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## DEPARTMENTAL CORRESPONDENCE

TO: James R. O'Connor  
City Manager

FROM: Timothy J. McGarry, AICP  
Director of Planning and Development

DATE: November 26, 2012

SUBJECT: **First Reading of a Draft Ordinance Designating the Ocean Drive/  
Cardinal Drive Commercial Overlay District by Amending  
the Official Zoning Map of the City of Vero Beach**

### Overview

The Planning and Development Department requests that the attached draft ordinance be placed on the City Council's December 4, 2012, agenda for First Reading. The draft ordinance amends the City's Official Zoning Map by designating the boundaries of the proposed Ocean Drive/Cardinal Drive Commercial Overlay District. The boundaries of the proposed overlay are shown in Exhibit A to the ordinance. All properties within these boundaries will be subject to the regulations of the overlay district (to be adopted under separate ordinance).

The ordinance will require two public hearings before the City Council. In accordance with Chapter 163, Florida Statutes, the City will be required to give written notice to all owners of real property within the overlay boundaries at least 30 days prior to the date set for the first hearing.

### Background

The boundaries of the proposed overlay district includes all C-1A zoned properties east of Eagle Drive bounded by RM-10/12 and RM-13 zoned properties on the north and RM-10/12 zoned properties on the south. An enclave of P-2 zoning (Humiston Park and parking lot on the opposite side of Ocean Drive) is sandwiched between C-1A zoned properties on three sides and the Atlantic Ocean on the other.

The geographic boundaries of the Ocean Drive/Cardinal Drive Commercial Overlay District were never specified in the *Vision Plan*. It wasn't until the development of the *Ocean Drive/Cardinal Drive and Beachland Boulevard Master Plan* ("*Master Plan*") that the specific boundaries of the proposed district were identified. The boundaries of the proposed district have never changed since first proposed in 2007 with the adoption of the Master Plan. No issues or questions were raised regarding the proposed boundaries during the five workshops conducted by the Planning and Zoning Board to discuss proposed overlay district regulations.

## Staff Review and Analysis

The staff reviewed the proposed overlay map amendment to the Official Zoning Map based on the eight standards outlined in Section 65.22(i)(5). The staff finds that the proposed map amendment is consistent with these standards, as discussed below:

1. The proposed map amendment is consistent with the Land Use Element and all other elements of the Comprehensive Plan for the following reasons:
  - a. It does not replace or change the underlying C-1A zoning, which is one of the appropriate zoning designations under the Commercial Future Land Use designation pursuant to Land Use Element, Policy 1.15 and Table 1.11.
  - b. It is not addressed by nor does it conflict with any provisions of the Comprehensive Plan, but it does further the recommendations of both the *Vision Plan* and *2007 Master Plan* that will eventually be vetted and incorporated in the update to the Comprehensive Plan.
2. The proposed map amendment is consistent with the Land Development Regulations and zoning district standards and criteria for the following reasons:
  - a. The proposed boundaries of the map amendment follow the general provisions of Chapter 60 of the Code regarding consideration of factors in establishing district regulations and boundaries for differing districts.
  - b. The proposed boundaries are based upon the recommendations of the adopted *Master Plan* which considered such factors as the similarity and compatibility of existing development patterns, uses, and characteristics; the need for a compact commercial area; the suitability of the existing street network; and development characteristics and uses needed to support pedestrian-oriented mixed use development.
3. The proposed map amendment is compatible with the zoning map designations of properties within the immediate vicinity of the proposed change since the overlay designation doesn't replace the C-1A zoning or its basic development standards, except that properties within the overlay district may be eligible for development incentives such as increased FAR in return for meeting specific development and mix use standards.
4. The proposed map amendment is not anticipated to adversely impact adopted levels of service even with the increased development potential of the district, as most of the public facilities and services subject to concurrency requirements have sufficient existing capacity to meet increased demand over the foreseeable

future; however, as required for all development projects any project to be approved in the district will be required to demonstrate it meets concurrency requirements.

5. The proposed amendment promotes orderly and logical development patterns by applying site and building standards to promote pedestrian-oriented mixed use development based on the recommendations of the *Vision Plan* and *Master Plan*.
6. The proposed map amendment is consistent with the public interest, and is in harmony with the purpose and intent of the land development regulations as articulated in the Comprehensive Plan, Land Development Regulations, *Vision Plan*, and *Master Plan*.
7. The proposed map amendment will have no impact on maintenance of police protection, fire protection, and emergency medical services as it does not fundamentally change the future character, patterns or scale of development in the overlay district.

#### **Action by Planning and Zoning Board**

At a public hearing held on November 1, 2012, the Planning and Zoning Board unanimously recommended submitting the attached ordinance to the City Council for approval.

#### **Recommendation**

The staff recommends that the City Council approve the scheduling and advertising of the draft ordinance for public hearings on January 8 and 22, 2013.

TJM/uf  
Attachment

**ORDINANCE NO. 2013- \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, DESIGNATING THE OCEAN DRIVE/CARDINAL DRIVE COMMERCIAL OVERLAY DISTRICT BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF VERO BEACH; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 2013-\_\_\_\_\_ amended Chapter 62, Nonresidential Districts of the City of Vero Beach Code, creating Article XIII, Ocean Drive/Cardinal Drive Commercial Overlay District; and

**WHEREAS**, this Ordinance amends the City of Vero Beach Official Zoning Map by designating the Ocean Drive/Cardinal Drive Commercial Overlay District as an overlay to the underlying C-1A zoning district centered on Ocean Drive and Cardinal Drive on Orchid Island; and

**WHEREAS**, the City Council finds this Ordinance amending the Official Zoning Map consistent with the goals, objectives, and policies of the Comprehensive Plan, recommendations of the Master Plan, Section 65.22(i)(5) of the City of Vero Beach Code, and Chapter 163, Florida Statutes;

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

**Section 1. Adoption of “WHEREAS” clauses.**

The foregoing “WHEREAS” clauses are hereby adopted and incorporated herein.

**Section 2. Amendment of Official Zoning Map.**

The City of Vero Beach Official Zoning Map is hereby amended by designating the Ocean

Drive/Cardinal Drive Commercial Overlay District, attached and incorporated herein as Exhibit A.

**Section 3. Effective Date.**

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

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This Ordinance was read for the first time on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and was advertised on the \_\_\_ day of \_\_\_\_\_, 2012, as being scheduled for a public hearing to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and was also advertised on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, as being scheduled for a second public hearing to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at the conclusion of which hearing it was moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and adopted by the following vote:

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

**ATTEST:**

**CITY OF VERO BEACH, FLORIDA**

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

\_\_\_\_\_  
A. Craig Fletcher  
Mayor

(SEAL)

Approved as to form and legal sufficiency:

  
Wayne R. Coment  
City Attorney

Approved as conforming to  
municipal policy:

  
James R. O'Connor  
City Manager

Approved as to technical requirements:

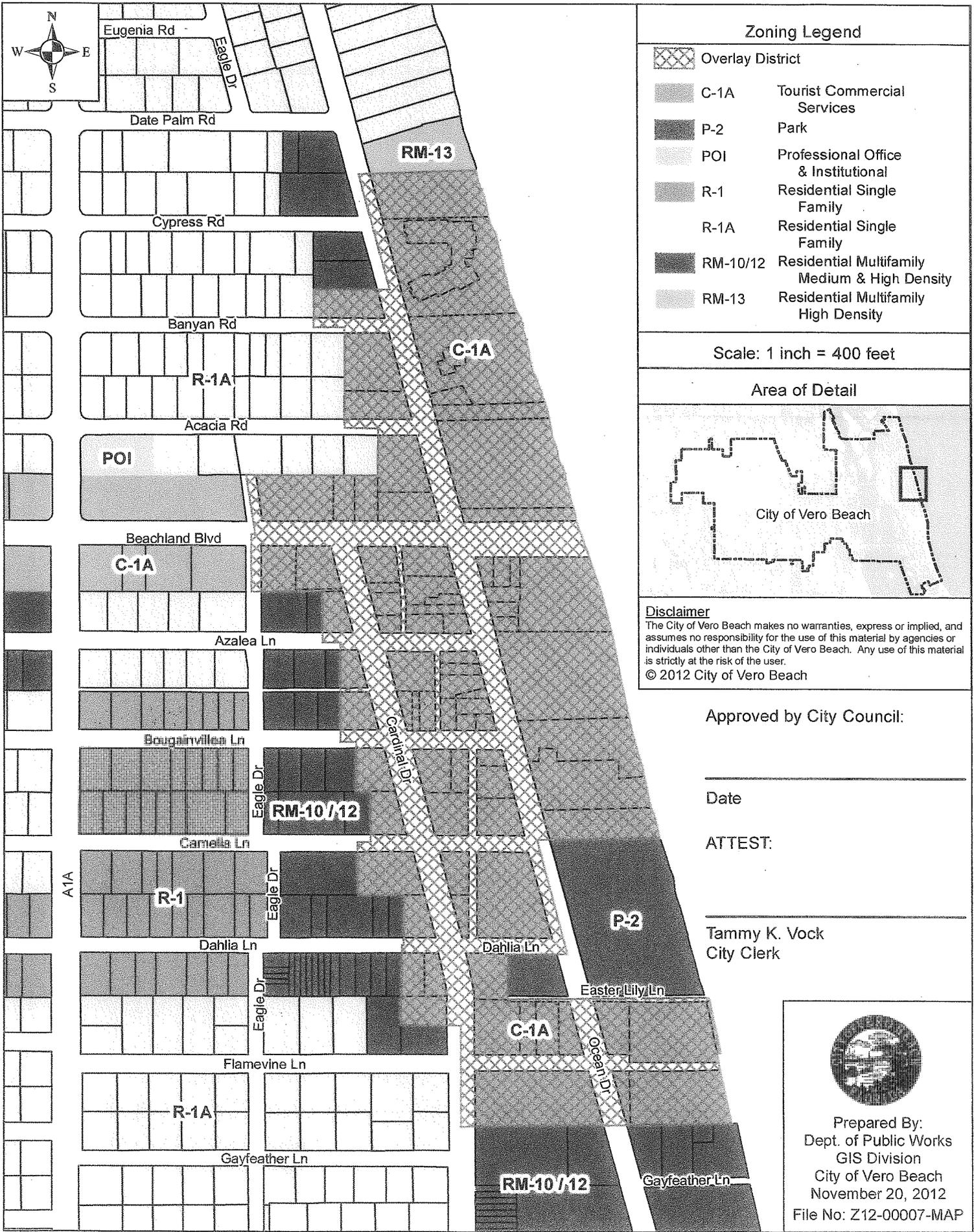
  
Timothy J. McGarry, AICP  
Planning and Development Director

Exhibit A – Ocean Drive/Cardinal Drive Commercial Overlay District Map

# Ocean Drive / Cardinal Drive Commercial Zoning Overlay District

City of Vero Beach

Exhibit A

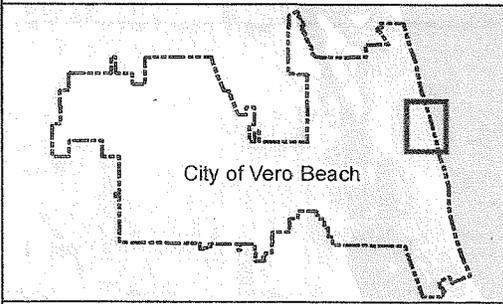


### Zoning Legend

	Overlay District
	C-1A Tourist Commercial Services
	P-2 Park
	POI Professional Office & Institutional
	R-1 Residential Single Family
	R-1A Residential Single Family
	RM-10/12 Residential Multifamily Medium & High Density
	RM-13 Residential Multifamily High Density

Scale: 1 inch = 400 feet

### Area of Detail



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Approved by City Council:

\_\_\_\_\_ Date

ATTEST:

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



Prepared By:  
 Dept. of Public Works  
 GIS Division  
 City of Vero Beach  
 November 20, 2012  
 File No: Z12-00007-MAP