

INDIAN RIVER COUNTY ORDINANCE NO. 85-47

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING APPENDIX A OF THE CODE OF LAWS AND ORDINANCES, KNOWN AS THE ZONING CODE, BY REPEALING SECTION 23, "SITE PLAN APPROVAL", AND CREATING 1) SECTION 23.1, "SITE PLAN REVIEW AND APPROVAL PROCEDURES"; 2) 23.2, "REQUIRED SITE PLAN SUBMITTALS"; AND 3) SECTION 23.3, "SITE PLAN REVIEW STANDARDS", AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AS WELL AS CODIFICATION, SEVERABILITY AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA that:

SECTION 1

Section 23, entitled "Site Plan Approval", is hereby repealed and Section 23.1, entitled "Site Plan Review and Approval Procedures", Section 23.2, entitled "Required Site Plan Submittals", and Section 23.3 entitled "Site Plan Review Standards" are hereby substituted in place thereof and shall read as follows:

23.1 SITE PLAN REVIEW AND APPROVAL PROCEDURES

23.1 A. Purpose and Intent.

The purpose of this section is to establish uniform procedures for reviewing applications for site plan approval, as required in this ordinance. It is further the intent of this section to establish procedures for reviewing minor site plans, as provided herein.

23.1 B. Applicability.

All site plans prepared in compliance with the requirements of this ordinance shall be reviewed pursuant to the following procedures. Site Plans shall be required as established in the zoning district regulations for each of the following:

1. All permitted uses except single family homes and agricultural operations.
2. All developments proposing a change in the use of an existing structure. For purposes of this ordinance, a change in use shall involve a change from one use category to another use category.
3. All uses requiring an administrative permit.
4. All uses requiring special exception approval.

The procedures established herein shall not apply to Conceptual Development Plans for Planned Residential Developments. Such plans shall be prepared and reviewed pursuant to Section 25.4(H) of this ordinance.

23.1 C. Establishment of Technical Review Committee.

The Technical Review Committee is hereby established for the purposes of performing technical evaluations of site plan applications. The Technical Review Committee shall be empowered to undertake any studies and/or reviews necessary to complete an appropriate analysis of site plans. The Planning and Zoning Commission shall establish bylaws and rules of procedure to govern the review of site plan applications by the Technical Review Committee.

1. Composition of Technical Review Committee.

The Technical Review Committee, as established herein, shall be composed of the following members:

- a. Director of Planning and Development;

TABLE OF CONTENTS

	<u>Page</u>
<u>SECTION 1</u>	1
<u>23.1 SITE PLAN REVIEW AND APPROVAL PROCEDURES</u>	
23.1 A. Purpose and Intent	1
23.1 B. Applicability	1
23.1 C. Establishment of Technical Review Committee	1
1. Composition of Technical Review Committee	1
2. Duties and Responsibilities	2
3. Public Meetings	2
23.1 D. Pre-Application Conference	2
23.1 E. General Procedure for Site Plan Review and Approval	2
1. Submission of Application and Fees	2
2. Departmental Reviews of Site Plan	3
3. Technical Review Committee Meeting	3
4. Decision of Planning and Zoning Commission	3
23.1 F. Procedure for Review and Approval of Minor Site Plans	3
1. Applicability	3
2. Decision Authority Granted to Technical Review Committee	4
23.1 G. Time Limitations on Site Plan Approval	4
1. Commencement of Construction	4
2. Extensions of Site Plan Approval	4
3. Abandonment of Construction	4
23.1 H. Transfer of Site Plan Approval	5
1. Approval Runs With the Land	5
2. Disclosure of Requisite Information	5
3. Time Limits	5
4. Transferability Limitations	5
23.1 I. Modifications and Amendments to Approved Site Plans	5
1. Minor Modifications; Planning and Development Director Approval	5
2. Amendments to Approved Site Plans	5
23.1 J. Timing of Release of Approved Site Plans	5
1. Issuance of Necessary Permits	5
2. Dedication of Right-of-Way	6
3. Payment of Requisite County Fees	6
23.1 K. Timing of Issuance of Building Permits	6
23.1 L. Inspection and Certification	6
1. Site Inspections	6
2. Minor Variations	6
3. Final Certification	6
4. Fees	7
23.1 M. Appeals of Decisions Regarding Site Plans	7
1. Time Limit for Filing Appeals	7
2. Authority to Hear Appeals	7
23.1 N. Severability	7

TABLE OF CONTENTS (cont.)

	<u>Page</u>
<u>23.2 REQUIRED SITE PLAN SUBMITTALS</u>	
23.2 A. Purpose and Intent	8
23.2 B. Applicability	8
23.2 C. General Information	8
23.2 D. Project Tabulations	8
23.2 E. Vicinity Map	9
23.2 F. Existing Site Conditions	9
23.2 G. Graphic Requirements	9
1. Proposed Buildings and Structures	9
2. Traffic Circulation and Internal Vehicular Movement	10
3. Open Space, Landscape and Tree Protection	10
4. Water, Sewer, Solid Waste, and Other Utility Facilities	11
23.2 H. Drainage Plan	11
1. Major Site Plan	11
2. Minor Site Plans	12
23.2 I. Traffic Impact Analysis	12
23.2 J. Additional Requirements	12
1. Legal Assurances	13
2. Additional Surveys	13
3. Additional Information	13
<u>23.3 SITE PLAN REVIEW STANDARDS</u>	
23.3 A. Purpose and Intent	14
23.3 B. Applicability	14
23.3 C. Comprehensive Plan Consistency	14
23.3 D. Relationship to Transportation System	14
1. Compliance With County Thoroughfare Plan	14
2. Traffic Impact Analysis	15
3. Paved Road Requirements	18
4. Intersection Design	18
5. Intersection Radii	18
6. Street Side Swales	19
7. Street Names and Numbering Systems	19
8. Traffic Control Devices	19
9. Sight Distance	19
10. Access Control	19
23.3 E. Vehicular and Pedestrian Circulation	23
1. Off-Street Parking Areas	23
2. Off-Street Loading Areas	23
3. Lighting of Off-Street Parking, Loading Areas, and Entrances	23
4. Parking Lot Landscaping	23
5. Pedestrian Movement	23

TABLE OF CONTENTS

	<u>Page</u>
6. Bikeway System	23
23.3 F. Natural Resource Protection	24
1. Environmentally Sensitive Areas	24
2. Storm and Floodwater System Management	26
3. Beach and Dune Protection	26
23.3 G. General Appearance and Relationship to Adjacent Properties	26
1. Site Location and Character of Use	26
2. Building Location and Design	26
3. Landscaped Areas	26
4. Location and Shielding of Mechanical Equipment, Unenclosed Storage Areas and Refuse Collection Areas	27
5. Exterior Lighting; Protection of Sea Turtles	27
6. Screening and Bufferyard Requirements	27
23.3 H. Open Space Areas	29
1. Required Open Space	29
2. Maintenance of Open Space Areas	30
3. Use of Open Space	30
4. Preserve Natural Landscape	30
23.3 I. Public Access to Waterbodies	30
1. Provision of Required Access Points	30
2. Combination of Required Access Points	30
3. Paving Requirements	30
4. Dune Crossovers	30
5. Fee Credits	30
23.3 J. Adequacy of Public Facilities and Services	31
1. Adequacy of Potable Water Service	31
2. Adequacy of Wastewater Treatment and Disposal Services	31
3. Adequacy of Solid Waste Disposal Site or Facilities	31
4. Adequacy of Fire Protection Service	31
<u>SECTION 2</u>	33
<u>SECTION 3</u>	33
<u>SECTION 4</u>	33

- b. Member of the Planning and Development Division, as designated by the Director of Planning and Development;
- c. Public Works Director or his designee;
- d. Chairperson of the the Planning and Zoning Commission or his designee;
- e. Representative of the County Utility Department;
- f. Representative of Department of Environmental Health;
- g. Representative of County Attorney's office; and
- h. Other representatives of County departments and agencies, as approved by the County Administrator.

2. Duties and Responsibilities.

The Technical Review Committee is hereby granted the following duties and responsibilities regarding the review and approval of site plan applications.

- a. To undertake technical evaluations of all site plan applications and to identify any deficiencies and/or discrepancies.
- b. To approve, approve with conditions, disapprove or postpone consideration of minor site plans as defined herein. Actions by the Technical Review Committee regarding minor site plans shall be final unless appealed to the Planning and Zoning Commission within ten (10) working days.

3. Public Meetings.

Meetings of the Technical Review Committee shall be open to the public and shall be held on a regular basis, as established in the bylaws. Such meetings shall not require the notification of those property owners surrounding the site being reviewed.

23.1 D. Pre-Application Conference.

Prior to application for any Site Plan approval, the developer should confer with the staff of the Planning and Development Division to discuss informally the applicable requirements and procedures. The developer shall discuss all projects proposing construction or work within a County right-of-way with the Public Works Director. The developer should provide information necessary to describe the proposed development at the time of the conference. Formal application or filing of a site plan is not required for the pre-application conference.

23.1 E. General Procedure for Site Plan Review and Approval.

1. Submission of Application and Fees.

Prior to the review and approval of any site plan, an application for such approval shall be filed with the Planning and Development Division. All applications shall be accompanied by a fee to be paid to the County; said fee to be established by the Board of County Commissioners. Applications for site plan review shall be accompanied by applications for the following permits, when applicable: rights-of-way permit; tree removal; land clearing; and stormwater management. An application shall be in a form substantially in accordance with the form prescribed by the County Administrator's office, copies of which may be obtained from the Planning and Development Division of the County. The authority for a person other than the owner(s) to sign such application must be attached to and accompany said application. Said application shall become null and void if approval is not obtained within twelve (12) months of filing. Upon finding of good cause, the Director of Planning and Development may grant

one extension for a period of one (1) year. All appeals of such decisions shall be heard by the Planning and Zoning Commission.

2. Departmental Reviews of Site Plan.

The Applications for site plan review and all other required permit applications shall be forwarded to the Planning and Development Director, who shall coordinate the review of the application. The application shall be distributed to all members of the Technical Review Committee, all appropriate County departments, and other state, regional and local agencies, as necessary. The applicant shall be notified within ten (10) working days should any errors, omissions or deficiencies be identified. Each department shall review the application and submit all comments in writing to the Planning and Development Division. Complete applications and comments shall be assembled and forwarded to the Technical Review Committee.

3. Technical Review Committee Meeting.

The Technical Review Committee shall consider each application and shall complete a technical evaluation of the site plan application and identify any deficiencies or discrepancies.

4. Decision of Planning and Zoning Commission.

Subsequent to the technical evaluation of the application by the Technical Review Committee, a copy of the Committee's findings shall be transmitted to the applicant. Once all deficiencies have been adequately addressed by the applicant, the application shall be scheduled as an item for a meeting of the Planning and Zoning Commission. The Planning and Zoning Commission shall review the prior record of the respective submittal, including the findings of the Technical Review Committee. The Planning and Zoning Commission shall base its decision on the use, size and dimension regulations for the respective zoning district, the site plan review standards established herein and all other applicable regulations.

23.1 F. Procedure for Review and Approval of Minor Site Plans.

1. Applicability.

For the purposes of this section, minor site plans shall include:

a. Residential Uses.

Projects comprised of a single building having three (3) or less dwelling units.

b. Non-Residential Uses.

Projects comprised of less than five thousand (5,000) square feet of new impervious surface area, or ten percent (10%) lot coverage, whichever is less.

c. Other Minor Improvements.

Projects which involve additions to previously approved site plans including: awnings, canopies, pools, fences, walls, parking areas and driveways which do not exceed the thresholds of paragraphs "a" and "b", above.

d. Cumulative Effect of Multiple Minor Site Plan Improvements.

Where multiple minor site plan requests for a single project have been submitted and/or approved over any period of time where potential impacts exceed criteria of a major site plan application or together may create a substantial impact, the Director of Planning and Development may require any new minor site plan application to be reviewed pursuant to the criteria of a major site plan.

Such projects shall be reviewed pursuant to the following minor site plan procedures. All other applications for site plan approval shall be reviewed pursuant to the procedures established in subsection "E", prior.

e. Submission Requirements For Minor Site Plans.

Submission requirements for minor site plans shall be as required in Section 23.2. The Planning and Development Director may waive or nullify any of the submission requirements.

2. Decision Authority Granted to Technical Review Committee.

Minor site plans shall be reviewed pursuant to para. 1-3 in subsection D, "General Procedure for Site Plan Review and Approval", excepting that the Technical Review Committee is authorized to approve, approve with conditions or deny minor site plan applications, as defined above. Meetings of the Technical Review Committee shall be open to the public; however, no written notice to surrounding property owners is required. All approved minor site plans shall be signed by the Chairman of the Planning and Zoning Commission, who is a member of the Technical Review Committee. Decisions by the Technical Review Committee shall be final unless appealed to the Planning and Zoning Commission within ten (10) working days.

23.1 G. Time Limitations on Site Plan Approval.

1. Commencement of Construction.

All site plan approvals shall terminate and become null and void automatically without notice if construction has not commenced within twelve (12) months from the date of approval. For the purposes of this paragraph, construction will have commenced when the developer has built a portion of a structure shown on the plan (e.g. the pouring of footers), or has made substantial improvements to the site, other than land clearing, filling or grading, in accordance with the approved site plan, evidencing a good faith effort to diligently pursue construction to completion.

2. Extensions of Site Plan Approval.

Site plan approval may be extended one (1) time only for good cause by the Board of County Commissioners for a period not to exceed twelve (12) months. All requests for extensions must be in writing on a form supplied by the County and received by the County prior to expiration of the site plan.

3. Abandonment of Construction.

In cases where construction has commenced according to paragraph (G)(1) of this section, the site plan approval shall terminate and become null and void after notice and hearing by the Board of County Commissioners if construction is then abandoned or suspended. For the purposes of this paragraph, construction shall be considered abandoned or suspended if at the hearing it is shown that an active building permit has not been maintained for the construction of a structure in accordance with the approved plan or it is shown to the satisfaction of the Board of County Commissioners that construction at a level indicating a good faith effort to proceed with the completion of the project has not occurred for a continuous period of six (6) months immediately preceding the receipt of notice, unless the inactivity is attributable to the deliberate and scheduled phasing of a multi-phase project which has been approved as such by the County. Upon issuance of notice, the County Building Division shall issue a stop work order for the project. Said order shall be effective until determination by the Board of County Commissioners. This subsection shall not operate to invalidate any site plan prior to

the end of the initial twelve-month period or any authorized extension thereof.

23.1 H. Transfer of Site Plan Approval.

1. Approval Runs With the Land.

A site plan approval shall run with the land and shall transfer to a successor in interest to the original applicant upon written disclosure of such transfer to the Planning and Development Division as to the identity of the successor. The disclosure shall provide the full legal name of the person or business entity acquiring the interest in the property, the nature of the interest, the address of the principal place of business of the successor, telephone number, name and address of registered agent if corporation, name, address and title of officers or agents authorized to transact business with the County, together with proof of authorization if other than president or vice-president or general partner, and the name and address of any new design professional for the project. A transferee developer must also assume in writing on a form acceptable to the County Attorney all commitments, responsibilities, and obligations of the prior developer, including all special conditions of site plan approval.

2. Disclosure of Requisite Information.

Failure to make the required disclosure and assumption shall suspend all site plan and zoning approvals until such time as proper disclosure and assumption is made.

3. Time Limits.

Transfer of site plan approval shall not toll or modify the calculation of time limits set forth with respect to commencement or abandonment of construction; following any transfer, such time limits shall be calculated as if the transfer had not occurred.

4. Transferability Exceptions.

This provision does not relate to any transfer of space, units, buildings, or property to a transferee who intends to occupy the property only after issuance of a certificate of occupancy, unless the transferee is the successor developer, nor to the creation or transfer of a nonpossessory lien or encumbrance.

23.1 I. Modifications and Amendments to Approved Site Plans.

1. Minor Modifications; Planning and Development Director Approval.

The Planning and Development Director is authorized to approve minor modifications to previously approved site plans. The Planning and Development Director is not authorized to approve any modification which would: increase the size of buildings or structures; increase the number of dwelling units; decrease the amount of open space; decrease the setback from any yard; or grant any approval that would constitute a variance from the requirements of this Zoning Ordinance. The Planning and Development Director shall report all approved minor modifications to the Technical Review Committee at the next regular meeting.

2. Amendments to Approved Site Plans.

Any amendments to approved site plans which are not deemed by the Planning and Development Director to be minor modifications shall be reviewed and approved in the same manner as the original plan.

23.1 J. Timing of Release of Approved Site Plans.

1. Issuance of Necessary Permits.

It may be necessary for some projects to seek permits from governmental agencies other than the County. In such cases, approved site plans for these projects shall not be released until the applicant submits proof of approval or certification from those agencies to the Planning Department when applicable to the project. Agencies from which permits may be required include, but are not limited to, the following:

- a. Department of Environmental Regulation.
- b. Department of Transportation.
- c. Corps of Engineers.
- d. St. John's River Water Management District.
- e. Florida Health & Rehabilitation Services.
- f. Indian River Farms Drainage District.
- g. St. John's Drainage District.
- h. Fellsmere Water Management District.
- i. Sebastian River Drainage District.
- j. Other municipalities.
- k. All applicable Indian River County agencies.

2. Dedication of Right-of-Way.

All approved site plans which require lands to be dedicated for road right-of-way will be released by the Planning Department only after the deed(s) for the right-of-way has been recorded as part of the Public Records of Indian River County, Florida.

3. Payment of Requisite County Fees.

Evidence that all applicable County fees, including impact fees and application fees, have been paid in full by the applicant must be submitted to the Planning Department prior to the release of an approved site plan unless such fees are payable at other times as provided by applicable law.

23.1 K. Timing of Issuance of Building Permits.

No building permit shall be issued by the Building Department of the County until the time for appeals to the Board of County Commissioners regarding site plan decisions, as herein provided, shall have expired. When an appeal is so filed, no such building permit shall be issued until after final determination of such appeal has been made.

23.1 L. Inspection and Certification.

1. Site Inspections.

Upon approval of a site plan and before construction begins, the applicant shall notify the Indian River County Planning Department in writing of the intent to begin construction and shall submit a proposed construction schedule. The Department shall conduct periodic inspections to ensure the project is completed in accordance with the approved site plan.

2. Minor Variations.

Minor variations in the approved site plan are permitted upon Planning Department approval. Said approval shall be in writing and shall be affixed to the site plan. Cease and desist orders may be issued by the Planning Department when violations are discovered. All work not in conformity with the approved site plan shall cease until Planning Department approval is given or a revised plan is approved by the appropriate approving body.

3. Final Certification.

The applicant's architect or engineer of record shall notify the Planning Department when the project is completed and shall certify under seal that it substantially conforms to the approved site plan, that all conditions of site plan approval have been satisfied, and that any variations have been approved in writing by the Planning Department. The Planning Department shall make

final inspection and verify that the project was completed in accordance with the approved site plan. Notice of verification shall be transmitted in writing to the Building Department Director who will ensure that final certification of approval shall be attached to the site plan.

4. Fees.

All inspections of a site other than the initial check and one re-inspection shall require the payment of a fee to the Planning Department. Said fee shall be established by resolution of the Board of County Commissioners.

23.1 M. Appeals of Decisions Regarding Site Plans.

Any decision regarding the approval, approval with conditions or denial of a site plan may be appealed by the applicant for site plan approval, the County Administration, or any other person(s) adversely affected by the decision.

1. Time Limit for Filing Appeals.

Any appeal of a site plan decision shall be made in writing and filed with the Planning and Development Department within ten (10) working days from the time of action by the approving body. The written appeal shall thereupon be transmitted to the reviewing body authorized to hear such appeals. All appeal petitions other than those filed by the applicant or Indian River County shall be accompanied by a fee, as established by resolution of the Board of County Commissioners.

2. Authority to Hear Appeals.

Appeals of decisions regarding site plans shall be reviewed as follows:

a. Decisions by the Technical Review Committee.

Appeals of decisions made by the Technical Review Committee regarding minor site plans shall be heard by the Planning and Zoning Commission.

b. Decisions by the Planning and Zoning Commission.

Appeals of site plan decisions made by the Planning and Zoning Commission shall be heard by the Board of County Commissioners. Decisions of the Board of County Commissioners shall be final, unless review is sought by filing an application for a Writ of Certiorari with the Circuit Court for the 19th Judicial Circuit within thirty (30) days of the decision.

23.1 N. Severability.

Should any section, clause, word or provision of this Ordinance, or application of a provision contained within this Ordinance, be declared by the County to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part or application declared to be unconstitutional or invalid.

23.2 REQUIRED SITE PLAN SUBMITTALS

23.2 A. Purpose and Intent.

The purpose of this section is to ensure that all site plan applications include sufficient information for local officials to ensure compliance with applicable County regulations.

23.2 B. Applicability.

All information required herein shall be provided as part of a complete site plan application. All major site plans shall be prepared and sealed by a Florida registered architect or engineer. The Planning and Development Director may waive certain submittal requirements if he deems that such information is not necessary or appropriate for a review of the proposed use.

23.2 C. General Information.

All site plan applications shall include statements regarding each of the following:

1. Name of the project.
2. Statement of intended use of the site.
3. A statement describing the proposed means of conveying ownership in the property.
4. Name, address, and telephone number of all equitable owners.
5. Name, address, and telephone number of the applicant and firm which he or she represents.
6. Name, address, signature, and registration number of the professionals preparing the plan.
7. Legal description, including the Section, Township and Range, and the Property Appraiser's Map Parcel Numbers, as applicable.
8. Date plan was drawn and date of any subsequent revision(s).
9. Approximate timetable for completion of the project, or phases of a multi-staged development.
10. Existing Zoning and Comprehensive Plan Land Use Map designation(s) of the site.

23.2 D. Project Tabulations.

All site plan applications shall include the following calculations, and the name of the person(s) preparing such data:

1. Gross acreage of the site, to the nearest one-tenth of an acre.
2. Number of proposed dwelling units and gross density (residential).
3. Number of proposed buildings and structures.
4. Floor area of each proposed dwelling unit.
5. Floor area of each structure; if structure(s) include areas for different commercial or industrial uses, the floor area for each use-area shall be provided and clearly shown on the site plan.
6. Total square footage and percent of site covered by enclosed structures.
7. Total square footage and percent of site covered by impervious surfaces.

8. Total square footage and percent of site provided as open space.
9. Total square footage and percent of site covered by lakes and wet stormwater retention areas.
10. Number of parking spaces required for each use and the total number of spaces provided, including handicapped and compact.
11. Number of loading spaces required and the total number of spaces provided.

23.2 E. Vicinity Map.

A vicinity map insert shall be made part of the site plan showing the general location of the site using the names and locations of nearby streets and prominent natural or manmade landmarks. Scale shall be sufficient to indicate the zoning and current land use of the property contiguous to the site, including properties separated from the site by a public/private street.

23.2 F. Existing Site Conditions.

The applicant shall also furnish the following information in graphic or written form, as appropriate.

1. Certified survey of the site, including property boundaries and their dimensions.
2. Existing topography with a maximum of one (1) foot contour intervals, based upon coast geodetic datum.
3. Limits of one hundred year (100) flood plain and/or coastal flood velocity areas (V-zones), as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
4. Location of Coastal Construction Control Line, if applicable.
5. Existing right-of-way width of all adjacent roadways and setback lines.
6. Location and explanation of any existing easements.
7. Location and dimensions of any existing structures on the site, and any parking or loading areas.
8. Location and width of existing on-site roadways and rights-of-way.
9. Location and dimensions of existing driveways and access points on the property and within two hundred (200) feet of the site.
10. Specific boundaries and acreage of wetlands and other environmentally sensitive areas, if any.
11. Location of existing utility lines (water, sewer, power, etc., as applicable) and existing private utility systems (wells and septic tanks) shall be shown extending a minimum of two hundred (200) feet from the site's property.
12. Location and size of all natural and manmade waterbodies.

23.2 G. Graphic Requirements.

The following information shall be graphically displayed at a minimum on twenty-four (24) by thirty-six (36) inch sheets, at a scale no less than one (1) inch equals fifty (50) feet, and shall include a north arrow, graphic scale and the date the plans were prepared.

1. Proposed Buildings and Structures.
 - a. Intended use of structures, principal and accessory.

- b. Height and number of stories of all buildings.
 - c. Location, size, type, and orientation of all signs, including traffic and directional signs.
 - d. Exterior building elevations and floor plans sealed by an architect, pursuant to State Code requirements (Sec. 481.221, Florida Statutes).
 - e. Distance between structures.
 - f. Location of exterior mechanical equipment and/or utilities, and method of screening, if applicable.
 - g. Location, height and type of construction material of fences.
 - h. Location, height and materials utilized for screening.
 - i. Intended means of outdoor lighting, including location, size, method of shielding light source, and intensity of outdoor illumination and lighting.
2. Traffic Circulation and Internal Vehicular Movement.
- a. Location and dimensions of all existing and proposed driveways and median cuts, and the distance separating them from intersections and other existing or proposed access points within two hundred (200) feet of the property.
 - b. Designation of all parking spaces, including the number and dimensions of spaces and whether or not such spaces are designated for handicapped or compact car parking.
 - c. Number and designation of loading spaces.
 - d. Surface materials of roadways and driveways.
 - e. Fire lanes shall be ten (10) feet in width.
 - f. Overall internal circulation plan, including directional arrows and signs to direct traffic flow. The Public Works Director may request additional information on site distance triangles if conditions warrant.
 - g. Location of existing and proposed on-site traffic-control signs and signalization devices.
 - h. Posted speed limits of abutting roadways.
 - i. Location and specifications of all existing and committed, abutting and/or transitional deceleration lanes, turning lanes, sidewalks, bikepaths, drainage facilities (underground and surface).
 - j. Location of all existing and proposed sidewalks and/or bikeways abutting the site.
 - k. Any plan for combined off-site parking facilities shall be accompanied by an agreement specifying the nature of the arrangement, anticipated duration, signatures of all concerned property owners, and any other requirements mandated by the Parking Ordinance, Section 24.
3. Open Space, Landscape and Tree Protection.
- a. Delineation of permanent open space areas.
 - b. Delineation of areas specifically designated as common open space for residential projects.

- c. Proposed landscaping areas or other screening or buffer improvements, including location, height and type of perimeter or ornamental walls, fences, landscaping, including berms and other required screening devices.
 - d. Irrigation method utilized and source of water.
 - e. Location of mangroves, specimen trees, historical trees or other protected trees as specified in the Indian River County Tree Protection Ordinance.
 - f. Transition grades to all abutting properties.
4. Water, Sewer, Solid Waste, and Other Utility Facilities.
- a. Existing water and sewer lines within the boundaries of the site and within two hundred (200) feet of the property or proposed connection to public water and sewer connection.
 - b. Existing on-site sewage disposal systems and water supply wells within two hundred (200) feet of the property.
 - c. General locations of all proposed water and sewer lines, utility/power poles, underground power lines, telephone and television cable transmission lines, and other transmission or generation facilities, and all proposed utility easements.
 - d. Location of all proposed water wells, private wastewater treatment facilities, gas transmission lines, fire hydrants or other similar facilities or services.
 - e. Solid waste storage locations and the method of storage and screening identified. Where dumpsters are utilized, the location and paving material of the pad shall also be shown.
 - f. All proposed and existing utility rights-of-way and easements.
 - g. The applicant shall submit the information required in items (1) through (5) in the Indian River County Water and Sewer Franchise regulations (Ord. 72-8, as revised April, 1978) to the Utility Services Division, when the project proposes to utilize public or private water franchise and/or sewerage system.

23.2 H. Drainage Plan.

i. Major Site Plan

All major site plans shall provide a drainage plan which includes all of the information and calculation requirements of the Indian River County Stormwater Management and Flood Water Protection Ordinance prior to receiving site plan approval. The applicant may submit such a plan with the site plan application or following the approval of a preliminary drainage plan.

In lieu of providing a complete drainage plan with the application for site plan approval, the applicant may submit a preliminary drainage plan to be evaluated by the Technical Review Committee. All preliminary drainage plans shall include the following information:

- 1. A soil boring log meeting the requirements of the Indian River County Stormwater Management and Floodwater Protection Ordinance.
- 2. Percolation tests pursuant to procedures established in the Indian River County Stormwater Management and Floodwater Protection Ordinance.
- 3. A written opinion from a professional engineer (or architect if under one acre) licensed in the State of Florida

certifying that the size, configuration and location of all existing and proposed stormwater management improvements are capable of retaining or detaining the first one inch of rainfall on site.

4. Transitional property line grades.
5. Finished ground floor elevations.
6. The location and tracing of all legal positive outfalls to be used by the site.
7. The depth and location of the out-of-season groundwater table.
8. Size, configuration, and location of proposed stormwater management tract.

Type "B" stormwater permit applications shall not be eligible for preliminary drainage review.

2. Minor Site Plans

Minor site plans shall include the following information regarding drainage conditions and improvements:

1. One-foot interval contours based upon coast geodetic datum.
2. Proposed finished elevation of each building site and the first floor level. A proposed grading plan shall be submitted.
3. Proposed system for the orderly disposal of surface water runoff with the system capabilities of having a minimum ability to accommodate the first inch of runoff; all swales and retention areas will be located with grades and elevations provided.
4. The size and grade of all existing and proposed drainage facilities including culverts and pipes.
5. Centerline elevation of any street contiguous to the site measured at the property lines extended.
6. Location and method of linkage with off-site drainage facilities/ditches to accommodate the site's surface water run-off outfall, including documents indicating legal access across private property, if applicable.
7. Soil boring log showing representative soil types to a depth of ten (10) feet. This requirement may be waived by the Public Works Director.
8. Description of the existing pre-development drainage characteristics of the land, including those areas contributing storm water which passes through the site.
9. Proposed method(s) of erosion protection.

23.2 I. Traffic Impact Analysis.

All proposed developments which are determined to generate one thousand (1,000) trips per day or more, or are located at a critical transportation location, as determined by the Public Works Director, shall submit a traffic impact analysis pursuant to the requirements of Section 23.3(D)(2).

23.2 J. Additional Requirements.

The Planning and Development Director, Technical Review Committee, Planning and Zoning Board or Board of County Commissioners may require that additional information be provided in order to facilitate the review of site plans. Additional requirements may include, but are not limited to the following:

1. Legal Assurances.

The applicant will be required, when applicable, to furnish legal assurances confirming the availability of required supportive facilities and systems for water supply, central wastewater disposal, drainage, recreation, and other related services before site plan approval.

2. Additional Surveys.

Soil, geologic, hydrological, vegetation or other surveys and test results will be required, when applicable, to demonstrate effectiveness of a component of the site plan.

3. Additional Information.

Any additional information as may be required, which is commensurate with the purpose and intent of this ordinance.

23.3 SITE PLAN REVIEW STANDARDS

23.3 A. Purpose and Intent.

The purpose of this section is to establish standards for reviewing site plans in order to ensure compliance with applicable County regulations.

23.3 B. Applicability.

The standards established herein shall apply to all site plan applications reviewed pursuant to the procedures of this Code. In addition to the following standards, site plans shall also be reviewed pursuant to all applicable zoning district regulations and regulations for specific land uses, as applicable.

23.3 C. Comprehensive Plan Consistency.

The development of any areas subject to the provisions of this ordinance shall be consistent with the objectives and policies regarding the physical development of the County, as established in the various elements of the Indian River County Comprehensive Plan.

23.3 D. Relationship to Transportation System.

1. Compliance With County Thoroughfare Plan.

The Indian River County Thoroughfare Plan shall serve as the official standard for dedicating rights-of-way, designing road improvements, designating traffic control devices and determining access requirements, including frontage roads.

a. Right-of-Way Dedication.

The land lying within the proposed development which is necessary to widen or extend roadways to the standards designated in the Indian River County Thoroughfare Plan, or to provide adequate land area for utilities, sidewalks and/or bikepaths shall be dedicated to the County by the applicant prior to the release of the site plan.

b. Applicable Standards.

The engineering design of improvements within rights-of-way shall be in compliance with the standards in the "Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways," published by the Florida Department of Transportation unless a variance is granted by the Board of County Commissioners. All construction within the right-of-way shall conform to County engineering standards.

c. Minimum Right-of-Way and Pavement Requirements; Credit for Dedicated Land.

The following minimum pavement widths and right-of-way widths shall be provided either at the time of development or in the future, as deemed necessary by the Public Works Director. These standards are consistent with the functional road classification system established in the Comprehensive Plan.

<u>Street Types</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Pavement Width</u>
Arterial	120'	48'
Primary Collector Streets	100'	48'
Secondary Collector Streets	80'	36'
Subdivision Feeder Roads	60'	24'
Minor or Residential Streets (with swale drainage)	60'	22'
Minor or Residential Streets (closed drainage, curb and gutter)	50'	22'
Marginal Access Roads	40' (easement or right-of-way)	20'

All land area requested by the County for street or road right-of-way and dedicated by donation to the County, and accepted by the County, after January 1, 1984, may be included in acreage calculations for purposes of density determination when the parcel from which the land area was dedicated is proposed for development. While the land area dedicated to the County may be used for density calculation, this area may not be used to satisfy setback requirements, site coverage requirements, open space requirements or any other specific land use regulation.

d. Additional Right-of-Way and/or Pavement Width.

The reviewing body may require the increase of right-of-way and pavement widths if a finding is made that the increase in width is necessary to accommodate the projected traffic needs of the project and is consistent with good engineering practice. Additional right-of-way or pavement width may be required to promote public safety and convenience, or to ensure adequate access, circulation, and parking. Whenever any street requires improvement within the area to be developed, the appropriate right-of-way and pavement shall be required. Where a site abuts or contains an existing street of inadequate right-of-way or pavement width, additional right-of-way and pavement, in conformance with minimum County standards, may be required for new site development.

e. Maintain Level of Service Standards.

It is the intent of this Section to maintain a Level of Service "C" on all major roadways on an average annual basis. A level of Service "D" shall be acceptable during peak season conditions. No development shall be approved which reduces the level of service below these minimum standards. To determine existing and expected service levels, the number of trips generated by or attracted to both existing and committed developments will be considered.

2. Traffic Impact Analysis.

a. Purpose.

The purpose of the traffic impact analysis requirement is to achieve objectives established in the Transportation Element of the Indian River County Comprehensive Plan. It is intended to provide an equitable and systematic means of determining the future impacts of proposed developments upon the Indian River County transportation system, to maintain adequate service levels on roadways, and to ensure that new developments install required traffic improvements which are necessary to preserve the public health, safety and general welfare.

b. Applicability.

A traffic impact analysis shall be required for site plan applications where the proposed development will generate/attract one thousand (1,000) trips per day or more; or developments where the proposed use is located at a critical transportation location, as determined by the Director of Public Works. The applicant will be notified at the pre-application stage if a traffic impact analysis will be required, provided sufficient information is available for County staff to determine whether or not the trip generation threshold will be surpassed.

The approving body may waive this requirement based on a determination by the Director of Public Works that the proposed use will not generate any adverse off-site impacts warranting corrective measures by the applicant or that sufficient data is already available for the traffic impacts to be adequately assessed.

c. Applicable Trip Generation Rates.

Trip generation will be calculated based upon actual studies performed for or by Indian River County, as available or the latest data contained within the Institute of Transportation Engineers' Trip Generation Manual, (current edition). In the event that suitable data are not available for the proposed land use(s), the Public Works Director must approve estimates prior to acceptance of traffic impact analysis results.

d. Level of Service Standards.

No proposed development shall be approved which reduces the Level of Service (L.O.S.) on major thoroughfares and/or intersections below L.O.S. "C" on an average annual basis, or below L.O.S. "D" during either peak hour or peak season conditions. Level of Service standards shall be based on definitions established within the "Highway Capacity Manual", (current edition), by the Highway Research Board.

e. Preparation of Traffic Impact Analysis.

The analysis shall state all data sources and the methodology utilized in the study. County comments on the analysis will be provided in a written form. The applicant will then have the opportunity to incorporate necessary revisions prior to submitting a final report.

f. Contents of Traffic Impact Analysis.

- i. Study Area Boundaries. The boundaries of the transportation impact areas shall vary based on the peak hour trips generated by the proposed development. The study area shall include all arterial and collector roadways as provided below:

<u>Peak Hour Trips</u>	<u>Study Area Radius</u>
less than 500	1/2 mile
500 to 1,000	1 mile
over 1,000	3 miles

The study area radius shall be measured from the boundaries of the property being developed. Projected impact on barrier island bridges shall be included in the study area report.

- ii. Existing and Proposed Land Uses. The traffic impact analysis shall also include a description of the existing and proposed land uses on the site. The land uses of adjacent properties within five hundred (500) feet, including vacant land, shall also be identified.

In addition, the roadways that afford access to the site, and are included in the study area, shall be identified.

- iii. Existing and Proposed Roadways and Intersections. Within the study area, the applicant must describe existing roadways and intersections (geometrics and traffic signal control) as well as improvements committed to by government agencies. This would include the nature of the improvement project, its extent, implementation schedule, and the agency or funding source responsible.
- iv. Existing and Committed Traffic Conditions. A detailed description of the existing traffic conditions, including the Average Annual Daily Traffic (AADT) and the highest average peak hour volume for all collector and arterial roads within the study area shall be provided. The AADT shall be based on a current twenty-four (24) hour traffic count provided by the applicant. The County shall provide the applicant with information regarding all committed development within the boundaries of the study area and this information shall also be included in the analysis. The current twenty-four (24) hour traffic count shall be adjusted to compensate for seasonal variations. This adjustment shall be determined by utilizing quarterly traffic counts, as supplied by the county. The methodology and assumptions underlying the annual adjustment shall be clearly stated. The average peak hour traffic volume shall be the highest average peak hour volume for any weekday twenty-four (24) hour period. The applicant shall also describe the existing levels of service (L.O.S.) of all collector and arterial roadways and intersections within the study area.
- v. Trip Generation. The traffic impact analysis shall include a summary table listing each type of land use, the size or number of dwelling units proposed, average trip generate rates utilized (total daily traffic and a.m./p.m. peaks) and the resulting total trips generated. All methodology and assumptions must be clearly stated.
- vi. Trip Assignment. The traffic impact analysis shall describe the utilization of study area roadways by site generated traffic. The anticipated site traffic volumes shall be combined with existing and projected area traffic volumes to describe mainline and turning movement volumes with the site developed as proposed. All traffic will be assigned to existing and planned facilities in a manner consistent with existing traffic patterns and approved by the County.
- vii. Determination of Anticipated Roadway and Intersection Levels of Service. The service levels of roadways and intersections within the study area shall be determined based on the trip generation and assignment study including an analysis of existing and committed development. Level of Service "C" will be the design objective and under no circumstances will Level of Service "D" be acceptable, except during the peak hour or peak season. Whenever level of service is determined to be below these minimum standards, development shall not be permitted unless the applicant provides roadway or other improvements necessary to maintain Level of Service "C" and "D" respectively.
- viii. Improvements to Roadways and/or Traffic Control Devices. Transportation improvements such as intersection improvements; additional turning, acceleration or deceleration lanes; modified lane delineations; new

or improved traffic control devices; or other such improvements may be required in order to maintain Level of Service standards. Accel and decel lanes which are required shall be funded by the applicant. The applicant may be required to fund and/or install other necessary improvements or provide a legal assurance, such as a performance bond or other surety approved by the County Attorney, prior to the issuance of a building permit.

g. Timing of Traffic Impact Analysis: Relationship to Site Plan Approval.

An applicant may receive site plan approval prior to the completion of the traffic impact analysis on the condition that the applicant will comply with the findings of the Public Works Director.

h. Traffic Impact Analysis File.

The Public Works Director shall maintain a file of all traffic impact analyses, including the data and methodology utilized. The County shall provide information and data, when available, in order to prevent duplication of efforts and unnecessary costs.

3. Paved Road Requirements.

(RESERVED)

4. Intersection Design.

The following location and design criteria shall apply to intersections:

- a. Acceleration, deceleration and/or turning lanes shall be provided by the applicant at intersections of arterial or collector routes if projected traffic entering the site equals or exceeds sixty (60) vehicles in the peak hour or one thousand (1000) vehicles per day for right turn and/or left turn movements.
- b. The first point of access to a marginal access road from a primary collector or arterial street shall be at least three hundred thirty (330) feet from the intersecting right-of-way lines of arterials shown on the Indian River County Thoroughfare Plan with subsequent intervening access points being at least six hundred sixty (660) feet from the intersecting right-of-way lines, unless otherwise approved by the Public Works Director and the Planning and Development Director.
- c. Median access points on arterial roads shall be allowed only at intersections of other arterial roads, collector roads or marginal access roads. Deceleration lanes may be required. Additional access points may be permitted if deemed necessary by the Public Works Director.
- d. On any arterial or primary collector road, the required road right-of-way width may be increased by up to twelve (12) feet, if deemed necessary by the Public Works Director, within two hundred fifty (250) feet of the intersection with another arterial or primary collector in order to facilitate proper intersection design or improvements.

5. Intersection Radii.

- a. At intersections, rights-of-way shall be joined by arcs tangent to the right-of-way lines and having a radius of at least twenty-five (25) feet.

- b. At the end of a cul-de-sac, the right-of-way line on the outside of the turning circle shall be joined to the right-of-way line along the street by arcs having a radius of at least twenty-five (25) feet.

6. Street Side Swales.

All swales in street rights-of-way shall:

- a. comply with standard County specifications and have a side slope no steeper than 3:1;
- b. leave at least eight (8) feet of shoulder width on each side of pavement;
- c. be designed to accumulate and carry water pursuant to a stormwater and flood protection plan in a manner that will not flood street pavement;
- d. be sodded in right-of-way along the full frontage of the development unless otherwise approved by the Public Works Director;
- e. be bridged with a minimum fifteen (15") inch diameter culvert, terminated with a mitered end section or head wall as determined by the Public Works Director, at all access points.

7. Street Names and Numbering Systems.

New streets which are extensions of existing streets shall bear the number of the existing street. All others shall be numbered with the approval of the Indian River County Planning and Development Division in conformance with County policy. In no case shall a name for a proposed street duplicate or closely approximate an existing street name. The Planning and Development Division shall notify all interested agencies, including the postal service, the Sheriff's Department and 911 Emergency System, of street name changes or new streets. The Planning and Development Division shall issue all address and numbering systems in conformance with the County grid system.

8. Traffic Control Devices.

The design of traffic control devices shall be in conformance with the "Manual of Uniform Traffic Control Devices" and shall be provided as required by the Public Works Division.

9. Sight Distance.

All developments shall comply with the sight-distance specifications contained in Chapter 134, "Landscaping".

10. Access Control.

a. General Standards for Regulating Driveway Locations.

The following general criteria shall be used in evaluating the adequacy of proposed driveways for all uses requiring site plan approval, except single family dwellings.

- i. Sites located at intersections shall access onto the roadway having the lower functional classification. The applicant may be permitted to access onto the higher classification roadway if the Public Works Director determines that such access would result in an improved traffic circulation pattern.
- ii. Drive-in facilities having one window or bay shall have sufficient on-site storage to accommodate a minimum of five (5) queued vehicles, or 100 feet. Drive-in facilities having in excess of one window or bay shall

provide on-site storage in accordance with the following standards:

<u>Number of Drive-In Windows or Bays</u>	<u>Queue Distance</u>
2	8 vehicles/160 feet
3	10 vehicles/200 feet
4	13 vehicles/260 feet
5	16 vehicles/320 feet
6	19 vehicles/380 feet

These standards may be reduced by the Planning and Development Director upon showing of good cause.

- iii. Commercial sites having 50,000 square feet of gross floor area or more shall provide for an exclusive access drive at the primary entrance of the development and all points of ingress and egress located on a collector or arterial roadway, not including service entrances. Said drive shall be used for providing access to all parking aisles and shall contain no parking spaces.
- iv. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, or other methods as approved by the Public Works Director.
- v. Driveway entrances must be designed to accommodate all vehicle types having occasion to enter the site. The following table presents vehicle types with their respective minimum inside and outside turning radii.

<u>Type</u>	<u>Inside</u>	<u>Outside</u>
Passenger Car, Van, Pickup	15'	25'
Single Unit Truck	30'	42'
Bus	25'	42'
Tractor-trailer (40')	20'	40'
Tractor-trailer (50')	20'	45'
Tractor-trailer (60')	25'	45'

Driveway entrances off collector and arterial routes shall conform with the provisions of Section 23.3(D)(10)(e).

- vi. Loading and unloading activities must in no way hinder vehicles ingress or egress.
 - vii. All driveways shall maintain adequate sight distances, as provided in this ordinance.
- b. Number and Spacing of Driveways.

In general, the minimum number of driveways necessary to adequately accommodate access to and from the site will be permitted. These standards shall not apply to single family dwellings and duplexes. The approving body may either increase or reduce the following separation distances based on an analysis of street frontage, trip generation, or other factors, as it deems appropriate.

- i. Minimum spacing between two way driveways fronting on the same side of a street should generally conform to the table below, based on functional classification.

Distance between driveways shall be measured from centerline to centerline.

Minimum Driveway Separation (feet)

<u>Speed (mph)</u>	<u>Arterial</u>	<u>Primary Collector</u>	<u>Secondary Collector</u>	<u>Local</u>
30	125	125	85	70
35	150	150	100	70
40	185	185	125	70
45	230	230	150	70
50	275	275	185	70

ii. Driveways on opposite sides of any undivided street classified Collector or Arterial shall either be aligned on the same centerline or be offset a minimum of 200 feet measured from centerline to centerline, whenever geometrically possible.

iii. For developments that request more than one 2-way driveway, based upon parcel size, projected trip generation of the site, amount of roadway frontage, and other appropriate design considerations, additional driveways may be permitted if all other provisions of the guidelines are satisfied.

c. Corner Clearance.

All proposed developments which are determined to attract one hundred (100) or more peak hour turning movements into the site shall be prohibited from establishing driveways at locations which are closer to an intersection than the distances established below. These dimensions may be modified by the Public Works Director on a case-by-case basis when warranted by circumstances unique to the particular development.

<u>Type Intersection</u>	<u>Driveway Access Onto:</u>	<u>Distance From Intersection (Ft.)</u>
Arterial/Arterial	Arterial	230
Arterial/Collector	Arterial	230
Arterial/Local	Arterial	230
Collector/Arterial	Collector	230
Collector/Collector	Collector	175/115*
Collector/Local	Collector	175/115*
Local/Arterial	Local	230
Local/Collector	Local	175/115*
Local/Local	Local	50

*Corner clearance distance depending on relationship to intersection: Right turn movement towards intersection, 115 feet; left turn movement 175 feet.

d. Frontage Road Systems and Access Easements.

Developments adjacent to arterials and primary collectors should utilize frontage roads when easement is available and existing, in order to minimize the disruption of traffic along major thoroughfares. The distance between points of access to frontage roads from major roadways should be approximately one-quarter mile. Developers must provide dedicated and recorded access easements, where appropriate, in order to promote the development of inter-connecting parking areas.

e. Driveway Width and Radii.

The following standards shall be utilized for all driveways. These standards are minimums and are applicable for car and van traffic only. These standards may be increased in cases where a significant amount of truck traffic is anticipated for either the entire site or specific access points. For driveways through off-street parking areas, minimum widths shall be consistent with standards established by the Institute of Traffic Engineers (I.T.E.).

DRIVEWAY WIDTH STANDARDS

One-Way Drives

<u>Lane(s)</u>	<u>Width in Ft.</u>
1	16
2	22/25*

Two-Way Drives

2	22/25*
3	33/36*
4	44/47*

*if non-mountable curb

DRIVEWAY RADIUS STANDARDS

<u>Roadway Classification</u>	<u>Inbound</u>	<u>Outbound</u>
Local	25	20/25*
Collector	35	25
Arterial	35	25

23.3 E. Vehicular and Pedestrian Circulation.

1. Off-Street Parking Areas.

All developments shall comply with the minimum off-street parking requirements, of this Code, as established in Section 24. Such parking areas shall be landscaped in compliance with the provisions of this Code. Where the Public Works Director deems necessary, the applicants shall install at their expense pavement markings and/or external traffic control signs to ensure the safe movement of traffic.

2. Off-Street Loading Areas.

All developments requiring off-street loading areas pursuant to Section 24 of this Code, shall provide such areas in locations which will not interfere with the safe and convenient movement of pedestrians and vehicles. Loading areas shall be clearly identified as such, and shall not include areas designated for off-street parking. If such loading areas are located adjacent to residential areas a bufferyard shall be provided as established herein.

3. Lighting of Off-Street Parking, Loading Areas, and Entrances.

If off-street parking, loading areas or entrances are artificially lighted, they shall be so designed and arranged that no source of such lighting is visible from any adjoining or nearby property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference.

4. Parking Lot Landscaping.

Off-street parking areas for all uses except single-family dwellings shall fully comply with Chapter 13, "Landscaping".

5. Pedestrian Movement.

a. Separation of Vehicular and Pedestrian Traffic.

Parking and loading areas, as well as driveways and other vehicular circulation areas shall be clearly identified and separated from principal pedestrian routes through the use of curbs, pavement markings, planting areas, fences or similar features designed to promote pedestrian safety.

b. Sidewalk Requirements.

Sidewalks shall be provided, as established in the zoning district regulations.

6. Bikeway System.

a. Locations.

Bikeways shall be installed on all arterial and primary collector routes and along all streets designated by the Planning Department as school access corridors and as specified in the zoning district regulations applicable to the parcel. The Indian River County Bikeway Plan, when prepared and adopted, will design a bikeway system for the County and specify those roadways along which bikeways must be constructed. With the approval of the County Commission, a sufficient amount of money may be escrowed with the County to complete the required bikeway.

b. Specifications.

Wherever possible, bikeways shall:

-- be eight (8) feet wide (minimum);

- meet or exceed the minimum material and construction specifications of Indian River County standards;
- be located on one side of the street
- be separated from the street pavement by a ten (10) foot wide safety strip (minimum); if protected by curb and gutter, they shall be separated by at least six (6) feet;
- have a curb cut and ramp at least six (6) feet wide at all intersections; and
- be constructed in accordance with the "Bicycle Facilities Planning and Design Manual (current edition) prepared by the Florida Department of Transportation

c. Alternative Specifications.

Where any of the above specifications are impractical or impossible to implement, the applicant, with the concurrence of the approving body, may substitute suitable alternative specifications described in the above referenced Design Manual.

d. Identification.

Bikeways shall be posted or identified by pavement markings approved by the Public Works Director.

23.3 F. Natural Resource Protection

1. Environmentally Sensitive Areas.

In recognition of the unique natural resources within Indian River County, and the need to protect the natural ecosystem, the Comprehensive Plan established land use policies to protect and preserve environmentally sensitive areas, including: wetlands, (as defined by the Fish and Wildlife Service, "Classification of Wetlands and Deepwater Habitats of the U.S.") unique natural habitats and areas with extensive mangrove growth. The Indian River County Comprehensive Plan Land Use Map identifies the general boundaries of major environmentally sensitive areas.

a. Identification of Wetlands.

The Indian River County Comprehensive Plan, "recognizes that environmentally sensitive areas exist within the County that are not shown on the map, either through oversight or size, and cannot be graphically displayed on the Land Use Map". Wetland areas shall be identified by a survey at the time of site plan review on a site-by-site basis by utilizing the following criteria:

- i. Analysis of Vegetation and Wildlife. At least periodically, the land supports predominantly hydrophytes (i.e., vegetation adapted to aquatic conditions) and wildlife common to wetland areas.
- ii. Analysis of Soil Types. The substrate is predominantly undrained hydric soils, as defined in the Soil Survey of Indian River County.
- iii. Duration of Surface Water and Elevation of Water Table. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Representatives of the Department of Environmental Regulation, Army Corps of Engineers, St. John's River Water Management District, Soil Conservation Service, Indian River County Mosquito Control District, Florida Game and Freshwater Fish Commission, and other applicable agencies will be contacted for assistance in identifying environmentally sensitive areas.

b. Applicant's Opportunity to Contest Designation; Mitigation.

Applicants for site plan review shall have an opportunity to demonstrate that any areas which are designated as wetlands within the confines of their property no longer function as wetlands. Areas identified as wetlands using the criteria in "a" above, may receive a waiver from the Board of County Commissioners regarding designation provided that the applicant furnishes competent evidence indicating that a majority of the following factors preclude the area(s) from functioning as a viable wetland area:

- i. inadequate size;
- ii. isolation from similar or complementary habitats;
- iii. proximity to adjacent urban land uses;
- iv. disturbance or invasion of exotic species;
- v. lack of species diversity;
- vi. reduced frequency and length of inundation; and/or
- vii. reduced salinity levels and tidal influence.

Any applicant who receives a waiver by the Board of County Commissioners allowing the alteration of non-viable wetland areas shall be required to provide viable wetland areas through mitigation. Mitigation may be accomplished by the creation of entirely new wetland areas, which should be designed, constructed and maintained in a manner to mimic natural areas. Mitigation may also be accomplished through the restoration of areas that were historically wetlands or through the enhancement of the functioning of existing areas which may have been previously disturbed or which may have the ability to provide additional or improved functions.

c. Density Limitations for Environmentally Sensitive Land.

As established in the Indian River County Comprehensive Plan, environmentally sensitive lands shall be limited to the following maximum gross density levels.

- i. Environmentally Sensitive Lands East of I-95. Those land areas determined to be environmentally sensitive based on the criteria contained herein, which are located east of I-95 shall be limited to a maximum density of one (1) dwelling unit per gross acre.
- ii. Environmentally Sensitive Lands West of I-95. Those land uses determined to be environmentally sensitive based on the criteria contained herein, which are located west of I-95 shall be limited to a maximum density of 0.20 dwelling units per gross acre.

d. Density Transfers: Planned Residential Developments Only.

Section 25.4, "Planned Residential Development (PRD): Special Exception Standards and Procedures", of the Zoning Ordinance establishes a mechanism for transferring density from environmentally sensitive lands to approved upland areas. Density transfers shall be specifically limited to projects receiving PRD special exception approval.

e. Additional Restrictions on Development Within Environmentally Sensitive Areas.

In addition to the density limitations for environmentally sensitive lands established in the Indian River County Comprehensive Plan, as provided in paragraph "c" herein, all environmentally sensitive lands shall be subject to the following development restrictions:

- i. Development shall be limited to upland areas;
- ii. Where no upland area exists or where the upland is of inadequate size to allow reasonable use of the land,

limited development may be allowed. In such cases, all environmental agencies having jurisdiction shall approve the development plan and shall certify in writing that the plan is the least damaging alternative and, further, that the applicant has submitted a mitigation plan which will minimize damage to the extent technically feasible.

iii. Applicants may be granted variances to the setback requirements of the zoning ordinance in order to protect environmentally sensitive areas.

2. Storm and Floodwater System Management.

All proposed developments shall be reviewed to assure adequate drainage, flood prevention, and protection of water quality. A stormwater management system shall be constructed in accordance with the requirements of the Indian River County Stormwater Management and Floodwater Protection Ordinance.

3. Beach and Dune Protection.

All developments shall demonstrate compliance with the Coastal Construction Control Line as established in Chapter 161, Florida Statutes, and as specified in this zoning ordinance. In addition, the standards for protecting dune vegetation, as established in the Indian River County Tree Protection Ordinance, shall be satisfied.

23.3 G. General Appearance and Relationship to Adjacent Properties.

1. Site Location and Character of Use.

The Indian River County Comprehensive Plan together with the Zoning Code shall be used to determine the suitability of specific sites and the appropriateness of the land use, whether it be a permitted use, use requiring administrative permit, or special exception use.

2. Building Location and Height.

Where a proposed site is adjacent to a more restrictive zoning district, the Director of Planning and Development may require the minimum building setbacks and maximum height limitations to be more restrictive than those required by the applicable zoning district in order to ensure compatibility of the proposed site with surrounding land uses, but in no case shall the additional requirements be more restrictive than those of the abutting zoning district.

3. Landscaped Areas.

Landscaped areas shall be provided in order to create attractive transition areas between properties; to minimize the impact of air, water and noise pollution; to minimize the visual impact of solid waste receptacles and other on site storage areas; to direct pedestrian and vehicular movement; and, to maintain and enhance the natural features of the site. Landscape elements may include all forms of natural vegetation and plantings, ground forms, water patterns, rock groupings and all other open space areas.

Landscape designs shall demonstrate a concern for water conservation. Landscaped areas shall be graded properly to allow efficient irrigation. Native drought-tolerant plant materials are also encouraged as a means of conserving water resources. In addition, appropriate erosion control facilities and techniques shall be utilized where necessary. All applicable standards of Chapter 133, "Landscaping" shall also be satisfied.

4. Location and Shielding of Mechanical Equipment, Unenclosed Storage Areas and Refuse Collection Areas.

Mechanical equipment other than utility hardware, excluding antennas and stacks on roofs, shall be located and/or shielded so as not to be visible from any public ways within the impacted area, except within Industrial District(s). Refuse and waste storage areas shall be shielded or screened from adjacent properties and public ways by appropriate fences, walls or hedges. In cases where dumpsters must be located in areas highly visible from any public right-of-way, the Planning and Zoning Commission shall be authorized to require appropriate vegetative or structural screening, as provided in para. 7, herein.

5. Exterior Lighting; Protection of Sea Turtles.

Exterior lighting shall be arranged and designed in a manner which shields or reflects lighting from adjacent properties and roadways, while maintaining adequate light for security purposes.

In order to protect sea turtles, coastal developments will also be subject to the following:

a. Parking Lots.

Low profile and low intensity lighting shall be utilized for parking areas and such lighting shall be positioned so that the source of light is not visible from the beach.

b. Balconies.

Lighting on balconies shall be shielded from the beach.

c. Floodlights.

Buildings or structures which utilize floodlights shall position such lighting so that the source of light is not visible from the beach, or if required for public safety, positioned in a manner which minimizes the potential impact on sea turtles.

d. Dune Walkovers.

Where lights are necessary for dune walkovers, shielded low profile and low intensity shall be utilized.

6. Screening and Bufferyard Requirements.

a. Purpose and Intent.

This subsection is established to provide visual screening and buffering between potentially incompatible uses and to reduce the effects of glare, noise, and noncompatible activities. It is the intent of this provision to establish effective screening requirements in order to ensure that:

- i. Neighboring properties are shielded from any adverse external effects of that development; and
- ii. The development is shielded from the negative impacts of adjacent uses such as street or railroads.

b. Applicability.

In addition to the requirements for screening specifically cited in Section 25.1, "Regulations for Specific Land Uses", screening and buffer areas may be required by the Planning and Zoning Commission on the recommendation of the Technical Review Committee, as necessary, for the purpose of minimizing the impact of potentially objectionable areas such as: parking lots; major thoroughfares; unsightly rear entrances; utility or maintenance structures; solid waste disposal

facilities; loading facilities and swimming pools and recreational areas. Screening may also be required where different zoning districts abut.

c. Description of Screening Types.

Three (3) basic types of screening are hereby established: Type "A", Opaque Screen; Type "B", Semi-Opaque Screen; and Type "C", Intermittent Screen.

- i. Type "A", Opaque Screen. This screening class shall normally be used to screen very intensive uses, such as extraction, transportation, utilities, industrial, heavy commercial, service stations, and high intensity recreation uses. An opaque screen is intended to completely exclude all visual contact between uses. The Type "A" Screen shall be completely opaque from the ground up to a height of at least six (6) feet, with large trees utilized as intermittent visual obstructions from the opaque portion to a mature height of at least twenty (20) feet. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation, or any combination thereof which maintains a completely opaque screen of at least six (6) feet in height. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average height and density of foliage of the subject species at the time of planting, or field observation of existing vegetation. The six (6) foot opaque portion of the screen must be opaque in all seasons of the year.
- ii. Type "B", Semi-Opaque Screen. This screening class shall normally be used to screen moderate intensity uses, such as non-heavy commercial uses, medium intensity recreation uses, and community service areas. The semi-opaque screen is intended to partially block visual contact between uses. The Type "B" screen shall be completely opaque from the ground up to a height of at least three (3) feet, with large trees utilized as intermittent visual obstructions from the opaque portion to a mature height of at least twenty (20) feet. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation or any combination thereof which maintains a completely opaque screen of at least three (3) feet. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.
- iii. Type "C", Intermittent Screen. This screening class shall normally be used to screen low intensity uses such as low intensity recreation uses, institutional uses, and multi-family uses. The intermittent screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. The Type "C" screen shall utilize large trees as intermittent visual obstructions from the ground up to a mature height of at least twenty (20) feet. The intermittent screen may be composed of fences, berms, and either existing or planted vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

d. General Standards for Screening and Bufferyards.

Where the provisions of this ordinance require screening or buffering, the following standards shall apply unless such provisions specifically provide otherwise.

i. Landscaped Buffer Strip Required. A landscaped buffer strip not less than ten (10) feet in width shall be provided in conjunction with all screening required herein. The buffer strip may be contained within required setbacks, as provided in this ordinance. Each buffer strip shall be landscaped with grass, ground cover or other landscape material, excluding paving, in addition to the required screening materials and trees.

ii. Tree Plantings Required As Intermittent Obstructions. All screen types ("A", "B", or "C") shall include one (1) tree for each forty (40) lineal feet or fraction thereof of screen length. Such trees shall satisfy the requirements for intermittent visual obstructions for all types of screens.

Notwithstanding, palms shall not be used for the purposes of screening but may be retained and utilized in the calculation of other landscape requirements. Tree species shall be a minimum of eight (8) feet overall height at time of planting and shall grow to a mature height of at least twenty (20) feet, as required for all types of screening.

iii. Grading of Berms. Whenever berms are utilized, they shall be constructed with a grade not to exceed one (1) foot vertical to three (3) feet horizontal (1:3 slope). The Director of Planning and Development may approve steeper slopes when conditions warrant.

iv. Quality of Planting Materials. Except as specifically provided otherwise, all plant materials utilized to fulfill the requirements of this section must satisfy the plant material requirements established in Chapter 13, "Landscaping". Synthetic or artificial material in the form of trees, shrubs, vines, ground cover or artificial turf shall not be used in lieu of plant requirements in this section.

v. Credit Towards Other Required Landscaping. Where the Landscaping provided under this section meets the requirements of other provisions of this ordinance, such landscaping may be credited toward fulfilling those requirements, with the exception of any required recreational open space.

vi. Front Yards, Visibility Triangles, Streetlines. The above standards notwithstanding, no screening shall be required which conflicts with front yard fence or wall height limitations or required visibility triangles, or which extends beyond any streetlines.

vii. Maintenance. The owners or their agents shall be responsible for providing, protecting and maintaining all landscaping in a healthy and growing condition, as stipulated in Chapter 13, "Landscaping".

23.3 H. Open Space Areas.

1. Required Open Space.

All developments shall satisfy the minimum open space standards for the applicable zoning district, as established in this Zoning Ordinance. Open Space shall be designated as such on the site plan and shall specify the manner in which the open space will be maintained. Open space areas may include, but are not limited to, the following:

- a. Natural areas, including environmentally sensitive areas;
 - b. Agricultural areas;
 - c. Greenways linking major activity centers or open spaces;
 - d. Lawns, landscaped areas and recreational areas; and
 - e. Natural and manmade water bodies, provided such water bodies comprise no more than thirty (30%) percent of the required open space for the project.
2. Maintenance of Open Space Areas.

All open space areas shall be maintained in an appropriate manner so that the use and enjoyment of the areas is in no way diminished or destroyed.

3. Use of Open Space.

Open space and spaces between buildings required by this ordinance shall be located and improved so as to serve the purposes for which the requirements are intended. These purposes include provisions of adequate light and air, appropriate separation between buildings and uses, enhancement of privacy, sufficient area for recreation and leisure pursuits (in residential areas) and to facilitate surface water drainage.

4. Preserve Natural Landscape.

The natural landscape of the site shall be preserved as much as possible for purposes of enhancing the general appearance of the site as well as to prevent excessive storm water run-off, erosion, siltation and dust.

23.3 I. Public Access to Waterbodies.

1. Provision of Required Access Points.

All multi-family developments which front upon the Atlantic Ocean, the Intracoastal waterway, the Indian River or other natural water body or course for a distance of six hundred (600) lineal feet shall dedicate to the public forever a minimum of one fifteen (15) foot access easement for each one-quarter (1/4) mile or portion thereof to the water for use by the general public. In lieu of requiring dedication of the easement, the County may require the dedication of the fair market value of such easement for capital improvements to the County park system.

2. Combination of Required Access Points.

The developer may elect, with the approval of the Community Development Director, or the Planning and Zoning Commission may require that all or part of the required access points be combined into one or more beachfront/waterfront access points or parks of a design approved by the Planning and Zoning Commission.

3. Paving Requirements.

All access points shall include a walkway extending from the nearest public right-of-way to the water. Such walkways shall be paved and landscaped with adequate irrigation.

4. Dune Crossovers.

All beach access points and beachfront parks will be provided with dune crossover walks approved by the Public Works Division.

5. Fee Credits.

The developer shall receive a credit against any park and recreation fee imposed by the County against the project for the provision of these access points.

23.3 J. Adequacy of Public Facilities and Services.

1. Adequacy of Potable Water Service.

A detailed description of the method of providing potable water service must be presented. Potable water service includes publicly and privately owned water treatment facilities and wells on individual parcels which will provide for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be necessary for the installation and maintenance of a potable water distribution system which will meet all performance standards of the State Department of Environmental Regulation and all other applicable building, public health, and environmental regulations.

- a. Where a central potable water distribution system is proposed, the system shall conform to sound standards and principles of good engineering, and all applicable County regulations.
- b. Where a central potable water distribution system is not provided, a complete individual potable water supply system will be installed which conforms to all applicable standards of the St. John's Water Management District, the State Department of Environmental Regulation, and all applicable County regulations.

2. Adequacy of Wastewater Treatment and Disposal Services.

Wastewater treatment and disposal services must be available prior to occupancy in order to provide for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be necessary for the installation and maintenance of a wastewater disposal system which will meet all applicable public health and environmental regulations.

- a. Where a central wastewater collection system is proposed, the system shall conform to sound standards and principles of sanitary engineering and shall be designed to be coordinated with the County program for sewer facility service.
- b. Where a central wastewater collection system is not required for development approval, individual wastewater disposal treatment and discharge systems will be provided. All individual wastewater service systems shall be designed to effectively connect to a central wastewater system, when made available. No development which includes an individual wastewater system shall be approved unless it can be demonstrated that the soil conditions are appropriate and that the system design satisfies all applicable County, State and regional regulations.

3. Adequacy of Solid Waste Disposal or Facilities.

Solid waste collection service will be available prior to occupancy to provide for the needs of the proposed development. Solid waste disposal facilities shall be available prior to occupancy to provide for the needs of the proposed development. All dumpsters shall be located on concrete pads, meeting County specifications. Such solid waste disposal facilities, containerized or garbage cans, shall be located in a readily accessible location which complements the internal circulation system of the project.

4. Adequacy of Fire Protection Service.

Fire protection service will be adequate to protect people and property in the proposed development. A finding that adequate fire protection service is available shall be based upon a determination that all proposed development meets the following requirements:

a. Water Supply.

Existing and proposed water supply facilities and/or alternative sources, f.e., lakes and retention areas, shall be capable of providing fire flow capacity to meet the fire protection needs of the proposed development.

b. Fire Hydrants.

Fire hydrants, if required, shall be installed according to County standards.

SECTION 2

INCORPORATION IN CODE

The provisions of this ordinance shall be incorporated into the County Code and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered, reserved or relettered to accomplish such intentions.

SECTION 3

SEVERABILITY

If any section, part of a sentence, paragraph, phrase or word of this ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this ordinance without such unconstitutional, invalid or inoperative part.

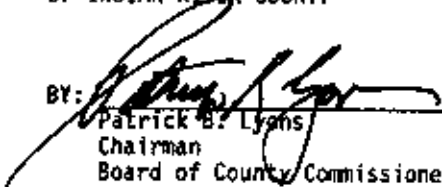
SECTION 4

EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt from the Florida Secretary of State of Official Acknowledgement that this ordinance has been filed with the Department of State.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 22nd day of May 1985.

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: 
Patrick B. Lyons
Chairman
Board of County Commissioners

Acknowledgment by the Department of State of the State of Florida this 10th day of June, 1985.

Effective Date: Acknowledgment from the Department of State received on this 14th day of June, 1985, at 11:00 A.M./P.M. and filed in the Office of the Clerk of the Board of County Commissioners of Indian River County, Florida.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.

By: 
Gary Brandenburg
COUNTY ATTORNEY