



INDIAN RIVER COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
1801 27th Street, Vero Beach FL 32960
772-226-1237 / 772-978-1806 fax
www.ircgov.com

March 12, 2020

Jacob Allenbaugh
7760 66th Avenue
Vero Beach, FL 32967
23hondas@gmail.com

Re: Construction of a residence on property with a \pm 500' communications tower
(6390 77th Street, tax parcel no. 31-39-32-00000-5000-00018.1)

Dear Mr. Allenbaugh:

Concerning the subject property at 6390 77th Street, I am writing with reference to your zoning verification request letter received 10/16/2018; staff's response letter dated 10/30/2018; and staff's follow-up emails dated 1/10/2019 and 1/30/2019 (see attachments).

More specifically, **I am writing to reaffirm county staff's position that construction of a residence on the subject property, albeit outside of the 200' design fall radius of the tower, would increase the degree of the existing site-related nonconformity (i.e., the tower) and therefore is not allowed.**

The tower on the property was approved for construction in 1990, in compliance with County land development regulations (LDRs) in effect at that time. In 1997, the County revised its LDRs to prohibit commercial communications towers 150 feet and taller in the A-1, agricultural zoning district, which is the zoning of the subject property. Because the structure was legal when constructed, but no longer meets County LDR requirements, the structure is now a "legal nonconformity" subject to the provisions of County Code Chapter 904.

County Code Section 904.05(3) (attached) provides that:

...[D]evelopment...of structures on property with site-related nonconformities...may be permitted provided that such additions...do not increase the degree of the existing site-related nonconformity.

Since 1997, County Code Subsections 971.44(1)(d) and (g)1. (attached) require that commercial communications towers 150 feet and taller satisfy the following criterion:

...[T]he tower is to be located a distance more than equal to three hundred (300) percent of the tower height from the nearest residential dwelling (existing or under construction).

A distance of 1,500 feet (300% of the 500 foot tower height) measured from the base of the tower covers the entire \pm 17.8 acre property. As such, development of a residential dwelling on the same property (owned/controlled by the same owner of the nonconformity) would increase the degree

of the existing site-related nonconformity (the tower), since the 500' tower would not be allowed within 1,500 feet of a residential dwelling if built under current LDRs.

Right to Appeal

Under County Code Section 902.07 (attached), you have the right to appeal decisions of the Community Development Director or his designee relating to interpretation and application of County land development regulations. Such appeals are heard by the Indian River County Planning and Zoning Commission. If you choose to appeal, the appeal must be filed within 21 days from the date of your receipt of this letter. Please be advised that there is an \$800 fee for such appeals.

Thank you. If you have any questions, please let me know. I can be reached at (772) 226-1254 or rdeblois@ircgov.com.

Sincerely,



Roland M. DeBlois, AICP
Planning Director

Attachments:

1. Staff response letter dated 10/30/2018 (including attachments)
2. Staff email dated 1/10/2019 (including attachments)
3. Staff email dated 1/30/2019
4. County Code Section 904.05
5. County Code Section 971.44(1)
6. County Code Section 902.07
7. Appeal application

Cc: Phil Matson
Ryan Sweeney
John McCoy



INDIAN RIVER COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
 1801 27th Street, Vero Beach FL 32960
 772-226-1237 / 772-978-1806 fax
www.ircgov.com

October 30, 2018

Jacob Allenbaugh
 7760 66th Avenue
 Vero Beach, FL 32967
23hondas@gmail.com

RE: Zoning verification for 6390 77th Street, Vero Beach, FL 32967
 Tax Parcel Identification # 31-39-32-00000-5000-00018.1

Dear Mr. Allenbaugh,

Planning staff has reviewed your recent letter requesting verification of certain zoning-related items regarding the above referenced parcel. Please be advised the subject site is zoned A-1, Agricultural District (up to 1 unit per 5 acres) and is located outside the urban service area. Staff offers the following responses:

1. *Build a storage barn/garage of approximately 5,000-7,000 square feet inside the fall zone.*

Staff would not support the placement of structures, including storage structures (i.e. barn, shed, garage, etc.), uncovered parking of vehicles or equipment, or access driveways within the designed fall radius of the existing tower.

2. *May the property be subdivided as shown on the attached drawing?*

Each parcel must have the minimum amount of frontage along an approved road right-of-way. Since the subject parcel is zoned A-1, Agricultural District, the property owner may apply for an Affidavit of Exemption (AOE) following the requirements of 913.06 of the County's Land Development Regulations (LDR's). A pre-application conference is required prior to submitting an AOE application. The LDR section for an AOE may be viewed at the following link:
https://library.municode.com/fl/indian_river_county/codes/code_of_ordinances?nodeId=COOR_TITIXLADERE_CH913SUPL_S913.06COREEX

The A-1 zoning district requires a minimum of 200,000 square feet of lot area, a lot width of 150', and a minimum of 60' of continuous road frontage. **Any new property line created by an AOE cannot create a setback non-conformity for the new tower.** See the response to item #4 for setback information.

3. *Are there any major permitting costs associated with constructing an additional driveway?*

The access driveway proposed on the submitted conceptual plan [attachment 1] would not be required to be paved on-site, but would need to be paved within the right-of-way (ROW) and will require a ROW permit from the County's Engineering Division (772-226-1283). The application is included in this letter for your review [see attachment 2]. The specific design and development conditions for an access driveway will be discussed upon submission of the AOE plan.

4. *May a home be built on any of the proposed parcels, outside the fall zone?*

Be advised that staff has conducted research of the County's development database and site plan files and was unable to locate a site plan for the tower. Therefore, we could not verify that a designed fall zone was ever approved. You mentioned in your letter that you reviewed the property's file and indicated on your drawing a fall zone of 200'. If you can provide documentation on the fall zone, and how it was approved, we would be happy to review it. Otherwise, any structure(s) would need to be setback a minimum distance from the tower that is equal to the tower height, which is the default setback in section 971.44(1)(g)1 of the County's LDR's [see attachment 3]. The County's Telecommunications Inventory indicates a height of 503.8' for this tower [see attachment 4].

As noted previously, any new property line cannot create a setback non-conformity for the existing tower. Using the setback of 503.8' for any new proposed property will affect proposed lot layouts.

5. *May a pond be allowed in the area shown on the submitted plan, and are there any depth or size restrictions?*

A pond may be dug, following the provisions of section 934.04(9). [See attachment 5]

6. *Are there any impact fees that they be credited from previous development?*

The County's permitting database indicates a demolition permit was issued in 2005 to demolish an existing house. However, the size of the house was not included on the permit description. Single family residential impact fees are based on the size of the home and have three (3) categories (less than 1,500 sf; 1,500 to 2,499 sf; and 2,500 sf or larger). While an impact fee is creditable for the subject property, the exact amount cannot be determined at this time. If you have documentation of the size of the previous house, that should be included with submission of a single-family home building permit application. In the absence of such documentation, the County would credit the lowest size.

If you have any questions, you may contact me at (772) 226-1715 or pmurphy@ircgov.com.

Sincerely,



Patrick J. Murphy, Senior Planner
Community Development Department

ATTACHMENT 6

Attachments:

1. Submitted Conceptual Plan
2. ROW Application
3. LDR Section 971.44(1)(g)1
4. Telecommunications Inventory
5. LDR Section 934.04(9)

cc: Stan Boling, AICP (via e-mail)
John W. McCoy, AICP (via e-mail)
Steven Hitt (via e-mail)
Kathy Charest TM 2018-0128 (via e-mail)

ATTACHMENT 6

RECEIVED

OCT 16 2018

Community Development

Dear Mr. Boling,

I am considering purchasing the property at 6390 77th St Vero Beach FL 32967, appraiser parcel ID 31393200000500000018.1 from its current owner. Purchasing this property is going to be a big step for my young family so I would like to learn as much as possible about what can be done with this parcel.

As you will see the property contains an FM tower. I spoke with the planner of the day on 9/24/18 and we came to the conclusion that writing you a letter is the best course of action since, as he put it, I'm looking to build on property with an existing tower - whereas it's usually the opposite scenario. I would like to make sure my potential development plans for the property are acceptable - most of which will be determined by what the fall zone size actually is and how it impacts future buildings.

According to what I've determined from the property's file, the fall zone has a radius of 200'. If that is indeed the case, I've broken down my potential plans below. Please respond accordingly to each plan number below.

We would like to –

1. Build a storage barn/garage of approximately 5000-7000 sqft *inside* the fall zone.
2. Subdivide the property as shown (1, 2 and 3) and potentially sell the front parcel at some later date.
3. Construct an additional driveway as shown to provide access to the rear parcel (shown in teal). If allowed, are there any major permitting costs or fees I should be aware of that are associated with another entry connecting to the road?
4. Build a home on any of the parcels, with the home being positioned *outside* of the fall zone.
5. Dig a pond in the area shown. If allowed are there any depth or size restrictions I should be aware of?
6. The planner of the day also noticed a house was demo'd previously on the property and may qualify us for an impact fee credit if/when we build a house. Can you confirm whether there is, or is not, a credit available?



I've enclosed a \$50 check (#1201) for your services, and I look forward to hearing back from you. Best regards,

Jacob Allenbaugh
7760 66th Ave
321.591.6310
23hondas@gmail.com

ATTACHMENT 6

ATTACHMENT 1

RIGHT-OF-WAY CONDITIONS

1. Applicant shall not begin construction of any kind in the County right-of-way prior to application and issuance of a valid permit by the Department of Public works.
2. Any areas disturbed in the County right-of-way must be restored by applicant to a condition equal to or better than existing just prior to construction, including but not limited to compaction, grading, paving, seeding mulching and sodding, etc., as the case may be. The quality of construction, materials, and workmanship shall be in accordance with County standards.
3. *Applicant shall notify the Engineering Division at least 48 hours prior to the placement of concrete, paving of asphalt, installation of culverts, or backfilling of trenches, so that the County may inspect installations as necessary. Applicant shall further notify the County in writing of its request for final inspection and approval at the completion of the permitted activity.
4. This permit shall **EXPIRE WITH THE ASSOCIATED LAND DEVELOPMENT OR SITE PLAN PERMIT** unless otherwise stated in writing on the face of this permit by an authorized representative of the Engineering Division.
5. The applicant shall assume the responsibility for all maintenance, replacement or removal of any right-of-way improvement authorized by this permit; and applicant further agrees by acceptance of this permit to indemnify and save harmless the county, its officers, employees, or agents, from any damages, claims, causes of actions, or losses whether for personal injury, loss of life or property damage, arising from the actions or omissions of applicant, its officers, agents, or employees, associated with the placement, maintenance or removal of installations authorized by this permit. The applicant agrees to use all reasonable care under the given circumstances to assure that members of the traveling public are not unreasonably inconvenienced nor endangered by the activities conducted hereunder, including the use of reflectorized barriers, warning signals, flagmen or other prudent measures as described in the Manual on Uniform Traffic Control Devices, (MUTCD), 2000 Edition, published by US Department of Transportation, Federal Highway Administration.
6. The validity of this permit is contingent upon applicant obtaining necessary permits from any other agencies having jurisdiction. Issuance of this permit does not relieve applicant of liability for trespass to private property.
7. This permit shall be considered a license only, for the limited purpose of installation, placement and maintenance of the improvements specified on the face hereof, and does not convey any other right, title, or interest of the County in the subject right-of-way property.
8. Applicant agrees to remove or alter such installations without objection or cost to the County as the County may direct, at any time and within a reasonable time after receipt of direction by the County Engineer or his authorized representative.
9. Applicant is cautioned that electrical, water and sewer, or other installations or utilities may be located within the construction area, and applicant shall use diligent efforts to first detect and locate all such installations, and shall coordinate construction with all lawful users of said right-of-way. Applicant shall be liable in every manner for all damages proximately resulting from its interference with or interruption of services provided by other lawful right-of-way users.
10. *In cases where a concrete driveway is to extend to a paved road, that portion of the driveway from property line to edge of the road pavement shall be a minimum thickness of four inches for residential, local roads only, all others will be six inches, as specified in Chapter 312.19(2B) of the County Right-of-Way Ordinance. If road is unpaved concrete/asphalt driveway shall not extend beyond the property line.

ATTACHMENT 6

INDIAN RIVER COUNTY RIGHT-OF-WAY INFORMATION & FEE SCHEDULE

| <u>PERMIT/REVIEW TYPE</u> | <u>FEE</u> |
|---|------------|
| STORMWATER TYPE C | \$100.00 |
| SINGLE FAMILY ROW & DRAINAGE REVIEW (PRIVATE) | \$ 45.00 |
| SINGLE FAMILY ROW & DRAINAGE REVIEW/PERMIT (PUBLIC) | \$ 75.00 |
| UTILITY ROW PERMIT | \$350.00 |
| LAND DEVELOPMENT ROW PERMIT | \$550.00 |
| COMMERCIAL ROW PERMIT | \$300.00 |

ADDITIONAL FEES

RE-INSPECTION AFTER 2 SITE VISITS – (CHARGED @ AN HOURLY RATE)

PLAN REVIEW AFTER 3rd RESUBMITTAL – (CHARGED @ AN HOURLY RATE)

ATTACHMENT 6

Section 971.44. - Utility uses.

(g) The following criteria must be used for administrative permit and special exception uses, as previously specified:

1. All towers not related to amateur radio communications use and not constituting a "camouflaged commercial communications tower" shall have setbacks from all property lines or boundaries of development sites (areas of development) involving more than one property equal to one hundred (100) feet or one hundred (100) percent of the tower height, whichever is greater. In addition, the application shall demonstrate that the tower is to be located a distance more than equal to three hundred (300) percent of the tower height from the nearest residential dwelling (existing or under construction). Said distance shall be measured from the closest point of the tower structure to the closest point of the dwelling.

Towers constituting a "camouflaged commercial communications tower" need satisfy only the building setbacks for the type of structure used or simulated.

Telecommunications Inventory
UPDATE 8/27/2018

| TWR NUM | ASR. REG. NUMBER | TOWER NAME | ADDRESS | PARCEL NUMBER | TWR TYPE | JUR | TOWER (FEET) | TWR (MTR) | LAT-D | LAT-M | LAT-S | LONG-D | LONG-M | LONG-S | DEPT MAINT |
|---------|------------------|--|-----------------------|-------------------------|----------|------|--------------|-----------|-------|-------|-------|--------|--------|--------|------------|
| 1 | 1001631 | AT & T WIRELESS SERVICES INC | 1100 106TH AV SW | 33382800000100000001.0 | L | IRC | 298.5 | 91 | 27 | 35 | 3.0 | 80 | 32 | 38.0 | |
| 2 | 1003082 | AT & T WIRELESS SERVICES INC | 6895 122ND AV | 32370000001012000002.0 | L | IRC | 323.7 | 98.7 | 27 | 43 | 9.0 | 80 | 34 | 41.0 | |
| 3 | 1018580 | AT & T WIRELESS SERVICES INC - CENTRAL ASSEMBLY | 6775 20TH ST | 33390600001009000002.0 | G | IRC | 320 | 97.5 | 27 | 38 | 8.2 | 80 | 27 | 57.2 | |
| 4 | 1018581 | AMERICAN TOWER | 12240 83RD ST | 31370000001214700001.0 | G | IRC | 321.7 | 98.1 | 27 | 44 | 51.7 | 80 | 34 | 40.7 | |
| 5 | 1027953 | AMERICAN TOWER | 14700 COUNTY ROAD 512 | 31370000001207100001.0 | L | IRC | 329.6 | 100.5 | 27 | 45 | 4.0 | 80 | 37 | 40.1 | |
| 6 | 1028711 | COMCAST | 6180 99TH ST | 3139200000300000001.0 | L | IRC | 253.8 | 77.4 | 27 | 46 | 37.0 | 80 | 27 | 16.5 | |
| 7 | 1029455 | PINNACLE TOWERS INC | 980 1ST PL | 33391300000500000041.0 | G | IRC | 479 | 159.6 | 27 | 36 | 6.09 | 80 | 23 | 33.41 | TELCOM |
| 8 | 1029498 | COMCAST | 944 12TH ST | 33391200000300000031.0 | L | IRC | 205 | 62.5 | 27 | 37 | 37.0 | 80 | 23 | 36.0 | |
| 9 | 1030158 | BELLSOUTH | 23220 STATE ROAD 60 | 32352600000300000001.1 | L | IRC | 297.8 | 90.8 | 27 | 40 | 19.3 | 80 | 48 | 19.8 | |
| 10 | 1222836 | CROWN COMMUNICATIONS | 1203 MAIN ST | 313906000005000200001.0 | L | COS | 172.8 | 52.7 | 27 | 49 | 7.4 | 80 | 28 | 26.6 | |
| 11 | 1030532 | CAPSTAR COMMUNICATION | 6390 77TH ST | 31393200000500000018.1 | G | IRC | 503.8 | 153.6 | 27 | 44 | 8.0 | 80 | 27 | 26.0 | |
| 12 | 1030841 | CROWN VERO 82ND AV | 8120 12TH ST | 33382200001004000001.0 | L | IRC | 300 | 91.4 | 27 | 37 | 30.3 | 80 | 29 | 40.4 | |
| 13 | 1030842 | CINGULAR WIRELESS LLC | 100 17TH ST | 33400600000004000005.0 | G | IRC | 205 | 62.5 | 27 | 38 | 0.00 | 80 | 22 | 40.0 | |
| 14 | 1030843 | CINGULAR WIRELESS LLC | 3975 65TH ST | 32391000000500000005.0 | G | IRC | 377.2 | 115 | 27 | 42 | 32.0 | 80 | 25 | 34.5 | TELCOM |
| 15 | 1030924 | AMERICAN TOWER | 3556 OCEAN DR | 32403200019001000000.0 | B | COVB | 208.9 | 63.7 | 27 | 39 | 230 | 80 | 21 | 22.0 | |
| 16 | 1031690 | BLUE CYPRESS LAKE | 955 154TH AV | 33370900000100000004.0 | L | IRC | 279.8 | 85.3 | 27 | 37 | 19.5 | 80 | 37 | 43.7 | |
| 17 | 1038371 | LYKES PASCO BROS VERO GROVE | 1450 118TH AV | 33380700000100000001.0 | G | IRC | 298.5 | 91 | 27 | 37 | 33.0 | 80 | 33 | 56.0 | |
| 18 | 1041888 | US COAST GUARD RESCUE 21 | 5380 77TH ST | 31393300000500000003.0 | G | IRC | 445 | 135.6 | 27 | 44 | 11.0 | 80 | 26 | 29.0 | EMS |
| 19 | 1042031 | EMS COMMUNICATION | 7795 COUNTY ROAD 512 | 31370000001210800001.0 | G | IRC | 364 | 111 | 27 | 44 | 31.1 | 80 | 39 | 23.2 | EMS |
| 20 | 1044480 | AMERICAN TOWER FKA VOICE STREAM - FLY IN RANCHES | 8805 63RD ST | 32381100000500000001.0 | L | IRC | 269.9 | 82.3 | 27 | 42 | 28.0 | 80 | 30 | 26.0 | |
| 21 | 1055879 | BRUTE TOWER | 6590 65TH ST | 32390800001005000001.0 | G | IRC | 289.9 | 57.9 | 27 | 42 | 46.0 | 80 | 27 | 41.0 | |
| 22 | 1058749 | AERO COMMUNICATION TOWER | 510 15T ST | 33391300000700000036.0 | L | IRC | 259.8 | 79.2 | 27 | 36 | 14.3 | 80 | 23 | 3.0 | |
| 23 | 1059958 | NEXTEL COMMUNICATIONS | 3552 OCEAN DR | 32403200019001000000.0 | B | COVB | 171.9 | 52.4 | 27 | 39 | 23.0 | 80 | 21 | 25.0 | |
| 24 | 1202591 | STATE OF FLORIDA | 475 90TH AV | 33381500001001000001.0 | L | IRC | 201.3 | 61.4 | 27 | 36 | 39.1 | 80 | 30 | 46.1 | |
| 25 | 1211013 | IRC NORTH TOWER AKA AT & T WIRELESS AKA VERIZON | 810 BAILEY DR | 31391800000100000002.0 | L | COS | 290.9 | 88.7 | 27 | 47 | 16.3 | 80 | 27 | 55.1 | EMS |
| 26 | 1211902 | IRC EMS Tower | 1723 17TH AV | 33390200000700000014.0 | G | COVB | 147.9 | 45.1 | 27 | 38 | 8.1 | 80 | 24 | 14.8 | TELCOM |
| 27 | 1220830 | AT & T WIRELESS SERVICES INC | 14465 122ND ST | 31370000001022400001.0 | L | IRC | 255 | 77.7 | 27 | 49 | 6.4 | 80 | 37 | 17.6 | |
| 28 | 1222012 | SBA TOWERS INC | 2645 69TH ST | 32391100000001000001.0 | M | IRC | 160 | 48.8 | 27 | 43 | 6.0 | 80 | 24 | 37.0 | |
| 29 | 1233660 | PINNACLE TOWERS INC | 8920 64TH AV | 31392900000300000014.0 | M | COS | 184.9 | 56.4 | 27 | 45 | 22.5 | 80 | 27 | 27.4 | |
| 30 | 1227065 | CITY OF VERO BEACH | 2513 AIRPORT NORTH DR | 32392600011074000001.0 | B | COVB | 23.2 | 7.1 | 27 | 38 | 59.9 | 80 | 24 | 2.6 | |
| 31 | | VARA INTERNATIONAL | 1203 19TH PL | 333902000007011000001.0 | B | COVB | 65.6 | 20 | 27 | 38 | 15.1 | 80 | 23 | 52.1 | |
| 32 | | NEXTEL FL 3590D | 2115 S U S HIGHWAY 1 | 33403100000700000004.3 | M | IRC | 133 | 40.5 | 27 | 33 | 40.1 | 80 | 22 | 8.03 | |
| 33 | 1241814 | KINGS HIGHWAY - WATER TANK | 5850 COLLEGE LN | 33390500001009000002.1 | T | IRC | 154.5 | 47.09 | 27 | 38 | 7.3 | 80 | 26 | 54.5 | UTILITY |
| 34 | | VOICESTREAM A2P066B - WATER TANK | 9298 COUNTY ROAD 512 | 31382200000100000002.1 | T | IRC | 110 | 33.5 | 27 | 46 | 0.4 | 80 | 26 | 36.1 | TELCOM |
| 35 | | NEXTEL - GIFFORD WATER TOWER | 4690 28TH CT | 32392300000500000009.1 | T | IRC | 175 | 53.3 | 27 | 40 | 41.4 | 80 | 24 | 45.5 | UTILITY |
| 36 | 1279320 | SPRINT METRO - IMMANUEL BAPTIST CHURCH | 465 58TH AV SW | 33392000001008000002.0 | M | IRC | 145 | 44.2 | 27 | 35 | 50.0 | 80 | 27 | 2.9 | |
| 38 | | SBA TOWERS INC | 1540 9TH ST SW | 33392300001016000001.0 | S | IRC | 149 | 45.4 | 27 | 35 | 18.0 | 80 | 24 | 10.0 | TELCOM |
| 39 | 1251357 | VERIZON 68814 | 1679 91ST CT | 33380300000600000004.0 | M | IRC | 145 | 44.2 | 27 | 38 | 3.4 | 80 | 30 | 55.7 | |
| 40 | | VERIZON 69022 SEA OAKS WWTP | 8845 HIGHWAY A1A | 31392500000002000003.0 | S | IRC | 80 | 24.3 | 27 | 45 | 9.4 | 80 | 23 | 32.6 | UTILITY |
| 41 | 1239136 | WTTB TOWER | 3140 10TH PL | 33391000001009000003.0 | G | IRC | 163 | 49.7 | 27 | 37 | 13.1 | 80 | 25 | 0.2 | |
| 42 | 1262880 | CROWN CASTLE & T MOBILE - VERO BEACH MOOSE LODGE | 228 43RD AV | 33391500001012000011.0 | S | IRC | 120 | 37.5 | 27 | 36 | 22.5 | 80 | 25 | 46.4 | |
| 43 | | T MOBILE A2P1037 | 1002 36TH ST | 32393600000300000001.0 | B | IRC | 149 | 45.4 | 27 | 39 | 31.3 | 80 | 23 | 39.4 | |
| 44 | | VERIZON 6618 MOORINGS TENNIS CLUB | 98 HARBOUR DR | 33402100000010000003.0 | S | IRC | 100 | 30.4 | 27 | 35 | 55.9 | 80 | 20 | 17.3 | |
| 45 | 1234451 | T MOBILE | 12498 COUNTY ROAD 512 | 31370000001154900001.0 | M | COF | 189.6 | 57.9 | 27 | 46 | 7.7 | 80 | 34 | 51.3 | |
| 46 | 1263601 | JIT CORP | 203 AIRPORT DR E | 30382200001000000000.1 | M | COS | 69.8 | 21.3 | 27 | 48 | 42.7 | 80 | 29 | 28.2 | |
| 47 | 1288066 | INDIAN RIVER COUNTY - EOC | 4219 43RD AV | 32392800001008000002.0 | M | IRC | 100 | 30.5 | 27 | 40 | 13.0 | 80 | 25 | 53.0 | EMS |
| 48 | 1271464 | RIDAN TOWER | 2476 27TH AV SW | 33393500001013000003.0 | M | IRC | 130 | 39.6 | 27 | 33 | 29.4 | 80 | 24 | 38.3 | |
| 50 | 1245047 | IRC SOUTH TOWER AKA VERIZON WIRELESS | 1340 OLE DIXIE HWY | 33391200000300000018.0 | L | COVB | 213.8 | 65.2 | 27 | 37 | 32.5 | 80 | 23 | 38.7 | EMS |

TYPE: L= LATTICE, B = BUILDING, M = MONOPOLE, G = GUYED, T = TANK, S = STEALTH
 JURISDICTION: COF = CITY OF FELLSMERE, COS = CITY OF SEBASTIAN, COVB = CITY OF VERO BEACH, IRC = INDIAN RIVER COUNTY

Section 934.04. - Exemptions.

(9) *[Ponds.]* A pond or ponds on a single-family residential lot or parcel, provided that:

(a) The total surface area of the pond or ponds is not greater than one-half ($\frac{1}{2}$) acre in size or thirty-five (35) percent of the lot or parcel, whichever is more restrictive, except that the community development director or his designee may approve a larger pond area if the applicant adequately demonstrates that a larger pond is necessary to satisfy the need for fill on site;

(b) No excavation takes place within fifty (50) feet of the lot property line. Notwithstanding, in cases where the pond is necessary to meet stormwater management cut and fill balance requirements, said setback may be reduced to twenty-five (25) percent of parcel width perpendicular to a given lot line, as applicable;

(c) The excavation does not disturb any existing wetland;

(d) Pond depth does not exceed twelve (12) feet;

(e) Side slopes are not greater than one foot vertical to four (4) feet horizontal;

(f) No excavated material is hauled from the property, unless the excavation is conducted to satisfy cut and fill balance requirements for stormwater management purposes, as verified by the county engineer, provided removal of excavated material off site is the minimum necessary to satisfy said requirements;

(g) It is demonstrated that the pond excavation is the minimum necessary to satisfy the intended use of fill on-site, as applicable; and

(h) A pond permit is obtained from the county planning division, including the posting of a five hundred dollar (\$500.00) security or other amount established by a resolution of the board of county commissioners; said security to be returned upon verification by county staff that the above criteria have been satisfied.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 96-6, § 22, 2-27-96; Ord. No. 98-9, § 1, 5-19-98; Ord. No. 2008-023, § 2, 12-19-08)

From: Ryan Sweeney

Sent: Thursday, January 10, 2019 11:45 AM

To: 23hondas@gmail.com

Cc: Stan Boling <sboling@ircgov.com>; John McCoy <jmccoy@ircgov.com>; Ryan Sweeney <rsweeney@ircgov.com>; Maria Bowdren <mbowdren@ircgov.com>

Subject: RE: Zoning verification 6390 77th Street / Parcel #: 31-39-32-00000-5000-00018.1 / TM2018-0128

Mr. Allenbaugh,

Staff was able to locate the site plan file (SP-MI-89-02-08) for the above-referenced property. I am attaching a copy of the Board of County Commissioners staff report dated December 29, 1989 which includes a site plan graphic (page 6 of 8) showing a design fall radius of 200 feet. I am also attaching a copy of the fall radius certification letter dated May 22, 1989.

Based on this additional information, the response to item #4 in staff's zoning verification letter dated October 30, 2018 (attached) should now read as follows:

“Staff was able to locate the site plan file (SP-MI-89-02-08) for the subject property. Based on information contained within the site plan file, the tower was designed to have a fall radius of 200 feet. However, Section 971.44(1)(g)1. of the County Land Development Regulations (LDRs) requires that all non-wireless commercial communications towers seventy (70) feet or more in height be located a minimum of 300 percent of the tower height from the nearest residential dwelling (existing or under construction). Said distance shall be measured from the closest point of the tower structure to the closest point of the dwelling (see attachment 3 in the original letter; also attached to this e-mail). Therefore, the proposal to construct a home within 300 percent of the tower height would increase the degree of site nonconformity, and is not allowed per Chapter 904 of the County LDRs.

Also, residential accessory structures (e.g. a detached barn/garage building) may only be constructed concurrent with, or after a principal (residential) structure is constructed. Therefore, residential accessory structures are not permitted on the subject site.”

Thanks,

Ryan Sweeney, MSP

Senior Planner

Indian River County Community Development Department

Planning Division

1801 27th Street

Vero Beach, FL 32960-3365

Phone: 772-226-1239

Email: rsweeney@ircgov.com

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: James E. Chandler
County Administrator

DIVISION HEAD CONCURRENCE:
Robert M. Keating
Robert M. Keating, AICP
Community Development Director

THROUGH: Stan Boling, AICP
Chief, Current Development

FROM: John W. McCoy *JWM*
Staff Planner, Current Development

DATE: December 29, 1989

SUBJECT: TREASURE COAST MEDIA INC.'S (WCXL) REQUEST FOR SPECIAL
EXCEPTION APPROVAL FOR A 500' FM RADIO TRANSMISSION
TOWER

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of February 6, 1990.

PROPOSED DEVELOPMENT AND LOCATION:

Ralph Evans, on behalf of Treasure Coast Media, Inc. (WCXL), has submitted an application for major site plan and special exception approval for a 500' radio transmission tower to be located at 6390 77th Street. An application to rezone the subject property from RS-3 to A-1 is pending. [Note: the Planning and Zoning Commission has recommended to rezone the property to A-1. The Board is scheduled to consider the rezoning prior to consideration of this Special Exception request.] This application is predicated upon rezoning the property to A-1.

The 500' tower would allow WCXL to modernize and expand its FM broadcasting facilities and capabilities. The applicant has already secured the required FAA, FCC, and FDOT approvals.

Special exception uses are those types of uses that would not generally be appropriate throughout a particular zoning district. However, when special exception uses are carefully controlled as to number, area, location, and/or relationship to the vicinity, such uses would not adversely impact the public health, safety, comfort, good order, appearance, convenience, morals and general welfare and as such would be compatible with permitted uses within the particular zoning district. In granting any special exception, the Board may prescribe appropriate special conditions and safeguards to assure the use is compatible with surrounding uses in the district.

The Planning and Zoning Commission unanimously recommended approval of this project at its January 11, 1990 meeting (See Attachment #4).

ANALYSIS:

1. Size of Development Area: 20 acres
2. Zoning Classification: RS-3 Residential Single Family
(as of date of this report)
A-1 Agricultural (An application to rezone the subject property to A-1 should precede this application)

3. Land Use Designation: LD-1 (Low Density Residential up to 3 units per acre)
4. Building Area: 455 square feet
5. Traffic Circulation: The project will utilize an existing unpaved drive to access 77th Street. This driveway serves an existing residence on the site. The applicant has indicated the residence will be removed. Note: the residence is outside the designed fall radius of the tower.
6. Off-Street Parking Required: 1 space
Provided: 1 space
7. Stormwater Management: The Stormwater Management Plan has been approved by the Public Works Department, and a Type "A" stormwater permit has been issued.
8. Landscape Plan: The landscape plan is in conformance with Ordinance #84-47 and applicable special exception criteria relating to buffering.
9. Utilities: The project will not be serviced by sanitary facilities.
10. Dedications and Improvements: This section of 77th Street is bounded on the south by a drainage district canal and is designated as a minor arterial which requires a minimum of 100' of right-of-way. Currently 45' of road right-of-way exists for 77th Street. The applicant has agreed to dedicate 15' of property to bring 77th Street up to the 60' local road standard as required in the site plan ordinance. The applicant has agreed to keep any and all required site improvements out of the ultimate 77th Street right-of-way.
11. Special Exception Criteria:
 - a. The designed fall radius of the tower is depicted on the site plan and does not impact adjacent uses or the existing residence on site.
 - b. A certified, signed and sealed statement from a Florida Registered Professional Engineer states that the tower would collapse within the designed and specified fall radius depicted on the plans.
 - c. In no case shall the fall radius (110% of height or other approved design fall radius) encroach upon existing off-site structures or residentially zoned property.
 - d. The distance of any guy anchorage or similar device shall be at least ten (10) feet from any property line.
 - e. Suitable protective anti-climb fencing and a landscape planting screening shall be provided and maintained around the structure and accessory attachments. Where the first 50' of a tower is visible to the public, the applicant shall provide one canopy tree (oak, pine, etc.) per 3,000 square feet of the designated fall radius.
 - f. All accessory structures shall be subject to the height restrictions provided in Section 25(a), height exceptions.
 - g. If voltage of more than two hundred twenty (220) volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE - DANGER."
 - h. No equipment, mobile or immobile, which is not used in direct support of the transmission or relay facility

shall be stored or parked on the site unless repairs to the facility are being made. (Applies only on A-1 zoned property.)

i. No tower shall be permitted to encroach into or through any established public or private airport approach plan as provided in the airport height limitations of Section 25(p).

j. All towers shall submit a conceptual tower lighting plan. Louvers or shields may be required as necessary to keep light from shining down on surrounding properties.

- No objections -

k. The reviewing body shall consider the impact of the proposed tower on residential subdivisions near the project site.

l. All property owners within 600' of the property boundary shall receive written notice.

All of these criteria have been met by the application, including required tree plantings and buffering.

12. Surrounding Land Use and Zoning:

North: Vacant/RS-3
South: Vacant/RS-3
East: Vacant/RS-3
West: Vacant/A-1

RECOMMENDATION:

Based on the analysis performed, staff recommends that the Board of County Commissioners grant special exception use approval to Treasure Coast Media (WCXL), with the following conditions:

Done

1. That the subject property must be rezoned to A-1 prior to release of the site plan; and

2. that 15' of property be dedicated for 77th Street right-of-way to bring 77th Street up to the local road standard of 60' prior to release of the site plan.

ATTACHMENTS:

- 1. Application
- 2. Location Map
- 3. Site Plan
- 4. Planning and Zoning Minutes

APPROVED AGENDA ITEM:

BY: _____

FOR: _____

WCXL
AGNIT2

INDIAN RIVER COUNTY
SITE PLAN REVIEW APPLICATION

(OFFICE USE ONLY)

Permitted Use _____ Major _____ Date Received 11/16/89
Administrative Permit _____ Minor X Date Accepted 11/16/89
Special Exception _____ Fee _____ File # SP 111-89-02-02
Major Modification _____

(TO BE COMPLETED BY THE APPLICANT)

OWNER: Mr. Wayne Dillon

ADDRESS: 2024 South U.S. Highway 1, Vero Beach, Florida 32960

PHONE: 567-7700

AGENT: Mr. Ralph Evans, Attorney

ADDRESS: 2920 Cardinal Drive, Vero Beach, Florida 32963

PHONE: 231-1800

PROJECT ARCHITECT: Mr. John J. Schlitt, Jr., AIA, Architects Schlitt & Brenner, P.A.
P.O. Box 2589, Vero Beach, Florida 32961

ENGINEER OF RECORD: Carter & Associates, Inc.

ZONING CLASSIFICATION: ^{Presently:} R3, ^{Proposed} AG LAND USE DESIGNATION: RR-1


PROPOSED USE: A Transmitter Building & Tower

DEVELOPMENT SITE SIZE: 125,600 S.F. or 2.8 acres

SQUARE FOOTAGE OF NEW IMPERVIOUS SURFACE: 1563 S.F.

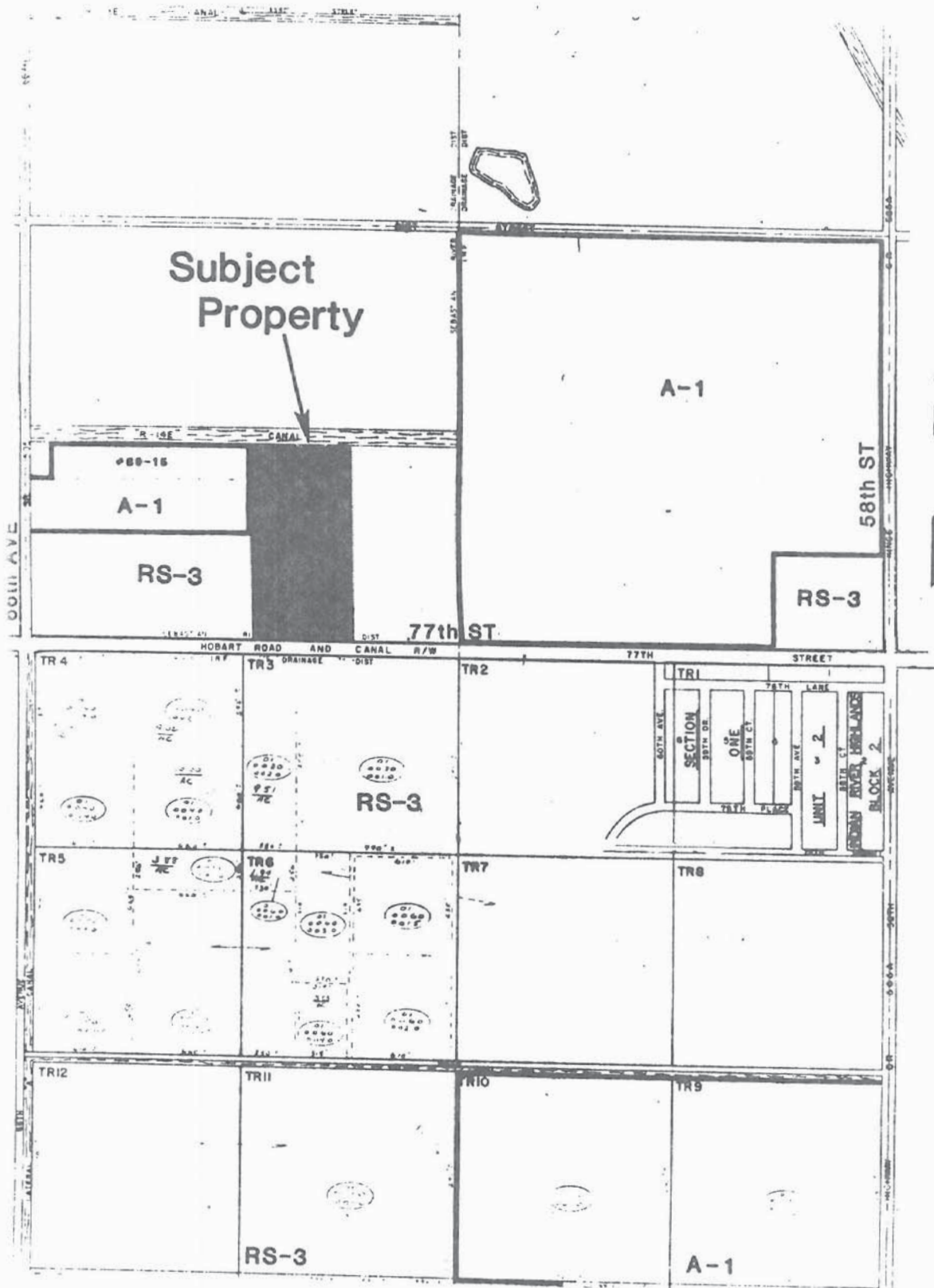
TAX MAP PARCEL NUMBER: _____

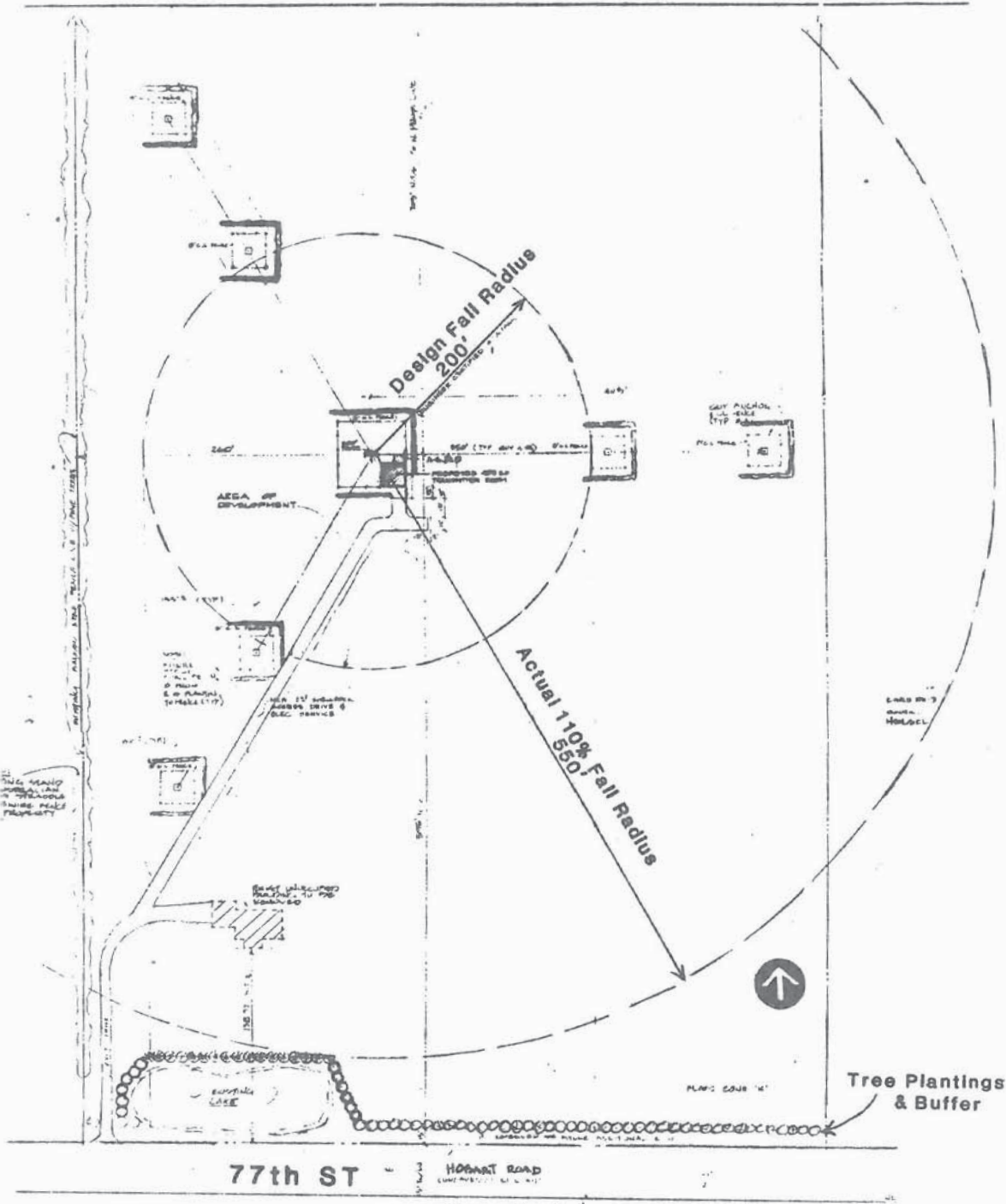
DATE PARCEL WAS CREATED IN PRESENT CONFIGURATION: July 24, 1989 as per survey


SIGNATURE OF APPLICANT

THE FOLLOWING SHALL ACCOMPANY THE APPLICATION:

1. A COPY OF THE OWNER'S RECORDED WARRANTY DEED.
2. IF APPLICANT IS OTHER THAN THE OWNER, A SWORN STATEMENT OF AUTHORIZATION.
3. FIVE (5) COPIES OF ALL PLANS, AS WELL AS ALL REQUIRED INFORMATION, IN ACCORDANCE WITH SECTION 23, OF APPENDIX A, INDIAN RIVER COUNTY ZONING CODE.
4. A STORMWATER MANAGEMENT PERMIT APPLICATION AND ALL SUPPORT DATA IN ACCORDANCE WITH CHAPTER 21, INDIAN RIVER COUNTY CODE.





SITE PLAN

was anyone present who wished to be heard. There was no response and he closed the public hearing.

ON MOTION made by Claude Kleckner, SECONDED by Fran Adams, the Board unanimously (6-0), with John Brenner abstaining, approved recommending to the Board of County Commissioners that the request by WCXL for special exception approval for a 500' FM radio transmission tower be approved with the two conditions as recommended by staff.

PUBLIC HEARING

ITEM #4 - Proposed ordinance to amend zoning code sections 4(a) and 25.1(d): regulation of driving ranges.

The hour of 7:30 P.M. having passed, the following notice with proof of publication was read:

VERO BEACH PRESS-JOURNAL

Published Daily

Vero Beach, Indian River County, Florida

COUNTY OF INDIAN RIVER: STATE OF FLORIDA

Before the undersigned authority personally appeared J. J. Schumann, Jr. who on oath that he is Business Manager of the Vero Beach Press-Journal, a daily newspaper published in Vero Beach in Indian River County, Florida; that the attached copy of advertisement, being

Artis
_____ in the matter of Commercial Amusements

_____ in the _____ Court, was pub-

lished in said newspaper in the issues of December 22, 1989

Affiant further says that the said Vero Beach Press-Journal is a newspaper published at Vero Beach, in said Indian River County, Florida, and that the said newspaper has heretofore continuously published in said Indian River County, Florida, each daily and has been mailed as second class mail matter at the post office in Vero Beach, in said Indian River County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Witness my hand and subscribed before me this 22nd day of December, 19 89
John J. Schumann, Jr.
(Business Manager)

(Clerk of the Circuit Court, Indian River County, Florida)

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of Indian River County, Florida, shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. In the County Commission Chambers of the County Administration Building, located at 1840 25th St., Vero Beach, Florida, on Thursday, January 11, 1990 at 7:30 p.m. to consider recommending the adoption of an Ordinance entitled:

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA AMENDING THE FOLLOWING SECTIONS OF APPENDIX A OF THE CODE OF LAWS AND ORDINANCES OF INDIAN RIVER COUNTY, FLORIDA KNOWN AS THE ZONING CODE IN REGARDS TO MODIFYING AND ESTABLISHING REGULATIONS RELATING TO UNENCLOSED COMMERCIAL AMUSEMENTS: SECTION 4(A), A-1, AGRICULTURAL DISTRICT; SECTION 25.1(d) UNENCLOSED COMMERCIAL AMUSEMENTS SPECIFIC LAND USE REGULATIONS; AND PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

A copy of the proposed Ordinance will be available at the Planning Department office on the second floor of the County Administration Building beginning January 5, 1990. Anyone who may wish to appeal any decision which may be made at this meeting will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based.
INDIAN RIVER COUNTY
PLANNING AND ZONING COMMISSION
BY: s-JOHN TIPPIN, CHAIRMAN
December 20, 1989 840359

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
INDIAN RIVER COUNTY
DECEMBER 20, 1989

- g. If voltage of more than two hundred twenty (220) volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE - DANGER."
- h. No equipment, mobile or immobile, which is not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made. (Applies only on A-1 zoned property.)
- i. No tower shall be permitted to encroach into or through any established public or private airport approach plan as provided in the airport height limitations of Section 25(p).
- j. All towers shall submit a conceptual tower lighting plan. Louvers or shields may be required as necessary to keep light from shining down on surrounding properties.
- k. The reviewing body shall consider the impact of the proposed tower on residential subdivisions near the project site.
- l. All property owners within 600' of the property boundary shall receive written notice.

All of these criteria have been met by the application.

12. Surrounding Land Use and Zoning:

North: Vacant/RS-3
 South: Vacant/RS-3
 East: Vacant/RS-3
 West: Vacant/A-1

RECOMMENDATION:

Based on the analysis performed, staff recommends approval of the site plan, with the following conditions:

SPECIAL EXCEPTION APPROVAL

- 1. That prior to ~~site plan release~~, the subject property must be rezoned to A-1; and
- 2. that prior to site plan release, 15' of property be dedicated for 77th Street right-of-way to bring 77th Street up to the local road standard of 60'.

Mrs. Adams inquired if there was another tower within one-quarter mile of this one.

Mr. McCoy responded that there is a tower in Hobart Park and he thought it was between 300' and 500'.

Brief discussion followed about the tower radius and the FAA permit, which has been obtained.

The Chairman opened the public hearing and asked if there



STRUCTURAL SYSTEMS TECHNOLOGY, INC.

P.O. BOX 876 6867 ELM STREET
McLEAN, VA. 22101 PH. (703) 356-9765
FAX # (703) 448-0979

May 22, 1989

Indian River County, Florida
County Commissioner Office

Re: Affidavit on Mode of Guyed Tower Collapse

Gentlemen:

This is to certify that guyed towers ranging from 100 to 2000 feet in height collapse in a folding mode within an area with a radius, from the tower base, of $0.40 \times \text{Tower Height}$, i.e., a 2000 foot height guyed tower shall collapse within a radius not exceeding 700 feet from the base of the tower.

Accordingly, a 500 foot height guyed tower shall collapse within an area with radius not exceeding 200 feet from the base of the tower, which is somewhat less than the 260 ft. distance to the closest property line.

The following constitute the basis for the development of the above rules:

1. Theoretical analysis.
2. Tests on 1:20 scale Guyed Tower Models.
In the WPGC-FM Prince George's County, Maryland zoning case we executed a 1:20 scale model test for the proposed 500 ft. Guyed Tower and the special exception was granted.
3. Historical data from actual Guyed Tower Failures.

In the past twenty-five years we have observed a few Guyed Tower Failures and in all cases the radius of collapse was within 35% of the Tower Height.

It is our professional opinion that Guyed Towers properly designed, fabricated, erected and maintained constitute exceptionally safe structures.

Sincerely,

Matthew J. Vlissides, P.E.
Special Consultant

MJV/bas

cc: Molly Beard
Jack Mullaney

From: Ryan Sweeney
Sent: Wednesday, January 30, 2019 3:19 PM
To: Jacob Allenbaugh <23hondas@gmail.com>
Cc: Stan Boling <sboling@ircgov.com>; John McCoy <jmccoy@ircgov.com>; Ryan Sweeney <rsweeney@ircgov.com>; Maria Bowdren <mbowdren@ircgov.com>; Bill Debraal <BDebraal@ircgov.com>
Subject: RE: FW: Zoning verification 6390 77th Street / Parcel #: 31-39-32-00000-5000-00018.1 / TM2018-0128

Jacob,

I apologize for the delayed response, as we have been short-staffed and backlogged since Patrick Murphy left employment with the County.

A pre-application meeting is not necessary, or appropriate for this type of inquiry.

Section 971.44 (1), which regulates non-wireless commercial communications towers 70 feet or more in height does not include any provision for a design fall radius. The subject tower and site are nonconforming under the current Land Development Regulations (LDRs). In fact, non-wireless commercial communications towers are now prohibited on A-1 zoned properties. Also, as you mentioned below, there appears to be several off-site existing homes and/or other structures that fail to meet the 300% setback requirement. Constructing a new single-family home within the 300% setback on the subject tower site would make the tower and site a more nonconforming site, which is prohibited in Chapter 904 of the County LDRs. While structures on adjacent legal parcels do make the tower more nonconforming, they are allowed to remain since it is not the same property owner/controlling entity deliberately making a structure more nonconforming by their own actions.

An agricultural structure may be built on an A-1 zoned property in support of an agricultural use (e.g. a hay barn for livestock), prior to/independent of, a residential structure. However, accessory structures that are customarily subordinate/incidental to a principal residential structure (e.g. a detached garage/"hobby shop") may only be built in conjunction with, or after, a principal residential structure.

Thanks,
Ryan

From: Jacob Allenbaugh [mailto:23hondas@gmail.com]
Sent: Tuesday, January 15, 2019 10:58 AM
To: Maria Bowdren <mbowdren@ircgov.com>
Cc: Patrick Murphy <pmurphy@ircgov.com>; John McCoy <jmccoy@ircgov.com>; Stan Boling <sboling@ircgov.com>; Steven Hitt <shitt@ircgov.com>; Kathy Charest <kcharest@ircgov.com>
Subject: Re: Zoning verification 6390 77th Street / Parcel #: 31-39-32-00000-5000-00018.1 / TM2018-0128

Good morning -

Thank you for your time on this. I have a few questions.

1. The initial reply we received from your office indicated that the discovery of a certified fall radius would result in a review, **otherwise** we would need to use the default regulation of 300% of the height. (971.44(1)(g)1. You've found and attached the documented fall radius, and a report that further supports it, so I am unsure why the below conclusion remains 300%? If 300% is the case, I have to point out that the following structures are all within that radius -

- My current home and barn located at 7760 66th Ave

- James and Phyllis Parks home and pole barn at 6550 77th St
- All of the barns at 7810 66th Ave
- The barn currently under construction at 7645 Cambria Ct
- The entire Humane Society complex

I am hopeful your response was a misunderstanding, and that we can use the certified fall radius as per previous discussions.

Also, in regards to your last statement on a residential structure being required prior to 'an accessory structure' - I thought A-1 zoning was intended for either/or agricultural and residential purposes? Thus non residential structures can be built at any time regardless of whether a residential structure is ever built on the property? My current plan is to have a small farm on this property until I can afford to build a house. I haven't spoken to the new owners of 7645 Cambria Ct who are finalizing their barn now - without an apparent residential structure - but I would assume they received proper permitting to build. (Again, within the 300% fall radius mentioned above).

I am happy to come into the office to discuss any of this further. I am only interested in a safe and approved approach to this property, so I greatly appreciate your guidance in explaining the above discrepancies, and help moving forward.

Best regards,

Jacob