

**INDIAN RIVER COUNTY, FLORIDA**  
**MEMORANDUM**

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TO: Members of the Planning and Zoning Commission

THROUGH: Chris Balter; Planning & Development Services Director *CB*

FROM: Cindy Thurman; Senior Planner, Long Range Planning *CT*

DATE: October 1, 2024

RE: Red Jazmine Land Company, LLC's Request to Rezone Approximately ±4.20 Acres from CL, Limited Commercial District to CH, Heavy Commercial District (2006080087-96914) **[Quasi-Judicial]**

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It is requested that the following information be given formal consideration by the Indian River County Planning and Zoning Commission at its regular meeting on October 10, 2024.

**DESCRIPTION AND CONDITIONS**

The subject property is situated centrally within the county along the U.S. Highway 1 corridor, an area characterized by sparse development and limited existing commercial retail and service uses. These uses are primarily clustered within an established commercial node.

The subject property consists of ±4.20 acres and is an irregularly shaped triangle (see Attachment 1). Located at the northern end is a small restaurant. A legally nonconforming residence is at the southwest corner, although not part of the subject property.

The property lies at the northwest corner of the intersection of U.S. Highway 1 and 73rd Street, the property benefits from proximity to a mixed-use residential area to the east, accessible via 73rd Street. This street serves as a key connector, linking the established commercial node to the adjacent residential community. The commercial node in this area is zoned CL, Limited Commercial, a district intended to accommodate convenience-oriented retail and service needs for nearby residents while minimizing any potential impacts on adjacent residential neighborhoods.

Within a two-mile radius along the U.S. Highway 1 corridor, there are undeveloped parcels zoned for both CG, General Commercial and CH, Heavy Commercial to the north and south of the subject property. Notably, the property does not directly abut the FEC railroad tracks; it is separated by another CL-zoned parcel. Similarly, it does not border Old Dixie Highway. The nearest IG (General Industrial) zoned property is situated to the west, buffered by additional CL-zoned parcels, Old Dixie Highway, and the FEC railroad tracks.

The applicant requests to rezone the subject property from CL, Limited commercial District to CH, Heavy Commercial District. The purpose of this request is to secure the zoning necessary to develop the site with uses permitted in the CH zoning district. The requested CH zoning

designation is consistent with the subject property's C/I, Commercial / Industrial future land use designation.

### **Existing Land Use Pattern**

The U.S. Highway 1 corridor serves as a major arterial route through the county, with the intensity of commercial land use strategically transitioning as it moves from north to south. In the vicinity of the subject property, the land use pattern is characterized by a more subdued commercial presence, ensuring compatibility with surrounding residential areas.

The subject property, located at the northwest corner of U.S. Highway 1 and 73rd Street, sits at a key access point to a mixed residential zone that includes four distinct subdivision communities to the east. This intersection anchors an established commercial node, carefully designed to serve the convenience needs of local residents. The node is strategically positioned to provide easily accessible retail and service options while preserving the character and tranquility of adjacent neighborhoods. This balance is crucial in fostering a harmonious relationship between commercial activity and residential living.

The commercial node supports a range of convenience-based retail and service establishments tailored to local residents' everyday needs, with zoning regulations in place to mitigate potential impacts on nearby residential areas. Further along the U.S. Highway 1 corridor, within a two-mile radius, parcels zoned CG, General Commercial and CH, Heavy Commercial remain undeveloped, offering the potential for more intensive commercial uses in the future.

This gradual increase in land use intensity along the corridor demonstrates the county's thoughtful approach to development, ensuring that commercial growth is carefully managed. The transition of zoning from CL to CG and CH preserves a buffer between higher-intensity commercial uses and residential neighborhoods, aligning with broader planning goals to balance economic development and quality of life for local communities.

### **Zoning District Differences**

In terms of permitted uses, there are both similarities and differences between the existing CL district and the proposed CH district. The respective zoning districts' purpose statements best illustrate the distinctions between the zoning districts. These purpose statements, found in the County's Land Development Regulations (LDRs), are as follows:

**CL: Limited Commercial District:** The CL, Limited Commercial district is intended to provide areas for the development of limited commercial activities. The CL district is intended to accommodate the convenience retail and service needs of area residents, while minimizing the impact of such activities on any nearby residential areas. CL is not intended to provide for light industrial activities or manufacturing uses.

**CH: General Commercial District.** The CH, Heavy Commercial district, is intended to provide areas for establishments engaging in wholesale trade, major repair services, and restricted light manufacturing activities. The CH district is further intended to provide support services

necessary for the development of commercial and industrial uses allowed within other nonresidential zoning districts.

### **Analysis**

The following analysis is per Chapter 902: Administrative Mechanisms, Section 902.12(3), which states that all proposed amendments shall be submitted to the Planning and Zoning Commission, which shall consider such proposals in accordance with items (a) through (k) of Section 902.12(3).

#### **Item A - Whether or not the proposed amendment is in conflict with any applicable portion of the land development regulations (LDRs).**

While the request for the map amendment does not conflict with the county's land development regulations, the resulting CH, Heavy Commercial zoning district raises concerns about potential incompatibilities with adjacent land uses. The proposed zoning change would allow for more intensive commercial activities that could negatively impact surrounding properties, particularly those within the nearby residential area.

For instance, uses such as drive-through restaurants, which are expressly prohibited in the current CL, Limited Commercial zoning district due to their potential to generate traffic, noise, and other externalities, would be permitted under the requested CH zoning. This shift in allowable uses introduces the risk of incompatibility with the adjacent residential communities, undermining the intent of the existing CL district to minimize commercial activity impacts on nearby neighborhoods.

The applicant states that: "There have not been any conflicts identified. The site will be subject to the site planning process to demonstrate its compliance with LDRs."

Although the applicant asserts that no conflicts have been identified and that the site will undergo the site planning process to ensure compliance with the land development regulations, this does not fully address the concern of introducing uses that may be inherently incompatible with the character of the surrounding area. The rezoning to CH could potentially disrupt the balance between commercial and residential uses, contrary to the county's objective of maintaining compatibility along the U.S. Highway 1 corridor.

#### **Item B - Whether or not the proposed amendment is consistent with all elements of the Indian River County Comprehensive Plan.**

The goals, objectives, and policies outlined in the comprehensive plan are critical to guiding the County's development. Policies, in particular, serve as actionable commitments that direct how the County will shape and manage growth. These policies form the foundation for all land development decisions, ensuring that the County's planning efforts align with its long-term vision.

While all policies within the comprehensive plan hold significance, certain policies are more directly relevant when evaluating rezoning requests. For this particular case, Future Land Use Element Policies 1.17, 1.18, and 1.43 are especially applicable. These policies provide specific

guidance and criteria that must be carefully considered to ensure consistency with the County's development goals and the compatibility of land uses within the community.

#### Future Land Use Element Policies 1.17 and 1.18

Future Land Use Element Policy 1.17 states that all commercial/industrial uses must be located within the County's Urban Service Area and near existing urban centers. Future Land Use Element Policy 1.18 states that the commercial/industrial land use designation allows uses, subject to applicable zoning district regulations, that include business and personal services, retail, office, and storage/warehousing uses.

Since the subject property is located within the County's Urban Service Area and the requested CH district is intended for uses permitted within the commercial/industrial land use designation, the request is consistent with Future Land Use Element Policies 1.17 and 1.18.

The applicant states, "This area is within the urban service area and part of a C/I node and that this area is not seeking a change to expand the existing C/I node." Thereby maintaining consistency with policies 1.17 and 1.25 of the Future Land Use Element.

#### Future Land Use Element Policy 1.43

Future Land Use Element Policy 1.43 provides criteria that the Board of County Commissioners may use to determine whether or not a proposed zoning district is appropriate for a particular site. Below are the specific rezoning criteria from Policy 1.43, the CH zoning district, and staff determinations of how the criteria have been met in Table 1.

<b>Table 1</b> <b>SUBJECT PROPERTY</b> <b>Proposed Heavy Commercial (CH) Zoning District</b>		
<b>Review Criteria</b>	<b>Meets Criteria?</b>	<b>Comments</b>
1. Along arterial roads	Yes	Abuts U.S. Highway 1
2. Along Railroad Tracks	No	<b>The parcel is separated by CL-zoned property and Old Dixie Highway. It cannot be characterized as having railroad frontage or access. Fails this criterion.</b>
3. Between general commercial and industrial areas	No	<b>The property is centralized in a CL-zoned area intended for light commercial uses. Fails this criterion.</b>
4. Separated from residential development	No	<b>Directly abuts a legal nonconforming residential home. Fails this criterion.</b>

The applicant states that for the Future Land Use Policy 1.43 (as outlined above) "for the CH, Heavy Commercial Zoning district request as follows:

1. Along arterial roads – this site is located along US Highway 1
2. Along railroad tracks – this site is adjacent to the FEC Railroad Tracks

3. Between general commercial and industrial areas – this site is surrounded by varying commercial and industrial zoning classifications.
4. Separated from residential development – this site is separated from residential development which can be found on the east side of US Highway 1.”

Staff believes this request is not consistent with Future Land Use Element Policy 1.43. While the property benefits from frontage along US Highway 1, it fails to meet the second criterion of having frontage along the railroad tracks. The CH, Heavy Commercial zoning district is designed to capitalize on proximity to railroad infrastructure, particularly for industrial or manufacturing uses that could integrate a railroad spur or rely on the transportation of materials by rail. In this case, the subject property does not abut the railroad tracks or the associated right-of-way, thereby not fulfilling this key locational criterion.

Furthermore, the site is surrounded on three sides by CL, Limited Commercial zoning, with the nearest CG, General Commercial zoning district located to the south, across 73<sup>rd</sup> Street. The area is characterized by a mix of limited commercial and residential uses, with a development pattern that intensifies progressively along the US Highway 1 corridor as it moves through the county.

Importantly, the property directly abuts a legally nonconforming, occupied single-family residence. The introduction of CH zoning in this context raises compatibility concerns, particularly given the more intensive uses allowed in the CH district. Such uses could significantly disrupt the existing character of the area, which is more aligned with limited commercial and residential uses. The comprehensive plan and land development code emphasize the need to recognize and protect existing nonconforming conditions, which further underscores the incompatibility of this rezoning request with the surrounding development pattern.

In summary, while the property has frontage upon an arterial roadway, its lack of adjacency to the railroad and its position within a predominantly CL and residential area makes it incompatible with the intent of the CH zoning district and the surrounding land uses.

**Item C - Whether or not the proposed amendment is consistent with existing and proposed land uses.**

The subject property for the proposed amendment is designated C/I, Commercial/Industrial on the Future Land Use Map. Since CH zoning is allowed in the C/I designation, the proposed zoning district is consistent with the Future Land Use Map designation.

The applicant asserts that "this location features a mix of commercial uses, including CH (Commercial Heavy), CG, General Commercial, and CL, Limited Commercial, all of which conform to the C/I Future Land Use designation." While this may be true for portions of the broader US Highway 1 corridor, it is important to note that such zoning classifications are not present in the immediate vicinity of the subject property.

The property is surrounded predominantly by CL, Limited Commercial zoning, and it directly abuts a legally nonconforming, occupied single-family residence at its southwest corner. This proximity to more restricted commercial and residential uses raises significant concerns about

compatibility. The introduction of CH zoning in this location would allow for higher-intensity commercial or manufacturing uses that are out of character with the immediate area, potentially creating conflicts with the adjacent limited commercial and residential properties.

In summary, while the requested CH zoning may align with the broader C/I designation of the Future Land Use Map, it is not compatible with the existing development pattern and zoning context surrounding the subject property. The more intensive uses permitted under CH zoning could disrupt the balance between commercial and residential uses in this area, making the proposed amendment unsuitable for the site.

**Item D - Whether or not the proposed amendment is in compliance with the adopted county thoroughfare plan.**

The subject property fronts U.S. Highway 1 to the west, which is designated as a principal arterial road on the County's Future Thoroughfare Plan. While there are no immediate plans for road improvements along this section of U.S. Highway 1, the "2022 Land Use Vision Study for Indian River County" conducted by the MPO identifies this area as a potential candidate for future right-of-way dedication to accommodate additional lanes on the highway.

The applicant contends that "the amendment complies with the County's adopted thoroughfare plan, as the site is positioned between US Highway 1, a principal arterial roadway, and Old Dixie Highway, a major collector arterial." However, it is important to clarify that the subject property does not abut Old Dixie Highway, and its primary access is exclusively from US Highway 1 or 77<sup>th</sup> Street.

This locational context highlights a key compatibility issue. The property's proximity to US Highway 1, without direct access or frontage on Old Dixie Highway, limits its connectivity and reduces its suitability for the higher-intensity uses permitted in the CH, Heavy Commercial zoning district. The property is more closely aligned with the lower-intensity uses allowed in the surrounding CL, Limited Commercial zoning, which better supports the existing development pattern along this segment of the highway.

In conclusion, while the amendment may technically comply with the County's thoroughfare plan, the lack of direct access to Old Dixie Highway and the property's immediate adjacency to residential and limited commercial uses render the proposed CH zoning incompatible with its current context. The higher-intensity commercial uses allowed in the CH district could create undue pressure on the roadway network and adjacent properties, further underscoring the need to maintain a more appropriate zoning designation.

**Item E - Whether or not the proposed amendment would generate traffic which would decrease the service levels on roadways below the level adopted in the comprehensive plan.**

The proposed rezoning request's Traffic Impact Analysis (TIA) was reviewed and approved by Traffic Engineering Division staff. That analysis showed that all roadway segments within the area of influence would operate at an acceptable level of service with the most intense use of the property under the proposed zoning district.

The applicant states that "While the zoning classification change is to a higher intensity designation, the RV/Boat Storage (Warehouse) use itself has a significantly lower trip generation than many retail or commercial uses. Also, as the owner prepares to move into the Site Plan phase, a full traffic impact analysis on the proposed use will be provided."

It should be noted that although the applicant has identified a proposed RV/boat storage facility, there is no way to limit or guarantee the subject site will be developed as an RV/boat storage facility if the property is rezoned.

**Item F - Whether or not there have been changed conditions which would warrant an amendment.**

Parcel assemblage in this area does not appear to pose significant challenges, as much of the surrounding land remains vacant, which could otherwise restrict development opportunities.

The applicant notes, "This location has remained undeveloped since the establishment of zoning regulations and the Comprehensive Plan. Given the evolving economic conditions, the owner now seeks to explore rezoning." The proposed project represents a significant investment in the area, encompassing substantial engineering and construction costs. Additionally, the applicant highlights the post-pandemic popularity of recreational boating and RV use, suggesting that the property is well-positioned to serve the growing demand for storage related to these activities. The applicant further asserts that the current CL zoning is not conducive to meeting these needs.

While the U.S. Highway 1 corridor has experienced an uptick in the development of storage and warehousing facilities, it is important to consider that many parcels along this corridor, within two miles of the subject property, are already zoned CH, Heavy Commercial and remain undeveloped. These available parcels offer more appropriate locations for higher-intensity commercial and storage uses, as they are already zoned to accommodate such activities.

In contrast, the subject property's immediate surroundings are characterized by CL, Limited Commercial zoning and residential development, making the introduction of CH zoning incompatible with the established land use pattern. The CH district would permit uses that may generate higher levels of traffic, noise, and visual impact, which could negatively affect the nearby residential and limited commercial areas.

In summary, while the applicant's proposal reflects a substantial investment and responds to market trends, the availability of undeveloped CH-zoned land nearby, along with the property's proximity to residential areas, makes the requested rezoning incompatible with the surrounding context. The CL zoning is more appropriate for maintaining the balance between commercial activity and the protection of adjacent residential communities. While the County encourages commercial investment, such development would be more appropriate on land already zoned for such use.

**Item G - Whether or not the proposed amendment would decrease the level of service established in the comprehensive plan for sanitary sewer, potable water, solid waste, drainage, and recreation.**

Based upon the analysis conducted by staff, it has been determined that all concurrency-mandated facilities, including stormwater management, solid waste, water, wastewater, and recreation, have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning. Per Indian River County LDRs, the applicant may be required to pay connection and other customary fees and comply with other routine administrative procedures. If approved, rezoning does not guarantee any vested rights to receive water and wastewater treatment service. As with all development, a more detailed concurrency review will be conducted during the development review process.

As per Section 910.07 of the County's LDRs, conditional concurrency review examines the available capacity of each facility with respect to a proposed project. Since rezoning requests are not development projects, County regulations call for the concurrency review to be based on the most intense use of the subject property allowed within the requested zoning district.

For commercial rezoning requests, the most intense use of a property varies with the zoning district. In the case of CL-zoned property, the most intense use (according to County LDRs) is retail commercial, with 10,000 square feet of gross floor area per acre. For the CH rezoning request, the most intense use is general manufacturing, with 20,000 square feet of gross floor area per acre. The site information used for the concurrency analysis is as follows:

1. Size of Area to be Rezoned:	±4.20 acres
2. Existing Zoning District:	CL, Limited Commercial District
3. Proposed Zoning District:	CH, Heavy Commercial District
4. Most Intense Use of Subject Property Under Existing Zoning District:	42,000 square feet of Retail Commercial
5. Most Intense Use of Subject Property Under Proposed Zoning District:	84,000 square feet of General Manufacturing

The applicant states that: "Rezoning does not guarantee any vested rights, and during the course of site plan review, the Concurrency application will demonstrate that mandated facilities are available. These include stormwater management, solid waste, wastewater, and potable water."

**Item H - Whether or not the proposed amendment would result in significant adverse impacts on the natural environment.**

The subject property proposed to be rezoned from CL to CH has an existing restaurant at the north end and is otherwise undeveloped. Since the subject property does not contain any land designated by the State of Florida or the U.S. Federal Government as environmentally sensitive or protected land, such as wetlands or sensitive uplands, rezoning the site is anticipated to have no adverse impacts on environmental quality. A more detailed environmental analysis based on the site-specific development proposal will be conducted when development is proposed for the subject site.

The applicant states that: "The owners have conducted both a Phase 1 Environmental Review, and an Environmental Impact Report (EIR) on this site. In both cases, nothing remarkable was uncovered while looking specifically at the prior uses of the land and protected species. Prior to any proposed development a full Environmental Impact Assessment will be done, but as the site sits currently, for the rezoning there is not any adverse impacts on the natural environment."

**Item I - Whether or not the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The applicant states, "The surrounding land uses provide for a logical and orderly pattern of land uses as there are several commercial uses found in the immediate area. This rezoning request is also consistent with the Comprehensive Plan."

Although the requested CH, Heavy Commercial zoning district is consistent with the underlying C/I (Commercial Industrial) Future Land Use designation, the proposed amendment would not result in an orderly or logical development pattern. There is no other CH zoning in the immediate vicinity, and the predominant zoning in this area is CL, Limited Commercial, which allows retail as the most intense use while prohibiting drive-through restaurants. The introduction of CH zoning, which permits more intensive uses, would be inconsistent with the established character of the area.

Although the proposed amendment may be technically consistent with portions of the Comprehensive Plan, it is not in harmony with the surrounding zoning districts and would disrupt the existing development pattern. The contrast between the higher-intensity uses permitted under CH zoning, and the more restricted uses of CL zoning, raises the potential for conflicts between adjacent properties, particularly where prohibited and permitted uses may share property boundaries. This lack of compatibility undermines the goal of achieving a cohesive and orderly pattern of land uses, further demonstrating that the proposed rezoning is unsuitable for the area.

**Item J - Whether or not the proposed amendment would be in conflict with the public interest and is in harmony with the purpose and interest of the land development regulations.**

The applicant states, "We have not uncovered any conflicts with public interest and is in harmony with the purpose and interest of the land development regulations."

However, this rezoning request is not in harmony with the purpose and intent of the land development regulations as it seeks to introduce uses that are incompatible with the surrounding area. The predominant zoning in this location is designed for limited commercial uses that are intended to serve the nearby residential community, as evidenced by the existing subdivisions along 73rd Street.

Rezoning the subject property to CH, Heavy Commercial would introduce higher intensity uses that are inconsistent with the character and purpose of the area. This change would not serve the public interest of the surrounding residential community and could create conflicts between the more intense uses allowed under CH zoning and the residential and limited commercial uses

nearby. Therefore, the proposed rezoning is not compatible with the existing development pattern or the intended function of this area.

**Item K - Any other matters that may be deemed appropriate by the planning and zoning commission or the board of county commissioners in review and consideration of the proposed amendment such as police protection, fire protection, and emergency medical services.**

The applicant states that “In both the 2023 Priority Projects Report and the 2022 Land Use Vision Study for Indian River County MPO, this area is identified for potential right of way dedication to add additional lanes on U.S. Highway 1. The current ADT is 25000 trips along U.S. Highway 1 in front of our property, and increasing the lanes from 4 to 6 adds additional justification for the CH zoning in this corridor. At this time, the Project Development and Environmental (PD&E) study is complete, and project design is underway. As the site moves into Site Plan review phase additional right of way can be finalized.”

Based upon the analysis conducted by staff, it has been determined that all concurrency-mandated facilities, including police protection, fire protection, and emergency medical services, have adequate capacity to accommodate the most intense use of the subject property under the proposed rezoning.

**REQUIRED NOTICE**

For this project, staff was required to publish a legal advertisement in the newspaper, send out notice by mail to all property owners within 300 feet of the project site, and post a project notice sign at the project site.

**CONCLUSION**

The requested CH, Heavy Commercial zoning district is not compatible with the surrounding area, as there are no other CH-zoned properties in the immediate vicinity. Additionally, the request is not consistent with the goals, objectives, and locational criteria outlined in Policy 1.43 of the Comprehensive Plan. The subject property is not situated in an area suitable for heavy commercial uses, as it has historically been zoned CL, Limited Commercial, which is more appropriate for the area's character and nearby residential developments. Rezoning to CH would introduce uses that could create significant incompatibilities with adjacent properties, disrupting the intended balance of limited commercial and residential uses.

The subject property does not meet the necessary criteria for a CH zoning designation, and the proposed amendment would undermine the established development pattern in this area. For these reasons, staff cannot support the request to rezone the property to CH, Heavy Commercial. The proposed zoning change is incompatible with both the Comprehensive Plan policies and the surrounding land uses, making it unsuitable for approval.

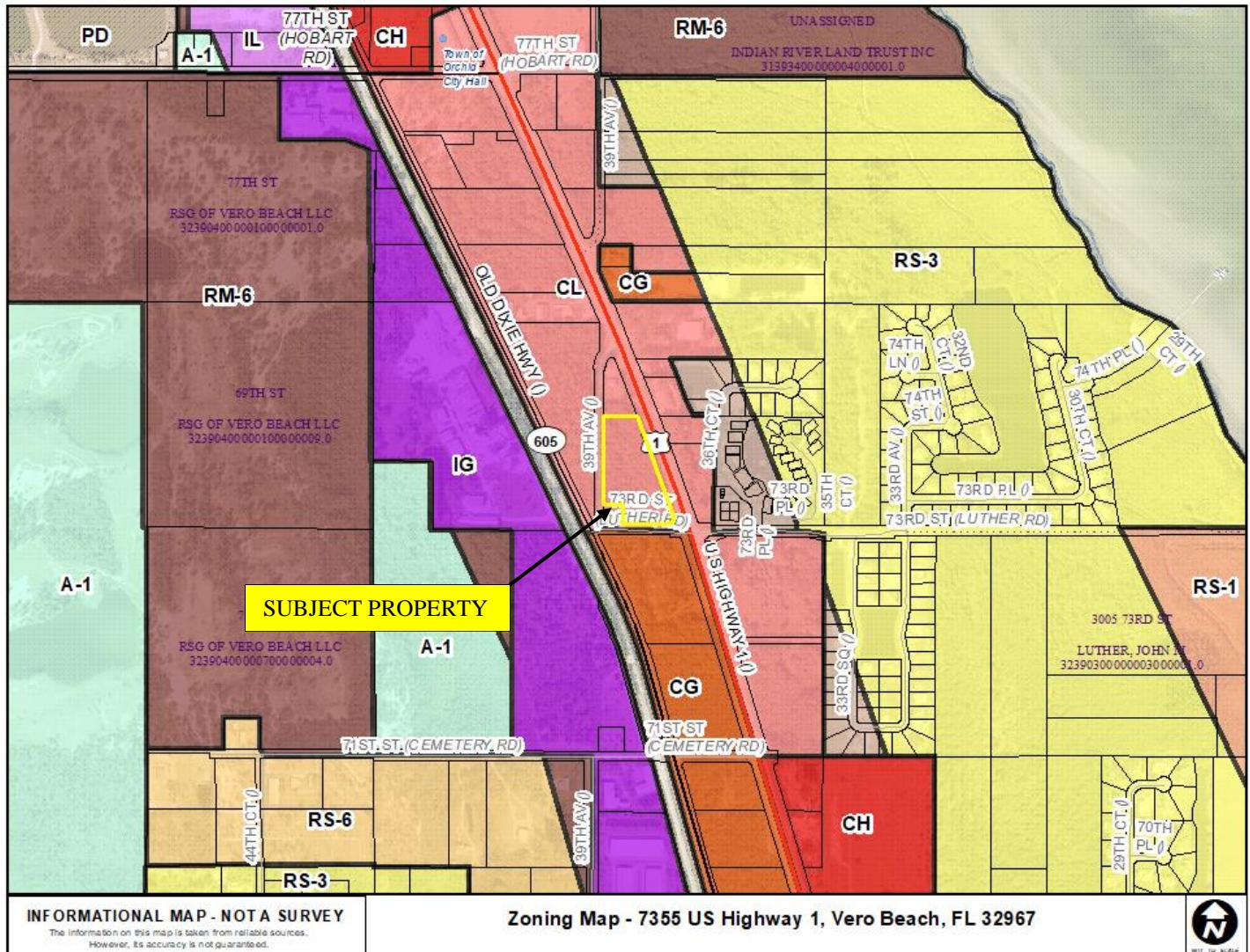
## **RECOMMENDATION**

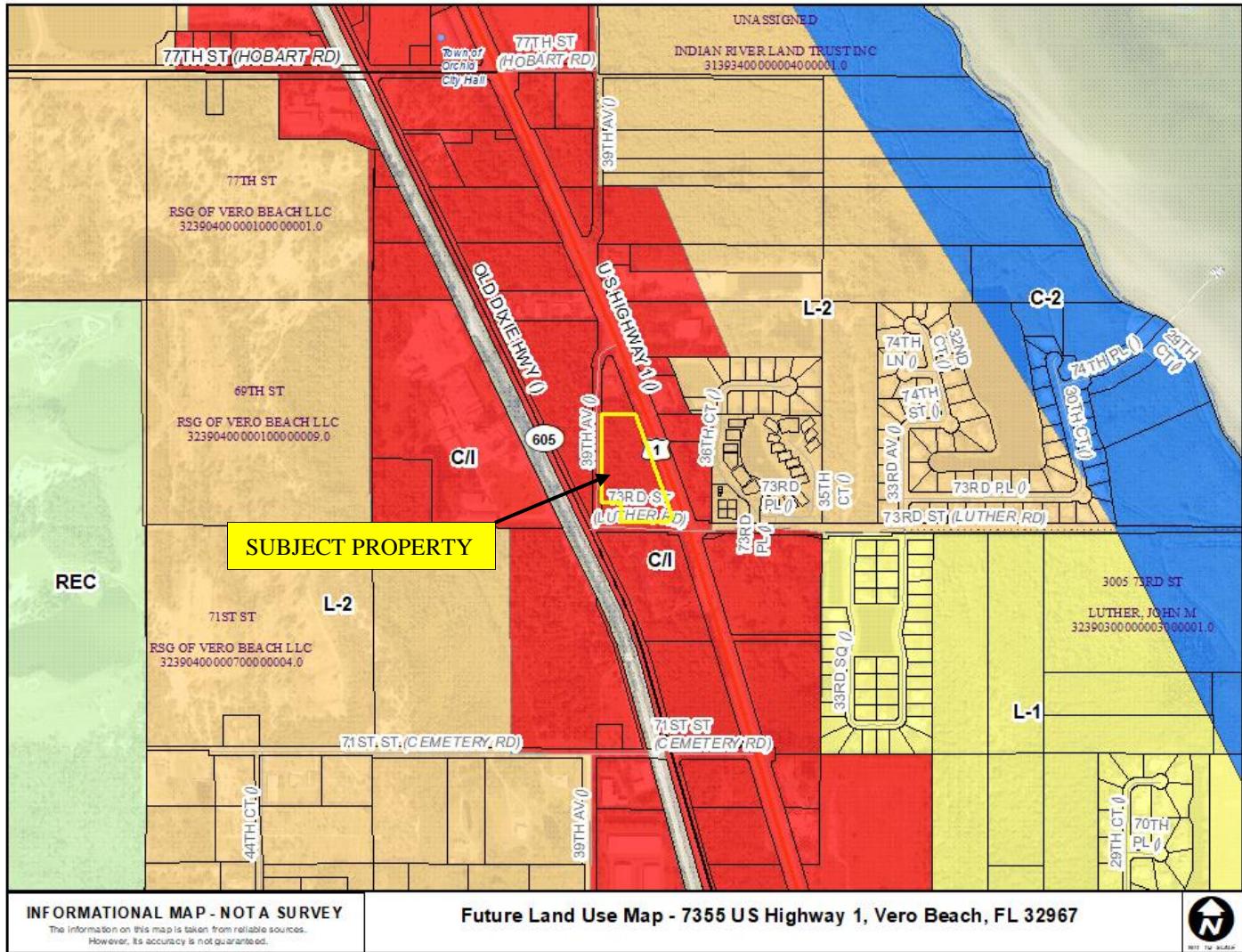
Based on the analysis conducted, staff cannot support recommending that the Planning and Zoning Commission advise the Board of County Commissioners to approve the request to rezone the subject property from CL, Limited Commercial to CH, Heavy Commercial. After thorough consideration of the surrounding land use patterns, compatibility concerns, and consistency with the Comprehensive Plan and County's land development regulations, staff's recommendation is to deny the request for rezoning.

## **ATTACHMENTS**

1. Zoning Map
2. Future Land Use Map
3. Rezoning Application
4. Ordinance

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY  
SUSAN J. PRADT  
ASSISTANT COUNTYATTORNEY





**APPLICATION FORM  
REZONING REQUEST (RZON)  
INDIAN RIVER COUNTY**

Each application must be complete when submitted and must include all required attachments. An incomplete application will not be processed and will be returned to the applicant.

Assigned Project Number: RZON - <u>2004080087- 96914</u> <span style="float: right;"><u>ZC-619</u></span>			
	Current Owner	Applicant (Contract Purchaser)	Agent
Name:	Red Jazmine Land Company, LLC	Same as Owner	MBV Engineering, Inc.
Complete Mailing Address:	101 Pugliese's Way, 2nd Floor Delray Beach, Florida 33444		1835 20th Street Vero Beach, FL 32960
Phone #: (including area code)	561-464-1642		772-569-0035
Fax #: (including area code)	561-330-7001		772-778-3617
E-Mail:	dbrink@puglieseco.com		ryanm@mbveng.com
Contact Person:	Damian Brink		Rebecca Grohall, AICP
Signature of Owner or Agent: <u></u>			
<b>Property Information</b>			
Site Address: <u>7355 US Highway 1, Vero Beach, Florida 32967</u>			
Site Tax Parcel I.D. #s: <u>32390300000300000019.1</u>			
Subdivision Name, Unit Number, Block and Lot Number (if applicable) <u>N/A</u>			
Existing Zoning District: <b>CL</b>	Existing Land Use Designation: <b>C/I</b>		
Requested Zoning District: <b>CH</b>			
Total (gross) Acreage of Parcel: <b>4.201</b>	Acreage (net) to be Rezoned: <b>4.201</b>		
Existing Use on Site: <b>Vacant</b>			
Proposed Use on Site: <b>Commercial</b>			
<b>THE APPLICANT MUST ATTEND A PRE-APPLICATION CONFERENCE WITH LONG-RANGE PLANNING SECTION STAFF PRIOR TO APPLYING IN ORDER TO RESOLVE OR AVOID PROBLEMS CONNECTED WITH THE REZONING REQUEST.</b>			

## REZONING APPLICATION CHECKLIST

**Please attach the following items to this application. Do not ignore any of the items. Indicate "N/A" if an item is not applicable.**

ITEMS	Applicant's Checklist	Staff Checklist
1. Fee: \$3,000.00	X	✓
2. Completed Rezoning Application Form (front page)	X	✓
3. Letter of Authorization from Current Owner(s) <b>OR</b> Current Owner is Applicant	X	✓
4. Verified statement (separate letter) naming every individual or entity having legal or equitable ownership in the property.	X	✓
5. One (1) Copy of the <u>current</u> Owner's Deed	X	✓
6. A Current Owner's Title Policy <b>OR</b> A Certificate of Title from a Title Company <b>OR</b> An attorney's written opinion evidencing fee ownership of the property.	X	✓
7. A justification of change statement and detailed intended use	X	✓
8. One (1) <b>SEALED</b> boundary survey of the area to be rezoned. The boundary survey shall include, but not be limited to the following:  <input type="checkbox"/> a legal description of the land to be rezoned <input type="checkbox"/> the size of the land to be rezoned <input type="checkbox"/> the public road right-of-way width of adjacent roads; and <input type="checkbox"/> a north arrow	X	✓
9. Electronic version (MS Word is preferable) of the legal description	X	✓
10. Provide a digital map file of the boundary Survey provided in Item 8 above in either AutoCAD (.dwg) or Esri Shape file (.shp) format.	X	✓
11. Copy of Approved Concurrency Certificate <b>OR</b> Copy of filed application for Concurrency Certificate, including traffic study, if applicable	X	✓

**NOTE: ITEMS 2-6 MUST INDICATE THE SAME OWNERSHIP OF THE SUBJECT PROPERTY.**

Revised: September 19, 2022

## Rezoning Justification Statement

Site Address: 7355 US Highway 1

Parcel ID: 32-39-03-00000-3000-00019.1

Existing Zoning: CL

Requested Zoning: CH

Total Acreage: 4.2 acres

Existing Land Use: C/I

Envisioned use: Commercial as allowed by the CH designation. Although the property owners want to leave the development opportunities open on this site, they are exploring a quality “enclosed” RV and Boat Storage with a small clubhouse and office. All the recently approved and built RV & Boat Storage facilities in the area are outdoor and not enclosed, although some have canopies. The market is strong for enclosed RV & Boat storage due to the high-end nature of these vehicles and full protection from inclement weather, as well as having them in a convenient and secure location.

There may be some accessory covered outdoor storage as well. To utilize the RV/Boat storage use on the property, this requires CH zoning. The CL does not support this use as presented, rather the CL proposes the use as a special exception, and it has heavily regulated criteria on the height of the structures etcetera that are not compatible with the envisioned use. The CG district also restricts this type of use to a three-acre site size limitation, and requires an administrative use permit with limits to the FAR. This site is greater than 3 acres, so the CH is requested as it allows for the uses ultimately envisioned.

This site is wedged between US 1 and Old Dixie Highway with the CSX Railroad and Maschmeyer Concrete – Vero Beach Ready Mix & Block Plant just to the west. The property has great access northbound on US Highway 1 with a left turn lane onto 73rd Street. The CH zoning also allows other commercial uses like quick service restaurants with drive-thru, gas stations, and vehicle storage, and most uses we have considered are permitted by-right. This leaves the door open to potentially carve out an outparcel at the corner with US 1 and 73rd Street. There is an attached list of uses and the differences between CL & CH.

The next pages outline the Standards of Review referenced in the Land Development Code. In reviewing the application of a proposed amendment to the text of the land development regulations or an application for a proposed amendment to the official zoning atlas, the Board of County Commissioners and the Planning and Zoning Commission shall consider:

- a. Whether or not the proposed amendment is in conflict with any applicable portion of the land development regulations; **There have not been any conflicts identified. The site will be subject to the site planning process to demonstrate its compliance with LDRs.**
- b. Whether or not the proposed amendment is consistent with all elements of the Indian River County Comprehensive Plan; **Chapter 2: Future Land Use (Indian River County 2030 Comprehensive Plan) policy consistency:**

**Future Land Use Element Policy 1.17** states that all commercial/industrial uses must be located within the County's Urban Service Area near existing urban centers. This site is within the Urban Service Area and part of a C/I node.

**Future Land Use Element Policy 1.25:** Commercial/industrial nodes shall not be created or expanded to within 1 ½ miles of an existing commercial/industrial node. This rezoning is not seeking a change to expand the existing C/I Node.

**Future Land Use Policy 1.43** provides specific criteria that Staff, the Planning Board and the Board of County Commissioners may use to determine whether a proposed zoning district is appropriate for a particular site.

**For the CH, Heavy Commercial zoning district:**

- along arterial roads – this site is located along US Highway 1
- along railroad tracks – this site is adjacent to the FEC railroad tracks
- between general commercial and industrial areas – this site is surrounded by varying commercial and industrial zoning classifications.
- separated from residential development - this site is separated from residential development which can be found on the east side of US Highway 1.

- Whether or not the proposed amendment is consistent with existing and proposed land uses; **In this location, there is Industrial Zoning west of the tracks, east of the tracks and between US Highway 1, there is a mix of Commercial including Commercial Heavy, General Commercial and Limited Commercial.** All these zoning classifications are consistent and in conformance with the C/I Future Land Use.
- Whether or not the proposed amendment is in compliance with the adopted county thoroughfare plan; **Yes, the amendment would be in compliance with the adopted county thoroughfare plan. The proposed site is sandwiched between US Highway 1 and Old Dixie Highway, with US Highway 1 listed as a Principal Arterial Roadway and Old Dixie Highway is classified as a Major Collector Arterial.**
- Whether or not the proposed amendment would generate traffic which would decrease the service levels on roadways below level adopted in the comprehensive plan; **While the zoning classification change is to a higher intensity designation, the RV/Boat Storage (Warehouse) use itself has a significantly lower trip generation than many retail or commercial uses. A Traffic Impact Statement comparing the two districts is being prepared and will be submitted under separate cover. Also, as the owner prepares to move into the Site Plan phase, a full traffic impact analysis on the proposed use will be provided.**
- Whether or not there have been changed conditions which would warrant an amendment; **This location has been undeveloped since the zoning regulations and Comprehensive Plan were established. As the economic conditions have changed throughout the years, this owner would like to explore rezoning. A storage facility as described on**

**page 1 represents an earnest and substantial investment into this area through the engineering and construction costs.**

**In post-pandemic years, boating and utilizing RVs are some of the most popular recreational and travel options. Sales remain strong for each and given the residential development between Vero Beach and Sebastian this site is primed to serve those needs and the CL Zoning is not favorable for storage.**

- g.** Whether or not the proposed amendment would decrease the level of service established in the comprehensive plan for sanitary sewer, potable water, solid waste, drainage, and recreation; **Rezoning does not guarantee any vested rights and during the course of site plan review, the Concurrency application will demonstrate that mandated facilities are available. These include stormwater management, solid waste, wastewater and potable water. Commercial property does not have concurrency requirements, per se, for recreation like residential development.**
- h.** Whether or not the proposed amendment would result in significant adverse impacts on the natural environment; **The owners have conducted both a Phase 1 Environmental Review, and an Environmental Impact Report (EIR) on this site. In both cases, nothing remarkable was uncovered while looking specifically at the prior uses of the land and protected species. Prior to any proposed development a full Environmental Impact Assessment will be done, but as the site sits currently, for the rezoning there is not an adverse impact on the natural environment.**
- i.** Whether or not the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern; **The surrounding land uses provide for logical and orderly pattern of uses as there are several commercial uses found in the immediate area. This rezoning request is also consistent with the Comprehensive Plan.**
- j.** Whether or not the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and interest of the land development regulations; **We have not uncovered any conflicts with public interest and is in harmony with the purpose and interest of the land development regulations.**
- k.** Any other matters that may be deemed appropriate by the planning and zoning commission or the board of county commissioners in review and consideration of the proposed amendment such as police protection, fire protection, and emergency medical services. **In both the 2023 Priority Projects Report and the 2022 Land Use Vision Study for Indian River County MPO, this area is identified for potential right of way dedication to add additional lanes on US Highway 1. The current ADT is 25,000 trips along US 1 in front of our property, and increasing the lanes from 4 to 6 adds additional justification for the CH zoning in this corridor.**

**At this time, the Project Development and Environmental (PD&E) study is complete, and project design is underway. As the site moves into Site Plan review phase, additional right of way can be finalized.**

## **CONCLUSION**

As submitted, this request is consistent with the goals, policies, and objectives of the Comprehensive Plan, as well as the County's land development regulations. The requested CH zoning district is compatible with the surrounding area. The site is in a location suitable for commercial uses as demonstrated by the varying Commercial and Industrial designations in place.

### **Attachments:**

- Zoning Maps: Existing and Proposed
- ROW Map from MPO
- Permitted Use Table

## Zoning, Indian River County, Florida



3/8/2023, 11:16:57 AM

Urban Service Area

Zoning (Unincorporated Area, Indian River County)

A-1

A-2

A-3

AIR-1

CG

CH

CL	IL	PRO	RM-10
CN	MED	R-BCID	RM-10 ex
CON-1	MUNI	RFD	RMH-6
CON-2	OCR	RM-3	RMH-8
CON-3	PD	RM-4	RS-1
CRVP	PDMXD	RM-6	RS-2
IG	PDTND	RM-8	RS-3

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0 0.1 0.2 0.3 0.4 mi  
0 0.15 0.3 0.6 km

IRCGIS, IRCPA, IRC Planning, IRCPA

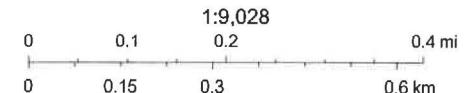
IRC Planning Division

# Zoning, Indian River County, Florida



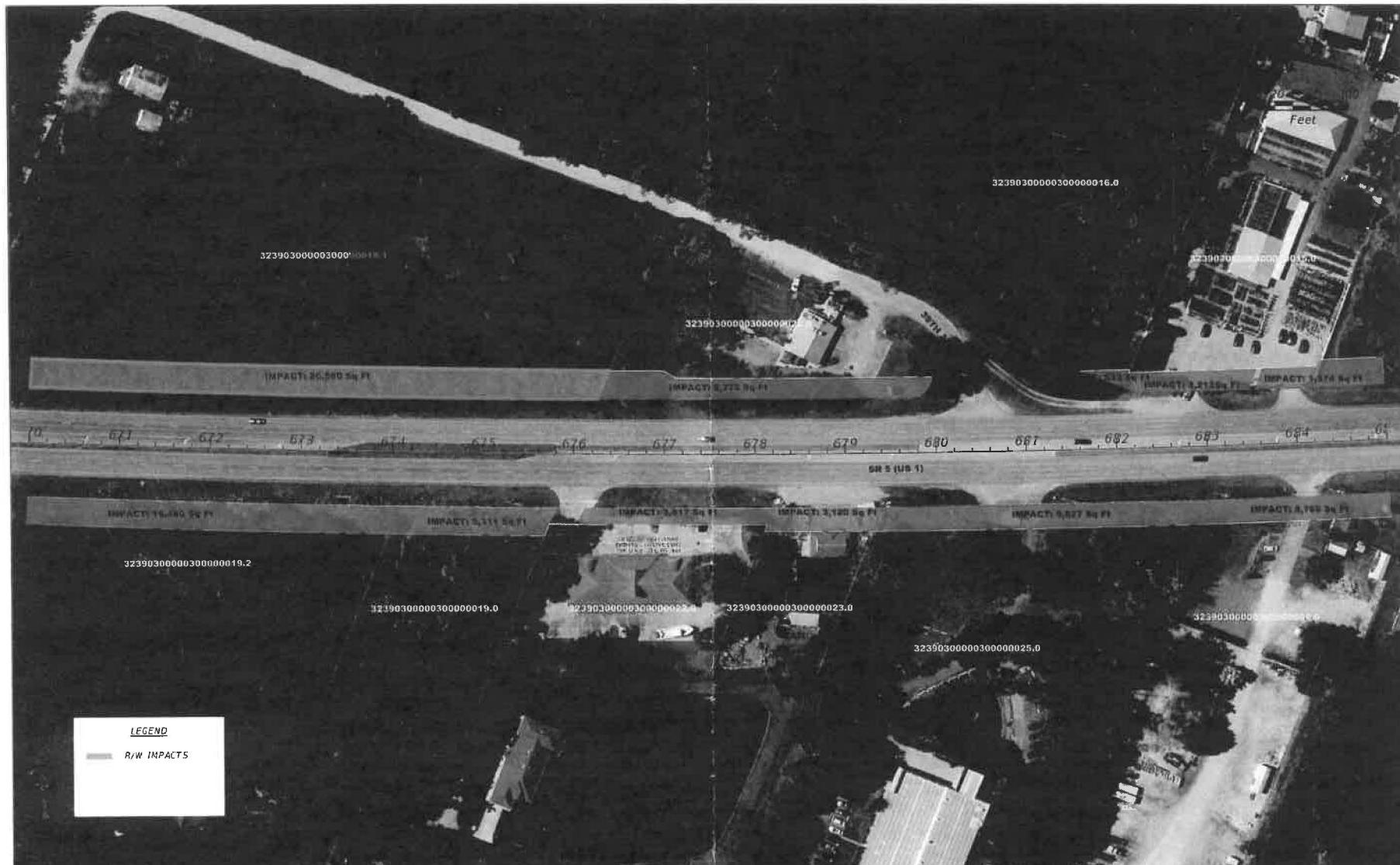
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Urban Service Area	CL	IL	PRO	RM-10
Zoning (Unincorporated Area, Indian River County)	CN	MED	R-BCID	RM-10 ex
	CON-1	MUNI	RFD	RMH-6
	CON-2	OCR	RM-3	RMH-8
	CON-3	PD	RM-4	RS-1
	CRVP	PDMXD	RM-6	RS-2
	IG	PDTND	RM-8	RS-3



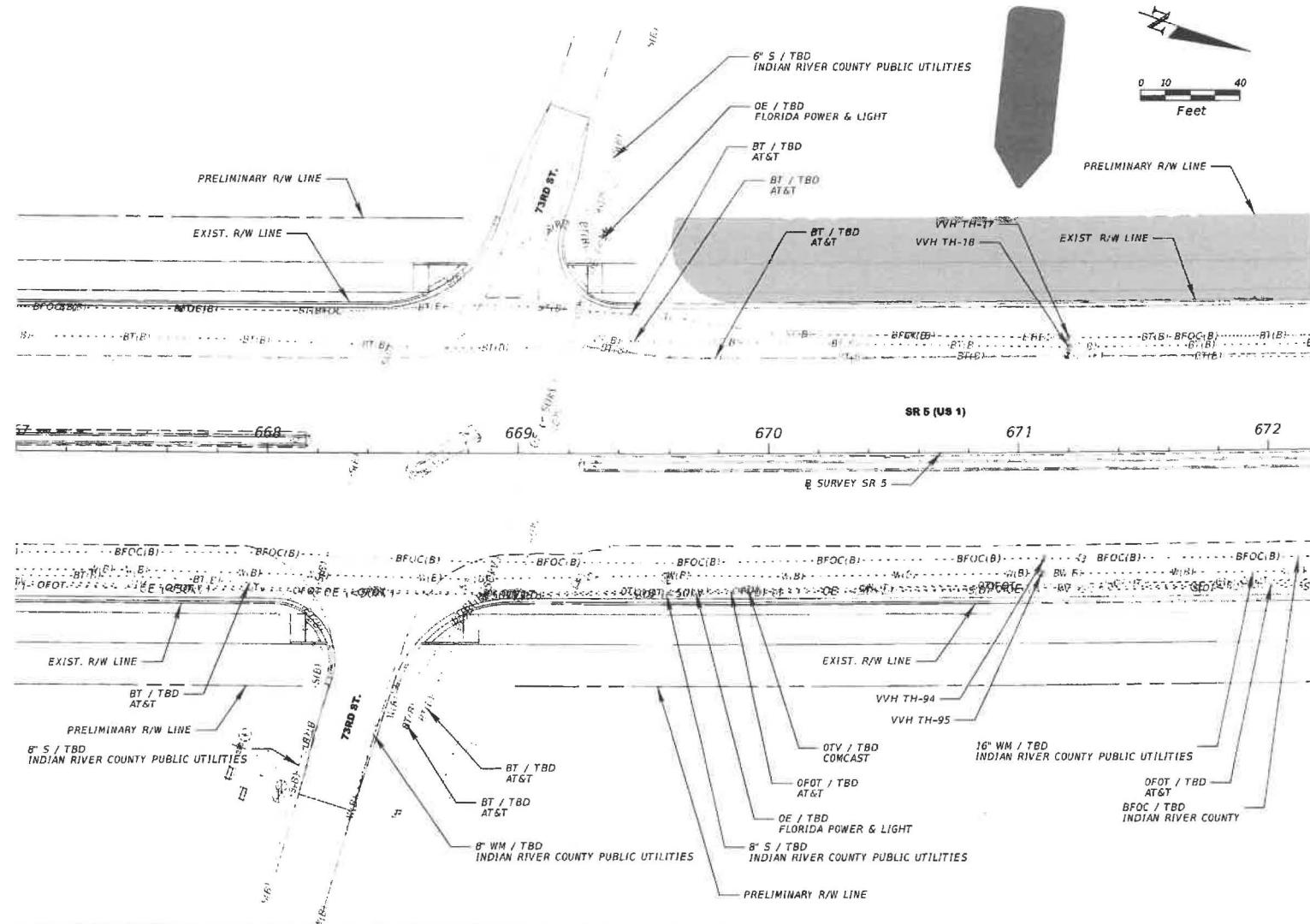
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DATE	DESCRIPTION	REVISIONS		ENGINEER OF RECORD	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SHEET NO.
		DATE	DESCRIPTION		ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
	ADVERTISEMENT			CHRISTOPHER B. ALLEY, P.E. LICENSE NUMBER 6713 AIM ENGINEERING & SURVEYING, INC. 4600 TOUCHEON RD, STE 120 JACKSONVILLE, FLORIDA 32246	SR 5	INDIAN RIVER	431724-3-52-01	3

**SEGMENT 2  
RIGHT OF WAY EXHIBIT**

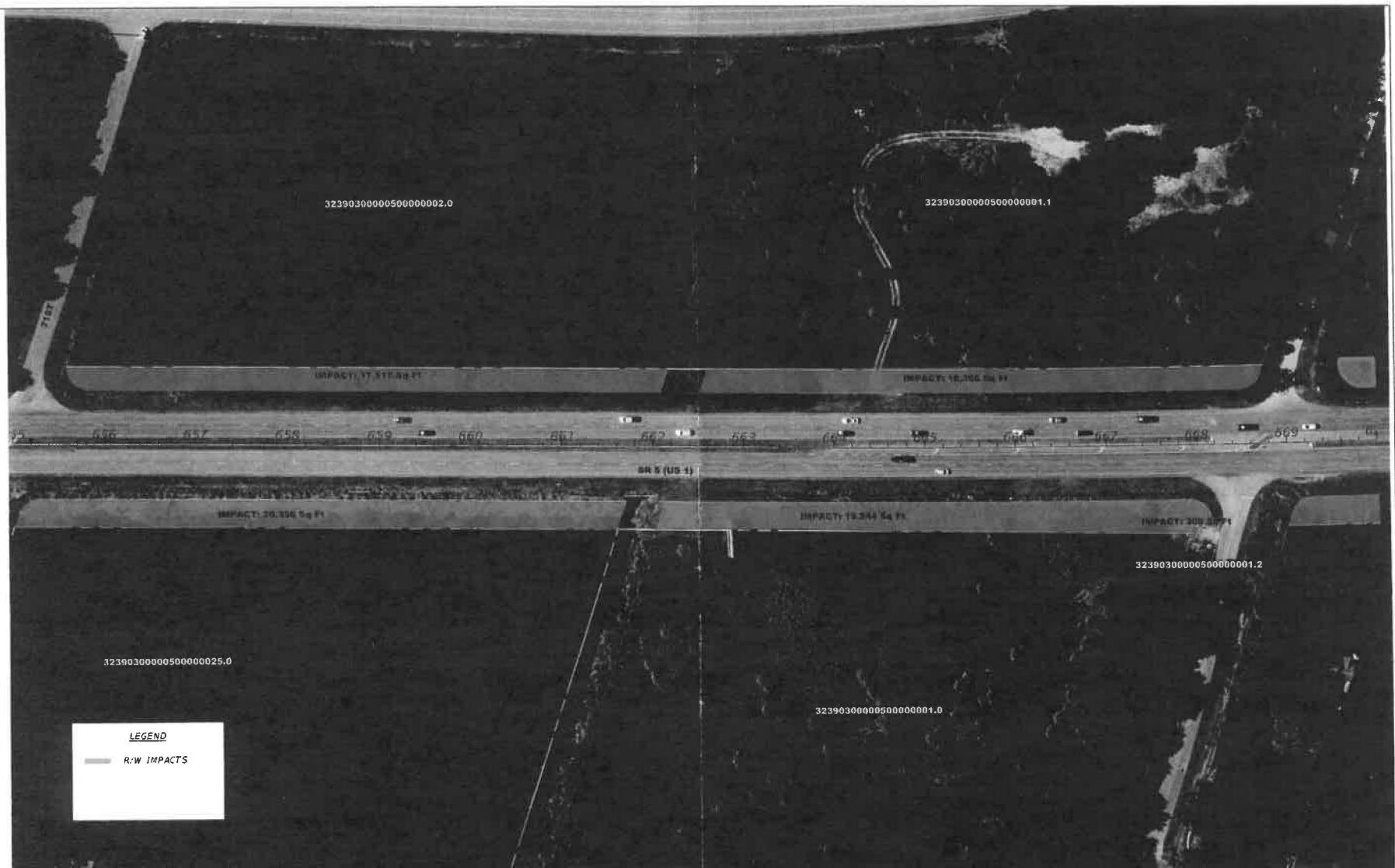


REVISIONS				ENGINEER OF RECORD	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			UTILITY ADJUSTMENTS	SHEET NO. 29
DATE	DESCRIPTION	DATE	DESCRIPTION	CHRISTOPHER B. ALLEY, P.E. LICENSE NUMBER: 67413 AIM ENGINEERING & SURVEYING, INC. 201 E. KENNEDY BLVD., STE. 1800 TAMPA, FLORIDA 33602	ROAD NO.	COUNTY	FINANCIAL PROJECT ID		
1/18/2014	ADVERTISEMENT				SR 5	INDIAN RIVER	431724-3-52-01		

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REVISIONS				ENGINEER OF RECORD	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			UTILITY ADJUSTMENTS	SHEET NO.
DATE	DESCRIPTION	DATE	DESCRIPTION	CHRISTOPHER B. ALLEY, P.E. LICENSE NUMBER: 67413 AIM ENGINEERING & SURVEYING, INC. 201 E. KENNEDY BLVD., STE. 1800 TAMPA, FLORIDA 33602	ROAD NO.	COUNTY	FINANCIAL PROJECT ID		30
	ADVERTISEMENT				SR 5	INDIAN RIVER	431724-3-52-01		

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DATE	DESCRIPTION	DATE	DESCRIPTION	ENGINEER OF RECORD	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			SEGMENT 2 RIGHT OF WAY EXHIBIT	SHEET NO.		
	ADVERTISEMENT			CHRISTOPHER B. ALLEY, P.E. LICENSURE NUMBER: 67413 AIM ENGINEERING & SURVEYING, INC. 4600 TOUCHTON RD., STE. 120 JACKSONVILLE, FLORIDA 32246	ROAD NO	COUNTY	FINANCIAL PROJECT ID	SR 5	INDIAN RIVER	431724-3-52-01	2

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## Section 911.10. Commercial districts.

- (e) *CL: Limited commercial district.* The CL, limited commercial district, is intended to provide areas for the development of restricted commercial activities. The CL district is intended to accommodate the convenience retail and service needs of area residents, while minimizing the impact of such activities on any nearby residential areas.
- (f) *CG: General commercial district.* The CG, general commercial district, is intended to provide areas for the development of general retail sales and selected service activities. The CG district is not intended to provide for heavy commercial activities, such as commercial service uses, heavy repair services nor industrial uses.
- (g) *CH: Heavy commercial district.* The CH, heavy commercial district, is intended to provide areas for establishments engaging in wholesale trade, major repair services and restricted light manufacturing activities. The CH district is further intended to provide support services necessary for the development of commercial and industrial uses allowed within other nonresidential zoning districts.

(3) *Relationship with land use map.* The commercial districts may be established in the following land use designations:

	Commercial Land Use Designation		
District	C/I	PUB	RC
PRO <sup>1</sup>	X	-	-
OCR	X	-	-
MED	X	-	-
CN <sup>2</sup>	-	-	-
CL	X	X	-
CG	X	X	X
CH	X	X	-

C/I - Commercial industrial

PUB - Public

RC - Regional commercial

<sup>1</sup> PRO may also be established in L-1, L-2, M-1, and M-2 land use designations.

<sup>2</sup> CN may also be established in AG-1, AG-2, AG-3, R, L-1, L-2, M-1, and M-2 land use designations.

(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.

Commercial uses and activities shall be contained within an enclosed area unless otherwise specifically allowed herein or unless allowed as an accessory or temporary use approved by the community development director.

**Allowed only in Commercial Limited (CL) and not in CH.**

**Allowed only in Commercial High (CH) and not in CL.**

USE	District		
	CL	CG	CH <sup>1</sup>
<b>Agriculture</b>			
Agricultural Production			
Horticultural and landscape plants and specialties	P	P	P
Kennels and animal boarding	-	A	A
Pet-grooming (no boarding)	P	P	P
Agricultural Services			
Landscape services	-	P	P
Commercial fishery	-	A	P
<b>Commercial</b>			
Construction			
General building contractors/special trade contractors/construction yards <sup>4</sup>	-	-	P
Finance, Insurance, Real Estate, Legal Services			
Banks and credit institutions	P	P	-
Small-scale banks and credit institutions	P	P	P
Security and commodity brokers	P	P	-
Insurance agents, brokers and service	P	P	-
Automatic teller machines	P	P	-
Real Estate	P	P	-
Holding and other investment offices	P	P	-
Legal services	P	P	-
Services			
Lodging facilities hotels and motels	P	P	-
Boardinghouses	A	P	-
Bed and breakfast	A	A	-
Membership based hotels	-	P	-
Personal Services			
Laundries and laundromats (excluding drycleaners)	P	P	-
Garment pressing and drycleaners drop-off/pickup	P	P	-
Linen supply	-	P	P
Carpet and upholstery cleaning	-	P	P
Drycleaning plants	-	-	P
Photographic studios	P	P	-
Beauty shops	P	P	-
Barber shops	P	P	-
Shoe repair	P	P	-
Funeral homes	-	P	-
Funeral chapels	P	P	-
Crematoriums	-	P	P
Business Services			
Advertising	P	P	P
Credit reporting and collection	P	P	P
Mailing, reproduction and stenographic services	P	P	P
Equipment rental and leasing	P	P	P

Employment agencies	P	P	P
Help supply services	-	P	P
Computer and data processing	P	P	P
Bail bondsman	P	P	P
<b>General and professional office<sup>4</sup></b>	P	P	-
Auto Repair, Services and Parking			
Automotive rentals	-	P	P
Automobile parking and storage	A	P	P
Body and paint shops	-	-	P
General automotive repair	-	P	P
Carwashes	P	P	P
Automotive fluid sales and services (other than gasoline)	A	P	P
Miscellaneous Repair			
Electrical repair	P	P	P
Watch, clock, jewelry	P	P	P
Reupholsters and furniture	-	-	P
Welding	-	-	P
Motion Pictures			
Production and distribution services	-	P	P
Motion picture theaters	P	P	-
Drive in theaters (unenclosed commercial amusement)	-	-	S
Video tape rentals	P	P	-
Amusement and Recreation			
Dance studios, school and halls, gyms	P	P	P
Theatrical production including music	P	P	-
Enclosed commercial amusements	P	P	P
Unenclosed commercial amusements except miniature golf courses and driving ranges	-	-	S
Health and fitness centers	P	P	P
Membership sports and recreation	P	P	P
Coin-operated amusements	P	P	-
Miniature golf courses	-	S	A
Driving ranges	-	A	A
Health and Medical Services			
Offices and clinics	P	P	-
Total care facilities	-	-	-
Hospitals	-	-	-
Medical and dental laboratory	P	P	-
Home health care services	P	P	-
Specialty outpatient clinics	P	P	-
Veterinarian clinic	A	A	A
Wholesale Trade			
Durable goods (not including demolition debris site, junkyards, recycling center)	-	-	P
Nondurable goods	-	-	P
Recycling center (including vegetation debris mulching)	-	-	A
Retail Trade			

Convenience stores	P	P	P
Building materials and garden supplies	-	A	P
Paint, glass and wallpaper stores	P	P	P
Hardware stores	P	P	P
Retail nurseries and garden supplies	P	P	P
Model mobile home display	-	A	P
Mobile home trailer sales	-	-	A
General Merchandise			
Department stores	A	P	-
Variety stores	A	P	-
Flea market	-	-	A
Auction facilities, unenclosed	-	-	A
Auction facilities, enclosed	-	P	P
Used merchandise (including pawn shops)	P	P	P
Food Stores			
Grocery stores	P	P	-
Meat and fish markets	P	P	-
Fruit and vegetable markets	P	P	-
Candy, nut and confectionery stores	P	P	
Dairy product stores	P	P	-
Retail bakeries	P	P	-
Automotive Dealers and Services			
New and used cars dealers	-	P	P
Used vehicle sales	-	S	A
Auto and home supply stores	P	P	P
Gasoline service stations	A	P	P
Boat sales and rentals	-	A	P
Recreational vehicle sales	-	A	A
Motorcycle dealers	-	P	P
Automotive fuel sales	A	P	P
Commercial marina	-	A	P
Marine repair and service	-	A	P
Apparel and Accessory Stores	P	P	-
Furniture and Home Furnishings			
Furniture and home furnishing stores	A	P	P
Small-scale home furnishings showrooms (excluding furniture and major appliances)	P	P	P
Household appliance stores	A	P	P
Radio, television and computer stores	P	P	-
Eating and Drinking Establishments			
Restaurants	P	P	P
Carry out restaurants	P	P	P
Drive through restaurants	-	P	P
Bars and lounges	S	P	P
Bottle clubs	-	S	A
Miscellaneous Retail			
Drug stores	P	P	-

Liquor stores	P	P	-
Miscellaneous shopping goods	P	P	-
Florists	P	P	-
News stands	P	P	-
Sporting goods	P	P	-
Optical goods	P	P	-
Gift stores	P	P	-
Book and card store	P	P	-
Catalogue and mail order house	-	P	P
Fuel Dealers	-	P	P
Food and Kindred Products	-	-	P
Fruit and vegetable packing houses	-	A	A
Fruit and vegetable juice extraction	-	-	A
<b>Community Services</b>			
Educational Services			
Educational centers including primary and secondary schools	A	A	-
Colleges and universities	A	A	-
Libraries	P	P	-
Vocational, technical and business	P	P	-
Institutional			
Individual and family services	P	P	-
Job training services	P	P	P
Child care and adult care	P	P	-
Homes for aged, including nursing homes and rest homes	S	S	-
Residential treatment center	S	S	S
Place of worship	P	P	P
Group homes (residential centers)	S	S	S
Adult congregate living facility (21+ residents)	S	S	S
Cultural and Civic Facilities	P	P	-
Civic and social membership organizations	P	P	-
Public Administration			
Government administrative buildings	P	P	-
Courts	P	P	-
Emergency services	P	P	P
<b>Industrial</b>			
Printing and publishing	-	-	P
Machine shops	-	-	P
Chemicals and Plastics			
Rubber and plastic footwear	-	-	P
Hose, belts, gaskets packing	-	-	P
Assembly production (not including manufacturing)	-	-	P
<b>Transportation and communication</b>			
Railroad/Bus Transportation Services			
Local and suburban transit	-	P	P
Trucking and courier services	-	-	P
Commercial warehousing and storage	-	-	P
Moving and storage	-	-	P

Trucking terminals	-	-	P
Self-service storage facilities	S	A	P
Outdoor storage	-	-	A
Vehicle storage lot (paved/unpaved) <sup>3</sup>	-	-	P
Post Office	P	P	P
Water transport services	-	-	P
Air transport services	-	-	P
Pipelines	-	-	P
Heliport/helipad	-	S	-
Recycling centers	-	-	A
Travel and tour agencies	P	P	-
Freight transport arrangement	-	P	P
Communications			
Telephone and telegraph	P	P	P
Radio and television broadcasting	P	P	P
Cable and pay T.V.	P	P	P
Communications towers (wireless facilities)	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>
Communications towers (non-wireless facilities) <sup>4</sup>			
Amateur radio (accessory use)			
Less than 80 feet	P	P	P
80 feet or taller (see 971.44(4) for special criteria)	S	S	S
Commercial			
Up to 70 feet:			
Camouflaged	P	P	P
Non-camouflaged	P	P	P
70 feet to 150 feet:			
Camouflaged	A	A	A
Monopole (minimum of 2 users)	A	A	A
Not camouflaged and not monopole	S	S	S
Over 150 feet:			
All tower types (see 971.44(1) for special criteria)	-	-	-
Public and private utilities, limited	A	A	A
Public and private utilities, heavy	-	-	S
<b>Residential Uses</b>			
Single-family dwelling	-	-	-
Duplex	-	-	-
<b>Multifamily dwelling</b>	A	A	-
Accessory housing (watchman)	-	-	P

P = Permitted use

A = Administrative permit use

S = Special exception use

<sup>1</sup> No industrial use shall be permitted in the CH district unless public sewer service is provided to the subject property.

<sup>2</sup>The requirements of subsection 917.06(11), of the Accessory Uses and Structures Chapter, shall apply to towers less than 70'.

<sup>3</sup>Standards for unpaved vehicle storage lots are found in subsection 954.08(6).

<sup>4</sup>Uses, such as limousine services, construction offices, and contractors trades offices shall be considered general office uses if the following conditions are met:

- All types of vehicles [reference 911.15(3)(a)] kept on site shall be limited to those types of vehicles allowed in residential areas, except that commercial vehicles completely screened from adjacent streets and properties shall be allowed to be kept on site. All commercial vehicles allowed to be kept on site shall be parked in designated paved spaces.
- The number of vehicles used for business purposes and that meet the above condition and that are kept on site shall be limited to twenty-five (25) percent of the number of parking spaces required for the office use.
- Except for vehicle parking, all uses shall be conducted within an office building.

<sup>5</sup>For wireless commercial facilities regulations, see subsection 971.44(5), Section 4 use table.

(5) *Accessory uses and structures* as provided in Chapter 917.

(6) *Required improvements.* All future subdivisions and site plans for development in commercial districts shall install the following improvements, designed and constructed to meet the requirements and specifications of the Code of Laws and Ordinances of Indian River County, Florida.

	District						
	PRO	OCR	MED	CN	CL	CG	CH
Bikeways	x	x	x	x	x	x	x
Sidewalks	x	x	x	x	x	x	x
Streetlights	x	x	x	x	x	x	x

(7) *Size and dimension criteria:*

	PRO	OCR	MED	CN	CL	CG	CH
Min. Lot Size sq. ft.	10,000	10,000	20,000	20,000	10,000	10,000	10,000
Min. Lot Width ft.	100	100	100	100	100	100	100
Min. Yards ft.							
Front	25	25	25	25	25	25	25
Rear	25	20	20	20	10	10	10
Side	20	20	20	20	10	10	10
Max. Building Coverage %	35	40	40	40	40	40	40/50*
Min. Open Space %	35	35	30	30	25	25	20
Max. Building Height ft.	35	35	35	35	35	35	35
Residential District Regulations	RM-6	RM-6	RM-8	RM-8	RM-8	RM-8	RM-8
Hotel and motel minimum square feet of land area per unit	-	1200	1200	-	1200	1200	-

Notes:

Yards - Front Yards abutting S.R. 60 shall be seventy-five (75) feet;

Rear Yards (CH only) 0 if abutting FEC Railroad;

Side Yards (MED, CL, CG, CH) 0 if abutting a nonresidential use with interconnected parking and approved access easement 0 if abutting FEC Railroad (CH only).

Height - See section 911.15 for exceptions.

Maximum FAR (Floor Area Ratio):

- Retail trade 0.23 FAR
- Office, business/personal services, recreational, schools, institutional 0.35 FAR
- Industrial, storage, wholesale/distribution, utilities, heavy repair 0.50 FAR

\*Maximum building coverage for a single story warehouse or industrial building is fifty (50) percent.

(8) *Required buffer yards:*

District	Abutting Use/District	
	Single-Family Buffer Type	Multi-Family Buffer Type
PRO	C - 6 ft. Opaque	C - 3 ft. Opaque
OCR	C - 6 ft. Opaque	C - 3 ft. Opaque
MED	C - 6 ft. Opaque	C - 3 ft. Opaque
CN	B - 6 ft. Opaque	C - 6 ft. Opaque
CL	B - 6 ft. Opaque	C - 6 ft. Opaque
CG	B - 6 ft. Opaque	C - 6 ft. Opaque
CH	B - 6 ft. Opaque	B - 6 ft. Opaque

Buffer yards are required along rear/side property lines and measured at right angles to lot lines. All screening and buffering requirements shall meet the standards established in section 926, Landscaping and buffering. No parking or loading shall be permitted within buffer yards.

When a loading dock is proposed to serve a use that normally requires frequent deliveries (e.g., grocery store, department store, big box retail), and when the loading dock is to be located adjacent to a residentially designated site, and when the loading dock will not be screened from view from an adjacent residential site by an intervening building or structure, an eight-foot high wall shall be required between the loading dock and the residential site. Wall height shall be measured from the grade elevation of the parking area adjacent to the loading dock. Plantings along the wall are required in accordance with the standards of landscape section 926.08.

(9) *Special district requirements.*

(a) *PRO—Professional office district.*

1. *Location and land use.*

- The PRO district may be established in areas designated as L-1, L-2, M-1, M-2 or commercial on the future land use map.
- The PRO district may be established on residentially designated land if located on an arterial or collector road as identified in the comprehensive plan.

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2. *District size.* The PRO district shall have a minimum district size of five (5) acres and a maximum district size of twenty-five (25) acres. The PRO district may be reduced to two and one-half (2½) acres if the parcel(s) under consideration to be zoned PRO satisfies all of the following criteria:
  - a. The parcel(s) abuts a commercial node or corridor; and
  - b. The parcel(s) is located within a substantially developed area; and
  - c. The parcel(s) is located in an area dominated by nonresidential uses.
3. *District depth.* The PRO district shall have a maximum district depth of three hundred (300) feet, measured from the adjacent collector and/or arterial roadway. The maximum depth may exceed three hundred (300) feet for platted lots of record where the majority of the lot is within three hundred (300) feet of the collector on arterial roadway.

(b) *CN—Neighborhood commercial district.*

1. *Land use and location.* The CN, neighborhood commercial, district has been established on various sites throughout the county that are designated AG-1, AG-2, AG-3, R, L-1, L-2, M-1 or M-2 on the future land use map. No new CN neighborhood commercial districts shall be established, and no existing CN district shall be expanded.
2. *Allowable uses.* Uses allowed within a neighborhood node shall be those uses allowed within the neighborhood commercial (CN) zoning district.

(Ord. No. 90-16, § 1, 9-11-90; Ord. No. 91-7, §§ 6, 8, 2-27-91; Ord. No. 91-48, §§ 20, 22, 23, 12-4-91; Ord. No. 92-11, §§ 3, 14, 24, 4-22-92; Ord. No. 92-39, § 8, 9-29-92; Ord. No. 93-8 §§ 13, 18, 3-18-93; Ord. No. 93-29, §§ 5D, 11C, 9-7-93; Ord. No. 94-1, § 2E, 1-5-94; Ord. No. 94-25, §§ 1, 13, 8-31-94; Ord. No. 96-24, § 6, 12-17-96; Ord. No. 97-16, § 3(5), 5-6-97; Ord. No. 97-21, § 4(A), 7-15-97; Ord. No. 97-29, §§ 2(A), 6, 12, 12-16-97; Ord. No. 98-9, § 9, 5-19-98; Ord. No. 99-13, § 7A, 5-5-99; Ord. No. 2000-039, § 1, 11-21-00; Ord. No. 2002-016, § 1E, 4-2-02; Ord. No. 2002-031, § 1E, 11-12-02; Ord. No. 2003-004, § 1, 2-4-03; Ord. No. 2010-017, § 1, 10-5-10; Ord. No. 2012-016, §§ 4, 7E, 8, 9, 7-10-12; Ord. No. 2015-005, § 1, 6-2-15; Ord. No. 2018-022, § 1, 9-18-18; Ord. No. 2022-014, § 2, 12-6-22)

## ORDINANCE NO. 2024-\_\_\_\_

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND THE ACCOMPANYING ZONING MAP FOR APPROXIMATELY 4.20 ACRES LOCATED AT THE NORTHWEST CORNER OF HIGHWAY US 1 AND 73RD STREET, FROM CL, LIMITED COMMERCIAL DISTRICT, TO CH, HEAVY COMMERCIAL DISTRICT; AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency on such matters, held a public hearing and subsequently made a recommendation regarding this rezoning request; and

WHEREAS, the Board of County Commissioners of Indian River County, Florida, did publish and send its Notice of Intent to rezone the hereinafter described property; and

WHEREAS, the Board of County Commissioners held a public hearing pursuant to this rezoning request, at which parties in interest and citizens were heard; and

WHEREAS, the Board of County Commissioners determined that this rezoning is in conformance with the Comprehensive Plan of Indian River County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, Florida, that the zoning of the following described property situated in Indian River County, Florida, to-wit:

THAT PORTION OF THE WEST 10 ACRES LYING WEST OF U.S. NO. 1 IN THE SOUTH HALF OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA; LESS AND EXCEPT RIGHT OF WAY FOR NEW U.S. HIGHWAY NO. 1, AS RECORDED IN O.R. BOOK 105, PAGE 431, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PORTION CONVEYED TO RUFUS MCDANIEL AND ERMA LEE MCDANIEL, HIS WIFE, AS RECORDED IN OFFICIAL RECORD BOOK 420, PAGE 133, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA.

CONTAINING: 182,992 SQUARE FEET OR 4.201 ACRES, MORE OR LESS

is changed from CL, Limited Commercial District to CH, Heavy Commercial District.

All with the meaning and intent and as set forth and described in said Land Development Regulations.

## ORDINANCE NO. 2024-\_\_\_\_

This ordinance shall become effective upon filing with the Department of State.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this \_\_\_\_ day of, \_\_\_\_\_ 2024.

This ordinance was advertised in the Press-Journal on the \_\_\_\_ day of \_\_\_\_\_, 2024, for a public hearing to be held on the \_\_\_\_ day of \_\_\_\_\_, 2024 at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Susan Adams, Chairman  
Joseph H. Earman, Vice Chairman  
Joseph E. Flescher, Commissioner  
Deryl Loar, Commissioner  
Laura Moss, Commissioner

BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY

BY: \_\_\_\_\_  
Susan Adams, Chairman

ATTEST : Ryan L. Butler, Clerk of Circuit 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

\_\_\_\_\_  
Jennifer W. Shuler, County Attorney

APPROVED AS TO PLANNING MATTERS

\_\_\_\_\_  
Christopher Balter, Planning & Development Services Director