially comply with the purpose and intent of this chapter.~~

~~(3) *Relocated trees and palms.* Successful relocation of a specimen tree, protected tree or palm, or a tree or palm required by an approved site plan or landscape plan on the lot or site pursuant to an approved permit shall not require mitigation. Relocation shall be deemed successful only if the tree or palm survives and is thriving one year after relocation, otherwise the relocated tree or palm shall be deemed removed and require mitigation or in compliance with this section. A relocated tree or palm required by an approved site plan or landscape plan shall remain subject to the replacement requirements of this chapter regardless of successful relocation.~~

~~(4)~~(k) *Replacement trees and palms.* Any replacement tree or palm ~~planted~~ installed ~~pursuant~~ to meet ~~required~~ mitigation requirements of this section or ~~an approved permit for~~ replacement of a ~~specimen tree, protected tree or palm, or~~ tree or palm required by an approved site plan or other development approval ~~landscape plan~~ that does

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not survive or is not thriving one year after ~~planting~~ installation shall be replaced with another tree or palm of ~~the same species and equal or greater in size and quality as such unsuccessful replacement tree.~~ a species on a list recommended by the Florida Urban Forestry Council for Central Florida similar to the tree or palm replaced in terms of height and canopy spread at maturity that meets or exceeds the minimum requirements for replacement trees or palms of this section. A replacement tree or palm not on the aforementioned recommended list may be substituted with the approval of the planning director in consultation with the public works director.

~~(5) *Dead or unsafe trees and palms.* Except for a tree or palm required by an approved site plan or landscape plan, mitigation shall not be required for removal of a specimen tree or protected tree or palm that is dead or beyond recovery due to natural causes or that is in a weakened and unsafe condition due to age, storm, fire, insects, disease, or other natural causes.~~

(l) *Relocated trees and palms.* Any specimen tree, protected tree, or protected palm may be relocated onsite or offsite onto public lands in the city. The following provisions shall apply to trees and palms to be relocated onsite and offsite as applicable:

(1) Any onsite relocation of a tree or palm is subject to approval by the planning director in consultation with the public works director.

(2) Any tree or palm relocated onsite that does not survive or is not thriving one year after installation shall require mitigation pursuant to this section.

(3) No offsite relocation of a tree or palm shall be approved unless the applicant obtains written permission from the public works director to implement the necessary removal, transfer, and replanting of the tree and palm. Any costs associated with the relocation shall be entirely borne by the applicant unless otherwise agreed to in writing by the public works director.

Section 4. 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 5. Effective Date.

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

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This Ordinance was read for the first time on the 17th day of September, 2013, and was advertised on the 21st day of September, 2013, as being scheduled for a public hearing to be held on the 1st day of October, 2013, at the conclusion of which hearing it was moved for adoption by Councilmember Turner, seconded by Councilmember Carroll, and adopted by the following vote:

Mayor A. Craig Fletcher	☒ **Yes**	☐ **No**
Vice Mayor Tracy M. Carroll	☒ **Yes**	☐ **No**
Councilmember Pilar E. Turner	☒ **Yes**	☐ **No**
Councilmember Jay Kramer	☐ **Yes**	☒ **No**
Councilmember Richard G. Winger	☐ **Yes**	☒ **No**

ATTEST:

Tammy K. Vock
City Clerk

CITY OF VERO BEACH, FLORIDA

A. Craig Fletcher
Mayor

Approved as to form and legal sufficiency:

Wayne R. Coment
City Attorney

Approved as conforming to municipal policy:

James R. O'Connor
City Manager

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Approved as to technical requirements:

Timothy J. McGarry, AICP
Planning and Development Director

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