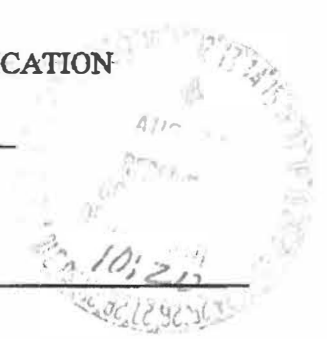


LAND DEVELOPMENT REGULATION (LDR) AMENDMENT APPLICATION

2019080096-85210

ASSIGNED FILE NUMBER: LDRA-



APPLICANT: (PLEASE PRINT)

AGENT: (PLEASE PRINT)

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SIGNATURE OF APPLICANT OR AGENT

I. (PROJECT/REQUEST DESCRIPTION)

CHAPTER(s)/SECTION(s) OF LAND DEVELOPMENT REGULATIONS PROPOSED FOR AMENDMENT:

911.06(4)(d)

II. PURPOSE OF REQUEST: (attached additional sheets if necessary)

To strike from section 911.06(4)(d) the following uses: "off-site landscaping services"

- SEE ATTACHED -

— See ATTACHED —

III. JUSTIFICATION FOR REQUEST: (attach additional sheets if necessary)

The reason for this request has been the unintended consequences and intentional falsification by non-Ag commercial lawn maintenance business into the A-2 districts.

The exploitation of the A-2 district by commercial businesses is allowing these businesses to avoid paying fair share of property tax, avoid complying with building codes, impact fees, traffic concurrency and other governmental laws and requirements.

The applicant is encouraged to seek a pre-application conference with the Community Development Department staff in order to resolve or avoid problems related with the LDR text amendment proposal.

IV. A check or money order made payable to Indian River County, or cash in the amount of \$1,500.00 must accompany this application.

ATTACHMENT 7

August 12, 2019

Land Development Regulation (LDR) Amendment Application: Attachment (1 of 2)

I. Chapter 911, Section 911.06(4) (d)

II. Purpose of Request

The purpose of this request is to strike from Section 911.06(4) (d) the following uses:

“Off-site landscaping services allowed”

III. Eliminating from the code the language cited above in II. realigns section 911.06(4) (d) and makes it consistent with the purpose and intent that is expressed in section 911.06 which provides that A1 districts *“are also intended to provide opportunities for residential uses at very low densities to promote housing opportunities in the county. These districts are further intended to permit activities which require non-urban locations and do not detrimentally impact lands devoted to rural and agricultural activities.”*

Prior to 1997 offsite landscaping services were required to be located only in commercial district. However, in 1997 the county enacted 1997-29 permitting landscaping services in A-1 on conjunction with commercial nurseries. The reason for this change is not known but it is clear that at this point this change has lead to unintended consequences and intentional falsification by non- Ag commercial business integration into A-1 districts that is well known to the planning and zoning divisions. In 2019, it has become readily apparent that offsite landscaping services, as they have evolved and in some cases, misrepresented their primary business use, cannot coexist with the kind of agricultural and residential uses which the original purpose and intent of A-1 district was intended to promote.

It is clearly evident that the inclusion of “offsite landscape services” into the A-1 district did not intend to promote “offsite landscape services” that are independent of and are not an “accessory use to an existing commercial nursery”. The intent and purpose of Section 911.10. – Commercial districts - of the Title IX LDR’s clearly and indisputably provides for “landscape services” as prescribed in 911.10(2) (f) **CG: General commercial district and (g) CH: Heavy commercial district and is further and specifically prescribed for in Section 911.10(4) Uses.** “Uses in the commercial districts are classified as permitted uses, administrative permit uses, and special exception uses. **Site plan review shall be required** for the construction, alteration and use of all structures and buildings except single-family dwellings.”