

DEPARTMENTAL CORRESPONDENCE

TO: Chairman Jeb Bittner and
Planning and Zoning Board Members

FROM: Jason H. Jeffries, AICP JHJ
Director of Planning and Development

DATE: August 10, 2023

SUBJECT: **Public Hearing on Ordinances to Amend Chapter 62, Article I, Park Districts; Chapter 62, Article II, Professional Office and Institutional District; Chapter 62, Article III, Commercial Districts; Amend Chapter 60, Article I, General Provisions; Create Chapter 60, Article IV, Definitions; Revise Chapter 67, Use Specific Standards; Amend Section 63.04, Parking Ratios; Create Section 64.13, Conditional Review Standards to Revise and Clarify Permitted Uses and Development Standards in Park, Institutional, Office, and Commercial Zoning Districts**

OVERVIEW

The attached draft ordinances propose the following:

- Ordinance #A: Revises Chapter 62, Article I, Park Districts, Article II, Office and Institutional Districts, Article III, Commercial Districts, to amend the permitted principal, accessory, and temporary uses and development standards for the park, conservation, office, institutional, and commercial zoning districts in these articles. To create a new Chapter 60, Article IV, Definitions to add or amend use definitions.
- Ordinance #B: Amends Chapter 67 to create a new chapter with consolidate use specific standards into one chapter. The ordinance deletes Chapter 31, Boats and waterways, Chapter 38, Article II, Satellite dish antennas, Section 64.13, Home occupations, Section 64.14, Community gardens, Chapter 78, Dog-friendly friendly dining, and portions of 64.10, Site plan review standards to consolidate these principal or accessory use or structure standards into the amended Chapter 67, Use Specific Standards.
- Ordinance #C: Amends Chapter 60, Article I, General provisions, to clarify the general provisions, such as code purpose, authority, and intent of the Land Development Regulations (LDR) and create a new Article III, Interpretation, to add rules for interpreting the LDR.
- Ordinance #D: Amends Section 63.04, Parking ratios, to revise the parking ratios for allowed uses in the City.
- Ordinance #E: Creates a new 64.13, Conditional use review, to consolidate review procedures for conditional uses in the City.

The purpose of the proposed ordinances is to improve and clarify the development standards for allowed uses in the park, conservation, office, institutional, and commercial zoning districts of the City. The ordinances also clarify the use definitions and consolidates the principal, accessory, and temporary use specific standards into one chapter for clarity and ease of administration of the LDR.

BACKGROUND

At the January 26, 2023 workshop, City Council discussed potential amendments to the City's commercial zoning districts to improve the compatibility of commercial uses within the commercial zoning districts and to surrounding areas. Staff outlined the following recommendations to improve the commercial zoning districts:

- Revise the permitted use definitions for consistency across the zoning districts and update the land use terminology.
- Add new special purpose districts for commercial districts with specific objectives and policies in the City's Comprehensive Plan.
- Revise the permitted uses in the existing commercial districts.

On April 18, 2023, the City Council adopted a 180-day moratorium on code compliance permits, pursuant to Sec. 64.05, Code Compliance Certifications, and site plan approvals, pursuant to Sec. 64.06, Site Plans, for new or expanded commercial development that is proposing a use inconsistent with the draft ordinance revising Ch. 62, Article III, Commercial Districts attached to the moratorium. The 180 day moratorium ends October 15, 2023. After the adoption of the moratorium, staff worked with the Planning and Zoning Board to finalize the updates to the City's Commercial Districts in Chapter 62 through several workshop discussions. During the development of the ordinances, the focus was on updating the use definitions, revising the list of permitted uses in the commercial districts, and adding use standards based on current trends and practices in the planning field.

SUMMARY OF PROPOSED CODE

The following is a summary of the more significant provisions in the proposed motor vehicle use revision to Land Development Regulations:

Ordinance #1 – Zoning District and Definition Updates:

1. Chapter 60, Article IV, Definitions, pp. 3-11.
 - Renames Chapter 60 (Appendix), Definitions to Article IV, Definitions.
 - Adds or revises use definitions to update the use terminology and to be consistent with definitions from A Planners Dictionary.
2. Chapter 62, Article I, Park and Conservation Districts, pp. 11-23.
 - Revises the purpose statements in the Article to provide clarity on the purpose and intent of each zoning district. Ensures the P-1, Conservation District, is focused on district standards to limit development and protect these areas of the City. The P-2, Neighborhood and Open Space Park District, is focused on limited recreation development in parks designated neighborhood parks or open space in the Comprehensive Plan.
 - Proposes a new zoning district, P-3, Community and Special Facility Park District, focused on parks designated in the City's Comprehensive Plan as community or special

facility parks with museums, libraries, community centers, recreational and theater uses that create community-wide or special purpose recreational facilities.

- Adds tables for allowed principal, accessory, and temporary uses in park and conservation zoning districts with updated use classifications to provide clarity.
- Adds tables with density, intensity, and dimensional development standards to provide clarity and ease of administration regarding the principal and accessory structure standards for park and conservation zoning districts.
- Removes sections related to dimensional modifications to consolidate in Chapter 60, Article III, Interpretation and sections related to accessory structure standards to consolidate into Chapter 67, Use Specific Standards.

3. Chapter 62, Article II, Office and Institutional Districts, pp. 23-36.

- Revises the purpose statement for the POI zoning district to provide clarity on the purpose and intent of the zoning district, including the location on urban arterial roadways.
- Proposes a new zoning district, I, Institutional District, to establish areas of institutional uses that are designated Government Use in the City's Comprehensive Plan. The zoning district will merge the allowed uses and development standards for the GU, Government Use and H, Hospital and Institutional Zoning Districts.
- Adds tables for allowed principal, accessory, and temporary uses in office and institutional zoning districts with updated use classifications to provide clarity.
- Adds tables with density, intensity, and dimensional development standards to provide clarity and ease of administration regarding the principal and accessory structure standards for office and institutional zoning districts.
- Removes sections related to dimensional modifications to consolidate in Chapter 60, Article III, Interpretation, and sections related to accessory structure standards to consolidate into Chapter 67, Use Specific Standards.

4. Chapter 62, Article III, Commercial Districts, pp. 36-54.

- Revises the purpose statements for the existing commercial zoning districts in the Article to provide clarity on the purpose and intent of each zoning district.
- Adds B-2, a special purpose zoning district for the designated Royal Palm Pointe Business District in the City's Comprehensive Plan for the development of residential, commercial, and entertainment district that create an active, mixed-use area enhanced by the waterfront location.
- Adds B-3, a special purpose zoning district for the Beachland Boulevard Business District in the City's Comprehensive Plan for the development of a premier office corridor on Beachland Boulevard.
- Adds B-4, a special purpose zoning district for the designated Miracle Mile Business District for the development of residential and commercial district to create a pedestrian oriented, mixed-use area enhanced by its central location in the City.

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- Adds tables for allowed principal, accessory, and temporary uses in commercial zoning districts with updated use classifications to provide clarity.
 - Adds tables with density, intensity, and dimensional development standards to provide clarity and ease of administration regarding the principal and accessory structure standards for commercial zoning districts.
 - Removes sections related to dimensional modifications to consolidate in Chapter 60, Article III, Interpretation, and sections related to accessory structure standards to consolidate into Chapter 67, Use Specific Standards.
5. Section 62.503, Permitted and prohibited uses, pp 54-55.
- Adds a table for allowed principal uses in the Ocean Drive / Cardinal Drive Overlay District with updated use classifications to provide clarity on allowed uses in the overlay district and to ensure currently allowed uses consistent with the purpose of the business district continue to be permitted, although there are changes to the underlying C-1A zoning district.

Ordinance #2 – Use Specific Standards:

6. Section 67.02, Use specific standards for principal residential uses - dwellings, pp. 13-16.
- Provides a consolidated location for use specific standards for dwelling use types.
7. Section 67.03, Use specific standards for principal residential uses – group living, pp. 13-19.
- Provides a consolidated location for use specific standards for group living use types.
8. Section 67.04, Use specific standards for residential uses – accommodations, pp. 19-20.
- Provides a consolidated location for use specific standards for accommodation use types.
9. Section 67.05, Use specific standards for nonresidential uses – agriculture, pp. 20-22.
- Provides a consolidated location for use specific standards for agricultural use types.
 - Moves the community garden standards from Section 64.14.
10. Section 67.06, Use specific standards for nonresidential uses – commercial, pp. 22-30.
- Provides a consolidated location for use specific standards for commercial use types.
 - Updates the adult entertainment standards in the existing Chapter 67 to incorporate new research on acceptable guidelines for these standards.
11. Section 67.07, Use specific standards for nonresidential uses – institutional, p. 30.
- Provides a consolidated location for use specific standards for institutional use types.
12. Section 67.08, Use specific standards for nonresidential uses – public assembly, pp. 30-31.
- Provides a consolidated location for use specific standards for public assembly use types.

13. Section 67.10, Use specific standards for nonresidential uses – transportation, p. 31.
 - Provides a consolidated location for use specific standards for transportation use types.
14. Section 67.11, Use specific standards for nonresidential uses – recreational, p. 32.
 - Provides a consolidated location for use specific standards for recreational use types.
15. Section 67.12, Use specific standards for nonresidential uses – industrial, pp. 32-34.
 - Provides a consolidated location for use specific standards for industrial use types.
16. Section 67.13, Use specific standards for accessory uses, pp. 34-49.
 - Provides a consolidated location for use specific standards for industrial use types.
 - Moves the standards for home occupations from Section 64.13.
 - Moves the standards for dog-friendly dining from Chapter 78.
 - Moves various outdoor accessory use standards from 64.10.
17. Section 67.14, Use specific standards for accessory buildings and structures, pp. 49-56.
 - Provides a consolidated location for use specific standards for industrial use types.
 - Moves the standards for private docks from Chapter 31
 - Moves the standards for satellite dish antennas from Chapter 38, Article II

Ordinance #3 – LDR General Provisions and Interpretation:

18. Chapter 60, Article I, General provisions, pp. 2-12.
 - Clarifies the general provisions, such as code purpose, authority and intent of the LDR.
 - Adds recommended language from model land development codes.
 - Adds expanded purpose statements for the LDR.
19. Chapter 60, Article III, Interpretation, pp. 12-24.
 - Creates a new Article III, Interpretation, to add rules for interpreting the LDR.
 - Moves the existing zoning boundary interpretation rules from Article I.
 - Provides instructions on how to use the principal, accessory and temporary use tables.
 - Adds rules for measuring density, FAR, and other dimensional standards in the LDR.
 - Adds a consolidated table with allowed yard encroachments.

Ordinance #4 – Parking Ratios:

20. Section 63.04, Parking ratios, pp. 2-12.
 - Adds uses for consistency with revisions to the permitted use tables in the park, office and institutional, and commercial districts.
 - The parking ratios are revised to lower the required parking for certain uses based on APA or current planning research to prevent the requirement to over park a site, while balancing the prevention of traffic impacts to neighboring properties.

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Ordinance #5 – Conditional Use Review:

21. Section 64.13, Conditional use review, pp. 2-6.

- Consolidates the standards for the review of conditional use applications by the City to ensure a consistent review of these uses.

STAFF REVIEW AND ANALYSIS

The staff reviewed the proposed text amendment to the Land Development Regulations (LDR) based on the standards outlined in Section 65.26(d) of the City of Vero Beach Code. The staff's analysis and findings are as follows:

Addresses a demonstrated community need and is consistent with the public interest. Justification for the Amendment. Pursuant to Section 65.26(d)(1), the demonstrated community need and public interest by the proposed text amendment to the LDR is discussed below:

The proposed text amendments improve the readability, clarity, and conciseness of allowed uses and development standards for proposed development in the park, conservation, office, institutional, and commercial zoning districts in the City. The proposed text amendment adds clarified standards to improve the compatibility of development in the City.

Findings: The proposed text amendment will serve the public interest by providing use and development standards to ensure compatible development in the City

Is consistent with relevant objectives and policies of all elements of the Comprehensive Plan. Pursuant to Section 65.26(d)(2), the consistency with relevant objectives and policies of the City's adopted Comprehensive Plan by the proposed text amendment to the LDR is discussed below:

Objective 1. Future Land Use and Zoning Designations. The City should manage future development and redevelopment to maintain and enhance the unique, small town character of the community and provide for an efficient distribution and compatible pattern of land uses to protect the City's manmade and natural resources.

Policy 1.16(a). The following principles shall apply related to the relationship between future land use and zoning designations:

(a) A use is only allowable in a zoning district if it is listed as a use or within a group of uses in both the future land use and zoning designations for that property or it is determined by the Planning Director that the use can reasonably be interpreted to fit into a category of allowable uses.

Land Use Objective 3. Land Development Regulations and Administration. The City should administer and maintain its Land Development Regulations in a manner consistent with the goals, objectives, and policies of this and other elements of the Comprehensive Plan and should revise these regulations as needed and appropriate to: 1) improve their readability, clarity, conciseness, and ease of administration; 2) create incentives and standards promoting mixed use, infill, and pedestrian/bicycle connected development in older residential neighborhoods and commercial areas; 3) reduce incompatibility between adjacent uses and maintain community character; and 4) promote diverse and distinctive commercial and neighborhood areas with a sense of place.

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Policy 3.1(a). The City’s adopted Land Development Regulations should meet and exceed the requirements of Section 163.3202 (2)(a) through (h) F.S. and shall constitute the City’s minimum requirements for land development. Additionally, the Land Development Regulations should contain or be amended, as appropriate, to include standards, procedures, and requirements for:

(a) Governing the type, character and density of land use; bulk, height and placement of buildings; open space; conservation and protection of natural resources; landscaping and tree protection; stormwater management; protection of historic resources; mitigation of off site impacts of development; variances and waivers; and the elimination or reduction in frequency of non-conforming uses and structures;

Policy 3.2 The City should regulate the use and development of land through its Land Development Regulations in a reasonable and transparent manner, that respects private property rights, serves the public interest, and provides for due process and adequate public involvement in the development permitting process.

Objective 7. Royal Palm Pointe. The City should endeavor to make Royal Palm Pointe as a regional active, mixed-use residential, commercial, and entertainment district that is primarily based on restaurants, recreation and boutique retail venues that are enhanced by the waterfront location.

Policy: 7.2 With input from property and business owners, stakeholders, and interested public, the City should explore the need and desirability to replace the CM-1 (Marina) and C-IA and C-IB (Commercial) zoning districts with a single purpose district or revisions to existing underlying zoning districts through overlay zoning. The intent of the special purpose district is to assure creation of an active mixed-use area by requiring ground floor retail, commercial, restaurants, recreational, and entertainment uses in all new buildings as recommended in the 2005 Vision Plan and to promote increased boating and marina facilities and activities available to the public. Development standards either voluntary _and/or mandatory should be considered, requiring preparation and adoption of design guidelines and standards. Any development bonus incentives shall be consistent with Policy 3.6 of this element.

Objective 8: Cardinal Drive/Ocean Drive Commercial District. The City shall maintain Cardinal Drive/Ocean Drive Commercial District as a pedestrian-oriented, mixed use destination and quality-oriented boutique retail center for both visitors and residents that is characterized by small-scale specialty retail and services, restaurants, entertainment venues, and quality residential and transient (hotel) residential development along with offices and supporting uses.

Policy 8.1: The Cardinal Drive/Ocean Drive Commercial Overlay District as shown on the City’s Zoning Map shall serve as the boundaries of the Cardinal Drive/Ocean Drive Commercial District for the purposes of this Plan.

Policy 8.5: The City should work to resolve parking and zoning issues that contribute to parking problems. Any resolution will require many more parking spaces to be made available to the public through a mixture of the following:

- (a) Zoning such that a business is responsible to provide for the parking of its employees and hotel for all their guests;
- (b) Shared parking between businesses to fully utilize private parking behind buildings;
- (c) Potential remote parking an shuttles, particularly for employees;

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- (d) Increased in the number of public parking spaces, whether by realigning current parking from curb to center street or other strategies;
- (e) Potential use of center street parking on the eastern two blocks of Beachland Boulevard;
- (f) Construction of additional parking, whether surface or structured parking;
- (g) More modern police monitoring and enforcement such as electronic tagging; and
- (h) Secure public and private funding to address problem including the use of the "bed tax."

Policy 8.6: The City should continue to monitor and evaluate the value and effectiveness of the Cardinal Drive/Ocean Drive Commercial Overlay District regulations, including the development incentives and standards of these regulations, to determine the need for any amendments to the regulations to better achieve the following specific purposes of the overlay district:

- (a) Promotion of small-scale specialty retail services, restaurants, and supporting services on the ground floor with office, residential, and hotel uses above the ground floor;
- (b) Retention and promotion of small to medium scale quality hotel development and redevelopment compatible with the commercial uses and overall pedestrian-oriented character of the district;
- (c) Provision of development that exhibits the physical design characteristics of pedestrian oriented storefront shopping districts; and
- (d) Promotion of the health and well being of residents by encouraging outdoor physical activity and social interaction.

Objective 9. Beachland Boulevard Corridor. The City should maintain Beachland Boulevard Corridor from Mockingbird Drive to Eagle Drive as a premier office corridor particularly for professional services and banking and financial activities.

Policy 9.2: The City should encourage development and redevelopment through its development review process that achieves the following outcomes:

- (a) Maintenance of common landscape setbacks with adjoining properties;
- (b) Building setbacks consistent with adjoining properties;
- (c) Main entrances and orientation of new buildings to face Beachland Boulevard;
- (d) Major parking areas located behind buildings with cross-access between parking lots;
- (e) Maintenance of significant canopy trees; and
- (f) Installation of monument signage rather than pole signage.

Objective 10. Miracle Mile Corridor: The City should endeavor to enhance the existing character, marketability, and long-range sustainability of the Miracle Mile corridor and to facilitate its on-going evolution into a more mixed-used pedestrian oriented commercial district.

Policy 10.1: For purposes of this element, the general boundaries of the Miracle Mile Corridor are those properties centered on 21 st Street between U.S. Highway 1 and Indian River Boulevard, as shown in Figure 10 of the Map Series to this Plan.

Policy 10.2: The City should investigate the need and support for a new mixed-use zoning district or a special purpose zoning district to be enacted and applied to some or all of the Miracle Mile Corridor under the Commercial (C) future land use designation. Any new zoning district should

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consider providing development incentives for eligible properties that meet specific mixed use development standards to be established for the district. In considering such regulations, some attention should also be given to retrofitting existing parking lots to improve safety, stormwater retention, and pedestrian movements and connectivity between parking areas; consolidating landscaping areas into larger more contiguous planting areas that have greater visual impact; and retrofitting and improving on-site storm drainage.

Objective 11. U.S. Highway 1 Corridor: The City should endeavor to improve the overall appearance, character, mix of uses, property maintenance, and development quality in the U.S. Highway 1 Corridor.

Policy 11.1: The primary focus of any infill and development incentives and strategies the U.S. Highway 1 Corridor should be, but is not necessarily limited to, those that create well-designed mixed-use projects and more cross-connections for both vehicles, pedestrian, and bicycle traffic between adjacent properties, and provide enhanced landscaping along ROW frontage and buffers between residential and commercial areas. These strategies are intended to provide a more attractive travel corridor and entrance to the City with breaks in the overwhelming linear, highway oriented commercial development located on both sides of U.S. Highway 1.

Policy 11.2: The City should review existing regulations for planned developments to better implement Policy 11.1 and to proceed to enact such amendments if it is determined that such amendments are needed and desirable.

Policy 11.3: Through its Historic Vero Beach Economic Advisory Committee in coordination with other business owners and tenants, and property owners, the City shall identify, as needed, specific issues and needs facing the U.S. Highway 1 Corridor and potential programs and changes in regulations to address these issues and needs, including the development and enactment of any infill and redevelopment incentives.

The proposed amendments to the LDR provide clarity on development standards for the park, conservation, office, institutional, and commercial zoning districts. The revised permitted principal and accessory use tables will ensure compatible uses in these districts, consistent with Land Use Policy 3.1(a). The proposed text amendment provides reasonable and transparent review of development to ensure compatible development is achieved in the public interest, while balancing the private property rights of property owners, consistent with Land Use Policy 3.2.

The proposed amendment to revise use definitions in Chapter 60 will provide clarity for interpreting the different types of uses allowed in park, office, institutional, and commercial zoning districts and is consistent with Objective 3 to improve the clarity and ease of administration of the land development regulations (LDR). Consistent with Policy 3.2, the proposed text amendment provides a transparent definition for the application of principal and accessory uses in the LDR.

Findings: The staff finds the text amendment to be consistent with the relevant objectives and policies of the Land Use Element of the City's Comprehensive Plan.

Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the City. Pursuant to

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Section 65.26(d)(3), the consistency with the purpose and intent of the zoning districts in the LDR, compatibility among uses, and assurance of efficient development in the City by the proposed text amendment to the LDR is discussed below:

Findings: The proposed ordinances amend the permitted uses, provides use specific uses, revises the parking ratios, and amends the use definitions to ensure consistent interpretation of use types in the City. Staff finds the proposed ordinance is consistent with the purpose and intent of the zoning districts, compatibility among uses, and assurance of efficient development in the City.

Would result in a logical and orderly development pattern. Pursuant to Section 65.26(d)(4), the result in a logical and orderly development pattern by the proposed text amendment to the LDR is discussed below:

Findings: The proposed ordinances revises and clarifies the principal and accessory uses in the subject zoning districts and amends use definitions for enhanced clarity in the administration of the LDR. Staff finds the proposed ordinance will result in logical and orderly development pattern.

RECOMMENDATION

The staff recommends the Planning and Zoning Board approval of the attached draft ordinances for transmittal to the City Council for favorable consideration.

JHJ
Attachments