

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENT TO CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES; BY AMENDING SECTION 971.11 SAME-UNENCLOSED; BY AMENDING SECTION 971.12 COMMERCIAL SERVICES, BY AMENDING SECTION 971.13 COMMERCIAL USES, BY AMENDING SECTION 971.28 INSTITUTIONAL USES, BY AMENDING SECTION 971.41 RESIDENTIAL USES, BY AMENDING SECTION 971.42 SALES; GENERAL MERCHANDISE, BY AMENDING SECTION 971.45 VEHICULAR SALES, SERVICE AND STORAGE; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRs) CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES, BE AMENDED AS FOLLOWS:

SECTION #1:

Amend LDR Section 971.11(2), “Miniature golf courses”; as follows:

- (2) *Miniature golf courses (administrative permit: **no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval;** and special exception).*
- (a) *District requiring administrative permit approval, (pursuant to the provisions of 971.04): CH.*
- (b) *District requiring special exception approval, (pursuant to the provisions of 971.05): CG.*
- (c) *Additional information requirements: Plans and documentation shall be provided by the developer as needed to demonstrate compliance with the following requirements.*
- (d) *Criteria for miniature golf courses:*
1. *Bufferyard.* A bufferyard having a minimum depth of seventy-five (75) feet when adjacent to a single-family zoning district, fifty (50) feet when adjacent to a multifamily district, shall be established and maintained as permanent open space where the project site parcel abuts a residential zoning district. Within the bufferyard, Type "A" screening shall be provided.
 2. *Exterior lighting.* Lighting plans shall be provided (and implemented) which demonstrate that no "spill over" from exterior light sources shall fall onto either roadways or residential zoning districts that are adjacent to the project site.
 3. *Hours of operation.* Where a project site is within two hundred (200) feet of a residential zoning district, the establishment shall not be operated from 11:00 p.m. to 7:00 a.m.

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4. *Height limitations.* Height limitations shall apply to all structures within the project site.
5. *Signs and images.* All formed and fashioned images located outdoors, such as representations of animals, windmills, recreated scenes, and others which are visible from an adjacent roadway or residential zoning district shall be treated as signs and shall be restricted by the zoning code sign regulations. Any formed or fashioned images used outdoors which the developer demonstrates are not visible from an adjacent roadway or residential zoning district shall be exempted from sign regulations.
6. *Noise.* Where a project site is within three hundred (300) feet of a residential zoning district, additional conditions may be added by the county to address special noise impacts. Such conditions may include, but are not limited to, setbacks, noise reducing buffers, restrictions on outdoor speakers and hours of operation.

SECTION #2:

Amend LDR Section 971.12(1), “Building material sales and lumberyards” and LDR Section 971.12(2), “Outdoor storage (unenclosed)”; as follows:

- (1) *Building material sales and lumberyards (administrative permit: no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval).*
 - (a) *Districts requiring administrative permit approval, (pursuant to the provisions of 971.04):* CG.
 - (b) *Additional information requirements:*
 1. A written statement defining the general inventory of materials to be sold on the premises;
 2. Statements disclosing the projected percentage of total sales to be derived from wholesale activities;
 3. A site plan showing the location of all principal structures and all on-site storage areas.
 - (c) *Criteria for construction material sales:*
 1. All materials to be sold on the premises must be completely screened from adjacent properties and roadways;
 2. On-site vehicular storage shall be limited to those vehicles used in the operation of establishment;
 3. Such establishments shall not include the manufacture of structural wood components, roof trusses, wall units and other activities requiring the assembly of wood products;
 4. All wholesale activities shall be accessory to retail sales conducted on the site.

- (2) *Outdoor storage (unenclosed) (administrative permit: **no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval**).*
- (a) *Districts requiring administrative permit approval, (pursuant to the provisions of 971.04): CH.*
- (b) *Additional information requirements: A site plan showing the location, dimensions, and area of all enclosed storage areas and proposed unenclosed outdoor storage areas (which shall consist of the entire area for storage and spacing between merchandise items).*
- (c) *Criteria for outdoor storage (unenclosed):*
1. Outdoor storage shall be accessory in terms of use to the principal use, and in no case shall the outdoor storage area exceed seventy-five (75) percent of the total square footage of the principal structure;
 2. Items allowed to be stored outdoors shall be limited to vehicles and equipment used in the operation of the establishment, stocking and sales display of items allowed to be sold (retail) in the CH district;
 3. For purposes of calculating parking requirements for outdoor storage of sales display items, the standards used for the principal use shall apply;
 4. All building setback requirements shall apply to the outdoor storage area(s);
 5. All outdoor storage areas containing stock and sales display items shall be completely screened (horizontal and vertical) from adjacent properties and roadways;
 6. The surface material(s) criteria for the outdoor storage area must be approved by the public works department.

SECTION #3:

Amend LDR Section 971.13(2), “Veterinary clinic or animal hospital”; as follows:

- (2) *Veterinary clinic or animal hospital (administrative permit: **no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval**).*
- (a) *Districts requiring administrative permit approval, (pursuant to the provisions of 971.04): A-1, A-2, A-3, CL, CG, CH.*
- (b) *Additional information requirements:*
1. A statement from the applicant indicating the types of animals to be cared for and the nature of all on-site facilities shall be submitted;
 2. A site plan, pursuant to the requirements of Chapter 914.
- (c) *Criteria for veterinary clinic or animal hospital:*
1. All facilities shall be located in an enclosed structure;

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2. Commercial boarding of animals may be allowed only as an accessory use and only within a totally enclosed structure;
3. All buildings shall be soundproofed in such a manner that adequately mitigates and/or attenuates noise impacts on adjacent properties.

SECTION #4:

Amend LDR Section 971.28(1), “Child care and adult care facilities” and LDR Section 971.28(4), “Homes for the aged, including nursing homes, rest homes, convalescent homes, intermediate care facilities, and continuing care facilities”; as follows:

- (1) *Child care and adult care facilities (administrative permit: **no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval;** and special exception).*
 - (a) *Districts requiring administrative permit approval, (pursuant to the provisions of 971.04):* A-1 A-2 A-3 RFD RM-8 RM-10 RMH-6 RMH-8 ROSE-4 PRO OCR CN.
 - (b) *Districts requiring special exception approval, (pursuant to the provisions of 971.05):* RS-1 RS-2 RS-3 RS-6 RT-6 RM-3 RM-4 RM-6 AIR-1.
 - (c) *Additional information requirements:*
 1. A site plan which shows all adjacent paved public roads as well as the nearest major thoroughfare, all off-street parking facilities, and the location and size of all proposed buildings, structures and signs on the site and adjacent properties, pursuant to the requirements of Chapter 914;
 2. Evidence shall be provided that minimum requirements to qualify for a State of Florida license have been satisfied;
 3. Child care facilities shall describe the type of playground equipment and playground area, if any, which is to be utilized.
 - (d) *Criteria for child care or adult care facilities:*
 1. The site shall be located on a paved road with sufficient width to accommodate pedestrian and vehicular traffic generated by the use. The facility shall be located near thoroughfares, as designated in the county's major thoroughfare plan, so as to discourage traffic along residential streets in the immediate area;
 2. Special passenger loading and unloading facilities shall be provided on the same site for vehicles to pick up or deliver clientele. Such facilities shall include driveways that do not require any back-up movements by vehicles to enter or exit the premises;
 3. All regulations of the State of Florida that pertain to the use as presently exists or may hereafter be amended shall be satisfied;
 4. Child care facilities shall provide recreation area(s) and facilities that meet or exceed applicable state standards. The applicant shall supply to the planning division, prior to site plan approval, written acknowledgement from the state that the proposed recreation area(s) and facilities meet or exceed applicable state

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standards. The applicant shall provide either a six-foot opaque buffer or one hundred fifty-foot setback between all outdoor recreation areas and adjacent residentially designated properties.

5. A Type "C" buffer will be required, acceptable to the planning department.
- (4) *Homes for the aged, including nursing homes, rest homes, convalescent homes, intermediate care facilities, and continuing care facilities (administrative permit: **no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval;** and special exception).*
- (a) *District requiring administrative permit (pursuant to provisions of 971.04): MED*
 - (b) *Districts requiring special exception approval, (pursuant to the provisions of 971.05): CL CG.*
 - (c) *Additional information requirements:*
 1. A site plan, pursuant to the requirements of Chapter 914.
 2. A license issued by the State of Florida, pursuant to Chapter 400 of the Florida Statutes.
 - (d) *Criteria for nursing homes, rest homes, convalescent homes and homes for the aged.*
 1. All such facilities shall be located near a collector or arterial roadway;
 2. Type "D" buffering shall be required along the perimeter boundaries of the site. Along boundaries where more intense buffering is required, the more intense buffering requirement shall apply.
 3. Adult congregate living facilities, nursing homes, homes for the aged, total care facilities, group homes, and similar developments shall not be located in the Coastal High Hazard Area.

SECTION #5:

Amend LDR Section 971.41(10), “Accessory single-family dwelling unit”; as follows:

- (10) *Accessory single-family dwelling unit:*
- (a) The construction of an accessory dwelling unit on a residentially zoned lot shall be allowed subject to the provisions of section 971.41(10). The standards and requirements of this section are intended to make available inexpensive dwelling units to meet the needs of older households, single member households, and single parent households. This is in recognition of the fact that housing costs continue to increase, that households continue to decline in size, and that the number of elderly Americans is on the rise.
 - (b) Districts requiring administrative permit approval **(no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval)**, (pursuant to the provisions of 971.04):

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A-3	A-2	A-1	RFD	RS-1	RS-2	RS-3
RS-6	RT-6	RM-3	RM-4	RM-6	RM-8	RM-10
Con-2	Con-3	Rose-4	RMH-6	RMH-8		

- (c) Requirements of section 971.41(10) shall not supersede property owner deed restrictions.
- (d) Additional information required:
 1. A site plan conforming to Chapter 914 requirements.
- (e) Criteria for accessory dwelling units:
 1. Accessory dwelling units shall be located only on lots which satisfy the minimum lot size requirement of the applicable zoning district.
 2. The accessory dwelling unit shall be clearly incidental to the principal dwelling and shall be developed only in conjunction with or after development of the principal dwelling unit.
 3. Not more than one (1) accessory dwelling unit shall be established in conjunction with a principal dwelling unit.
 4. No accessory dwelling unit shall be established in conjunction with a multifamily dwelling unit.
 5. The heated/cooled gross floor area of the accessory dwelling unit shall not exceed thirty-three (33) percent of the heated/cooled gross floor area of the principal structure or seven hundred fifty (750) gross square feet, whichever is less. The accessory dwelling unit shall be no smaller than three hundred (300) gross square feet of heated/cooled area.
 6. No accessory dwelling unit shall have a doorway entrance visible from the same street as the principal dwelling unit.
 7. Detached accessory dwelling units shall be located no farther than seventy-five (75) feet in distance from the principal dwelling unit from the closest point of the principal dwelling unit to the closest point of the accessory dwelling unit.
 8. Excluding converted garage accessory dwelling units, the accessory dwelling unit shall be designed so that the exterior facade material is similar in appearance to the facade of the existing principal structure.
 9. One (1) off-street parking space shall be provided for the accessory dwelling unit in addition to spaces required for the principal dwelling unit.
 10. The accessory dwelling unit shall be serviced by centralized water and wastewater, or meet the health department's well and septic tank and drainfield requirements. Modification, expansion or installation of well and/or septic tank facilities to serve the accessory dwelling unit shall be designed in a manner that does not render any adjacent vacant properties "unbuildable" for development when well and/or septic tank facilities would be required to service development on those adjacent properties.
 11. No accessory dwelling unit shall be sold separately from the principal dwelling unit. The accessory dwelling unit and the principal dwelling unit shall be located

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on a single lot or parcel or on a combination of lots or parcels unified under a recorded unity of title document.

12. An accessory dwelling unit shall be treated as a multi-family unit for impact fees and for traffic concurrency purposes, and the concurrency requirements of Chapter 910 for a multi-family unit shall be satisfied.

SECTION #6:

Amend LDR Section 971.42(3), “Drug stores”; as follows:

- (3) *Drug stores (administrative permit: **no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval**).*
 - (a) *Districts requiring administrative permit approval, (pursuant to the provisions of 971.04): CN OCR.*
 - (b) *Criteria for drug stores:*
 1. The facility must not exceed three thousand (3,000) square feet in gross floor area.

SECTION #7:

Amend LDR Section 971.45(5), “Used vehicle sales”; as follows:

- (5) *Used vehicle sales (administrative permit: **no planning and zoning commission review or approval required if associated with a site plan reviewed as an administrative approval or minor site plan and if courtesy sign posting is provided on site prior to staff approval; and special exception**).*
 - (a) *Districts requiring administrative permit approval, (pursuant to the provisions of 971.04): CH.*
 - (b) *Districts requiring special exception approval, (pursuant to the provisions of 971.05): CG.*
 - (c) *Additional information requirements: A site plan meeting all of the requirements of Chapter 914 which shows the approximate location and maximum number of automobiles to be accommodated on the site.*
 - (d) *Criteria for used vehicle sales:*
 1. No such establishment shall be permitted on a lot of record having less than ten thousand (10,000) square feet in a CG district or fifteen thousand (15,000) square feet in a CH district;
 2. All outdoor vehicular display areas and off-street parking areas shall have paved surfaces which meet the standards of Chapter 954. For the purpose of this chapter, vehicular display areas shall be paved areas where vehicles for sale are on display.

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- Off-street parking areas shall be paved areas maintained for customer and employee parking;
3. No vehicular sales office (building) shall be located closer than twenty-five (25) feet to any property line except any property line that is abutting railroad right-of-way in which case the structure shall not be located closer than ten (10) feet. Also, no vehicular display areas shall be located closer than ten (10) feet to any property line;
 4. The site shall provide for separation of vehicular display areas and off-street parking areas;
 5. All designated outdoor vehicular display areas shall provide for a minimum of three hundred (300) square feet per vehicle. Drives and maneuvering areas shall be designed to permit convenient on-site maneuvering of the vehicles.

SECTION #8: SEVERABILITY

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

SECTION #9: REPEAL OF CONFLICTING ORDINANCES

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION #10: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION #11: EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the ____ day of _____, 2018, for a public hearing to be held on the ____ day of _____, 2018, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Peter D. O’Bryan	_____
Vice Chairman Bob Solari	_____
Commissioner Susan Adams	_____

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Commissioner Joseph E. Flescher _____

Commissioner Tim Zorc _____

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2018.

BY: _____
Peter D. O'Bryan, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: _____
Deputy Clerk

This ordinance was filed with the Department of State on the following date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

Stan Boling, AICP; Community Development Director