

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



**TUESDAY, FEBRUARY 5, 2013 - 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**

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**COUNTY COMMISSIONERS**

**Joseph E. Flescher, Chairman  
Wesley S. Davis, Vice Chairman  
Peter D. O'Bryan  
Bob Solari  
Tim Zorc**

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

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

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- |            |                                    | <b><u>PAGE</u></b>  |
|------------|------------------------------------|---|
| <b>1.</b>  | <b><u>CALL TO ORDER</u></b>        | <b><u>5:00 P.M.</u></b>   |
| <b>2.</b>  | <b><u>INVOCATION</u></b>           | Reverend J. David Phillips, Community Church  |
| <b>3.</b>  | <b><u>PLEDGE OF ALLEGIANCE</u></b> | Alan S. Polackwich, Sr., County Attorney  |
| <b>4.</b>  | <b><u>PUBLIC ITEMS</u></b>         |   |
|            | <b>A. <u>PUBLIC HEARINGS</u></b>   |   |
|            | <b>1.</b>                          | Consideration of Amendments to Land Development Regulations (LDRs) Chapters 911, 912, and 971 to Allow Outdoor Vehicle Storage Use in the CL (Limited Commercial) and CG (General Commercial Zoning Districts and to Eliminate Limitations on Length of Recreational Vehicles Stored Outside on Residential Properties (Public Hearing #2)<br>(memorandum dated January 28, 2013) |
|            |                                    | Legislative   |
| <b>16.</b> | <b><u>ADJOURNMENT</u></b>          |   |

1-34

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 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**

**TO:** Joseph A. Baird; County Administrator

DEPARTMENT HEAD CONCURRENCE:



Robert M. Keating, AICP; Community Development Director

**FROM:** Stan Boling, AICP  
Planning Director

**DATE:** January 28, 2013

**SUBJECT:** Consideration of Amendments to Land Development Regulations (LDRs) Chapters 911, 912, and 971 to Allow Outdoor Vehicle Storage Use in the CL (Limited Commercial) and CG (General Commercial) Zoning Districts and To Eliminate Limitations on Length of Recreational Vehicles Stored Outside on Residential Properties (PUBLIC HEARING #2)

It is requested that the following information be given formal consideration by the Board of County Commissioners at its special meeting of February 5, 2013.

**BACKGROUND**

At its meeting of January 22, 2013, the Board of County Commissioners conducted the first of two hearings on the referenced proposed LDR (land development regulations) amendments. During the hearing, residents from the Ercildoune Heights subdivision in Roseland voiced concerns and objections to allowing outdoor vehicle storage in the CL zoning district. After discussing those concerns, the Board indicated that it would hold the second hearing at 5:01 pm on February 5<sup>th</sup> and stated that it may choose to not adopt the proposed amendments. At the January 22<sup>nd</sup> hearing, staff agreed to present alternatives to the Board at the February 5<sup>th</sup> hearing.

Since then, staff has identified and analyzed alternatives, scheduled the February 5, 2013 5:01 pm hearing, and notified interested parties, including Mr. George Sigler and residents of Ercildoune Heights and Roseland. The Board is now to consider the proposed ordinance and alternatives and adopt, adopt with changes, or deny the proposed ordinance.

**ANALYSIS**

In this case, the proposed amendments resulted from a request by George Sigler, the owner of CL-zoned property located on 27<sup>th</sup> Avenue SW, north of Oslo Road, for the county to amend its LDRs to allow outside storage in the CL zoning district. As proposed, the amendments will allow stand alone outdoor vehicle storage lots in the CL (Limited Commercial) and CG (General Commercial) zoning districts as a special exception use. If the proposed LDR amendments are adopted, an application for

a vehicle storage lot would be considered at specially noticed public hearings before the PZC and BCC, and subject to general and specific development criteria. The purpose of the proposed amendments is to allow the outdoor storage of personal vehicles near residential areas with criteria that ensure compatibility with adjacent residential uses.

- Residents' Concerns

At the January 22<sup>nd</sup> hearing, Ercildoune Heights residents objected to the proposed amendments and expressed a number of concerns, including potential negative impacts of outdoor vehicle storage lots on adjacent single-family homes and high profile commercial corridors. In the case of Ercildoune Heights, single-family homes are situated adjacent to developable CL-zoned properties located between 78<sup>th</sup> Avenue and US1. According to Ercildoune residents, potential negative impacts of outdoor vehicle storage lots include traffic on neighborhood streets, noise from warming-up and "test driving" stored vehicles, spill-over lighting, and aesthetic incompatibilities with adjacent single-family neighborhoods and a major entrance to Indian River County.

In the proposed ordinance, the specific land use criteria address a number of the negative impacts cited by the residents. Those specific criteria include buffer and opaque feature requirements, light-shielding standards, prohibitions on storage of semi-trailers and construction-related equipment, and prohibitions on vehicle sales and repairs on site. Compatibility with surrounding land uses is also addressed in the general criteria for special exception uses contained in the existing code (see attachment #7). As structured, the general compatibility criterion that applies to all special exception applications provides some protection against a proposed use that, because of its location, would adversely impact the character and stability of the surrounding area. That criterion, however, does not provide specific guidance for appropriate locations. As originally proposed, the referenced LDR amendment did not contain any specific locational criteria.

- CL District Locations

Throughout the urbanized area of the county, existing CL zoning districts are located along major roads such as US1, CR512, SR60, Oslo Road, Indian River Blvd, SRA-1-A, and 27<sup>th</sup> Avenue SW (see attachment #1). In many cases, CL zoning districts are located adjacent to residential zoning districts, including single-family areas. While CL districts are sometimes located to provide a transition or buffer between residential areas and major roadways or higher intensity commercial districts, CL districts are also located to serve adjacent residential areas with convenient commercial uses.

## ALTERNATIVES

Since the January 22<sup>nd</sup> hearing, staff has re-analyzed CL and CG district characteristics and potential negative impacts of outdoor vehicle storage lots on adjacent single-family uses. Based on that analysis, staff has identified 3 basic alternatives for the Board to consider. Those alternatives are:

1. Add specific locational criteria to the proposed amendments.
2. Limit the proposed amendment to the CG district and rezone the Sigler/27<sup>th</sup> Avenue SW properties to CG.
3. Deny the proposed amendments.

Each of those alternatives is described below.

At the January 22<sup>nd</sup> hearing, Board members indicated that some CL district locations, such as 27<sup>th</sup> Avenue SW, may be appropriate for outdoor vehicle storage lots, while other CL district locations, such as Ercildoune Heights/Roseland, may not be appropriate. Although both of those locations front arterial roads (US1, 27<sup>th</sup> Avenue SW) and are adjacent to low density single-family districts, RS-6 in the case of Roseland and RS-3 in the case of 27<sup>th</sup> Avenue SW, one important difference between the two locations is that Roseland's US1 corridor is a major entrance to Indian River County, while 27<sup>th</sup> Avenue SW is not. Given the importance of maintaining the aesthetic quality of major entrances to the county, the Board could consider prohibiting vehicle storage lots within a mile of major entrances to the county. Those entrances would include US1 at the north and south county lines, the I-95 interchanges at CR512 and SR60, and 27<sup>th</sup> Avenue SW at the south county line.

If that locational criterion were added to the proposed ordinance, then vehicle storage lots would be prohibited in CL and CG districts along US1 north of the Sebastian City Limits as well as other high profile locations (see attachment #8). Other CL-zoned areas, however, will remain for potential vehicle storage lot development. Those areas, in addition to the Sigler/27<sup>th</sup> Avenue SW area, would include a number of US1 locations in Wabasso, Winter Beach, the Grand Harbor area, and locations south of Vero Beach. In addition, potential storage lot locations would include sites along CR512, SR60, and Oslo Road. Finally, the CL district located in The Moorings at SRA-1-A and Bowline Drive would remain as a hypothetical location, although that site is already developed with offices, multi-family units, and a boat dock facility. Therefore, alternative 1 narrows down the location and number of potential CL-zoned properties that could be developed with a vehicle storage lot.

Another alternative that staff evaluated was the possibility of limiting the proposed amendments to CG district properties and rezoning the Sigler/27<sup>th</sup> Avenue SW sites from CL to CG. For any property in the county, however, rezoning to a commercial zoning district requires satisfaction of the commercial district locational criteria in Future Land Use Element Policy 1.43 (see attachment #9). That policy requires commercial district properties re-zoned to CG to be "separated from residential development". In the case of the Sigler/27<sup>th</sup> Avenue SW sites, those properties are adjacent to single-family residential development and are not qualified to be zoned CG. In fact, many properties currently zoned CL, including the Roseland/Ercildoune Heights CL-zoned properties, are adjacent to single-family development and are not qualified to be rezoned to CG. Therefore, that alternative is not feasible.

A third alternative is to deny the proposed ordinance to avoid all potential conflicts with single-family residential uses. Since many CL districts are adjacent to single-family development, establishing outdoor vehicle storage lots on CL zoned property could in some cases result in compatibility problems with adjacent single-family neighborhoods even with specific criteria for location, buffering, light shielding, limitations on the type of vehicles stored, and prohibitions of vehicle sales and repairs. Therefore, the only alternative that eliminates all potential conflicts with single-family uses is to deny the proposed ordinance. Denying the ordinance would keep stand-alone outdoor vehicle storage lots in the CH, IL, and IG districts. Those are districts which are generally separated from single-family neighborhoods.

While all three alternatives address the concerns of the Ercildoune and Roseland residents, only Alternative 1 does so in a way that accommodates Mr. Sigler. Although Alternative 1 still has the potential to create incompatibilities if vehicle storage uses locate in CL zoned areas that are adjacent to single-family development, there is probably less chance of that occurring in other parts of the County than in the Ercildoune/Roseland area. Consequently, staff feels that Alternative 1 would be an acceptable option.




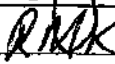
**RECOMMENDATION**

Staff recommends that the Board of County Commissioners choose Alternative 1 which involves adopting the proposed ordinance with an added specific land use criterion that prohibits outdoor vehicle storage lots on CL-zoned properties within 1 mile of entrances to the County. Alternatively, the Board can eliminate all potential conflicts with single-family uses by denying the proposed ordinance.

**ATTACHMENTS**

1. Map of Residential, CL, CG, IL, and IG District Locations
2. Existing Regulations for Mini-Storage (Self-service storage) & Accessory Use
3. Buffer & Opaque Feature Standards
4. Chart of Local Government Regulations on Outdoor Vehicle Storage
5. Potential Criteria for Outdoor Vehicle Storage in the CL and CG Districts
6. Parking Ordinance Section 954.08(6) & Other Corridor Section 911.22(7)(e)4a
7. General Criteria for Special Exception Uses Section 971.05(9)
8. Map of CL and CG Districts Within 1 Mile of Major Entrances
9. Future Land Use Policy 1.43
10. Proposed Ordinance with Locational Criterion Added

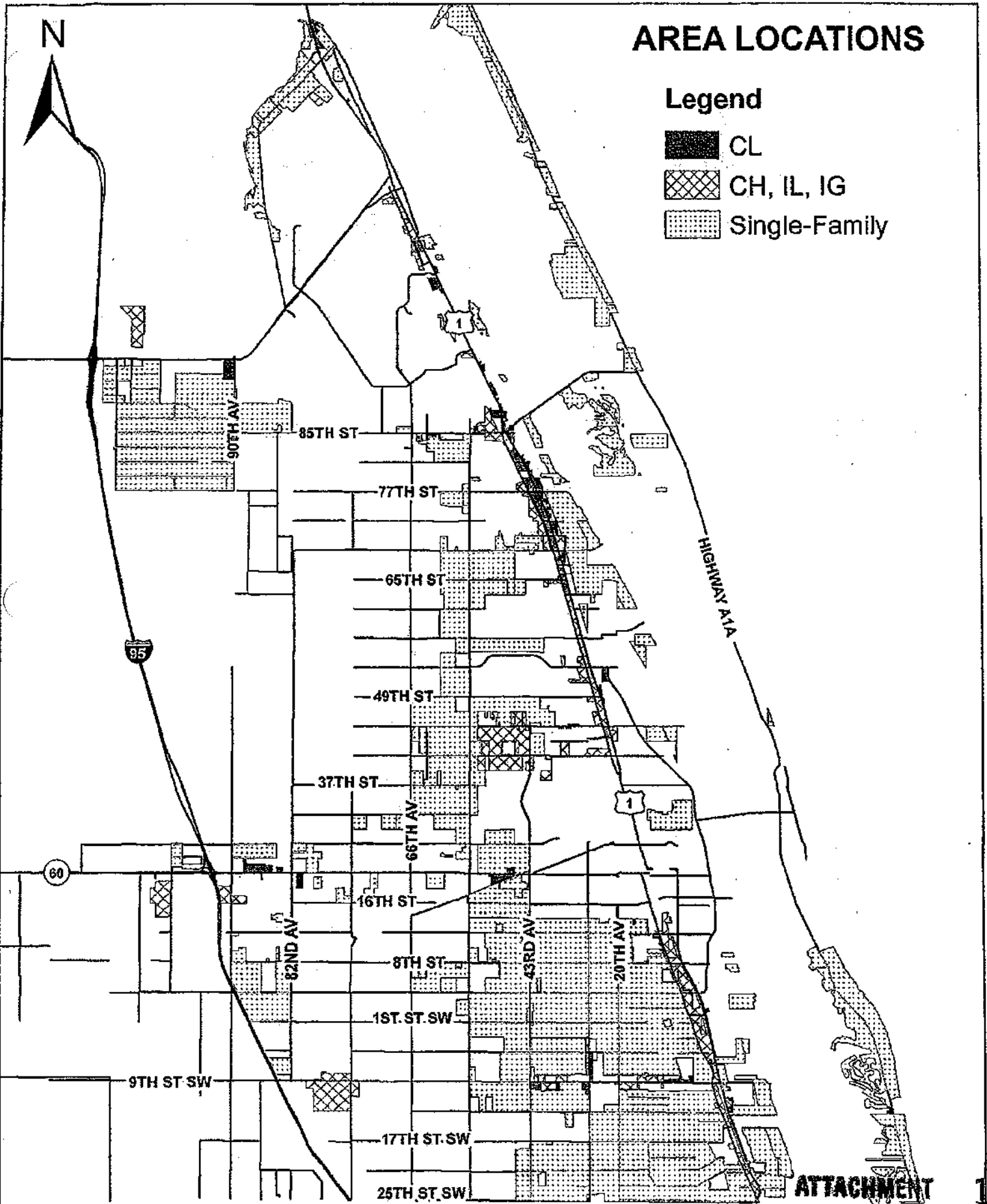
<p><b>APPROVED AGENDA ITEM:</b>  <b>FOR:</b> <u>February 5, 2013</u>  <b>BY:</b> <u>Joseph A. Baird</u></p>
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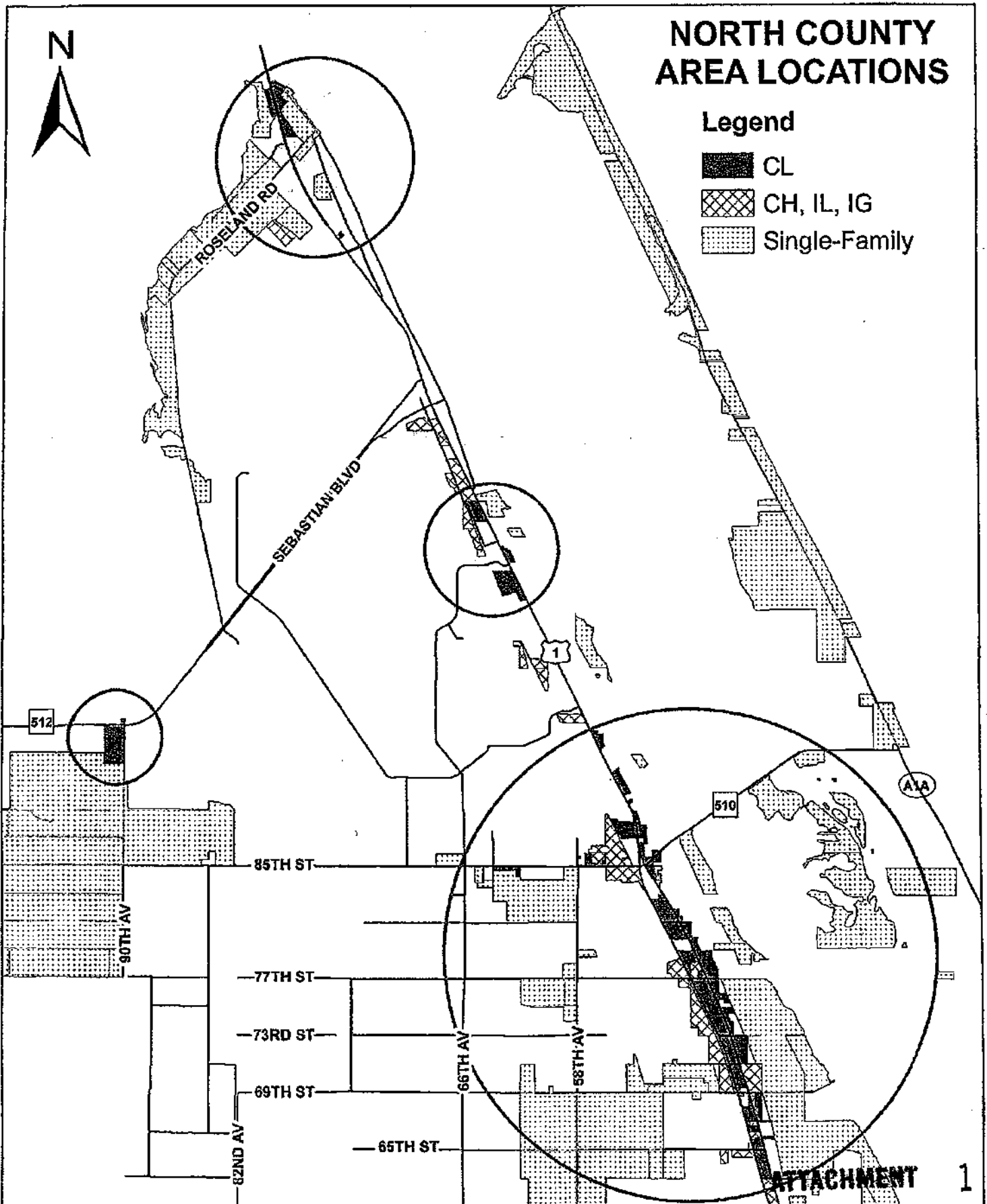
Indian River Co,	Approved	Date
Admin.		1/30/13
Legal		1.30.13
Budget		1/30/13
Dept.		1/30/13
Risk Mgr.		

# AREA LOCATIONS

## Legend

- CL
- CH, IL, IG
- Single-Family








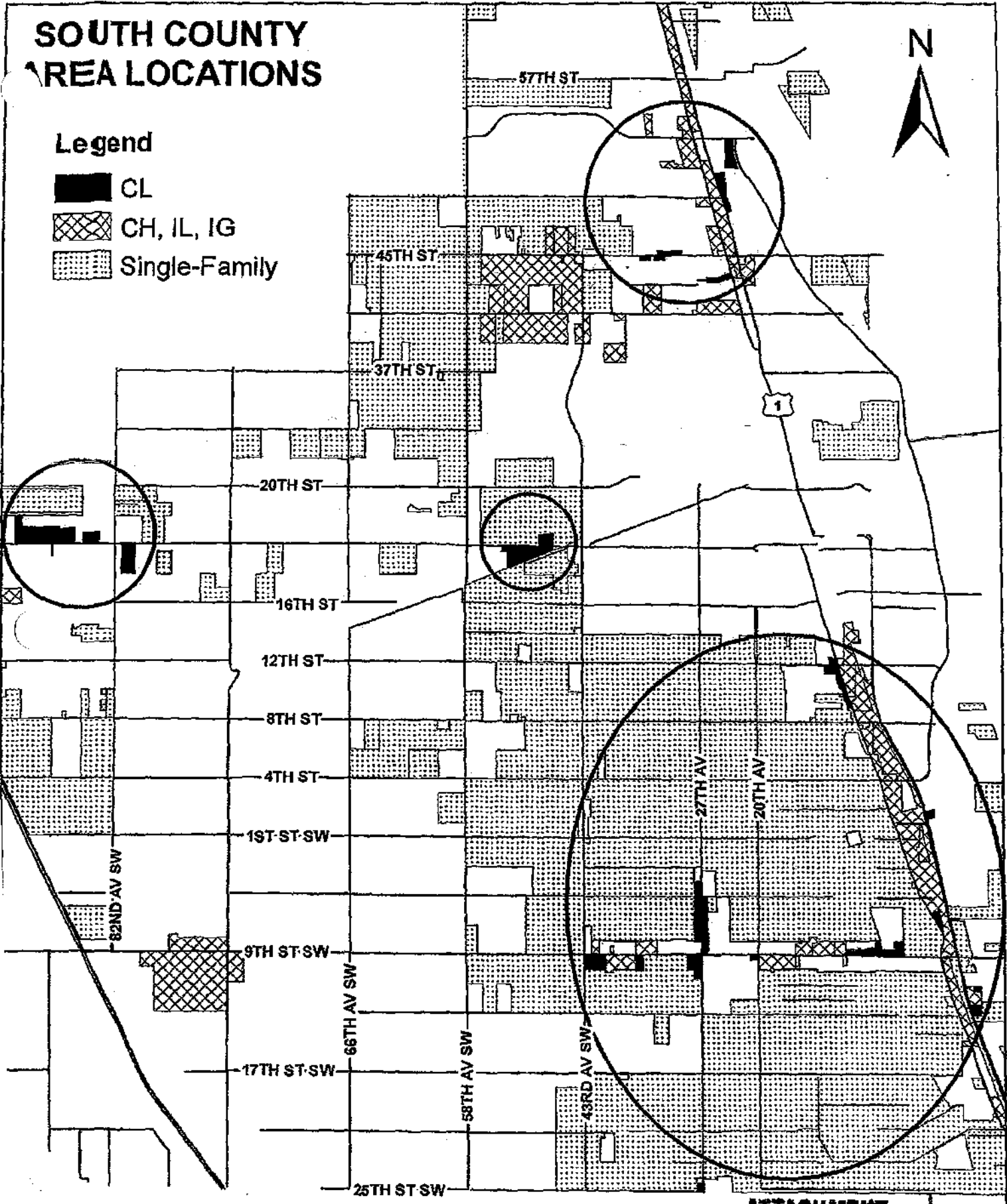
Source: IRC Community Development Department October 12, 2012



# SOUTH COUNTY AREA LOCATIONS

## Legend

-  CL
-  CH, IL, IG
-  Single-Family



**ATTACHMENT 1**

**Existing Regulations for Mini-storage (Self-service storage) & Accessory Uses [971.12]**

(3) *Self-service storage facilities (administrative permit).*

(a) *District requiring administrative permit approval, (pursuant to the provisions of 971.05): CG.*

(b) *Additional information requirements:*

1. A written statement that no commercial activity, vehicular service or repair, or storage of hazardous materials shall be allowed and that this requirement will be included in every tenant's lease agreement;
2. A site plan meeting all of the requirements of Chapter 914.

(c) *Criteria for self-storage facilities:*

1. Storage unit areas shall not exceed fifteen (15) feet in height from storage buildings;
2. Storage units shall not exceed three hundred (300) square feet in size.
3. Outdoor storage, other than for vehicles and boats, is prohibited. Where outdoor storage of vehicles is to occur, a Type "C" bufferyard shall be provided between the outside storage area and adjacent right-of-way and adjacent properties;
4. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage facility premises. Light and glare shall be deflected, shaded and focused away from all adjoining property;
5. Self-service storage facility sites shall not exceed three (3) acres gross area;
6. Quarters for resident managers may be included within the facility as an accessory use;
7. A Type B landscape buffer shall be required between all structures and adjacent rights-of-way.

(4) *Self-service storage facilities (special exception).*

(a) *District requiring special exception approval (pursuant to the provisions of [section] 971.05): CL.*

(b) *Additional information requirements:*

1. A written statement from the applicant stating the following:
  - i. That no commercial activity, vehicular service or repair or storage of hazardous materials shall be allowed and that this requirement will be included in every tenant's lease agreement; and

- ii. That only domestic and household goods or personal and noncommercial goods will be kept or stored on the premises.

Both of these provisions will be set forth in appropriate and visible signage located on the facility site.

2. A site plan meeting all of the requirements of Chapter 914.

(c) *Criteria for self-storage facilities:*

1. Storage unit interior areas shall not exceed ten (10) feet in height.
2. Storage units shall not exceed one hundred fifty (150) square feet in size.
3. Outdoor storage is prohibited.
4. All outdoor lights shall be shielded to direct light and glare only onto the self-storage facility premises. Light and glare shall be deflected, shaded and focused away from all adjoining property and road rights-of-way.
5. Self-service storage facility sites shall not exceed three (3) acres in gross area.
6. Notwithstanding the applicable buffering requirements contained in section 911.10, a Type B landscape buffer with six-foot opaque feature shall be provided between all structures and adjacent properties zoned for single-family residential use.
7. Building containing storage units shall not exceed ten thousand (10,000) square feet in floor area each and shall not exceed one hundred thousand (100,000) square feet of floor area for all buildings.
8. Access shall only be to arterial or collector roadways and in no case through areas zoned for residential use.
9. No utilities (other than air conditioning) may be supplied to storage units.
10. Hours of operation shall be limited to between 6:00 a.m. and 8:00 p.m. Prior to the issuance of a certificate of occupancy, the applicant shall provide appropriate signage on the site stating the hours of operation of the facility.
11. Buildings may not exceed fifteen (15) feet in height.

TYPE B BUFFER



CANOPY TREES

LARGE = 18' IN HEIGHT 4" DBH

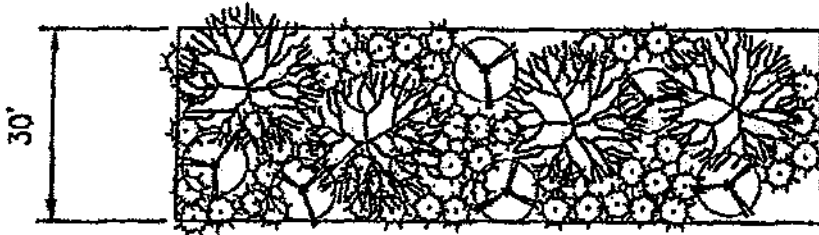
SMALL = 12' IN HEIGHT 2" DBH



UNDERSTORY TREES



SHRUBS



30 FOOT DEEP  
CANOPY TREES =  
2 LARGE  
2 SMALL  
TOTAL = 4.

UNDERSTORY = 6

SHRUBS = 55



25 FOOT DEEP  
CANOPY TREES =  
2.5 LARGE  
2.5 SMALL  
TOTAL = 5

UNDERSTORY = 8

SHRUBS = 55

TYPE C BUFFER



CANOPY TREES

LARGE = 18' IN HEIGHT 4" DBH

SMALL = 12' IN HEIGHT 2" DBH



UNDERSTORY TREES



SHRUBS



20 FOOT DEEP  
CANOPY TREES =

1 LARGE

3 SMALL

TOTAL = 4

UNDERSTORY = 4

SHRUBS = 40



15 FOOT DEEP  
CANOPY TREES =

1 LARGE

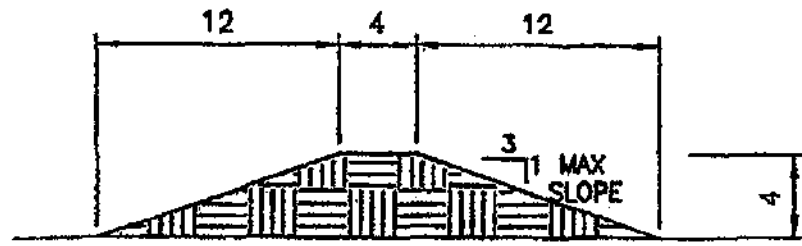
3.5 SMALL

TOTAL = 4.5 (5)

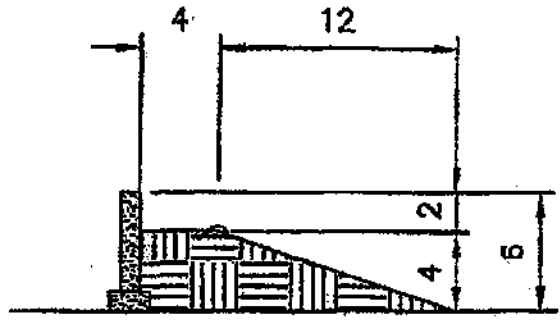
UNDERSTORY = 5

SHRUBS = 40

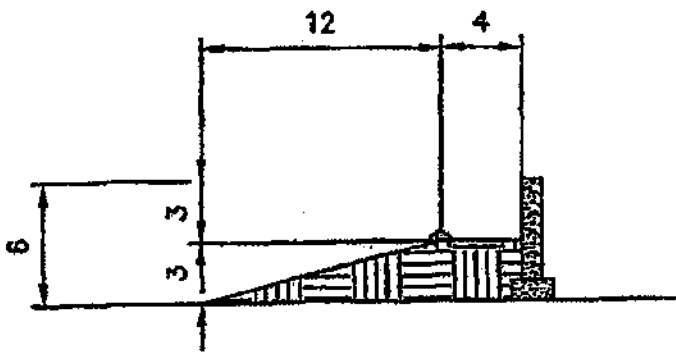
ATTACHMENT 3



EARTHEN BERM



WALL & BERM COMBINATION OPTION B

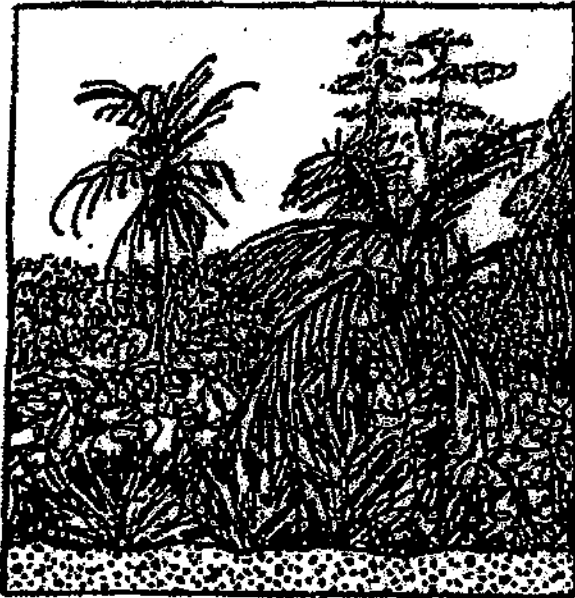


WALL & BERM COMBINATION OPTION A

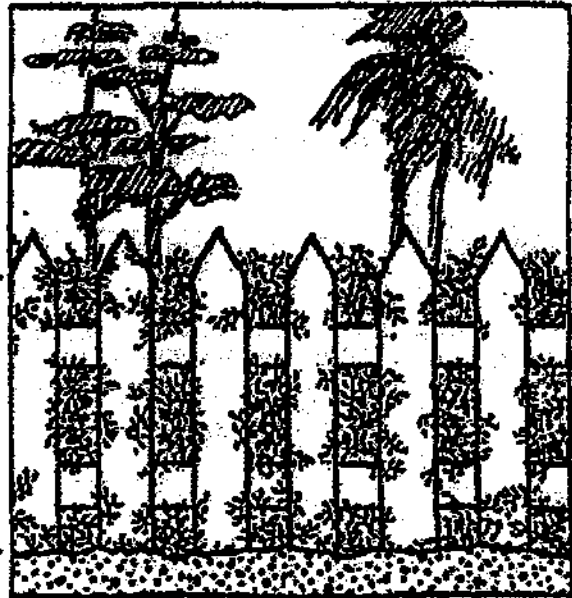
ATTACHMENT 3

# BUFFER OPAQUE FEATURES

## SIX FOOT OPAQUE FEATURE



Vegetation only



Combination: vegetation and  
berm, fence or wall

## THREE FOOT OPAQUE FEATURE



Vegetation only



Combination: vegetation and  
berm, fence or wall  
ATTACHMENT 3

# Outdoor Vehicle Storage Regulations of Various Local Governments September 2012

## Zoning Districts Allowing Outdoor Vehicle Storage (cars, trucks, semi-trailers, boats on trailers, RVs)

Jurisdiction	Industrial/Warehouse Districts	General Commercial/Business Districts	Limited/Light Commercial Districts
Brevard County	Yes, permitted use	Yes, 6' opaque buffer required all sides	No
Martin County	Yes, permitted use; industrial buffering standards apply	Yes, permitted use; commercial buffering standards apply	No
Polk County	Yes, permitted use	Yes, permitted use	No
St. Lucie County	Yes, buffering required	Yes, buffering required	No
Fellsmere	Yes, buffering required	Yes, buffering required	No
Gulfport	Yes	Yes, 6' - 8' buffer required	No
Sebastian	Yes	Allowed only as part of mini-storage facility, buffering required	No
Vero Beach	Yes	Yes, buffering required	No

## Indian River County Outdoor Vehicle Storage Regulations

Jurisdiction	Industrial/Warehouse Districts	General Commercial/Business Districts	Limited/Light Commercial Districts
Indian River County	Yes, paved and unpaved vehicle storage lots allowed in CH, IL, IG; buffering required	Yes: paved automobile parking lots allowed in CG and CH; boat and RV storage allowed as part of a mini-storage facility (administrative permit in CG), buffering required	Allowed only as part of mini-storage facility (special exception in CL), buffering required



**POTENTIAL CRITERIA FOR STAND-ALONE OUTDOOR VEHICLE STORAGE IN THE CL AND CG DISTRICTS**

1. All unpaved vehicle storage areas shall meet the requirements of parking ordinance section 954.09(6).
2. A Type "B" buffer with 6' opaque feature shall be provided around all sides of the outdoor vehicle storage area.
3. Outdoor lighting shall meet the light shielding requirements of the Other Corridors regulations, section 911.22(7)(e)4.a.
4. On site storage of items other than vehicles is prohibited.
5. On site vehicle sales, rentals, repairs, painting, and similar activities are prohibited.
6. Storage of heavy equipment, tractor trailers and other similar vehicles is prohibited.

954.08(6)

- b. The storage lot surface shall be stabilized, in a manner suitable for the proposed use, as approved by the public works director or his designee.

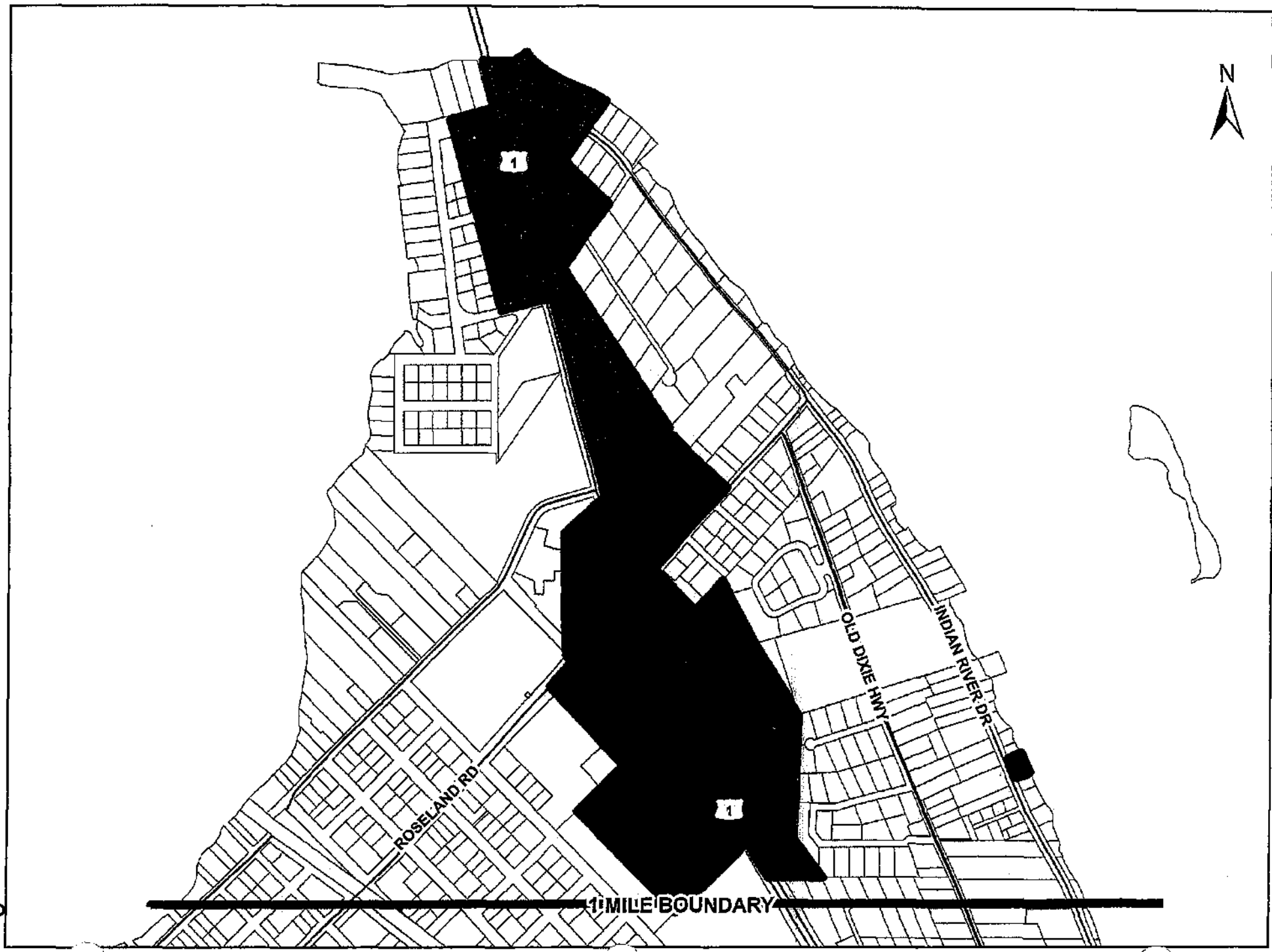
911.22(7)(e)4a

- a. Roadway style luminaries (fixtures) such as cobra heads, Nema heads, and the like are prohibited. Wall pack and flood light luminaries are prohibited where the light source would be visible from a roadway, parking area and/or residentially designated area. High intensity discharge (e.g. high pressure sodium, metal halide, mercury vapor, tungsten halogen) lighting fixtures mounted on buildings and poles higher than eighteen (18) feet above parking lot grade, and lighting elements associated with canopies, shall be directed perpendicular to the ground. Other than decorative and low level/low height lighting, no light source or lens shall project above or below a fixture box, shield, or canopy. Each lighting element or fixture associated with a canopy shall be individually recessed into the canopy (above the canopy ceiling).

**Section 971.05. - Review of uses requiring a special exception.**

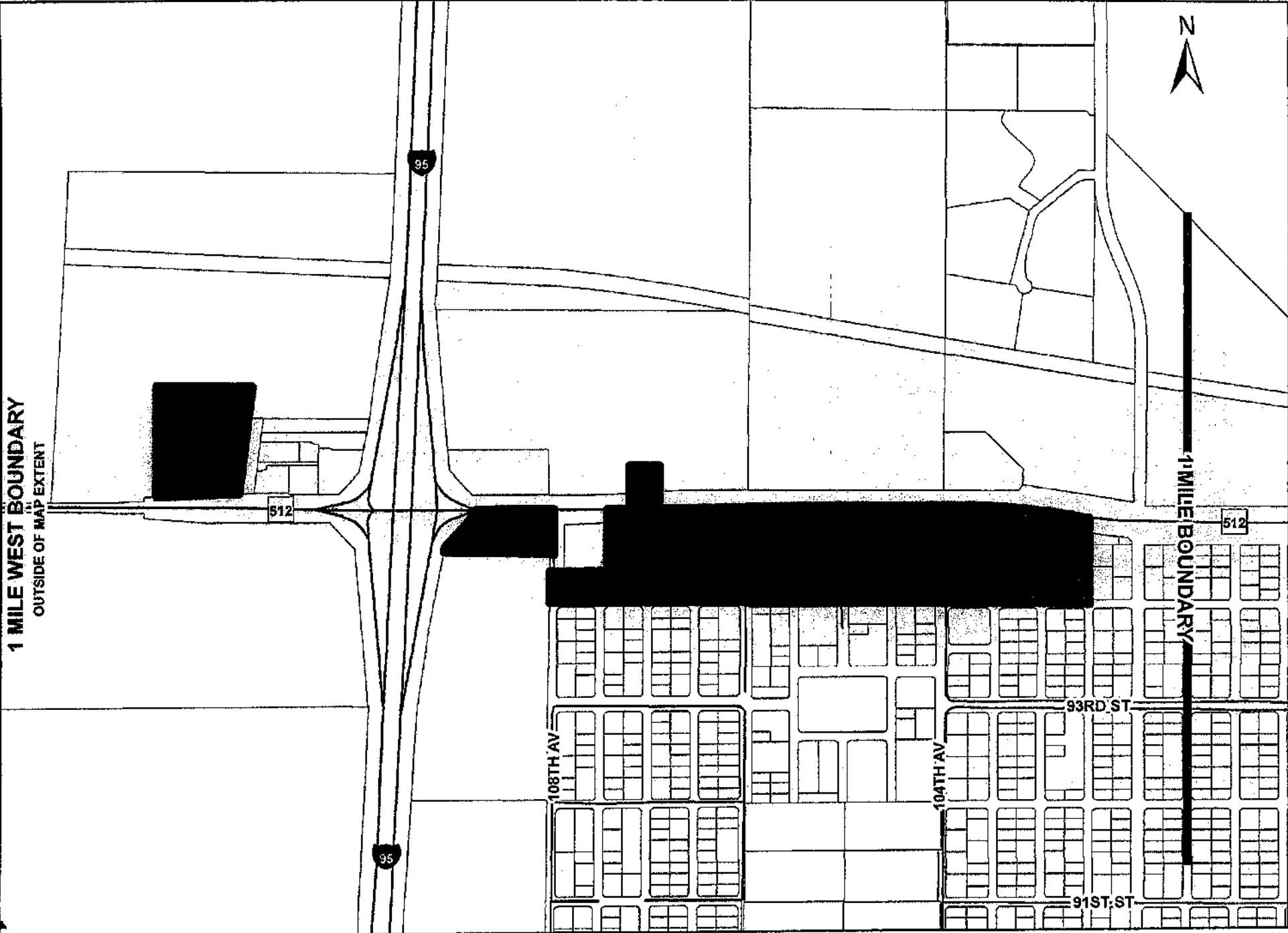
- (9) *General criteria for review of special exception uses.* Prior to approval by the board of county commissioners, a special exception use applicant must present evidence of compliance with the below cited general criteria as well as specific criteria for the respective special exception use cited herein in Chapter 971, regulations for specific land uses. The applicant shall have the burden of establishing, by competent material and substantial evidence, the existence of the facts and conditions which this chapter requires for approval. The applicant shall have the responsibility to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special exception use.
- (a) *Consistency with comprehensive plan and zoning code.* The proposed use shall be consistent with the comprehensive plan and with the stated purpose and intent of the appropriate district regulations and all applicable regulations within this chapter.
- (b) *Compatibility with surrounding land uses.* The proposed use and its location shall be compatible with surrounding land uses and the general character of the area, based on consideration of such potential impacts as traffic generation, drainage, nuisance impacts, lighting, appearance, and other factors potentially impacting the character and stability of the surrounding area.
- (c) *No adverse impacts on public health, safety, and general welfare.* The proposed use and its location and method of operation shall promote the public health, safety, and general welfare. The proposal shall include any landscape and structural improvements, public facility expansions, and operational restrictions or procedures required to effectively mitigate potential negative impacts of the use.
- (d) *Promote orderly development.* The use and proposed location shall promote orderly and efficient development considering such factors as impact on public facilities, preservation of neighborhood integrity, and similar factors impacting orderly development of the area.

# CL & CG ZONED PARCELS - AREA 1 LOCATION



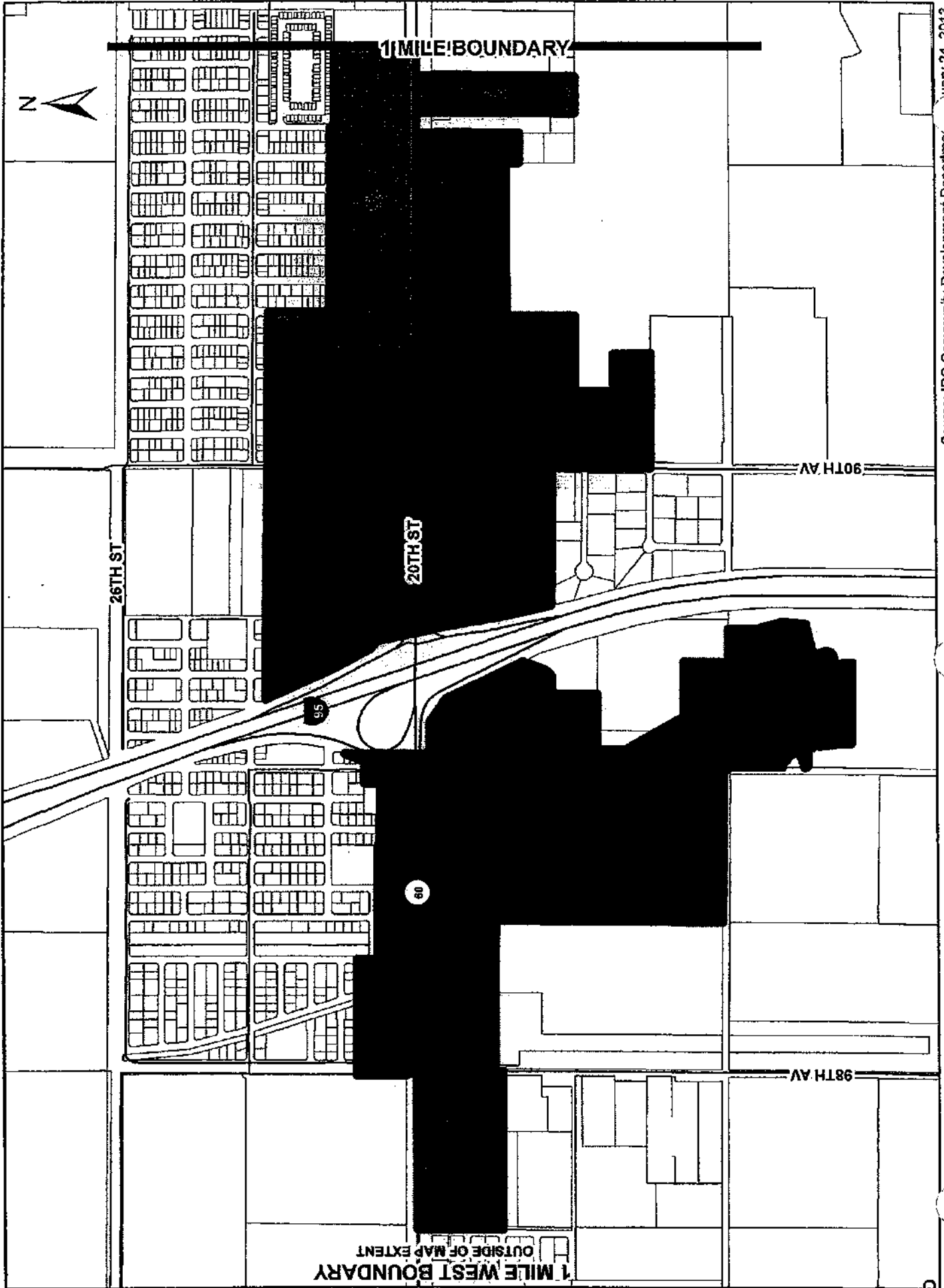
1 MILE BOUNDARY

# CL & CG ZONED PARCELS AREA 2 LOCATION



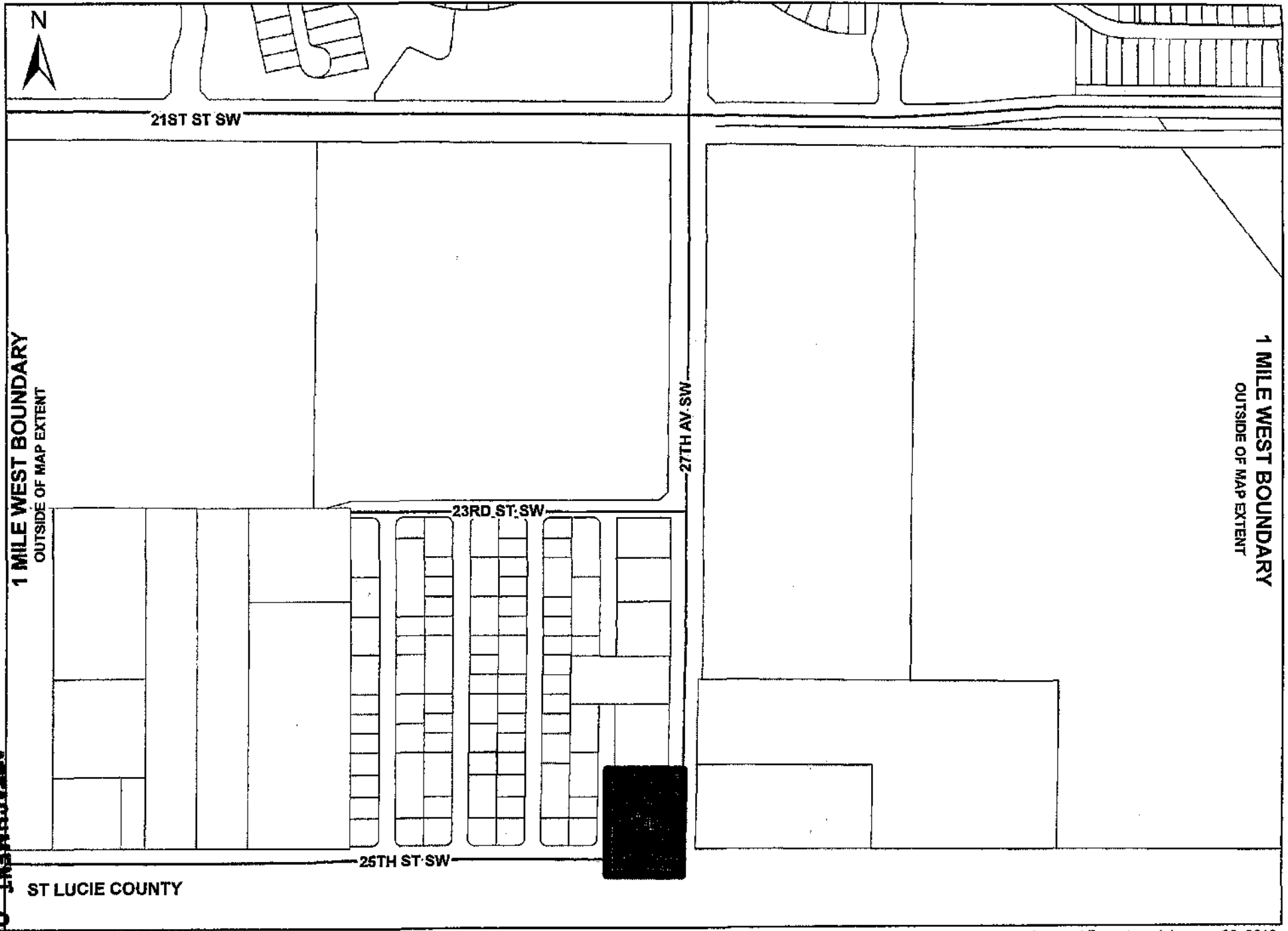
Source: IRC Community Development Department January 24, 2013

CL & CG ZONED PARCELS - AREA 3 LOCATION



Source: IRC Community Development Department, July 24, 2013

# CL & CG ZONED PARCELS AREA 4 LOCATION



1 MILE WEST BOUNDARY  
OUTSIDE OF MAP EXTENT

1 MILE WEST BOUNDARY  
OUTSIDE OF MAP EXTENT

21ST ST SW

27TH AV SW

23RD ST SW

25TH ST SW

ST LUCIE COUNTY

ATTACHMENT 99

Policy 1.41: The county shall encourage the school board to locate schools near urban residential areas. The county will do this by allowing schools within all residential zoning districts; by coordinating with the school board to establish a process for preliminary county review of school sites before the school board acquires or leases property for a new school; and by limiting school sites within agriculturally designated areas to mixed use projects, traditional neighborhood design projects, and sites that are contiguous to the urban service area boundary.

Policy 1.42: To the extent feasible, the county shall collocate public facilities, such as parks, libraries, and community centers, with schools.

Policy 1.43: The Board of County Commissioners shall rezone land only in a manner that is consistent with Future Land Use Element Table 2.14. Furthermore, the Board recognizes that not every zoning district allowed in a land use designation is appropriate for every site within that land use designation. For any parcel, the Board of County Commissioners may deny a rezoning request (even when the requested zoning district is consistent with the parcel's land use designation) if the denial serves a legitimate public purpose. A Board of County Commissioners' determination that the requested zoning district is not appropriate for the parcel may also be based upon the absence of the following locational criteria:

1. For the *OCR, Office, Commercial, Residential* zoning district:
  - adjacent to existing office uses
  - as a buffer between residential zoning districts and arterial roads or other commercial zoning districts.
  - at node perimeters
2. For the *MED, Medical* zoning district:
  - within commercial/industrial nodes containing hospitals and major medical facilities
  - separated from industrial areas
3. For the *CL, Limited Commercial* zoning district:
  - areas that are easily accessed from residential areas
  - between residential areas and general commercial areas or major roadways
  - separated from industrial areas
  - at node perimeters
4. For the *CG, General Commercial* zoning district:
  - along arterial roads and major intersections
  - separated from residential development
  - separated from industrial areas
  - near retail and office areas
5. For the *CH, Heavy Commercial* zoning district:
  - along arterial roads
  - along railroad tracks
  - between general commercial and industrial areas
  - separated from residential development



6. For the *IL, Light Industrial* zoning district:
  - along arterial roads
  - along railroad tracks
  - near industrial areas
  - separated from residential development
  - separated from retail and office areas
7. For the *IG, General Industrial* zoning district:
  - along arterial roads and major intersections
  - along railroad tracks
  - near industrial areas
  - separated from residential development by a major roadway or intervening property
  - separated from retail and office areas
8. For single-family zoning districts:
  - adjacent to other single-family areas
  - separated from major commercial areas and industrial areas
9. For multiple-family zoning districts:
  - adjacent to other multiple-family areas
  - adjacent to employment centers
  - along arterial and collector roads, particularly to buffer single-family areas
  - adjacent to commercial uses, particularly to buffer single-family areas
  - not abutting single-family areas on all sides

Additionally, the Board hereby adopts the following general criteria regarding the location of residential zoning districts:

10. Where medium density residential lands abut low density residential land, the medium density land may be zoned an intermediate density.
11. Residentially designated land that is located between higher density and lower density zoned areas may be zoned an intermediate density even when the intermediate zoned area has a land use designation that allows a higher density.

Policy 1.44: The county will evaluate requests to rezone CH and/or IL-zoned areas to CL or CG to ensure that sufficient CH and IL zoned land will remain if the rezoning is approved. In so doing, the county will favorably consider those types of rezonings where the subject property is located along high-volume roadways or adjacent to residential areas. The county shall maintain existing CH or IL zoning areas that are not located along high-volume roadways or not located near residential areas.

Policy 1.45: The Transitional Residential Land Use designation may be applied to those areas which serve as a transition area between urban and agriculturally designated land and are suitable for urban and suburban scale development. Additionally, Transitional Residential designated land must meet all of the following criteria:

ORDINANCE 2013-\_\_\_\_

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENTS TO CHAPTER 911, ZONING, CHAPTER 912, SINGLE-FAMILY DEVELOPMENT, AND CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES, BY AMENDING COMMERCIAL DISTRICTS SECTION 911.10 TO ALLOW VEHICLE STORAGE LOTS AS A SPECIAL EXCEPTION USE IN THE CL AND CG DISTRICTS; BY AMENDING SECTION 911.15(7) MODIFYING THE LIMITATION ON LENGTH OF RECREATIONAL VEHICLES STORED OUTSIDE ON RESIDENTIAL LOTS, BY AMENDING SECTION 912.17(3) MODIFYING THE LIMITATION ON LENGTH OF RECREATIONAL VEHICLES STORED OUTSIDE ON RESIDENTIAL LOTS; AND BY AMENDING COMMERCIAL SERVICES SECTION 971.12 ESTABLISHING AND MAKING CONSISTENT SPECIFIC LAND USE CRITERIA FOR VEHICLE STORAGE LOTS IN THE CL AND CG DISTRICTS; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTER 911, ZONING, CHAPTER 912, SINGLE-FAMILY DEVELOPMENT, AND CHAPTER 971 REGULATIONS FOR SPECIFIC LAND USES, BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 911.10(4), Commercial districts uses table relating to "Transportation and Communication", to read as follows:**

	District						
	PRO	OCR	MED	CN	CL	CG	CH <sup>1</sup>
<i>Transportation and communication</i>							
Railroad/Bus Transportation Services							
Local and suburban transit	-	-	-	-	-	P	P
Trucking and courier services	-	-	-	-	-	-	P
Commercial warehousing and storage	-	-	-	-	-	-	P
Moving and storage	-	-	-	-	-	-	P
Trucking terminals	-	-	-	-	-	-	P
Self-service storage facilities	-	-	-	-	S	A	P
Outdoor storage	-	-	-	-	-	-	A
Vehicle storage lot (paved/unpaved) <sup>3</sup>	-	-	-	-	<del>S</del>	<del>S</del>	P
Post Office	P	P	P	P	P	P	P
Water transport services	-	-	-	-	-	-	P
Air transport services	-	-	-	-	-	-	P
Pipelines	-	-	-	-	-	-	P
Heliport/helipad	-	-	S	-	-	S	-
Recycling centers	-	-	-	-	-	-	A
Travel and tour agencies	-	P	-	-	P	P	-
Freight transport arrangement	-	P	-	-	-	P	P
Communications							

**Bold Underline:** Additions to Ordinance

**Strike-through:** Deleted Text from Existing Ordinance

F:\Community Development\Users\CurDev\Ordinances\2013\2012-\_\_\_\_ 911, 912 and 971 (vehiclestoragerecveh).doc

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Telephone and telegraph	-	P	-	-	P	P	P
Radio and television broadcasting	-	P	-	-	P	P	P
Cable and pay T.V.	-	P	-	-	P	P	P
Communications towers (wireless facilities)	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>
Communications towers (non-wireless facilities) <sup>4</sup>							
Amateur radio (accessory use)							
Less than 80 feet	P	P	P	P	P	P	P
80 feet or taller (see 971.44(4) for special criteria)	S	S	S	S	S	S	S
Commercial							
Up to 70 feet:							
Camouflaged	P	P	P	P	P	P	P
Non-camouflaged	P	P	P	P	P	P	P
70 feet to 150 feet:							
Camouflaged	A	A	A	A	A	A	A
Monopole (minimum of 2 users)	A	A	A	A	A	A	A
Not camouflaged and not monopole	S	S	S	S	S	S	S
Over 150 feet:							
All tower types (see 971.44(1) for special criteria)	-	-	-	-	-	-	-
Public and private utilities, limited	A	A	A	A	A	A	A
Public and private utilities, heavy	-	-	-	-	-	-	S

**SECTION #2:**

**Amend LDR Section 911.15(7), General Provisions by deleting limitation on length of recreational vehicles, to read as follows:**

- (7) *Unenclosed storage of recreational vehicles, trailers and boats.*
- (a) Any recreational vehicle not in normal daily usage for transportation of the occupants of the residence shall be considered as "stored" for purposes of this chapter.
- (b) Unenclosed storage of trailers, campers and boats; restrictions in residential zoning districts. Recreational vehicles and boats may be stored on any lot. However, any trailers, campers or boats which are stored in unenclosed areas on any single-family or two family lot in any residential zoning district shall meet the following standards:
- Ownership of recreational vehicles and boats; authorized storage.* Such storage shall be limited to vehicles owned by the occupant(s) of the residence or the house guests of the occupant(s).
  - Limitation on number of recreational vehicles.* Not more than one recreational vehicle per dwelling unit may be stored in an unenclosed area

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upon each site, except that one additional recreational vehicle per dwelling unit may be parked on the property for a period not in excess of two (2) weeks in any continuous time period or six (6) weeks in any one-year period.

3. *Limitation on number of boats.* No more than one boat per dwelling unit shall be stored in an unenclosed area upon each site except that one additional boat per dwelling may be parked on the property for a period not in excess of two (2) weeks in any continuous time period or six (6) weeks in any one-year period.
4. *Location of unenclosed storage areas.* Such storage shall not be located in any required front or side yard, or any easement; except that such vehicles may be stored on a designated driveway.
5. *Licensing.* Recreational vehicles and boat trailers shall have a valid motor vehicle license at all times.
6. *Use limitations.* Recreational vehicles and boats shall not be used for office or commercial purposes, nor for sleeping, housekeeping or living quarters while so stored.
7. *No public facilities hook-ups.* No service facilities, such as water, sanitary, or electrical connections shall be attached; except a temporary electrical extension connected to the vehicle for battery charging or to facilitate repair is permitted.
8. *Limitation on length overall size of recreational vehicles; variances.* **Consistent with the Chapter 901 definition of "Recreational vehicle", the overall size of a recreational vehicle stored outside on a residentially zoned lot shall not exceed four hundred (400) square feet (vehicle length multiplied by width).** ~~No recreational vehicle so stored shall be in excess of thirty two (32) feet in length, provided that in the event of undue hardship petitions for a variance to this chapter as to the length requirements may be filed and heard by the Indian River County board of zoning adjustment. The board of zoning adjustment, in its consideration of any such appeal, may consider the size of the vehicle, the lot size in question and the availability of adequate safeguards to protect the neighborhood.~~

- (c) *Storage of recreational vehicles and boats in multifamily residential areas.* In any apartment, condominium or other multifamily use, recreational vehicle and boat storage may be permitted in a portion of a project which is specifically designated for recreational vehicle and/or boat parking; however, screening measures may also be required as a condition of site plan approval. No recreational vehicle or boat may be stored in the parking lot of a multifamily development, unless such parking lot has been designated on the approved site plan for the development as recreational vehicle storage area.

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**SECTION #3:**

**Amend LDR Section 912.17(3), by deleting limitation on length of recreational vehicles, to read as follows:**

- (3) *Unenclosed storage of recreational vehicles, trailers and boats.*
- (a) *[Generally.]* Any recreational vehicle not in normal daily usage for transportation of the occupants of the residence shall be considered as "stored" for purposes of this chapter.
- (b) *Unenclosed storage of trailers, campers and boats; restrictions in residential zoning districts.* Recreational vehicles and boats may be stored on any lot. However, any trailers, campers or boats which are stored in unenclosed areas on any single-family or two-family lot in any residential zoning district shall meet the following standards:
1. *Ownership of recreational vehicles and boats; authorized storage.* Such storage shall be limited to vehicles owned by the occupant(s) of the residence or the house guests of the occupant(s).
  2. *Limitation on number of recreational vehicles.* No more than one recreational vehicle per dwelling unit may be stored in an unenclosed area upon each site, except that one additional recreational vehicle per dwelling unit may be parked on the property for a period not in excess of two (2) weeks in any one-year period.
  3. *Limitation on number of boats.* No more than one boat per dwelling unit shall be stored in an unenclosed area upon each site except that one additional boat per dwelling may be parked on the property for a period not in excess of two (2) weeks in any continuous time period or six (6) weeks in any one-year period.
  4. *Location of unenclosed storage areas.* Such storage shall not be located in any required front or side yard, or any easement; except that such vehicles may be stored on any designated driveway.
  5. *Licensing.* Recreational vehicles and boat trailers shall have a valid motor vehicle license at all times.
  6. *Use limitations.* Recreational vehicles and boats shall not be used for office or commercial purposes, nor for sleeping, housekeeping or living quarters while so stored.
  7. *No public facilities hook-ups.* No service facilities, such as water, sanitary, or electrical connections shall be attached; except a

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temporary electrical extension connected to the vehicle for battery charging or to facilitate repair is permitted.

8. *Limitation on length overall size of recreational vehicles; ~~variances.~~ Consistent with the Chapter 901 definition of "Recreational vehicle", the overall area of a recreational vehicle stored outside on a residentially zoned lot shall not exceed four hundred (400) square feet (vehicle length multiplied by width). ~~No vehicle so stored shall be in excess of thirty two (32) feet in length, provided that in the event of undue hardship petitions for a variance to this chapter as to the length requirements may be filed and heard by the Indian River County board of adjustment; the board of adjustment in its consideration of any such appeal, may consider the size of the vehicle, the lot size in question and the availability of adequate safeguards to protect the neighborhood.~~*

**SECTION #4:**

**Amend LDR Section 971.12, Commercial services, to read as follows:**

- (1) *Building material sales and lumberyards (administrative permit).*
- (a) *Districts requiring administrative permit approval, (pursuant to the provisions of 971.04): CG.*
- (b) *Additional information requirements:*
  - 1. A written statement defining the general inventory of materials to be sold on the premises;
  - 2. Statements disclosing the projected percentage of total sales to be derived from wholesale activities;
  - 3. A site plan showing the location of all principal structures and all on-site storage areas.
- (c) *Criteria for construction material sales:*
  - 1. All materials to be sold on the premises must be completely screened from adjacent properties and roadways;
  - 2. On-site vehicular storage shall be limited to those vehicles used in the operation of establishment;
  - 3. Such establishments shall not include the manufacture of structural wood components, roof trusses, wall units and other activities requiring the assembly of wood products;

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4. All wholesale activities shall be accessory to retail sales conducted on the site.
- (2) *Outdoor storage (unenclosed) (administrative permit).*
    - (a) *Districts requiring administrative permit approval, (pursuant to the provisions of 971.04): CH.*
    - (b) *Additional information requirements:* A site plan showing the location, dimensions, and area of all enclosed storage areas and proposed unenclosed outdoor storage areas (which shall consist of the entire area for storage and spacing between merchandise items).
    - (c) *Criteria for outdoor storage (unenclosed):*
      1. Outdoor storage shall be accessory in terms of use to the principal use, and in no case shall the outdoor storage area exceed seventy-five (75) percent of the total square footage of the principal structure;
      2. Items allowed to be stored outdoors shall be limited to vehicles and equipment used in the operation of the establishment, stocking and sales display of items allowed to be sold (retail) in the CH district;
      3. For purposes of calculating parking requirements for outdoor storage of sales display items, the standards used for the principal use shall apply;
      4. All building setback requirements shall apply to the outdoor storage area(s);
      5. All outdoor storage areas containing stock and sales display items shall be completely screened (horizontal and vertical) from adjacent properties and roadways;
      6. The surface material(s) criteria for the outdoor storage area must be approved by the public works department.
  - (3) *Self-service storage facilities (administrative permit).*
    - (a) *District requiring administrative permit approval, (pursuant to the provisions of 971.05): CG.*
    - (b) *Additional information requirements:*
      1. A written statement that no commercial activity, vehicular service or repair, or storage of hazardous materials shall be allowed and that this requirement will be included in every tenant's lease agreement;

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2. A site plan meeting all of the requirements of Chapter 914.

(c) *Criteria for self-storage facilities:*

1. Storage unit areas shall not exceed fifteen (15) feet in height from storage buildings;
2. Storage units shall not exceed three hundred (300) square feet in size.
3. Outdoor storage, other than for vehicles and boats, is prohibited. ~~Where outdoor storage of vehicles is to occur, a Type "C" bufferyard shall be provided between the outside storage area and adjacent right-of-way and adjacent properties.~~ **Outdoor storage of vehicles may be approved upon a finding by the planning and zoning commission that the criteria of 971.12(5) are satisfied;**
4. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage facility premises. Light and glare shall be deflected, shaded and focused away from all adjoining property;
5. Self-service storage facility sites shall not exceed three (3) acres gross area;
6. Quarters for resident managers may be included within the facility as an accessory use;
7. A Type B landscape buffer shall be required between all structures and adjacent rights-of-way.

(4) *Self-service storage facilities (special exception).*

(a) *District requiring special exception approval (pursuant to the provisions of section 971.05): CL.*

(b) *Additional information requirements:*

1. A written statement from the applicant stating the following:
  - i. That no commercial activity, vehicular service or repair or storage of hazardous materials shall be allowed and that this requirement will be included in every tenant's lease agreement; and
  - ii. That only domestic and household goods or personal and noncommercial goods will be kept or stored on the premises.

Both of these provisions will be set forth in appropriate and visible signage located on the facility site.



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2. A site plan meeting all of the requirements of Chapter 914.

(c) *Criteria for self-storage facilities:*

1. Storage unit interior areas shall not exceed ten (10) feet in height.
2. Storage units shall not exceed one hundred fifty (150) square feet in size.
3. **Outdoor storage is prohibited, except that outdoor storage of vehicles may be approved upon a finding by the board of county commissioners that the criteria of 971.12(5) are satisfied.**
4. All outdoor lights shall be shielded to direct light and glare only onto the self-storage facility premises. Light and glare shall be deflected, shaded and focused away from all adjoining property and road rights-of-way.
5. Self-service storage facility sites shall not exceed three (3) acres in gross area.
6. Notwithstanding the applicable buffering requirements contained in section 911.10, a Type B landscape buffer with six-foot opaque feature shall be provided between all structures and adjacent properties zoned for single-family residential use.
7. Building containing storage units shall not exceed ten thousand (10,000) square feet in floor area each and shall not exceed one hundred thousand (100,000) square feet of floor area for all buildings.
8. Access shall only be to arterial or collector roadways and in no case through areas zoned for residential use.
9. No utilities (other than air conditioning) may be supplied to storage units.
10. Hours of operation shall be limited to between 6:00 a.m. and 8:00 p.m. prior to the issuance of a certificate of occupancy, the applicant shall provide appropriate signage on the site stating the hours of operation of the facility.
11. Buildings may not exceed fifteen (15) feet in height.

**(5) Vehicle storage lot (paved/unpaved).**

**(a) Districts requiring special exception approval (pursuant to the provisions of section 971.05): CL, CG.**

**(b) Additional information requirements:**

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1. A written statement acknowledging that no items other than vehicles will be stored on site and that vehicle sales, rentals, repairs, painting and similar activities will not be conducted on site.
2. A site plan meeting all applicable requirements of Chapters 914 and 954, and showing security improvements (including fencing and entry management for site users), gates, outdoor lighting, light shielding, and buffering improvements.

(c) Criteria for vehicle storage lots:

1. All unpaved vehicle storage areas shall meet the storage lot surface requirements of parking ordinance section 954.08(6)b.
2. A Type "B" buffer with 6' opaque feature shall be provided where the vehicle storage area is adjacent to property with a residential land use designation. Where the vehicle storage area is adjacent to a collector roadway, an arterial roadway, or property that is not zoned CH, IL, or IG and that also has a non-residential land use designation, a Type "C" buffer with 6' opaque feature is required. Where the vehicle storage area abuts property zoned CH, IL, or IG, no special buffer type ("A", "B", or "C") is required.
  - a. Where fencing and vines are used to provide the required opaque feature, vining plants shall substitute for required buffer area shrubs.
3. Outdoor lighting shall meet the light shielding requirements of the Other Corridors regulations, section 911.22(7)(e)4.a.
4. On site storage of semi-trailers and heavy equipment such as dump trucks, bucket trucks, and similar construction-related equipment is prohibited.
5. On site storage of construction materials, merchandise, and items other than vehicles is prohibited.
6. On site vehicle sales, rentals, repairs, painting, and similar activities are prohibited.
7. No vehicle storage lot shall be located within one mile of the following entrances to the County: US 1 at the north and south County lines, the I-95 interchanges at CR512 and SR 60, and 27<sup>th</sup> Avenue S.W. at the south County line.

**SECTION #4: SEVERABILITY**

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

**SECTION #5: REPEAL OF CONFLICTING ORDINANCES**

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

**SECTION #6: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

**SECTION #7: EFFECTIVE DATE**

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, for a public hearing to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and

- Chairman Joseph E. Flescher \_\_\_\_\_
- Vice Chairman Wesley S. Davis \_\_\_\_\_
- Commissioner Tim Zorc \_\_\_\_\_
- Commissioner Peter D. O'Bryan \_\_\_\_\_
- Commissioner Bob Solari \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

BY: \_\_\_\_\_  
Joseph E. Flescher, Chairman

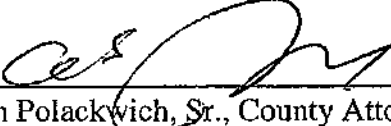
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ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: \_\_\_\_\_  
Deputy Clerk

This ordinance was filed with the Department of State on the following date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
\_\_\_\_\_  
Alan Polackwich, Sr., County Attorney

APPROVED AS TO PLANNING MATTERS

  
\_\_\_\_\_  
Robert M. Keating, AICP; Community Development Director