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

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**TO:** Jason E. Brown; County Administrator

**THROUGH:** Phillip J. Matson, AICP; Community Development Director

**FROM:** Ryan Sweeney; Chief, Current Development

**DATE:** October 20, 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]

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of November 1, 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).

The BCC is now to consider the proposed automobile parking and storage ordinance and adopt, adopt with modifications, or deny the ordinance at a second (future) public hearing for final adoption.

## PLANNING AND ZONING COMMISSION (PZC) RECOMMENDATION:

At its regular September 22, 2022 meeting, the PZC conducted a public hearing and considered the proposed ordinance. The PZC voted 5-0 to recommend that the BCC adopt the proposed ordinance (see attachment 1).

## 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 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.

## ORDINACE ADOPTION PROCESS

Since the proposed amendment will change the list of allowable uses in a zoning district, the BCC must consider the subject LDR amendment ordinance at two separate hearings as required by state law (Florida Statutes Chapter 125.66). Under FS 125.66, those hearings must be held at least 10 days apart and one hearing must be held after 5:00 PM unless 4 or 5 BCC members vote to hold the hearings before 5:00 PM. Consequently, the BCC may hold a special call 5:01 PM hearing on or after November 11, 2022 or at one of the regular December BCC meetings if 4 or 5 Board members vote to have the second hearing at a regular meeting. Staff believes that holding the second hearing at a regular BCC meeting in December will be adequate. The first available meeting date for the second (final) hearing that will meet state requirements upon a vote of 4 or 5 BCC members is the regular BCC meeting of December 6, 2022.

## RECOMMENDATION

Staff recommends that the Board of County Commissioners:

1. Direct staff to make any changes necessary to the proposed ordinance (if applicable); and
2. By a vote of 4 or 5 BCC members set the second, final adoption hearing for the regular BCC meeting of December 6, 2022 which is scheduled to begin at 9:00 AM.

## ATTACHMENTS

1. Excerpt from 9-22-2022 PZC Meeting Minutes
2. Draft Ordinance