



**BOARD OF COUNTY  
COMMISSIONERS  
INDIAN RIVER COUNTY, FLORIDA  
COMMISSION AGENDA**

**SPECIAL CALL MEETING**

**TUESDAY, JULY 10, 2012 - 5:01 P.M.**

**County Commission Chamber  
Indian River County Administration Complex  
1801 27<sup>th</sup> Street, Building A  
Vero Beach, Florida, 32960-3388  
www.ircgov.com**

**COUNTY COMMISSIONERS**

**Gary C. Wheeler, Chairman  
Peter D. O'Bryan Vice Chairman  
Wesley S. Davis  
Joseph E. Flescher  
Bob Solari**

**District 3  
District 4  
District 1  
District 2  
District 5**

**Joseph A. Baird, County Administrator  
Alan S. Polackwich, Sr., County Attorney  
Jeffrey R. Smith, Clerk to the Board Ad Interim**

**1. CALL TO ORDER 5:01 P.M.**

**2. INVOCATION Commissioner Wesley S. Davis**

**3. PLEDGE OF ALLEGIANCE Commissioner Joseph E. Flescher**

**4. PUBLIC ITEMS**

**A. PUBLIC HEARINGS**

- 1. FINAL HEARING: Consideration of Proposed LDR (Land Development Regulation) Amendments (Legislative) (memorandum dated June 25, 2012)

1-9

**5. ADJOURNMENT**

Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal will be based.

Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act (ADA) Coordinator at (772) 226-1223 (TDD # 772-770-5215) at least 48 hours in advance of meeting.

The full agenda is available on line at the Indian River County Website at [www.ircgov.com](http://www.ircgov.com) The full agenda is also available for review in the Board of County Commission Office, the Indian River County Main Library, the IRC Courthouse Law Library, and the North County Library.

***Commission Meeting may be broadcast live by Comcast Cable Channel 27  
Rebroadcasts continuously with the following proposed schedule:  
Tuesday at 6:00 p.m. until Wednesday at 6:00 a.m.,  
Wednesday at 9:00 a.m. until 5:00 p.m.,  
Thursday at 1:00 p.m. through Friday Morning,  
and Saturday at 12:00 Noon to 5:00 p.m.***

INDIAN RIVER COUNTY, FLORIDA  
M E M O R A N D U M

PUBLIC HEARING #2  
5:01 PM SPECIAL MEETING  
[LEGISLATIVE]

TO: Joseph A. Baird; County Administrator

4A1

DEPARTMENT HEAD CONCURRENCE:

  
Robert M. Keating, AICP; Community Development Director

FROM: Stan Boling, AICP  
Planning Director

DATE: June 25, 2012

SUBJECT: **FINAL HEARING: Consideration of Proposed LDR (Land Development Regulation) Amendments**

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its **5:01 pm special meeting** of July 10, 2012.

**BACKGROUND**

On June 19, 2012, the BCC (Board of County Commissioners) conducted the first of two public hearings to consider amendments to various land development regulations (LDRs). The proposed regulations include amendments that implement adopted EAR (Evaluation and Appraisal Report) based comprehensive plan policies. Other proposed changes include amendments that were initiated by staff, amendments that were initiated by the BCC, or amendments that are needed to clean-up, clarify, or update the LDRs.

At the June 19, 2012 hearing, the BCC considered recommendations on the proposed amendments from staff, the Agriculture Advisory Committee, and the Planning & Zoning Commission. In addition, the Board considered input from the public. At the conclusion of the hearing, the Board directed staff to revise or delete two proposed amendments and announced that the second and final hearing is scheduled for July 10, 2012 at 5:01 pm.

Since the June 19, 2012 meeting, staff has revised the proposed amendments as directed by the BCC. The BCC is now to consider adopting the revised amendments.

**ANALYSIS**

At the June 19, 2012 hearing, the BCC directed staff to:

1. Revise the previously proposed changes to the definition of hotel/motel and add a provision specifically allowing residential dwelling units to be rented out for short-term vacation stays.
2. Delete the previously proposed changes that would implement density transition area Future Land Use Element (FLUE) Policy 1.48. The BCC also directed staff to initiate a comprehensive plan amendment to eliminate that policy.

In response to the BCC's direction, staff has revised the definition of hotel/motel as follows (see attachment #1):

- Deleted previously proposed references to a 30 day length of stay threshold.
- Added wording specifically stating that any residential dwelling unit offered for rent for less than a month shall not be considered a hotel/motel or lodging facility.

Under the revised changes, the offering of daily, weekly, or monthly rates for a single-family or multi-family unit will constitute an allowable residential use of the unit.

In response to the BCC's direction on density transition area regulations, staff simply eliminated all previously proposed sections relating to the density transition area requirement. In addition, staff will initiate a comprehensive plan amendment in the July 2012 amendment application window to eliminate density transition area FLUE Policy 1.48 from the comprehensive plan.

**RECOMMENDATION**

Staff recommends that the Board of County Commissioners adopt the following ordinances.

1. Amendments to Chapter 901 Definitions
2. Amendments to Chapter 902 Administrative Mechanisms
3. Amendments to Chapter 904 Non-conformities
4. Amendments to Chapters 911 & 912 Zoning & Single Family Development
5. Amendments to Section 911.22 Expanded areas subject to corridor regulations
6. Amendments to Chapters 913 & 914 Site Plan and Subdivision/Platting
7. Amendments to Chapters 952 & 910 Traffic and Concurrency
8. Amendments to Chapter 971 Specific Land Use Regulations
9. Amendments to Chapter 915 Planned Developments (PDs)
10. Amendments to Chapter 972 Temporary Uses
11. Amendments to Chapters 901, 913, 914, and 930 Conversion of Vertical Datum
12. Amendments to Chapters 912 and 917 Wall and fence regulations
13. Amendments to Chapters 918 & 926 Effluent re-use, water and sewer connection, irrigation regulations
14. Amendments to Chapter 927 BCC-directed update of tree protection regulations
15. Amendments to Chapter 928 Wetland protection regulations
16. Amendments to Chapter 929 Shoreline buffer regulations
17. Amendments to Chapter 954 Parking regulations
18. Amendments to Chapter 956 Sign regulations

**ATTACHMENTS**

1. Revisions to Hotel/Motel & Lodging Facilities Definitions
2. Summary of Proposed LDR Amendments
3. Copies of Proposed Amendments (on file in BCC Office)

<b>APPROVED AGENDA ITEM:</b>	
<b>FOR:</b>	<i>July 10, 2012</i>
<b>BY:</b>	<i>Joseph A. Bond</i>

Indian River Co,	Approved	Date
Admin.	<i>[Signature]</i>	<i>7/3/11</i>
Legal	<i>[Signature]</i>	<i>6-28-12</i>
Budget	<i>[Signature]</i>	<i>7/2/12</i>
Dept.	<i>[Signature]</i>	<i>6/29/12</i>
Risk Mgr.	<i>[Signature]</i>	

**REVISIONS TO HOTEL/MOTEL AND LODGING FACILITIES DEFINITIONS**  
(Excerpt from Chapter 901, Definitions Ordinance)

*Hotel/motel and lodging facilities* any building or groups of buildings containing sleeping room accommodations for guests ~~and providing the services generally provided by a hotel or motel and recognized as a hotel or motel in the community in which it is situated, or by the industry,~~ and offering daily or weekly rates, with a bath or connecting bath for every rental unit, and occupied only by transient guests. A separate definition is provided for "Bed and breakfast". It is the intent of this section that any residential dwelling unit offered such ~~structure offering a combination of rooms~~ for rent or lease for less than a month at a time shall not be considered a ~~hotel or motel~~ or lodging facility. Also see "motel."

*Motel* ~~any state licensed public lodging establishment which offers for rent units with sleeping room accommodations which are easily accessible to guests and which also have:~~

- ~~(1) An exit to the outside of each unit;~~
- ~~(2) Daily or weekly rates;~~
- ~~(3) Off street parking for each unit;~~
- ~~(4) A central office on the property with specified hours of operation; and,~~
- ~~(5) A bath or connecting bath for each rental unit.~~

Also see "hotel."

## SUMMARY OF PROPOSED LDR AMENDMENTS

### Chapter 901

- Deletes the obsolete definition of “automobile wrecking yard”. The wrecking yard use is addressed under “junkyard” (junk and salvage yard); see summary below.
- Specifies that a pet cemetery is defined as a “cemetery”.
- Updates and clarifies the definition of “community center” by distinguishing it from a social membership club or a place of worship.
- Updates the definition of “demolition debris site” by specifying the type of materials handled and processed under the subject use. The proposed changes are consistent with the county’s interpretation of those uses as applied to the A-1 Walee and Indian River County Recyclers demolition debris applications.
- Establishes the definition of “dude ranch” by specifying the rural commercial lodging nature of the subject use.
- Updates the definition of junkyard by adding “junk and salvage yard” to the term and deleting a reference to the obsolete term “automobile wrecking yard”.
- Updates the definition of “recycling plant” by changing the term to “recycling center” and differentiating the use from a junkyard and from a demolition debris site by specifying materials handled under the subject use.
- Updates and clarifies the definition of “gross floor area”.
- Deletes the obsolete definition of “height” which conflicts with the definition of “building height”. The definition of building height is not changing and will continue to apply as is.
- Updates and clarifies the definition of “hotel/motel” by adding the term “lodging facilities”, by referencing a separate definition for “bed and breakfast”, by deleting a separate and obsolete definition of “motel”. Adds provision directed by BCC at the June 19, 2012 hearing stating that residential units rented for less than a month do not constitute a hotel/motel or lodging facility.
- Establishes the definition of “hunting and fishing lodge” by specifying the commercial lodging and hunting or fishing characteristics of the subject use.
- Updates the definition of “junk vehicle” by addressing swamp buggies, race cars, golf carts, and other vehicles that are not required by law to be registered, but may constitute junk vehicles if deemed inoperable.
- Establishes the definition of “required yard” which is a term used in the LDRs that refers to required front, side, and rear setback areas.

### Chapter 902

- Clarifies certain appeal procedures and criteria, and narrows the scope of an appeal to procedural errors or errors of interpreting or applying the land development regulations and the comprehensive plan.
- Clarifies that decisions of the Technical Review Committee (TRC) regarding minor site plans are treated the same as appeals of community development director decisions which are heard by the PZC.

## Chapter 904

- Cleans up the wording related to additions and redevelopment of properties with non-conformities.
- Addresses non-conformities created or increased through right-of-way acquisition by codifying the existing practice of deeming a post-acquisition site a legal non-conformity by a letter from the Community Development Director or his designee. Also creates a process and criteria for approving “cure plans” which mitigate the impacts of acquisition and authorize non-conformities that may result on commercial and multi-family sites.
- Updates the County’s long-standing “50% rule” for repairing non-conforming structures by using terms and criteria consistent with current FEMA rules and building code regulations.
- Establishes a timeframe after a declared disaster for re-building in a pre-disaster location that was non-conforming (e.g. had non-conforming setbacks).
- ***Adds a provision consistent with Coastal Management Element Policy 7.3, which states the following:***

*“Following a natural disaster, principal structures and uses located east of the County’s Dune Stabilization Setback Line (DSSL) which sustain greater than 50 percent of MAI (Member of Appraisal Institute) assessed current market value damage from a naturally occurring storm shall be required to relocate upland of their location and, when possible, west of the DSSL. Prior to reconstruction, principal structures east of the 1987 State Coastal Construction Control Line (CCCL) exhibiting damage from a naturally occurring storm event, greater than 50 percent of MAI assessed market value, shall be required to obtain all applicable permits and comply with all applicable building codes concerning coastal construction.”*

- Codifies the BCC policy to allow post-disaster replacement of non-conforming residential mobile homes destroyed during a declared disaster.
- Clarifies that the one year cessation of a non-conformity rule applies when use of a non-conformity ceases in its entirety.
- Adds a criterion that failure to maintain all required local, state, and federal licenses may be considered as one factor, but not a conclusive factor, when determining whether or not a non-conforming use has ceased for one year or more.
- Specifies that a cessation of use due to damage from a declared disaster tolls the one year cessation period.
- ***Adds a requirement for staff to notify adjacent property owners of any written community development director determination regarding continuation of a non-residential non-conforming use located in a residentially designated area, consistent with Future Land Use Element Policy 10.3, which states the following:***

*“The county shall provide courtesy notification to adjacent property owners regarding staff determinations involving existing nonconforming non-residential uses.”*

## Chapter 911 & 912

- Updates the zoning/land use designation relationship table to match Table 2.14, Relationship Between Land Use Designation and Zoning Districts, in the Future Land Use Element [FLUE].
- ***Requires a buffer between new residential development located within the Urban Service Area and adjacent active agricultural operations, in accordance with the second paragraph of adopted FLUE Policy 6.4, which states:***

*“Within the urban service area, the county shall require subdivision and planned development projects that propose new residential lots adjacent to active agricultural operations to provide special buffers.”*

- Updates and clarifies how and when specific conservation district boundaries are determined and depicted on the official zoning atlas.
- Adds group homes as a conditional use in the agricultural districts in the same way as group homes are allowed in low-density residential districts, with a condition that an active agriculture buffer be located between any larger group home building (Level III: 13 – 20 residents) and adjacent active agricultural operations. This active agriculture buffer condition was based on input from the AAC.
- ***Adds reservoirs and water farming as permitted uses in agricultural districts in accordance with FLUE Policy 6.10, which states the following:***

*“Because reservoirs and water farming allow the reuse of stormwater for irrigation or other uses while also attenuating the flow of stormwater into the Indian River Lagoon, the county’s land development regulations shall permit the development of reservoirs and water farming in agricultural areas. The county acknowledges that public or private utilities may be a necessary mechanism for water farming to occur.”*

As proposed, water farming and reservoirs will be permitted uses in agricultural districts and will not require county site plan or special planning approval. Reservoirs and impoundments are regulated by SJRWMD regulations through Environmental Resource Permits and Consumptive Use Permits.

- ***Adds small-scale bio-fuel plants as a staff level administrative permit use in the A-2 and A-3 zoning districts, and adds large scale bio-fuel plants as a special exception use in the A-1, A-2, and A-3 districts, all in accordance with adopted FLUE Policy 6.9, which states the following:***

*“By 2011, the county shall adopt development regulations allowing small-scale biofuel processing plants as accessory agricultural uses in areas designated AG-2 and AG-3. The equipment, processing areas, and transport facilities of accessory biofuel-processing plants shall occupy no more than 20 acres or 10% of a site, whichever is less. Such facilities shall be subject to staff-level site plan approval and shall be located at least 300’ away from nearby residential uses. Larger scale biofuel processing plants shall be allowed in areas designated AG-1, AG-2, and AG-3 if approved through the special exception process.”*

***In addition, the proposed LDR changes allow small-scale bio-fuel plants in the A-1 district as a special exception use, with required 300’ setbacks and limitations on plant area (20 acres or***



*10% of site, whichever is less). For purposes of comparison, the INEOS plant and feedstock facility footprint will exceed 40 acres.*

*The proposed regulations establish definitions for “small-scale” and “large-scale” bio-fuel plants based on the size criteria contained in FLUE Policy 6.9, establish a staff level administrative permit process for small-scale plants, and establish a special exception process for large-scale plants. Also, specific criteria for plants are proposed that address separation from the Urban Service Area (1 mile or more); special setbacks; haul routes for plant-associated truck traffic; compliance with air emissions, environmental, and fire safety regulations; water supply and water use; and regulations for power generation facilities associated with bio-fuel plants.*

- Updates and clarifies certain use category terms.
- Adds a new category in the mobile home park districts for “Limited recreational vehicles in mobile home parks” and establishes the new use as an administrative permit use subject to specific criteria in 971.
- **Adds “small-scale” Traditional Neighborhood Design (TND) as an administrative permit use in the RM-3, RM-6, RM-8, and RM-10 zoning districts, in accordance with adopted FLUE Policy 18.4, which states the following:**

*“By January 2011, the county shall amend its land development regulations to permit TND development, on multi-family zoned project sites that are less than 40 acres in size, as an administrative permit use in the county’s conventional zoning districts. As is the case for administrative permit uses, the land development regulations shall specify criteria addressing design aspects such as project scale, lot widths, setbacks, mix of uses, street layout, rear alleys, building design, and compatibility with adjacent uses.”*

- **Revises residential buffer requirements to eliminate the requirement to provide buffers between single-family uses, in accordance with adopted FLUE Policy 9.15, which states:**

*“The county shall not require buffers between similar residential uses.”*

- Adds the county’s long-standing adopted FAR (Floor Area Ratio) land use policy requirements to the appropriate zoning district regulations.
- Updates an obsolete reference to Type D buffer (now Type C) and corrects a scrivener’s error.
- **Updates the CN district requirements to reflect the fact that neighborhood commercial nodes are no longer referenced within the comprehensive plan and that CN nodes can no longer be created or expanded. The CN node allowance has been “replaced” by the mixed use FLUE Policy 5.6.**
- Adds “Pet grooming (no boarding)”, “Bail bondsman”, and “Used merchandise” (pawnshop) as permitted uses in the CL, CG, and CH districts.
- Adds the following permitted uses to the CH district: dance studios/gyms, fitness centers, membership sports/recreation, and convenience stores.
- Clarifies library allowances: permitted in CL and CG; administrative permit use in PRO, OCR, MED, and CN.
- Clarifies an existing allowance for office uses with associated commercial vehicles to locate where general offices are allowed, under certain conditions

- Adds crematoriums and gyms/dance studios as permitted uses in the IL district.
- Adds recycling center as administrative permit use and convenience stores as a permitted use in the IL and IG districts.
- **Updates the Chapter 911 affordable housing market value maximum to match the maximum stated in Housing Element Policy 2.5. The affordable housing market value maximum will be changed from 2 times to 2½ times the county's annual median household income.**
- Codifies the county's policy (practice) of allowing PD projects to consist of non-contiguous properties (example: Liberty Park).
- Clarifies and adds a few categories of structures (entry/exit landings, generators) which qualify for special reduced setbacks.
- Updates Chapter 912 sections that parallel sections of Chapter 911 that are being changed.
- Updates (expands) the list of authorized home occupations.
- **Implements FLUE (Future Land Use Element) Policy 9.12 (see wording below) which mandates "countywide" application of corridor standards for foundation landscaping, building color, pitched roofs, signage, screening, and lighting with certain exemptions for multi-family and industrial development. The proposed regulations expand the existing "Other Corridors" regulations, which contain certain exemptions for multi-family and industrial development, to sites adjacent to 24 additional arterial and collector roadway segments (e.g. 27<sup>th</sup> Avenue, 16<sup>th</sup> Street, 26<sup>th</sup> Street) that lie within or abut the Urban Service Area. Those 24 arterial and collector road segments are in addition to major roadways (e.g. US1, Oslo Road, CR512) already referenced in the existing "Other Corridor" regulations.**

*"The county shall implement certain corridor standards on a countywide basis. Those corridor standards to be applied countywide will include standards for foundation landscaping, building color, pitched roof, signage, screening, and lighting. As is done within designated corridors, exemptions will be allowed for multi-family developments as well as industrial/warehouse projects."*

## **Chapter 913 & 914**

- Clarifies final plat submittal requirements.
- Establishes a final plat application timeframe of 2 years with a 1 year extension allowed (same as site plan application timeframes).
- Establishes similar application timeframes for plat vacation and right-of-way abandonment applications.
- Codifies the existing policy of allowing developers to transfer the obligation to construct certain sidewalk segments to home builders or lot owners, under certain conditions.
- Clarifies the existing allowance for extending sidewalk construction contracts and reducing the amount of posted security guaranteeing sidewalk construction, under certain conditions.
- Codifies the existing policy of allowing extension of contracts to construct a final lift of asphalt on subdivision roads.
- **Clarifies certain sidewalk regulations and establishes a new requirement for sidewalks in accordance with FLUE Policy 4.7, which states:**

*"The county shall require that developers construct sidewalks on both sides of internal project streets in higher density residential developments and mixed-use projects."*

- Provides developers of low density projects the option to propose an alternative sidewalk/pedestrian system in lieu of providing a sidewalk on one side of all streets internal to the project.
- Corrects a scrivener's error.
- Clarifies criteria and process for extending site plan approvals.

Note: As directed by the BCC at the June 19, 2012 hearing, no LDR amendment is included for density transition area FLUE Policy 1.48. During the July 2012 comprehensive plan amendment submittal window, staff will file an amendment to eliminate FLUE Policy 1.48 from the comprehensive plan.

### Chapter 952 & 910

- Updates numerous sections of Chapter 952 in accordance with BCC-adopted traffic and concurrency policies based on the recommendations from the 2006/2007 McMahon & Associates report.
- Deletes trip generation and percent new trip data from the traffic ordinance and establishes the latest edition of the Institute of Transportation Engineers Trip Generation Manual as the source of such data.
- ***Replaces previous interconnection requirements with new interconnection regulations and traffic calming criteria in accordance with FLUE Policies 1.54, 4.5, and 4.6, which state:***

*[1.54] "In reviewing new development proposals, the county shall require vehicular and pedestrian connections as specified in Policy 4.5."*

*[4.5] "Where proposed development projects abut undeveloped or developed property, the county shall require that such development be designed and constructed or guaranteed to accommodate both vehicular and bicycle/pedestrian interconnections. Interconnections may include shared roadways or driveways that provide local traffic circulation. Exemptions shall be granted where interconnections would create a "funneling effect" through an existing neighborhood or have no potential for providing interconnectivity or through-street benefits (e.g. segments that dead-end into water bodies, built facilities, or environmentally sensitive areas)."*

*[4.6] "By 2011, the county shall adopt traffic-calming standards and designs to address concerns about the speed of "cut-through" traffic. Traffic calming improvements shall be constructed with project interconnections where necessary."*

The interconnection exemptions include an exemption from inter-connecting low density developments (less than 2 units/acre) where an interconnection would fail to provide future benefits of alternative access at a major roadway intersection or along a major roadway.

- Updates gate location/separation criteria.
- Updates a traffic-related term in Chapter 910.