

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, JANUARY 20, 2022, 1:30 PM  
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Jeb Bittner; Vice Chairman, Jose Prieto; Members: Theodore Perry and Alternate Members #1, Elliese Shaghnessy and Alternate Member #2, Jeff Stassi **Also Present:** Jason Jeffries, Planning and Development Director; Assistant City Attorney, Jenny Flanigan and Heather McCarty, Records Retention Specialist

**Excused Absence:** Robin Pelensky

**Unexcused Absence:** Steven Lauer

**I. PRELIMINARY MATTERS**

**A. Agenda Additions and/or Deletions**

None

**II. APPROVAL OF MINUTES**

**A. Regular Meeting – December 16, 2021**

**B. Regular Meeting – January 6, 2022**

Mr. Bittner said on page 3 in the January 6, 2022 minutes, it should be “CORP” permit, rather than “CORE” permit. Also, on page 5, he said he asked about the plans for ownership, sales, or lease.

**Mr. Perry made a motion to approve the December 16, 2021 and the January 6, 2022 minutes with Mr. Bittner’s corrections. Mr. Prieto seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARING**

[Legislative]

- A. An Ordinance Of The City Of Vero Beach, Florida, Amending The Land Development Regulations By Amending Chapter 62, Article Iii, Commercial Districts, Chapter 62, Article Iv, Industrial District, And Chapter 62, Article Vii, Airport Master Plan Land Use Zones, To Add Commercial Food Services To The List Of Permitted Uses In The C-1, Commercial District, Ali-A1 And Ali-1, Airport Light Industrial Zoning Districts, And M, Industrial District; Amending Chapter 60 (Appendix. Definitions) To Add A Definition Of Commercial Food Service; Providing For Codification; Providing For Conflict And Severability; Providing For Correction Of Scrivener’s Errors; And Providing For An Effective Date.**

Mr. Jason Jeffries, Planning and Development Director, went through a Power Point presentation with the Board members (attached to the original minutes). Based on the findings outlined in their report, staff recommends approval of the Ordinance for transmittal to the City Council for favorable consideration.

**Mr. Prieto made a motion to approve the Ordinance of The City of Vero Beach, Florida, amending the Land Development Regulations by amending Chapter 62, Article Iii, Commercial Districts, Chapter 62, Article Iv, Industrial District, and Chapter 62, Article Vii, Airport Master Plan Land Use Zones, to add Commercial Food Services to the list of permitted uses in the C-1, Commercial District, Ali-A1 And Ali-1, Airport Light Industrial Zoning Districts, and M, Industrial District; amending Chapter 60 (Appendix Definitions) to add a definition of Commercial Food Service; providing for Codification; providing for conflict and severability; providing for correction of Scrivener's Errors; and providing for an effective date. Mr. Bittner seconded the motion and it passed 5-0, with Mr. Stassi voting yes, Ms. Shaghnessy yes, Mr. Perry yes, Mr. Prieto yes, and Mr. Bittner yes.**

## **V. DISCUSSION OF BOAT COVERS OVER DOCKS**

Mr. Jeffries went through a Power Point presentation with the Board members (attached to the original minutes). He said the purpose of this discussion today is to get the Board's feedback and to find out if there is any interest in changing the City's regulations and amending the Comprehensive Plan.

Mr. Jeffries explained this started with a complaint after someone put a boat dock cover up without a permit. He said Code Enforcement found out there were about a dozen people who did not have a permit and they were issued Code Enforcement letters.

Mr. Bittner said he would like to hear from environmentalists on this issue and about the shade on the seagrass on the bottom from having a cover. He would like to know that it is not an issue first before they move forward.

Mr. Prieto pointed out the Department of Environmental Protection (DEP) permits them and they would be the agency that looks out for the seagrass.

Mr. Bittner said he would suggest not moving forward until there is more dialogue. He added another concern would be that with windstorms, there would be more lumber to wind up in navigable waters when they have a storm.

Mr. Stassi agreed if they allow them, they should be hurricane proof. He was not sure how much more shade the cover is providing more than the boat already has. He said he doesn't think they are unsightly or that these would make a negative impact to the aesthetics of the neighborhood.

Mr. Bittner wanted to know where they stand on the Tree Ordinance, which he feels is a more significant issue.

Mr. Perry pointed out that there is nothing that restricts floating docks and they cover just as much

area as a cover would.

Mr. Jan Jelmy, of 615 Live Oak Road, said that he is the one who was addressed by Code Enforcement that his accessory structure did not comply and must be removed. He felt that the Code violation did not make any sense. He talked about Section 31.05, Private Docks, pointing out there is nothing mentioned about boat awnings or covers. He said as a contractor and as a homeowner, they need direction from the City. He showed on the doc cam a picture of his dock (on file in the City Clerk's office). He said one of the reasons he put a cover on his boat was because of all the leaves from his Live Oak Trees. He pointed out that the DEP and the County both allow covers. He would love to see them conform to those same requirements. He proposed that they move forward in a positive direction of allowing boat lift awnings that protect their boats. He added that in the event of a wind issue, he can take off the tarp so there is no hazard.

Mr. Jeffries agreed that the Code of Ordinances, Article 31.05 does not speak to covers. He said it says no structures in any yard unless specifically permitted, but Article 31.05 doesn't say they are prohibited or permitted.

Mr. Jeffries explained the issue today is if there is an interest of the Board to amend the Code to allow covers.

Mr. Bittner suggested they hear from the environmental community before they either agree to move forward or not.

Mr. Jeffries pointed out that staff could do some research. Mr. Bittner suggested they reach out to local groups, such as Harbor Branch.

Mr. Prieto asked if they are saying to proceed with looking at it, but to start there. Mr. Bittner said he would like to defer on a yes or no to proceed with the changing of the text, but he would like to suggest that the next step be to bring other stakeholders to the table to comment before it gets to the point of asking them to proceed.

Mr. Perry asked Mr. Jelmy if they are asking him to remove the whole structure, or just take the tarp off. Mr. Jelmy said the City has not been enforcing that and thinks they are waiting to get a resolution since this is a gray area.

It was the consensus of the Board that they ask the Planning and Development Director to pursue additional environmental resources to weigh in on the impact or lack of impact to the proposed change to allow permanent boat covers.

## **VI. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries said their next meeting will be February 17, 2022.

## **VII. BOARD MEMBERS' MATTERS**

Mr. Bittner asked when they will see the draft of the tree Ordinance. Mr. Jeffries said he has drafted up some language and is making some changes. He added they can't have the tree Code so strict that you can't develop a property. They are trying to increase protection for the Oak Trees, but not affect development rights.

Mr. Bittner commented that time is of the essence. Mr. Jeffries said he should have a workable draft to them to review in February or March, then it will go to City Council for a first reading and a public hearing.

**VIII. ADJOURNMENT**

Today's meeting adjourned at 2:30 p.m.

/hm