

**AGENDA**  
**REGULAR MEETING OF THE CITY PLANNING AND ZONING BOARD**  
**THURSDAY, AUGUST 20, 2020, AT 1:30 PM**  
**COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

**I. PRELIMINARY MATTERS**

Agenda Additions and/or Deletions

**II. APPROVAL OF MINUTES**

Regular Meeting – July 23, 2020

**III. PUBLIC COMMENT**

**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, to Add Museum, Commercial to the List of Permitted Uses in the C-1 Zoning District; Amending Chapter 60 (Appendix. Definitions) to Add a Definition of Museum, Commercial; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date

[Legislative]

- B. An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 62, Article VII, Airport Master Plan Land Use Zones, to Add Broadcast Studio to the List of Permitted Uses in the ALI-1, Airport Light Industrial Zoning District; Amending Chapter 62, Article X, Downtown District, to Amend Radio/TV Stations to Broadcast Studios in the List of Permitted Uses in the DTW, Downtown Zoning District; Amending Chapter 60 (Appendix. Definitions) to Add a Definition of Broadcast Studio; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date

**V. PLANNING DEPARTMENT MATTERS**

**VI. BOARD MEMBERS' MATTERS**

**VII. ADJOURNMENT**

ANY PERSON AGGRIEVED BY A DECISION OF THE PLANNING AND ZONING BOARD RELATIVE TO SITE PLAN APPROVAL MAY WITHIN TEN DAYS AND IN ACCORDANCE WITH SECTION 64.08(j) FILE AN APPEAL WITH THE PLANNING DIRECTOR OF THE CITY OF VERO BEACH. ANYONE WHO MAY WISH TO APPEAL ANY DECISION THAT MAY BE MADE AT THIS HEARING WOULD NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL WILL BE BASED.

ANYONE IN NEED OF SPECIAL ACCOMMODATIONS FOR THIS MEETING MAY CONTACT THE CITY'S AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR AT 978-4920 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

PUBLIC INVITED TO ATTEND

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, JULY 23, 2020 - 1:30 PM  
COUNCIL CHAMBERS, CITY HALL, VERO BEACH, FLORIDA**

**PRESENT:** Vice Chairman, Honey Minuse; Members: Robin Pelensky, Richard Cahoy and Jeb Bittner **Also Present:** Planning and Development Director, Jason Jeffries; Principal Planner, Cheri Fitzgerald; City Attorney, John Turner and Records Retention Specialist, Heather McCarty

**Excused Absences:** Steven Lauer and Jose Prieto

**Unexcused Absences:** John Carroll

The Vice Chairman called the meeting to order at 1:30 p.m.

**I. PRELIMINARY MATTERS**

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

None

**II. APPROVAL OF MINUTES**

**A) Regular Meeting – July 9, 2020**

Mrs. Pelensky made a motion to approve the minutes of the June 18, 2020 Planning and Zoning Board meeting. Mr. Bittner 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; Requested by Schwerin Asset Advisors, LLC to Annex Property Located at the Southeast Corner of Indian River Boulevard and 41<sup>st</sup> Street, Containing 23.65 Acres More or Less, Pursuant to the Voluntary Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date.**

The Vice Chairman read the Ordinance by title only.

Mrs. Cheri Fitzgerald, Principal Planner, went over staff's report accompanied by a Power Point presentation (attached to original minutes). The staff recommends that the Planning and Zoning Board recommend approval for submission to the City Council approval of the voluntary annexation application.

Mr. Cahoy questioned why the fees were waived. Mr. Jeffries answered that it is the City's policy to encourage voluntary annexation and fees are waived as an incentive.

Mr. Johnathon Barkett, with Collins Brown Barkett Chartered, said he was here representing the Applicant and to support the recommendation and answer any questions.

Mr. Bittner asked if it is similar zoning between the City and the County. Mr. Jeffries answered yes, and they would get into that with the next items.

**Mrs. Pelensky made a motion to accept staff's recommendation for the voluntary annexation. Mr. Bittner seconded the motion and it passed 4-0 with Mr. Bittner voting yes, Mr. Cahoy yes, Mrs. Pelensky yes, and Mrs. Minuse yes.**

**[Legislative]**

**B. An Ordinance of the City of Vero Beach, Florida Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation of Annexed Property from Indian River County Designation M-1, Medium-Density Residential-1 to City of Vero Beach Designation RM Residential Medium, for the Property Located at the Southeast Corner of Indian River Boulevard and 41<sup>st</sup> Street, Containing 23.65 Acres More or Less; Providing for an Effective Date.**

The Vice Chairman read the Ordinance by title only.

Mrs. Fitzgerald went over staff's report accompanied by a Power Point presentation (attached to original minutes). The staff recommends that the Planning and Zoning Board recommend approval for submission to City Council of the Ordinance amending the future land use map (FLUM) designation from M-1, (County) to RM (City).

Mr. Bittner asked about the analysis of traffic for the 89 units. He said the difference between County and City zoning is up to 10 units per acre and this is 23 Acres, which is 230 units. Mrs. Fitzgerald answered that is true, but the actual zoning designation requested is the same, which is eight (8) units per acre. She said they would be getting into more detail on that.

Mrs. Minuse asked if it was correct that they are not permitting recreational public facilities, like they would if it remained in the County. Mrs. Fitzgerald said that is correct.

Mr. Jeffries said that is getting more into the zoning and they are talking land use. He explained when they say supportive community services, they are talking about properties within these areas designated with this land use could have schools and churches, for example.

Mrs. Pelensky asked what the criteria is for large scale. Mrs. Fitzgerald answered it is 10 acres or more.

Mr. Cahoy asked who provided the traffic study. Mrs. Fitzgerald answered the applicant did and they hired Kimley Horn. She said that staff reviewed it and concurred.

Mr. Bittner commented that the traffic impacts were to northbound Indian River Boulevard only in the report. Mr. Jeffries explained at this level of review, they are looking at level of service, so the question is, is there the capacity on the roadway and their study said there is capacity. At this type of review, they are looking at if there is capacity on the adjacent roadway. The functional traffic issues come in to play with the site plan. He said the traffic report was just to determine if this is impacting the level of service on the roadway.

**Mrs. Pelensky made a motion that they accept staff's recommendation. Mrs. Minuse seconded the motion and it passed 4-0 with Mr. Bittner voting yes, Mr. Cahoy yes, Mrs. Pelensky yes, and Mrs. Minuse yes.**

**[Quasi-judicial]**

- C. An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Annexed Property from Indian River County Designations RM-8, Multiple-Family Residential and RS-1, Single-Family Residential Districts to City of Vero Beach Designation RM-8, Medium Multiple-Family Residential District, for the Property Located at the Southeast Corner of Indian River Boulevard and 41<sup>st</sup> Street, Containing 23.65 Acres More or Less; Providing for an Effective Date.**

There were no ex parte communications reported.

The Records Retention Specialist swore in staff and all witnesses present for this hearing en masse.

The Vice Chairman asked that any exhibits that have not been distributed be given to staff.

Mrs. Fitzgerald went over staff's report accompanied by a Power Point presentation (attached to original minutes). Staff recommends the Planning and Zoning Board recommend approval for submission to City Council of the Ordinance amending the Zoning District Map from RM-8 and RS-1 (County) to RM-8 (City).

The Vice Chairman opened and closed the public hearing at 2:11 p.m., with no one wishing to be heard.

**Mrs. Pelensky made a motion to accept staff's recommendation based on competent and substantial evidence. Mr. Bittner seconded the motion it passed 4-0 with Mr. Bittner voting yes, Mr. Cahoy yes, Mrs. Pelensky yes, and Mrs. Minuse yes.**

Mr. Jeffries noted that the hearing on the zoning won't occur until they have adopted the future land use.

**[Legislative]**

- D. An Ordinance of the City of Vero Beach, Florida, Amending Chapter 60 (Appendix. Definitions) of the Land Development Regulations to Add a Definition of Room or Room Unit for Purpose of Calculating Room Density for Hotels or Congregate Living Facilities; Providing for Codification; Providing for Conflict and Severability; and Providing for**

**an Effective Date.**

The Vice Chairman read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, went over staff's report accompanied by a Power Point presentation (attached to original minutes). Staff recommends the Board approval of the draft Ordinance for transmittal to the City Council for favorable consideration.

Mr. Bittner asked about impact fees and if the unit would be counted as one (1) or (2) units. Mr. Jeffries said that is separate and that is the County. Mr. Bittner asked if the City was going to be giving up any fee income. Mr. Jeffries answered no, because they don't get that fee income, the County does.

Mr. Bittner asked if the density could be calculated differently so they get more net density on a given acre. Mr. Jeffries answered no, because the density calculation is the same; it's just a matter of how you define the room. He said the language was taken from the Planner's Dictionary. He said this provides more certainty because it now codifies it with that definition. He talked about some changes in the hotel industry and that he thinks they are going to start seeing more suite hotels. He added that this definition can also be used with assisted living facilities.

Mrs. Minuse read from page 2 of 3 of the draft Ordinance, "For purpose of measurement, where a room suite with a single exterior door contains two or more rooms, each two sleeping rooms shall be counted as a single room unit." She asked if they should make it "each two or more sleeping rooms" or if they want to limit it. Mr. Jeffries said that is up to them, but he feels "two sleeping rooms" is a reasonable application. He said a suite with a living area and two separate bedrooms is more like a condo, which are full residential units and are calculated differently.

Mrs. Pelensky commented it comes down to density because if you have a two (2) bedroom suite, that is high density. She feels they should keep it two (2).

Mr. Jeffries explained that if the density only allows 30 rooms but they build it with these three (3) unit rooms that would be a lot of people in one (1) unit. He said that is the reason they calculate hotel rooms by density. He said Vero Beach has a policy to try to keep Vero Beach low density. He said his intention is to keep it a little more constrained.

Mrs. Pelensky asked if parking is per room. Mr. Jeffries answered yes, per room.

Mr. Cahoy referred to Section 2 – Definitions. He said he finds the word "kitchenette" pretty suggestive in the sense that without being a complete cooking facility, a kitchenette can be expanded to accomplish the same thing by virtue of adding various appliances. He would like to see that word excluded.

Mr. Jeffries said they need to define "kitchenette" and "cooking facilities" in their Code because it comes up with accessory dwellings. He explained that staff internally has an interpretation that a full kitchen is with 220 service, meaning there can be an oven or a stove.

Mr. Cahoy said they could have a convection microwave oven, a hotplate, and a lot of various appliances to turn it in to a cooking facility without it meeting the definition. He commented that

they want this to be a hotel, not an apartment. Mr. Jeffries said that is true because then it becomes a dwelling unit.

Mr. Jeffries said the Webster definition of “kitchenette” is “a small kitchen or alcove containing cooking facilities.”

Mr. Bittner gave the Wikipedia definition, which was “a small cooking area, which usually has a refrigerator and a microwave, but may have other appliances. In some motel or hotel rooms, small apartments, college dormitories, or office buildings, a kitchenette consists of a small refrigerator, a microwave oven, and sometimes a sink.”

Mr. Jeffries agreed it is a kitchen without a full stove. He added that typically a mini-bar or a wet bar implies really just to a sink and maybe a small refrigerator.

Mr. Cahoy asked what the objection was to taking out the word “kitchenette.” Mr. Jeffries explained that going down the line, he doesn’t want to get in to an instance where an assisted living facility or hotel is coming in that wants a small kitchen in the room, without an oven, and they end up where there’s interpretation by staff or the Board that tells them no because it doesn’t fit the definition of a wet-bar or a mini bar.

Mr. Cahoy asked if what they do today is going to affect more than the hotels.

Mr. Jeffries said this definition only deals with the calculation of density for hotels and assisted living facilities.

Mr. Bittner asked if the Fire Code or the Building Code calls out, specifically with ovens and cooking facilities in a multi-family hotel. Mr. Jeffries answered yes, that whatever is being put in would have to meet their Code. This is for the purpose of the zoning and how they calculate the rooms.

**Mr. Bittner made a motion to accept the wording as proposed, given that it came out of the Planner’s Dictionary. Mrs. Pelensky seconded the motion.**

Mr. Joseph Schulke, Consulting Engineer with Schulke, Bittle and Stoddard, said he was here representing the applicant today and did not have anything further to add. He thinks the City did a fine job in assisting in putting together the application and they agree with the findings and with the recommendations. He said this makes it more concrete so that developers can go to the Code and be sure how this is going to be interpreted.

Mr. Cahoy said he would like for the Planning Department to look at the issue of more definition for “cooking facility” and for “kitchenette” but not delay the approval of this. He agrees to it in principal as it applies to assisted living facilities, but he does not agree with it in principle as it applies to a hotel. He said moving this forward, subject to their further review relative to the definition process, he would approve it.

Mr. Jeffries said he would follow up and look at those definitions and bring the Board back some proposed definitions.

Mrs. Minuse brought up a concern with assisted living facilities and this allowing them to do something that might not be safe on their own. She asked if congregate facilities take into account sober homes. Mr. Jeffries answered no, that those are different. He said per the State, they have to treat those as residential units. He added that the Code needs updated on many areas, including those.

**The motion passed 4-0 with Mr. Bittner voting yes, Mr. Cahoy yes, Mrs. Pelensky yes, and Mrs. Minuse yes.**

**V. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries gave an update on the Three (3) Corners project. He explained that the Consultant is going to be presenting a different proposal that reflects the impacts on Covid-19. He is going to be presenting his new scenario to the Steering Committee soon. Then whatever they recommend, he will bring back to this Board for their recommendation.

Mrs. Minuse asked if it is still a goal to get this on the November ballot. Mr. Jeffries answered yes.

Mrs. Minuse asked if there was any ideas on what he was going to change.

Mr. Jeffries felt that the Consultant is now looking for less density and relooking at the plan to make it not be so compact. He said City Council wanted to take a look at his new idea so they will see what he comes back with. He said they will possibly have a Special Call meeting in regards to it. He reported that there will not be a meeting August 6, 2020. He will possibly be bringing site plans and text amendments to the August 20, 2020 meeting. They might need to have a meeting on August 13, 2020 because they need to meet after the Steering Committee but before the City Council meeting on August 18, 2020. He noted that the Steering Committee could possibly look at the new proposal and recommend sticking to the original plan and then they won't need to meet.

**VI. BOARD MEMBERS' MATTERS**

Mr. Bittner reported that he will not be present for the August 20, 2020 meeting, or be available for a Special Call meeting on August 13, 2020.

**VII. ADJOURNMENT**

Today's meeting adjourned at 2:57 p.m.

/hm

W. A

**DEPARTMENTAL CORRESPONDENCE**

TO: Chairman Steve Lauer and  
Planning and Zoning Board Members

FROM: Jason H. Jeffries, AICP <sup>SHS</sup>  
Director of Planning and Development

DATE: August 14, 2020

SUBJECT: **Public Hearing on an Ordinance to Amend Chapter 62,  
Article III, Commercial Districts and to Amend Chapter 60,  
(Appendix, Definitions), Relating to adding Museum, Commercial  
to the C-1 Commercial Zoning District and adding a Definition for  
Museum, Commercial.**

**OVERVIEW**

Wayne Gould (applicant) is proposing a text amendment to Chapter 62, Article III, Commercial Districts, to add museum, commercial to the C-1, Commercial Zoning District, and a text amendment to Chapter 60 (Appendix, Definitions), to add a definition for museum, commercial. The purpose of the text amendment is to allow commercial establishments for preserving and exhibiting artistic or historical objects of interest, including retail sale of the objects in the C-1, Commercial Zoning District. Adding this use to the C-1 zoning district will allow commercial museums, a compatible commercial use in the C-1 zoning district. The definition will provide clarity in interpreting the allowed type of establishment that is included in this use category.

**BACKGROUND**

Mr. Gould is proposing to purchase a vacant commercial property located in the C-1, Commercial Zoning District, to establish a vintage automobile museum. The museum will display vintage and classic automobiles to promote the historic or artistic value of the vehicles and will charge an admission fee. Some of the vehicles will be available for sale and the museum is a for-profit entity. The museum will also have a retail shop and host group meetings and events.

The proposed establishment is considered a commercial museum, since the establishment displays historic objects, but also displays the objects for sale. The proposed use could meet the definition of cultural or civic activities in Chapter 60 (Appendix, Definitions):

- Cultural or civic activities: Activities typically performed by public or not-for-profit entities for the promotion of a common cultural or civic objective such as literature, science, history, music, drama, art or similar objective.

Although, most cultural or civic activities are non-profit entities and typically do not involve the sale of objects displayed in the museum, similar to art galleries. Cultural or civic activities are not permitted in the C-1, Commercial Zoning District.

The C-1, Commercial Zoning District, is a general commercial zoning district that permits a wide range of general commercial activities, such as general retail, restaurants, professional

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offices, vehicle sales, hotels, and trade services. The uses allowed in the C-1, Commercial Zoning District are large-scale commercial uses (i.e. “big-box” retail stores) or automobile oriented restaurants or banks with drive-through windows. The applicant is proposing to add museum, commercial use to the C-1, Commercial Zoning District. This will be a commercial use for the purpose of displaying or exhibiting objects of interest and offering the objects for sale, compatible with the other commercial uses in the zoning district.

### **SUMMARY OF PROPOSED CODE**

The following use is proposed to be added to Chapter 62, Article III, Commercial Districts:

- Museum, commercial permitted in C-1

The following is the proposed definition to be added to Chapter 60:

- *Museum, commercial*: A commercial establishment for preserving and exhibiting artistic, historical, scientific, natural, or man-made objects of interest. Such activity may include the sale of the objects collected, memorabilia, and related retail, and the holding of meetings and social events.

### **STAFF REVIEW AND ANALYSIS**

The staff reviewed the proposed text amendment to the Land Development Regulations (LDR) based on the standards outlined in Section 65.22(i)(1) and (3) of the City of Vero Beach Code. The staff’s analysis and findings are as follows:

Justification for the Amendment. The applicant prepared a justification statement for the text amendment. In summary, the justification is stated as follows: the proposed text amendment will serve the public by allowing commercial museums in highly accessible locations and is consistent with other commercial uses in the C-1, Commercial Zoning District.

The staff finds the text amendment in the attached proposed ordinance to be justified and warranted pursuant to Section 65.22(i)(1) based upon the above facts.

Consistency with the Comprehensive Plan. The staff finds the text amendment, as proposed by staff, to be consistent with the following objective and policies of the Land Use Element of the City’s Comprehensive Plan:

**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 1.10.** The Commercial (C) Land Use designation shall be applied to those areas that are suitable for small to medium scale urban development and intensities. Those areas shall be limited to lands located near existing urban uses, or near the center of several neighborhoods, or areas in transition from residential uses to nonresidential uses. These uses shall be further limited to high access locations such as the

intersections of arterial and collector streets or adjacent to arterial or collector streets. This land use category shall or may allow a broad mixture of residential, mixed residential, marinas, institutional, and nonresidential uses and supportive community services depending upon whether the use is listed as a permitted use or conditional use in the applicable underlying zoning district.

**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.

**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 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.

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The proposed amendment to add museum, commercial as a permitted use in the C-1, Commercial Zoning District, will allow an additional commercial use in the C-1 district that is compatible with the other permitted uses in the zoning district. The proposed amendment is consistent with Objective 1 to manage future development and redevelopment to maintain and enhance the character of the community and provide for compatible pattern of land uses and is consistent with Policy 1.10 to allow a broad mixture of commercial and institutional uses in the C, Commercial land use designation. The C-1, Commercial Zoning District is located in areas of the City that are designated with the C, Commercial future land use.

The C-1, Commercial Zoning District, is also typically located in the U.S. Highway 1 Corridor. The proposed text amendment is consistent with Objective 11, U.S. Highway 1 Corridor, and will improve the mix of allow uses in the corridor and promote the redevelopment of sites within the U.S. Highway 1 Corridor.

The proposed amendment to add a definition to Chapter 60 relating museum, commercial will provide clarity for interpreting the type of establishment allowed as a museum, commercial in the zoning district 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 museum, commercial in the LDR.

Consistency with Land Development Regulations. The proposed Ordinance allows an additional commercial use in the C-1, Commercial Zoning District and ensures consistent interpretation of museum, commercial use; therefore, the staff finds the proposed ordinance is consistent with the Land Development Regulations.

## **RECOMMENDATION**

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

JHJ  
Attachments



1           **WHEREAS**, notice was given as required by law that the text of the Land Development  
2 Regulations of the City of Vero Beach, Florida, be amended to add museum, commercial to the  
3 list of permitted uses in the C-1, Commercial Zoning District and add the definition of museum,  
4 commercial use; and  
5

6           **WHEREAS**, an advertisement was placed in a newspaper of general circulation and  
7 provided the public with at least ten (10) days advance notice of this Ordinance's public hearing to  
8 be held by the Planning and Zoning Board in the City Council Chambers, located on the first floor  
9 of City Hall in the City of Vero Beach; and  
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11           **WHEREAS**, an advertisement no less than two columns wide by 10 inches long was  
12 placed in a newspaper of general circulation and provided the public with at least seven (7) days  
13 advance notice of this ordinance's first public hearing to be held by the City Council of the City of  
14 Vero Beach ("City Council") in the City Council Chambers, located on the first floor of City Hall  
15 in the City of Vero Beach; and  
16

17           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long  
18 was placed in the aforesaid newspaper and provided the public with at least five (5) days advance  
19 notice of this ordinance's second public hearing to be held by the City Council in the City Council  
20 Chambers, located on the first floor of City Hall in the City of Vero Beach; and  
21

22           **WHEREAS**, public hearings were held pursuant to the notices described above at which  
23 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and  
24

25           **WHEREAS**, the City Council, after providing legal notice and holding a public hearing,  
26 finds that the Code amendments provided in this Ordinance serve a municipal purpose and promote  
27 and protect the public health, safety, and welfare to add museum, commercial to the list of  
28 permitted uses in the C-1, commercial zoning district and a definition of the museum, commercial  
29 to the land development regulations.  
30

31           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
32 **OF VERO BEACH, FLORIDA THAT:**  
33

34           **Section 1 – Adoption of “Whereas” clauses.**

35           The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the  
36 legislative findings, purpose, and intent of this Ordinance.  
37

38           **Section 3 – Amendment of Chapter 60. – Appendix - Definitions.**

39           The following definition is added to Chapter 60 of the Land Development Regulations. Except as  
40 amended herein, the remainder of Chapter 60 remains in full force and effect.

41           *Museum, commercial:* A commercial establishment for preserving and exhibiting artistic,  
42 historical, scientific, natural, or man-made objects of interest. Such activity may include the sale  
43 of the objects collected, memorabilia, and related retail, and the holding of meetings and social  
44 events.

1 **Section 3 – Amendment of Chapter 62, Article III, Commercial Districts.**

2 The following use is added to the table in Sec 62.35, Permitted uses in Chapter 62, Article III,  
3 Commercial districts, of the Land Development Regulations. Except as amended herein, the  
4 remainder of Sec. 62.35 remains in full force and effect.

	C-1A	C-1B	B-1	C-1
5				
6	<u>Museum, Commercial</u>			<u>P</u>

7  
8 **Section 4 – Codification.**

9 The provisions of this Ordinance shall be codified in the Code of Ordinances of the City of Vero  
10 Beach, Florida.

11  
12 **Section 5 – Conflict and Severability.**

13 In the event any provision of this Ordinance conflicts with any other provision of the Code or any  
14 other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance,  
15 the more strict provision shall apply and supersede. If any provision of this Ordinance is held to  
16 be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction,  
17 such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall  
18 be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

19  
20 **Section 6 – Effective Date.**

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

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23  
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26 This Ordinance was read by title for the first time on the \_\_\_\_ day of \_\_\_\_\_  
27 2020, and was advertised on the \_\_\_\_ day of \_\_\_\_\_ 2020, for a public hearing to  
28 be held on the \_\_\_\_ day of \_\_\_\_\_ 2020, at the conclusion of which hearing it was  
29 moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember  
30 \_\_\_\_\_, and adopted by the following vote of the City Council:

- 31 Mayor Anthony W. Young \_\_\_\_\_
- 32 Vice Mayor Laura Moss \_\_\_\_\_
- 33 Councilmember Robert Bracket \_\_\_\_\_
- 34 Councilmember Joseph Graves \_\_\_\_\_
- 35 Councilmember Rey Neville \_\_\_\_\_

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ATTEST:

CITY OF VERO BEACH, FLORIDA

\_\_\_\_\_  
Tammy K. Bursick  
City Clerk

\_\_\_\_\_  
Anthony W. Young  
Mayor

**ADMINISTRATIVE REVIEW**  
(For Internal Use Only—Sec. 2-77 COVB Code)

Approved as to form and  
legal sufficiency:

Approved as conforming to  
municipal policy:

\_\_\_\_\_  
John S. Turner  
City Attorney

\_\_\_\_\_  
Monte K. Falls  
City Manager

Approved as to technical requirements:

\_\_\_\_\_  
Jason H. Jeffries, AICP  
Planning and Development Director

**ZONING TEXT AMENDMENT APPLICATION**

City of Vero Beach Planning and Development Department  
P.O. Box 1389, Vero Beach, FL 32961-1389  
(772) 978-4550 – Fax (772) 778-3856

Date Received 7/29/20

Application # Z20-000013-TXT

TO: Director, Planning and Development Department

- The undersigned hereby petitions the City of Vero Beach for a change of the Zoning Ordinance and that the necessary hearings by the Planning and Zoning Board and the City Council be called to consider a change as summarized below:

- ① Add Museum, commercial as a permitted use to C-1 zoning district.
- ② Add following definition of Museum, commercial to chapter 60:

"A commercial establishment for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest. Such activity may include the sale of objects collected, memorabilia, and related retail, and the holding of meetings and events."

- Applicant Name: Wayne Gould  
 Mailing Address: 8571 E. Hillwood Lane  
Tucson, Az 85750  
wayne.k.gould@gmail.com  
 Telephone #: <sup>cell</sup> 704-519-6130 Fax #: \_\_\_\_\_



On a separate sheet(s), provide justification for the proposed change. (email to follow)

[Signature]  
Applicant's Signature

7/25/20  
Date

<u>Application Fee</u> :*	Change in Permitted Uses	\$2,160	
	All Other Text Changes	\$1,620	= 1980.00 ✓

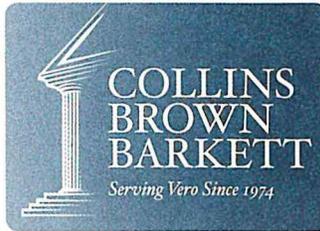
\* See attached fee schedule for additional advertising and administrative costs.

Bruce D. Barkett <sup>6</sup>  
Lisa Thompson Barnes <sup>4,8</sup>  
Calvin B. Brown  
Nicholas L. Bruce <sup>2,3,7</sup>  
George G. Collins, Jr. <sup>1</sup>  
Michael J. Garavaglia <sup>5</sup>  
Aaron V. Johnson  
C. Douglas Vitunac

Jonathan D. Barkett

OF COUNSEL

William W. Caldwell  
Ralph L. Evans  
Steven L. Henderson <sup>1</sup>



ATTORNEYS AT LAW

756 Beachland Boulevard Vero Beach, Florida 32963  
Post Office Box 643686 Vero Beach, Florida 32964-3686

1. Board Certified Real Estate
2. Board Certified Wills Trusts & Estates
3. Master Of Laws Taxation
4. Master Of Laws Real Property Development
5. Master Of Laws Estate Planning & Elder Law
6. Certified Circuit Mediator
7. Also Admitted In GA
8. Also Admitted In The Commonwealth Of The Bahamas

July 31, 2020

**Via Hand Delivery**

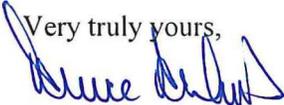
Mr. Jason Jeffries  
Planning and Development Director  
City of Vero Beach  
1053 20<sup>th</sup> Place  
Vero Beach, FL 32960

**RE: City of Vero Beach Zoning Text Amendment to permit "Museums Commercial" in the C-I Zoning District**  
**Property Owner: Wayne Gould**

Dear Mr. Jeffries:

As we discussed, I enclose the justification for the Wayne Gould application for a Zoning Text amendment. Please contact me if anything else is required for this application to proceed.

As always, I look forward to working with you on this matter.

Very truly yours,  


Bruce Barkett  
For the Firm

BB:sm  
Encls.  
Cc: Wayne Gould



PHONE: 772.231.4343 | FAX: 772.234.5213 | WWW.VEROLAW.COM

**JUSTIFICATION STATEMENT**  
**For**  
**CITY OF VERO BEACH ZONING TEXT AMENDMENT**  
**To**  
**PERMIT “MUSEUMS” IN THE C-1 ZONING DISTRICT**

This application would permit commercial museums in the C-1 Zoning District. This district is designed to provide adequate space in appropriate and highly accessible locations to accommodate various levels of commercial development. See Section 62.34, City Code. The applicant submits that a commercial museum would be consistent with other uses already permitted in the C-1 Zoning District, including: commercial amusements; general retail sales and services; microbreweries; recreation and park areas; and hotels and motels.

In addition, this Text Amendment is consistent with the following goals, objectives, and policies of the Vero Beach Comprehensive Plan:

Objective 1: which dictates that the City should manage future development to maintain and enhance the unique, small-town character of the community. Museums enhance the unique small-town character of the communities in which they are located.

Policy 1.10: provides that the commercial land-use designation should be applied to areas which are suitable for small to medium scale urban development and intensities located near existing urban uses or near the center of several neighborhoods. These users should be permitted in “high access” locations such as intersections arterial and collector streets or adjacent to arterial or collector streets. The applicant submits these areas are suitable for commercial museums.

Land Use Objective 3: calls on the City to administer and maintain its Land Development Regulations to, among other things, promote diverse and distinctive commercial and neighborhood areas with a sense of place. This objective would be furthered by the existence of a commercial museum, which would create a destination spot for residents and tourists alike.

Objective 11: the City should endeavor to improve the overall appearance, character, mix of users, property maintenance, and development quality in the US Highway 1 corridor. Much of the corridor is zoned for commercial use, and a museum would certainly add to the overall appearance, character, and mix of users on US Highway 1.

The applicant submits that a commercial establishment such as a museum designed to preserve and exhibit artistic, historical, scientific, natural, or man-made objects of interest would benefit the Commercial Zoning District and the City of Vero Beach, and would be consistent with the purpose of the Commercial District and with the Vero Beach Comprehensive Plan, as shown above.

**DEPARTMENTAL CORRESPONDENCE**

TO: Chairman Steve Lauer and  
Planning and Zoning Board Members

FROM: Jason H. Jeffries, AICP <sup>JHJ</sup>  
Director of Planning and Development

DATE: August 14, 2020

SUBJECT: **Public Hearing on an Ordinance to Amend Chapter 62, Article VII, Airport Master Plan Land Use Zones, to Amend Chapter 62, Article X, Downtown District, and to Amend Chapter 60, (Appendix, Definitions), Relating to amending TV/Radio Studio in the DTW, Downtown Zoning District, and adding Broadcast Studio to ALI-1, Airport Light Industrial Zoning District and adding a Definition for Broadcast Studio**

**OVERVIEW**

Tim Girard (applicant) is proposing a text amendment to Chapter 62, Article VII, Airport Master Plan Land Use Zones, to broadcast studio to the ALI-1, Airport Light Industrial Zoning District, and a text amendment to Chapter 60 (Appendix, Definitions), to add a definition for broadcast studio. The purpose of the text amendment is to allow establishments that produce video or music performances for online or digital broadcasting in the ALI-1, Airport Light Industrial Zoning District. Adding this use to the ALI-1 district will allow broadcast studios, a compatible commercial use, in the ALI-1 district. The definition will provide clarity in interpreting the allowed type of establishment that is included in this use category.

**BACKGROUND**

Mr. Girard is currently leasing the former T&D Facility at the City’s Airport for a light industrial manufacturing use and is proposing to co-locate a business that produces videos and music performances at the locations in the ALI-1, Airport Light Industrial Zoning District. According to A Planners Dictionary, the proposed use is broadcast studio. The use is not permitted in the ALI-1 district. The City’s Zoning Code does permit TV/Radio Studio in the DTW, Downtown Zoning District. TV/Radio Studio is not defined in the City’s Zoning Code.

The ALI-1, Airport Light Industrial Zoning District, is a light industrial zoning district that permits a range of commercial, institutional, and light industrial activities, such as general retail, restaurants, professional offices, hotels, aeronautical schools, education institutions, research centers and light industrial uses. The applicant is proposing to add broadcast studio, a commercial use, to the ALI-1, Airport Light Industrial Zoning District. This commercial use is compatible with the other commercial, institutional and light industrial uses in the zoning district.

**SUMMARY OF PROPOSED CODE**

The following use is proposed to be added to Chapter 62, Article VII, Airport Master Plan Land

Planning Board Members  
Broadcast Studio in ALI-1  
August 14, 2020

Use Zones:

- Broadcast studio permitted in ALI-1

The following use is proposed to be amended in Chapter 62, Article X, Downtown District for internal consistency within the Zoning Code:

- Radio/TV Studios currently permitted in DTW is changed to Broadcast studio

The following is the proposed definition to be added to Chapter 60:

- *Broadcast studios*: An establishment containing one or more broadcasting studios for over-the-air, cable, satellite, or internet delivery of radio or television programs, or studios for the audio or video recording or filming with or without live audiences of musical performances, radio or television programs, or motion pictures. This term does not include a transmission tower or telecommunications facility.

## STAFF REVIEW AND ANALYSIS

The staff reviewed the proposed text amendment to the Land Development Regulations (LDR) based on the standards outlined in Section 65.22(i)(1) and (3) of the City of Vero Beach Code. The staff's analysis and findings are as follows:

Justification for the Amendment. The applicant prepared a justification statement for the text amendment. In summary, the justification is stated as follows: the proposed text amendment will serve the public by allowing additional areas in the City for production of digital media and is consistent with other commercial, institutional, and light industrial uses in the ALI-1, Airport Light Industrial Zoning District.

The staff finds the text amendment in the attached proposed ordinance to be justified and warranted pursuant to Section 65.22(i)(1) based upon the above facts.

Consistency with the Comprehensive Plan. The staff finds the text amendment, as proposed by staff, to be consistent with the following objective and policies of the Land Use Element of the City's Comprehensive Plan:

**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 1.11** The Industrial (I) Land Use designation shall be applied to those areas that are suitable for small to medium urban scale development and intensities. Those areas shall be limited to lands that are located adjacent to major transportation facilities such as airports, arterial streets or railroads, buffered from residential neighborhoods or located with consideration to environmental impacts and other performance standards provided for in the City Land Development Regulations. This land use category shall or may allow a broad mixture of residential, mixed residential, light industrial, aviation oriented, education and nonresidential uses and supportive community services

Planning Board Members  
Broadcast Studio in ALI-1  
August 14, 2020

depending upon whether the use is listed as a permitted use or conditional use in the applicable underlying zoning district.

**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.

**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 15. Land Use Compatibility with Airport Operations** The City should regulate the use of lands in order to ensure that future uses are compatible with Vero Beach Regional Airport operations in order to promote public health, safety, and general welfare.

The proposed amendment to add broadcast studio as a permitted use in the ALI-1, Airport Light Industrial Zoning District, will allow an additional commercial use in the ALI-1 district that is

Planning Board Members  
Broadcast Studio in ALI-1  
August 14, 2020

compatible with the other permitted uses in the zoning district. The proposed amendment is consistent with Objective 1 to manage future development and redevelopment to maintain and enhance the character of the community and provide for compatible pattern of land uses and is consistent with Policy 1.11 to allow a broad mixture of commercial, institutional, and light industrial uses in the I, Industrial land use designation. The ALI-1, Airport Light Industrial Zoning District is located in areas of the City that are designated with the I, Industrial future land use.

The ALI-1, Airport Light Industrial Zoning District, is also located within the area subject to the Airport Master Land Use Plan. The proposed text amendment is consistent with Objective 15, Land Use Compatibility with Airport Operations, and is a compatible commercial land use with the airport operations.

The proposed amendment to add a definition to Chapter 60 relating broadcast studio will provide clarity for interpreting the type of establishment allowed as a broadcast studio in the zoning district 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 broadcast studio in the LDR.

Consistency with Land Development Regulations. The proposed Ordinance allows an additional commercial use in the ALI-1, Airport Light Industrial Zoning District, it amends Radio/TV studio to broadcast studio for consistency of use terminology in all zoning districts, and ensures consistent interpretation of broadcast studio use; therefore, the staff finds the proposed ordinance is consistent with the Land Development Regulations.

#### **RECOMMENDATION**

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

JHJ  
Attachments



1           **WHEREAS**, the City’s Comprehensive Plan, Land Use Element, Objective 3, requires the  
2 City to administer and maintain its land development regulations in a manner consistent with the  
3 goals, objectives, and policies of the Comprehensive Plan and improve the land development  
4 regulations for readability, clarity, and ease of administration. The adopted regulations should  
5 provide definitions, where necessary, to provide objective application of the regulation; and  
6

7           **WHEREAS**, the Planning and Zoning Board, serving as the local planning agency under  
8 Florida Statute 163.3174, after a public hearing held on August 20, 2020, finds that the Code  
9 amendments provided in this Ordinance are consistent with relevant goals, objectives and policies  
10 contained within the City’s Comprehensive Plan; and  
11

12           **WHEREAS**, notice was given as required by law that the text of the Land Development  
13 Regulations of the City of Vero Beach, Florida, be amended to add broadcast studios to the list of  
14 permitted uses in the ALI-1, Airport Light Industrial Zoning District, amend Radio/TV studios to  
15 Broadcast studio in the DTW, Downtown Zoning District and add the definition of broadcast  
16 studios use; and  
17

18           **WHEREAS**, an advertisement was placed in a newspaper of general circulation and  
19 provided the public with at least ten (10) days advance notice of this Ordinance's public hearing to  
20 be held by the Planning and Zoning Board in the City Council Chambers, located on the first floor  
21 of City Hall in the City of Vero Beach; and  
22

23           **WHEREAS**, an advertisement no less than two columns wide by 10 inches long was  
24 placed in a newspaper of general circulation and provided the public with at least seven (7) days  
25 advance notice of this ordinance's first public hearing to be held by the City Council of the City of  
26 Vero Beach (“City Council”) in the City Council Chambers, located on the first floor of City Hall  
27 in the City of Vero Beach; and  
28

29           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long  
30 was placed in the aforesaid newspaper and provided the public with at least five (5) days advance  
31 notice of this ordinance's second public hearing to be held by the City Council in the City Council  
32 Chambers, located on the first floor of City Hall in the City of Vero Beach; and  
33

34           **WHEREAS**, public hearings were held pursuant to the notices described above at which  
35 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and  
36

37           **WHEREAS**, the City Council, after providing legal notice and holding a public hearing,  
38 finds that the Code amendments provided in this Ordinance serve a municipal purpose and promote  
39 and protect the public health, safety, and welfare to add broadcast studios to the list of permitted  
40 uses in the ALI-1, Airport Light Industrial Zoning District, amend Radio/TV stations to Broadcast  
41 studios in the list of permitted uses in the DTW, Downtown zoning district, and a definition of the  
42 broadcast studio to the land development regulations.  
43

44           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
45 **OF VERO BEACH, FLORIDA THAT:**  
46

1 **Section 1 – Adoption of “Whereas” clauses.**

2 The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the  
3 legislative findings, purpose, and intent of this Ordinance.

4  
5 **Section 2 – Amendment of Chapter 60. – Appendix - Definitions.**

6 The following definition is added to Chapter 60 of the Land Development Regulations. Except as  
7 amended herein, the remainder of Chapter 60 remains in full force and effect.

8 Broadcast studios: An establishment containing one or more broadcasting studios for over-the-air,  
9 cable, satellite, or internet delivery of radio or television programs, or studios for the audio or video  
10 recording or filming with or without live audiences of musical performances, radio or television  
11 programs, or motion pictures. This term does not include a transmission tower or  
12 telecommunications facility.

13  
14 **Section 3 – Amendment of Chapter 62, Article VII, Airport Master Plan Land Use Zones.**

15 The following use is added to the table in Sec 62.100, Development guidelines in Chapter 62,  
16 Article VII, Airport Master Plan Land Use Zones, of the Land Development Regulations. Except  
17 as amended herein, the remainder of Sec. 62.100 remains in full force and effect.

	Zoning Districts				
	ALI-A1	ALI-A2	ALI-1	ALI-MC	AR-MHP
<u>Broadcast Studios</u>			<u>X</u>		

18  
19  
20  
21 **Section 4 – Amendment of Chapter 62, Article X, Downtown District.**

22 The following use is amended in the list of permitted uses in Sec 62.301, Permitted uses in Chapter  
23 62, Article X, Downtown Zoning District, of the Land Development Regulations. Except as  
24 amended herein, the remainder of Sec. 62.301 remains in full force and effect.

25 **Sec. 62.301. - Permitted uses.**

26 In this District, the following uses are permitted:

- 27 (1) – (24) No Change
- 28 (25) ~~Radio/TV stations~~ Broadcast studios.
- 29 (26) – (30) No Change

30 **Section 5 – Codification.**

31 The provisions of this Ordinance shall be codified in the Code of Ordinances of the City of Vero  
32 Beach, Florida.

33 **Section 6 – Conflict and Severability.**

34 In the event any provision of this Ordinance conflicts with any other provision of the Code or any  
35 other ordinance or resolution of the City of Vero Beach on the subject matter of this Ordinance,  
36 the more strict provision shall apply and supersede. If any provision of this Ordinance is held to  
37 be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction,  
38 such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall  
39 be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

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**Section 7 – Effective Date.**

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

\*\*\*\*\*

This Ordinance was read by title for the first time on the \_\_\_\_ day of \_\_\_\_\_  
2020, and was advertised on the \_\_\_\_ day of \_\_\_\_\_ 2020, for a public hearing to  
be held on the \_\_\_\_ day of \_\_\_\_\_ 2020, at the conclusion of which hearing it was  
moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember  
\_\_\_\_\_, and adopted by the following vote of the City Council:

Mayor Anthony W. Young \_\_\_\_\_  
Vice Mayor Laura Moss \_\_\_\_\_  
Councilmember Robert Bracket \_\_\_\_\_  
Councilmember Joseph Graves \_\_\_\_\_  
Councilmember Rey Neville \_\_\_\_\_

ATTEST: CITY OF VERO BEACH, FLORIDA

\_\_\_\_\_  
Tammy K. Bursick  
City Clerk

\_\_\_\_\_  
Anthony W. Young  
Mayor

**ADMINISTRATIVE REVIEW**  
(For Internal Use Only–Sec. 2-77 COVB Code)

Approved as to form and  
legal sufficiency:

Approved as conforming to  
municipal policy:

\_\_\_\_\_  
John S. Turner  
City Attorney

\_\_\_\_\_  
Monte K. Falls  
City Manager

Approved as to technical requirements:

\_\_\_\_\_  
Jason H. Jeffries, AICP  
Planning and Development Director

**ZONING TEXT AMENDMENT APPLICATION**

City of Vero Beach Planning and Development Department  
P.O. Box 1389, Vero Beach, FL 32961-1389  
(772) 978-4550 – Fax (772) 778-3856

Date Received 7/29/20

Application # Z20-000012 -TXT

TO: Director, Planning and Development Department

- 1. The undersigned hereby petitions the City of Vero Beach for a change of the Zoning Ordinance and that the necessary hearings by the Planning and Zoning Board and the City Council be called to consider a change as summarized below:

A) Add "Broadcast Studios" as a permitted use within the ALI-1 Zoning District.

B) Add the definition of Broadcast Studios:

Broadcast studio: An establishment containing one or more broadcasting studios for over-the-air, cable, satellite, or internet delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower or telecommunications facility.

2. Applicant Name: Mr. Tim Girard /Girard Equipment

Mailing Address: 3455 Airport West Drive  
Vero Beach, FL 32960

Telephone #: (800) 526-4330 Fax #: \_\_\_\_\_



On a separate sheet(s), provide justification for the proposed change.

Timothy Girard  
Applicant's Signature

7/27/2020  
Date

<u>Application Fee:</u> *	Change in Permitted Uses	\$2,160
	All Other Text Changes	\$1,620

\* See attached fee schedule for additional advertising and administrative costs.

# ZONING TEXT AMENDMENT JUSTIFICATIONS

## **Justification 1:**

Provide the text amendment is strikethrough/underline.

This amendment seeks to:

A) Add “Broadcast Studios” as a permitted use within the ALI-1 Zoning District.

B) Add the definition of Broadcast Studios:

Broadcast studio: An establishment containing one or more broadcasting studios for over-the-air, cable, satellite, or internet delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower or telecommunications facility.

## **Justification 2:**

Describe why the text amendment is needed and public purpose is served by the amendment.

The proposed text amendment would serve the public purpose by providing additional areas where digital media could be produced for businesses, non-profits, the public sector and residents. As we have seen by the last few months, digital platforms are key for communication and more important than ever before. From “zoom” meetings to virtual trade shows to online learning and to musical performances, we have entered a new era that reduces face to face interactions. However, technology has evolved at light speed and using digital communication platforms is headed into the mainstream.

Without a doubt, modern day production equipment and wireless communications are much less intense than the telecommunication and telemetry equipment of the 1970’s, 80’s and 90’s. And with face to face interaction reduced, having a local source to produce digital communication is crucial to the success of a community.

## **Justification 3 – Compliance with Comprehensive Plan Sections and Bulk Regulations:**

Describe how the text amendment is consistent with relative goals, objectives and policies of the Comprehensive Plan and internally consistent with the purposes, permitted uses, bulk regulations, and other standards of the zoning ordinance that are not the subject of the proposed amendment.

The text amendment is consistent with the Goals, Objectives and Policies found in the City’s Comprehensive Plan. And there are several policies and objectives which support the overall goal of periodic review and updates to the zoning code. In examining the Comprehensive Plan, the industrial land use designation policy, redevelopment and infill strategy objective, and compatibility with airport operations objective support the request to modify the permitted uses and create a definition for Broadcast Studio reflective of newer technology.

## **Chapter 2 – Land Use Element**

### **Section 1.11**

This section focuses on the industrial use designation within the City of Vero Beach. Pursuant to the comprehensive plan, industrial land-use districts may allow for small to medium urban scale development and intensities. This land use category shall or may allow a broad mixture of residential, mixed residential, light industrial, aviation oriented, education and nonresidential uses and supportive community services depending upon whether the use is listed as a permitted use or conditional use in the applicable underlying zoning district.

This request is consistent with the goals and objectives of the industrial land use category offering a wide range of uses within the industrial category, especially when considering the request offers a supportive community service .

#### **Objective 4: Redevelopment and Infill Principles and Strategies**

The City should encourage and facilitate urban infill and redevelopment through its Land Development Regulations, infrastructure improvement programs, and economic tax incentives.

The State of Florida's Economic Development branch Enterprise Florida offers incentives to qualified targeted industry to assist in developing digital materials. Allowing this as a permitted use gives a larger older building new life, the exact intent of infill and development.

#### **Objective 15. Land Use Compatibility with Airport Operations**

The City should regulate the use of lands in order to ensure that future uses are compatible with Vero Beach Regional Airport operations in order to promote public health, safety, and general welfare.

The Airport Light Industrial district at the airport is uniquely positioned to buffer any externalities from residential districts. This use will not impact the public health, safety or welfare.

Lastly, in examining the City's Comprehensive Plan benchmarks for supporting a rezoning application, similar parallels may be drawn for supporting use amendments within each zoning district. This application is not a rezoning per se, but adding a permitted use to a zoning district has a very similar impact on the zoning code and is processed much the same as a rezoning request. An application is submitted, reviewed by Staff, reviewed by the Planning Board during a public hearing and hopefully found favorable, and that recommendation is forwarded to the City Council who approve the request via an Ordinance (and two more public hearings).

#### **Policy 1.18**

The City should rezone land consistent with Table 2-2, Relationship between Future Land Use Designations and Zoning Districts, and the standards set forth in this policy and elsewhere in this element.

- (a) Consistency with the goals, objectives, and policies of the Comprehensive Plan;
- (b) Compatibility with zoning map designations abutting or in the immediate vicinity of the subject property;

- (c) Changed conditions to the subject property and the neighborhood or area in the vicinity in which the property is located that warrant an amendment;
- (d) Maintenance of adopted level of service on roadways, public school facilities, sanitary sewer, potable water, solid waste, storm drainage, and recreation;
- (e) Maintenance of an orderly and logical development pattern; and
- (f) Consistency with the public interest.

It is our professional opinion that approving this use in the ALI-1 district is consistent, compatible and that changing conditions warrant the amendment. The adopted levels of service will not be impacted by adding this use, an orderly/logical development pattern is continued, and it is consistent with public interest.