

INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M

TO: Jason E. Brown; County Administrator

THROUGH: Andrew P. Sobczak; Assistant Community Development Director

FROM: Ryan Sweeney; Chief, Current Development

DATE: November 23, 2022

SUBJECT: Consideration of Brattain Property of Indian River County LLC's Request for Land Development Regulation (LDR) Amendments to Sections 901.03, 911.10, and 971.13 to Allow Automobile Parking and Storage in the PRO, OCR, MED, CN, and CL Zoning Districts [LDRA-21-09-01 / 2003060269-90131]

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of December 6, 2022.

BACKGROUND

Joseph Paladin, on behalf of his client, Brattain Property of Indian River County LLC, has filed an application to amend the County's land development regulations (LDRs) in order to allow automobile parking and storage within the CL, Limited Commercial zoning district as an administrative permit use. Shortly after that application was filed, representatives from a different commercial property owner, Mullinax Ford of Vero Beach, LLC, expressed interest in also seeking approval for automobile parking and storage within the OCR, Office, Commercial, Residential district as an administrative permit use. For consistency purposes, staff is also recommending that automobile parking and storage be allowed as an administrative permit use in the 3 remaining lower intensity commercial zoning districts (PRO, Professional office district; MED, Medical district; and CN, Neighborhood Commercial district).

The applicant currently owns and operates a residential and commercial cleaning service based out of a freestanding commercial office site that is zoned CL. The office site contains a limited number of parking spaces which is adequate for office staff. However, there are not enough parking spaces for the fleet vehicles (i.e. passenger vans and utility vans). Subsequently, the applicant purchased several vacant parcels across the street from the office site that are also zoned CL. However, automobile parking and storage is currently prohibited as a stand-alone use in the CL district. This prompted the applicant's representative to meet with staff to discuss the possibility of allowing automobile parking and storage as a stand-alone use. Staff indicated it would support the requested LDR amendment if it was clearly defined, and categorized as an administrative permit use with specific land use criteria targeted at ensuring compatibility with the surrounding area (notably adjacent or nearby residentially designated properties).

At its November 1, 2022 meeting, the BCC considered the automobile parking ordinance, did not recommend any proposed changes, and by a 4-1 vote set the second, final hearing to consider adoption of the proposed LDR amendment for the December 6, 2022 regular meeting.

The BCC is now to conduct the final hearing and consider adoption of the proposed ordinance.

ANALYSIS

Currently, the County LDRs allow automobile parking and storage as a permitted use within the CG, General Commercial and CH, Heavy Commercial districts. There is also a separate zoning use category of “vehicle storage lot (paved/unpaved)” that is allowed as a permitted use within the CH, Heavy Commercial; IL, Light Industrial; and IG, General Industrial districts.

The proposed LDR amendment will amend three different sections of the County LDRs. The first section will amend Section 901.03 (Definitions in alphabetical order) by adding a definition for “automobile parking and storage” as follows: *Automobile parking and storage* includes enclosed or unenclosed parking and storage of automobiles, passenger vans, utility vans, and/or light duty trucks on a paved surface within delineated (striped) parking stalls. This definition does not include parking or storage of commercial vehicles, recreational vehicles, or boats.

The second section will amend Section 911.10 (Commercial districts) by specifically designating automobile parking and storage as an administrative permit use in the PRO, OCR, MED, CN, and CL districts (i.e. adding an “A” designation in the zoning use table).

The third and final section will amend Section 971.13 (Commercial uses) by creating a new Subsection 913.13(6) entitled Automobile parking and storage. The new subsection will identify the zoning districts that will require administrative permit use approval for automobile parking and storage, will designate the Planning and Zoning Commission (PZC) as the approval authority, and will identify the specific land use criteria that must be satisfied in order for the PZC to grant administrative permit use approval.

Through coordination between the applicant and staff, the LDR amendment ordinance identifies a total of 7 different specific land use criteria that must be satisfied for automobile parking and storage. The attached draft ordinance defines the 7 criteria in detail (see attachment 1); however, staff will summarize each criterion as follows:

- Criterion #1: Requires all driveways, drive aisles, vehicle maneuvering areas, and parking spaces to be paved with asphalt or concrete, and shall meet all of the parking stall and driveway dimensions (e.g. stall width, driveway width, etc.) outlined for commercial parking lots.
- Criterion #2: Prohibits parking or storing any commercial vehicles (e.g. bucket trucks, dump trucks, etc.), boats, or recreational vehicles within the PRO, OCR, MED, CN, and CL districts.
- Criterion #3: Prohibits commercial or “pay-to-park” facilities within the PRO, OCR, MED, CN, and CL districts.
- Criterion #4: Requires a lighting plan to be provided (during site plan review), reviewed, and implemented that prohibits lighting “spill over” onto adjacent local roadways or residential zoning districts.
- Criterion #5: Requires a Type “C” buffer with a 3 foot tall opaque feature between the automobile parking and storage area and any adjacent residentially designated property.

- Criterion #6: Requires standard perimeter landscaping buffers to be provided along all other project perimeters (e.g. Thoroughfare Plan buffers, local road buffers, adjacent properties buffers).
- Criterion #7: Requires all remote or freestanding automobile parking and storage sites that serve an adjacent site to be connected via an existing or proposed sidewalk/pedestrian system.

Staff supports the proposed LDR amendments based on the proposed definition, the requirement for administrative permit use approval by the PZC, and the 7 above-referenced specific land use criteria.

RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt the proposed automobile parking ordinance.

ATTACHMENTS

1. Draft Ordinance