

**GOAL FLUE A: LAND USE.** THE CHARACTER AND LOCATION OF LAND USES INCORPORATES BEST MANAGEMENT PRACTICES AND PRINCIPLES OF RESOURCE CONSERVATION; ASSURES ORDERLY LAND USE DEVELOPMENT, TRANSITION AND COMPATIBILITY; FOSTERS ECONOMIC DEVELOPMENT; AND MAINTAINS QUALITY LEVELS OF PUBLIC SERVICES AND FACILITIES WITHIN THE CITY OF FELLOSMERE.

**OBJECTIVE FLUE A-1: PLAN AND DESIGN FOR QUALITY.** Sufficient space shall be provided for development and required community facilities to adequately meet the needs of the present and expected future population. Development shall be planned and designed to create and perpetuate stable residential areas and vibrant nonresidential areas.

**Policy FLUE A-1.1: Provide Access to Goods and Services and Protect Residential Areas from the Adverse Impacts of Transition in Land Use.** Stable residential areas and projected future residential areas as delineated on the Future Land Use Map shall be protected from encroachment by incompatible nonresidential development. This objective does not preclude necessary community facilities from locating within residential areas when such activities satisfy established criteria of this plan and the City's Land Development Code (LDR).

Any potential adverse impacts caused by different land uses located adjacent to each other shall be minimized by landscaping, including vegetated berms with tree canopy, and other appropriate screening and buffering techniques. These landscaping techniques shall be incorporated into the design of new or redeveloping nonresidential projects located adjacent to existing or planned residential development.

Similarly, perimeter landscaping techniques shall be applied in multiple family residential developments in order to appropriately screen and buffer existing and planned single family home sites from residential development having differing structure types.

In addition, Land Development Code shall incorporate standards and/or review criteria for mandating retention of open space and for regulating building design, including setbacks, building placement on site, and building orientation. These provisions shall be directed toward protecting privacy, as well as to light, air, and open space. Other reasonable design principles shall be included in the Land Development Code in order to alleviate adverse impacts of potentially incompatible land uses.

**Policy FLUE A-1.2: Promote Orderly Land Use Transition.** Where it is infeasible to separate residential from nonresidential land uses, buffering shall be required to promote a smooth land use transition. Buffering may take the form of: 1) physical barriers, such as vegetative berms, hedges or other landscape cover; walls or fences aesthetically designed for screening purposes; and open space systems with dense native vegetation and tree canopy; and/or 2) the development of a transitional use between the incompatible uses (such as low intensity office development between general retail commercial centers and residential areas).

**Policy FLUE A-1.3: Promote Orderly Transition in Residential Densities.** Highest residential densities shall continue to be allocated to sites accessible to major thoroughfares or collector streets as identified on the City's Transportation Plan (Map 2-1) as well as adjacent to existing development with the same or higher density or less restrictive zoning districts. Residential densities shall be allocated in a manner compatible with available public services, natural features of land as well as existing and anticipated future development.

**Policy FLUE A-1.4: Encourage Separation of Urban and Rural Land Uses.** The Land Development Code shall incorporate performance standards, urban service availability standards, and other similar incentives and disincentives that encourage a separation of urban and rural land uses and shall allow for the blending of densities across differing future land use designations.

**Policy FLUE A-1.5: Collaboration with Surrounding Residents.** The City recognizes that public involvement in local decisions is an important aspect of community. Preferences of neighbors will be considered in determining acceptable intensity and character of infill and redevelopment to the extent allowed by law and be balanced with community wide interests.

**Policy FLUE A-1.6: Grid Network.** Existing roadways shall be used as the basis for forming a “grid” pattern for new developments to the extent practical based upon the geography and topography.

**Objective FLUE A-2: RESIDENTIAL NEIGHBORHOODS.** Existing and new residential neighborhoods are the life blood of the community and will be integral parts of the broader community structure and shall be planned and designed to create and perpetuate stable residential neighborhoods. By the end of the planning period, opportunities shall exist within the City of Fellsmere for a variety of housing choices implemented through the residential land use categories and infill/redevelopment areas designated on the Future Land Use Map.

**Policy FLUE A-2.1: New neighborhoods.** New neighborhoods shall be walkable and liveable.

- “Walkable ” means that an area is pedestrian and bicycle friendly with choices of routes to everyday destinations.
- “Liveable ”means that a neighborhood is safe and has easy access by various means of travel to schools, parks, shopping and services.

**Policy FLUE A-2.2: Existing Neighborhoods and Residential areas.** Existing residential neighborhoods and areas shall be largely unaffected by this Plan. Any changes to existing residential areas outside of infill/redevelopment areas shall result by residents’ initiatives or from a specific sub area plan prepared in collaboration with residents. Such initiatives should improve the quality of existing neighborhoods, such as changing mobility and access, connectivity to adjacent commercial centers or service areas, and the placement of new neighborhood centers, parks, or small civic facilities.

**Policy FLUE A-2.3: Allocating Residential Development.** Map 1-1: Future Land Use Map, shall allocate residential density based on the following considerations:

1. Past and projected future population and housing trends and characteristics;
2. Provision and maintenance of quality residential environments;
3. Protection of environmentally fragile natural systems;
4. The need to plan for smooth transition in residential densities; and
5. Provision and maintenance of traffic circulation and public facility improvements.

**Policy FLUE A-2.4: Neighborhood Characteristics**

1. **Street Networks.** Residential areas shall have interconnected street and sidewalk networks that allow automobile, transit, bicycle and pedestrian routes within and between neighborhoods. Dead ends and cul-de-sacs should be avoided or minimized. Multiple streets and sidewalks will connect into and out of a neighborhood. Streets will converge upon or lead directly to the shared facilities in a neighborhood. Within neighborhoods, street widths and corner curb radii should be as narrow as possible, while still providing safe access for emergency and service vehicles. Traffic calming measures shall be used to minimize excessive speed, including controlled intersections and raised and textured crosswalks.
2. **Street Lighting.** All outdoor lighting shall be scaled for the safety of the neighborhood and the comfort and interest of a pedestrian, providing the minimum level of illumination adequate for safety. All utilities shall be placed underground.
3. **Public Spaces:** A wide range of open lands, such as small parks, squares, greens, play fields, natural areas, orchards and gardens, greenways, and other outdoor spaces shall be integrated into neighborhoods. Small parks

or other outdoor spaces shall be located within walking distance of all homes. Outdoor spaces should be designed in conjunction with streets and walkways and should be mostly surrounded by street or house fronts to maintain safety and visibility.

4. **Neighborhood Connectivity:** New residential development must contribute to existing residential neighborhoods, when contiguous, in terms of interconnecting streets, schools, parks, neighborhood centers, neighborhood commercial centers, and open space systems, to the extent possible, in order to weave together the City's residential neighborhoods.
5. **Neighborhood Edges.** Neighborhood edges should consider adjoining neighborhoods, major streets or street patterns, greenways, and natural features (such as rivers, streams and major irrigation ditches). Landscaping, linear parks, and trails are possible ways to treat the neighborhood's edges.
6. **Multifamily.** Where new neighborhoods incorporate multi-family dwellings, the following principles shall apply:
  - a. Architectural styles should reflect the characteristics and amenities typically associated with single-family detached houses and
  - b. Multiple-building projects should offer variation among individual buildings, and monotonous complexes of identical buildings should be discouraged.
7. **Lot Variation.** Lot width and depth, in conjunction with block size and shape, should be varied to the extent practicable among residential areas within new communities in order to reinforce variety in building mass, avoid a monotonous streetscape, and eliminate the appearance of a standardized subdivision.
8. **Home Occupations.** Home occupations may be allowed in residential areas provided they do not generate excessive traffic and parking, or have signage that is not consistent with the residential character of the neighborhood, subject to compliance with the Land Development Code.

**Policy FLUE A-2.5: Density Defined.** Maximum gross residential density shall be determined by dividing the "maximum allowable units" by the "gross land area" (i.e., dwelling units/gross land area). All residential densities denoted on the Future Land Use Map stipulate the maximum gross densities permitted for development on the land. Gross land area shall be defined as those contiguous land areas under common ownership proposed for residential development. In cases where residential land abuts waters of the State, the boundary shall be delineated as established by the State, and no density credit shall be granted for waters of the State. In cases where residential land abuts other natural floodplains or wetlands, the Land Development Code shall provide performance standards and/or criteria that may further restrict the character of land for which density credit may be granted.

Density is expressed in terms of a range up to a specified maximum. Where so stated as a range, the maximum density is not guaranteed by right. Subdivision, zoning and site plan review criteria and procedures shall assure that specific density assigned to new development is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following:

1. Protect the integrity and stability of established residential areas;
2. Assure smooth transition in residential densities;
3. Require application of sound landscaping and urban design principles and practices;
4. Protect environmentally sensitive areas;
5. Minimize the impact of flood hazards;
6. Availability of adequate public facilities;
7. Housing choice;
8. Coordinate with Indian River County as well as appropriate state and regional agencies charged with managing land and water resources; and
9. Provide reasonable use of the land.

In order to foster better planning, including but not limited to innovative design, arrangement of upland preserve, transportation interconnectivity, sensitivity to existing neighboring uses, and efficient use of land, properties may be developed with density blending as a unified plan of development under the City's Planned Development (PD) Zoning

regulations. Density blending means the allowable density across two or more contiguous properties may be averaged or 'blended' over the entire project, notwithstanding the specific density limitations of the underlying future land use designations, so long as the total allowable units do not exceed that which would be allowed under each separate land use. When using density blending, the resultant gross density of that portion of the property that is located within an Agricultural and Rural Density or Indian River County Agricultural future land use district shall not exceed one unit per acre unless central water and sewer services are provided.

**Policy FLUE A-2.6: Low Density Residential (LDR).** Areas delineated on the Future Land Use Map for single family residential development shall accommodate low density residential development with a maximum density up to five (5) dwelling units per acre and shall be comprised of single family detached homes on individual lots or attached duplexes on a single lot. Supportive community facilities and accessory land uses may be located within areas designated for single family low density residential uses. Mobile Homes are not allowed within this land use designation. The Land Development Code shall provide regulatory procedures for considering such uses. The low-density designation is established to:

1. Protect the quality and character of existing low density single family neighborhoods;
2. Preserve open space;
3. Encourage densities that are compatible with existing and anticipated future developments;
4. Promote compatibility with natural features of the land;
5. Minimize burden on existing and projected public services and facilities within the area; and
6. Create stabilized neighborhoods accommodating complementary permanent structures.
7. Mobile home units existing within the Single Family Home designation at the time of the adoption of the Comprehensive Plan, shall be considered non-conforming uses but may continue on-site according to criteria that shall be established within the Land Development Code.

**Policy FLUE A-2.7: Low Density Mobile Home (LDMH).** Areas delineated on the Future Land Use Map for single family – mobile home residential development shall accommodate low density residential development with a maximum density of five (5) dwelling units per acre. Primary uses compatible with this future land use designation include mobile homes, manufactured homes, mobile home parks and single family detached homes. Recreational vehicles are not considered mobile homes. One residential unit is allowed on an individual lot.

Supportive community facilities and accessory land uses may be located within areas designated for single family – mobile homes. The Land Development Code shall provide regulatory procedures for considering such uses. The low density mobile home designation is established to:

1. Promote opportunities for affordable housing within single family neighborhoods;
2. Preserve open space;
3. Encourage densities that are compatible with existing and anticipated future developments;
4. Promote compatibility with natural features of the land;
5. Minimize burden on existing and projected public services and facilities within the area.

Mobile home parks shall be viewed as reasonable development options but the applicant shall provide plans for mobile home development which assure that the development contains a significant open space buffer. Natural landscaping, including a landscaped berm where appropriate, upper story tree canopy and lower story shrubbery, and/or an aesthetic decorative wall or fence to effectively screen the mobile home development from adjacent residential development which exists or may potentially exist in the future.

Replacement of existing mobile homes in existing mobile home plats and sites of record, as of the effective date of this ordinance, shall be permitted and shall not be deemed inconsistent with the Comprehensive Plan.

**Policy FLUE A-2.8: Medium Density Residential (MDR).** Areas delineated on the Future Land Use Map for multiple family, medium density residential development shall be developed, redeveloped, and/or maintained as stable medium density residential neighborhoods. Medium density, residential developments shall range from a minimum of three (3) to a maximum of seven (7) units per acre. Primary uses allowed in this land use designation are single-family homes detached, duplexes, town homes, condominiums, and apartment buildings. Height restrictions, design guidelines, environmental, traffic, drainage and other regulations governing specific developments and zoning district classifications shall be contained in the Land Development Code. Mobile homes, campgrounds, and recreational vehicles as residences are specifically prohibited in this district.

The medium density designation is intended to provide sufficient land area for developments of medium density residential development adequately supported by public services and facilities and compatible with existing and anticipated future land uses. The medium density policy designation shall allow for a mixture of single and multiple family structure types as further defined with the Land Development Code. Supportive neighborhood commercial facilities and accessory land uses may be located within areas designated MDR, on parcels developed under a site plan in tracts of 5 acres or more. Such neighborhood commercial or support facilities shall consume no more than 10% of the total land area within the development tract and shall be limited by an FAR of 0.25 or minimum open space requirement of 15%, as defined by the Land Development Code. The City Land Development Code shall provide further regulatory procedures for considering such uses.

Review of specific densities of developments shall be directed toward preserving stability of established residential areas. Sites for medium density residential developments should be:

1. Located so that they provide a smooth transition between lower density residential areas and areas developed and/or designated for other more intense uses.
2. Sufficient in acreage to accommodate all parking and other regulatory requirements for stormwater management, open space, landscaping, and others found in the Land Development Code demanded by its residents.
3. Generally, located between the perimeter of low density residential areas and the following areas: high density residential concentrations, commercial and industrial locations.

**Policy FLUE A-2.9: High Density Residential Development (HDR).** High density residential development shall range from a minimum of five (5) to a maximum of eight (8) units per acre. The high density policy designation is intended to provide sufficient acreage for high density residential development which shall be adequately supported by public services and facilities, and maintain compatibility with the surrounding area. Sites used for high density residential housing must be sufficient in acreage to accommodate all regulatory requirements for traffic, environment, drainage, open space, and others required by the Land Development Code.

The specific areas designated for high density development shall be accessible to existing or anticipated future major thoroughfares and requisite utilities. In addition, these areas generally shall be highly accessible to commercial services. Specific density of future development proposals within these areas shall provide for smooth transition in residential density, preserve stability of established residential areas, and shall include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas. Central sewer must be available or extended to buildings in this land use designation. On-site treatment systems shall not be allowed.

Recreation facilities to serve the residents, including—but not limited to golf courses, parks swimming pools, other leisure activities and management offices accessory to the residential uses are allowed and encouraged.

Other permissible uses allowed within the HDR designation include public utilities, golf courses, country clubs with golf courses, and schools as allowed herein. Other uses that may accompany a golf course or country club include limited retail (small scale specialty shops, beauty care, or other personal services), restaurant, child care, maintenance facilities, practice facilities such as driving range or putting greens, golf training facilities, and recreation

facilities (such as tennis courts, swimming pools, ball fields) so long as the permeable open space area of the golf course occupies at least 70% of the nonresidential portion of the site. For non-residential permissible uses, the Land Development Code shall prescribe standards and criteria to assure their compatibility with residential uses. At a minimum, such commercial facilities shall consume no more than 10% of the total land area within the development tract and shall be limited by an FAR of 0.25 or minimum open space requirement of 15%, as defined by the Land Development Code.

**Policy FLUE A-2.10: New Low Density Mixed-Use Neighborhood (LDMXN).** The City recognizes that new large scale planned neighborhoods or developments are desirable to promote economic development, provide a diverse range of housing styles and costs to upgrade and improve the City's housing stock and promote employment centers. These neighborhoods and communities provide a place for a predominance of residential dwellings, along with other non-residential uses that serve the community, and are in harmony with the overall character of the area. Specific standards for Low Density Mixed-Use Neighborhoods shall be adopted as part of the City's Land Development Code, and at a minimum, meet the following principals:

1. Shall be planned on a minimum of five (5) acre tracts or as part of an overall Planned Development project using the Planned Development zoning district and process.
2. For lands annexed into the City as of December, 2006, they may have an overall maximum average density up to five (5) dwelling units per acre.
3. For lands annexed after December, 2006, the maximum overall average density shall not exceed 3 dwelling units per acre.
4. Shall be served by an internal transportation system that includes pedestrian and bicycle facilities.
5. Shall incorporate conservation areas into the overall design and development pattern to the extent practicable to promote multi-purpose use of open space and conservation of natural resources.
6. Shall provide for public facilities and services, such as water, wastewater, stormwater management, transportation networks, and other utilities at its own expense and such facilities shall be available at accepted levels of service at the time of development.
7. Utility services for the new development, such as electric, gas, cable, and the like shall be underground
8. To the extent practicable, developments should include a mix of housing types or styles to provide architectural and market interest and diversity including, but not limited to single family detached; town homes, condominiums, garden apartments, ACLF, zero lot line, and urban estates.
9. Clustering of residential development shall be utilized to the extent feasible around the edges and adjacent to designated conservation areas so that portions of the land may remain as undeveloped open space, creating a sense of openness and creating natural linkages with open space areas.
10. Conservation areas shall be protected and managed as open lands (through use of conservation easements or other tools) and densities may be transferred to other portions of the development through a transfer of development rights program established within the Land Development Code.
11. Golf courses and support facilities, tennis or other leisure clubs, including, but not limited to club houses, pro-shops, restaurants, golf cart parking/ storage/ maintenance areas, and other non-residential uses compatible with or supportive of Golf Course leisure activities shall be allowed within low-density mixed-used developments and shall be included in the Development Plan. Golf courses and support facilities shall not exceed 75% of the project areas.
12. Shall adhere to higher levels of protective covenants and site design guidelines than traditional developments to be approved by the City Council through the Planned Development process.

**Policy FLUE A-2.10.1: Transitions.** Where a new low density neighborhood develops next to designated open lands, rural lands or large lot residential areas at the city limit line, the neighborhood design and layout should create a gradual transition to a harmonious edge that minimizes physical, visual and useful contrast to the extent practicable along the edge.

**Policy FLUE A-2.10.2: Commercial uses within LDMXN.** Mixed use neighborhoods shall contain a Village Center, Town Center, or other commercial area to promote a sense of community, provide internal vehicle capture, and serve as year-round gathering places accessible to all residents. Such commercial areas shall be governed by the Land Development Code and/or conditions of approval of a Planned Development, which shall include design guidelines, buffers, access management, landscaping/tree preservation, pedestrian and park areas, and other development regulations. No industrial uses will be permitted in these non-residential areas. In general, the mix of uses within the commercial areas shall be defined as follows:

- a. commercial land uses – up to 100% of the commercial area acreage
- b. recreational or institutional land uses - up to 75% of the commercial area acreage
- c. residential land uses - up to 50% of the commercial area acreage

**Policy FLUE A-2.10.3: Mix of Housing Types and Lot Sizes.** Mixed-use and single use residential planned neighborhoods shall be governed by the Land Development Code and/or conditions of approval of a Planned Development, and may include a variety of housing types, which make an attractive, marketable neighborhood with housing for a diversity of people, including, but not limited to the following:

- a. Urban estate homes;
- b. Single-family houses;
- c. Duplex houses;
- d. Townhouses (attached housing), condominiums, garden apartments, and the like;
- e. Group homes and Adult Congregate Living Facilities as regulated in Florida Statutes;
- f. Multi-family housing provided they are compatible in scale and character with other dwellings in the proposed neighborhood; and
- g. Retirement communities, assisted living, nursing homes, and adult day care.

**Policy FLUE A-2.10.4 Low Density Mixed Use Neighborhoods (LDMXN)** are master planned communities that will have a mix of residential and commercial areas. The commercial areas will be found within neighborhood commercial villages, town centers, or other non-residential portions of these planned communities. These mixed use communities serve the needs of the overall community as dictated by economic factors. Specific standards for planning for LDMXN requirements will be set forth in the Land Development Code and/or negotiated through a Planned Development, but they must meet the following minimum guidelines:

- Mixed use LDMXN developments may contain a maximum of 85% residential of the total acreage for residential uses; the non-residential portions shall consist of up a minimum of 15% and a maximum of 40% of the total acreage of a Low Density Mixed Use Neighborhood planned community
- Non-residential portions may be located on local or collector or higher classifications of roadways
- The non-residential portions of the LDMXN may contain a mix of commercial and residential uses, in attached or detached styles, encouraging residential uses in the upper floors of commercial structures, as well as a variety of housing styles and types.
- Must be designated as part of the overall plan of the community, but may change location within the community as environmental, transportation, and other internal land use patterns dictate as long as approved by the City

**Policy FLUE A.2.10.5 Land Use Boundaries.** In order to receive approval of a low density mixed neighborhood development Future Land Use designation, a conceptual development plan shall be submitted to and approved by the City Council. The Comprehensive Plan amendment designating the parcel(s) as LDMXN may stipulate conditions for development, maximum densities and intensities, and general locations for various types of land uses within the development and conservation areas. Upon receipt of that designation, placement of various land use within the approved development may change upon approval of the City Council as long as the maximum densities and intensities of development adopted as part of that land use amendment or within a master development plan not exceeded. Any density or intensity changes which are in excess of those adopted within the conceptual

development plan, or changes which create additional land uses within the LDMXN shall constitute a land use amendment.

**Policy FLUE A-2.10.6 Planned Developments.** Low Density Mixed Use neighborhoods (LDMXN) are considered master planned communities and shall be regulated, conditioned, and implemented through a Planned Development (PD) zoning district to be defined and contained within the City's Land Development Code.

**Objective FLUE A-3: INFILL DEVELOPMENT AND REDEVELOPMENT.** To preserve the small town character of Fellsmere, infill/redevelopment projects shall be encouraged within existing residential and commercial areas in the core of the City as designated infill/redevelopment mixed-use overlays on the Future Land Use Map. Such infill/redevelopment areas shall be regulated through overlay zoning districts contained in the Land Development Code defining specific policies, standards, and procedures of development.

**Policy FLUE A-3.1: Overlay District Infill Development and Redevelopment Values.** The Overlay Zoning Districts authorizing infill/redevelopment shall incorporate standards and/or review criteria for mandating retention of open space and for regulating building design, including setbacks, building placement on site and building orientation, architectural standards, urban design standards, sign regulations, tree protection and landscape requirements. These provisions shall be directed toward protecting privacy, as well as to light, air, and open space. Other reasonable design principles shall be included in the Overlay Zoning Districts to alleviate adverse impacts of potentially incompatible land uses. The following general infill development and redevelopment values are hereby promoted:

1. Maintain development consistency with the Goals, Objectives and Policies of the Comprehensive Plan and promote compatibility with surrounding uses;
2. Promote economic development, eliminate blighting community influences, provide a diverse range and mix of development opportunities, protect existing residential areas, and preserve intrinsic natural and man-made resources;
3. Create and incorporate design guidelines for renovations, remodeling, redevelopment and new construction, which includes, but is not limited to, architectural styles, landscaping, signage, walls/fences, and the like;
4. Maintain strong community standards and aesthetics while encouraging diversity in design, materials, layout and other characteristics of development;
5. Establish a set of performance standards for all development to follow;
6. Establish a theme for streetscape, signage, lighting, furniture, and other outside features for use within the district when undertaking development;
7. Create and re-affirm, a sense of place and community for the City of Fellsmere;
8. Encourage the redevelopment and adaptive reuse of historically significant and architecturally important structures.
9. Reinforce and Enhance the City's Community Appearance through application of design review standards and management of signs, landscaping, open space, tree protection, and other urban design amenities.
10. Preserve and/or improve the character of major natural and man-made corridors, including major drainage corridors; pedestrian facilities linking residential areas to parks, schools, and the Downtown; and entrance points to the City and to the Downtown.
11. Complement adjacent development and buildings in terms of general intensity and use for residential projects; and, for commercial projects special consideration shall be given to street pattern, identifiable style, proportions, shapes, relationship to the street, pattern of buildings and yards, and patterns created by doors, windows, projections and recesses. Compatibility with these existing elements does not mean uniformity.

**Policy FLUE A-3.2: Overlay District Boundaries.** The following infill/redevelopment mixed-use districts are hereby created as future land use map overlays.

1. CR512 Old Town. This district applies as follows:
  - a. All properties fronting CR 512 between Willow Street and Myrtle Street and those properties that contain

- corner frontage with CR512 and Myrtle and CR512 and Willow.
2. CR512 Old Town - Off Road. This district applies as follows:
    - a. All properties not fronting CR512 that lie as follows:
      - i. Between CR512 and Oregon Avenue and between N. Willow Street and N. Pine Street but excluding those properties with frontage on N. Willow Street;
      - ii. Between CR512 and Michigan Avenue and between S. Willow Street and S. Pine Street; and
      - iii. Between CR512 and California Avenue and containing a Medium Density Residential future land use designation.
  3. CR512 Frontage Road. This district applies as follows:
    - a. To all portions of a site and buildings located to a depth of 450 feet from the edge of the CR 512 right-of-way between Willow Street and 120<sup>th</sup> Street, excluding those properties otherwise contained within the CR512 Old Town district.
  4. N. Broadway. This district applies as follows:
    - a. All properties fronting N. Broadway Street but excluding those properties that contain corner frontage with CR512 and N. Broadway Street;
  5. N. Broadway – Off Road. This district applies as follows:
    - a. All properties fronting ~~the~~ the east side of N. Orange Street but excluding those properties that fall within the boundaries of the CR512 Old Town district and the S. Carolina Avenue district; and
    - b. All properties fronting the west side of N. Pine Street but excluding those properties that fall within the boundaries of the CR512 Old Town district and the S. Carolina Avenue district; and
  6. N. Willow. This district applies as follows:
    - a. All properties fronting N. Willow Street south of the former railroad right-of-way as recorded in Special Warranty Deed dated December 9, 2010 in Official Records Book 2463, Page 1625 but excluding those properties that contain corner frontage with CR512 and N. Willow Street.
  7. N. Myrtle. This district applies as follows:
    - a. All properties fronting N. Myrtle Street but excluding those properties that contain corner frontage with CR512 and Myrtle Street or contain corner frontage with S. Carolina Avenue and N. Myrtle Street.
  8. S. Carolina. This district applies as follows:
    - a. All properties with frontage on the south side of S. Carolina Avenue containing an Old Town future land use designation but excluding those properties that contain corner frontage with S. Carolina Avenue and N. Broadway Street.

The boundary between the CR512 Old Town district and the CR512 Old Town - Off Road district shall be determined at time of development application for property fronting CR512 to allow for parcel aggregation.

**Policy FLUE A-3.3: Overlay District Specific Development Regulations.** The following regulations shall apply to each Overlay District and shall supercede conflicting policies of the base future land use category to extent of such conflict.

1. CR512 Old Town.
  - i. Allowable Uses: public and institutional services; retail; eating and drinking establishments; restaurants, personal and business services; business, medical and professional offices; civic and cultural facilities; banks and financial institutions; religious facilities; drive-through facilities; recreation indoor; multifamily residential uses, accessory dwellings and other similar uses.
  - ii. Maximum Nonresidential Intensity: 1.5 FAR
  - iii. Average Unit Size: 750sf
  - iv. Maximum % Residential: 50% (measured in gross square footage of building area)
  - v. Maximum Allowable Coverage: 85%
  - vi. Residential Density (# of units):  $\text{Lot Area} \times \text{Maximum Allowable Coverage} \times \text{FAR} \times \text{Maximum \% Residential} \div \text{Average Unit Size}$

2. Off Road.
  - i. Allowable Uses: retail; restaurants; personal and business services; business, medical and professional offices; civic and cultural facilities; banks and financial institutions; religious facilities; multifamily residential uses, accessory dwellings and other similar uses.
  - ii. Maximum Nonresidential Intensity: 1.25 FAR
  - iii. Average Unit Size: 750sf
  - iv. Maximum % Residential: 100% (measured in gross square footage of building area)
  - v. Maximum Allowable Coverage: 80%
  - vi. Residential Density (# of units):  $\text{Lot Area} \times \text{Maximum Allowable Coverage} \times \text{FAR} \times \text{Maximum \% Residential} \div \text{Average Unit Size}$
  
3. CR512 Frontage Road.
  - i. Allowable Uses: public and institutional services; retail; eating and drinking establishments; restaurants; personal and business services; business, medical and professional offices; civic and cultural facilities; banks and financial institutions; religious facilities; construction related businesses; drive-through facilities; recreation indoor/outdoor; vehicle minor repair and maintenance, accessory dwellings and other similar uses.
  - ii. Maximum Nonresidential Intensity: 1.0 FAR
  - iii. Average Unit Size: Not applicable
  - iv. Maximum % Residential: 10% (for an accessory dwelling measured in gross square footage of building area)
  - v. Maximum Allowable Coverage: 85%
  - vi. Residential Density (# of units): Not applicable
  
4. N. Broadway
  - i. Allowable Uses: public and institutional services; retail; eating and drinking establishments; restaurants; personal and business services; business, medical and professional offices; civic and cultural facilities; banks and financial institutions; religious facilities; multifamily residential uses in mixed use buildings; accessory dwellings and other similar uses.
  - ii. Maximum Nonresidential Intensity: 2.0 FAR
  - iii. Average Unit Size: 500sf
  - iv. Maximum % Residential: 50% (measured in gross square footage of building area)
  - v. Maximum Allowable Coverage: 100%
  - vi. Residential Density (# of units):  $\text{Lot Area} \times \text{Maximum Allowable Coverage} \times \text{FAR} \times \text{Maximum \% Residential} \div \text{Average Unit Size}$
  
5. N. Willow
  - i. Allowable Uses: public and institutional services; retail; restaurants; personal and business services; business, medical and professional offices; civic and cultural facilities; banks and financial institutions; religious facilities; multifamily residential uses; accessory dwellings and other similar uses.
  - ii. Maximum Nonresidential Intensity: 1.0 FAR
  - iii. Average Unit Size: 900sf
  - iv. Maximum % Residential: 100% (measured in gross square footage of building area)
  - v. Maximum Allowable Coverage: 80%
  - vi. Residential Density (# of units):  $\text{Lot Area} \times \text{Maximum Allowable Coverage} \times \text{FAR} \times \text{Maximum \% Residential} \div \text{Average Unit Size}$
  
6. N. Myrtle

- i. Allowable Uses: public and institutional services; retail; restaurants; personal and business services; business, medical and professional offices; civic and cultural facilities; banks and financial institutions; religious facilities; multifamily residential uses, accessory dwellings, light industrial and similar uses and other similar uses.
  - ii. Maximum Nonresidential Intensity: 1.0 FAR
  - iii. Average Unit Size: 750sf
  - iv. Maximum % Residential: 100% (measured in gross square footage of building area)
  - v. Maximum Allowable Coverage: 80%
  - vi. Residential Density (# of units):  $\text{Lot Area} \times \text{Maximum Allowable Coverage} \times \text{FAR} \times \text{Maximum \% Residential} \div \text{Average Unit Size}$
7. S. Carolina
- i. Allowable Uses: public and institutional services; retail; eating and drinking establishments; restaurants; personal and business services; business, medical and professional offices; civic and cultural facilities; banks and financial institutions; religious facilities; multifamily residential uses; accessory dwellings
  - ii. Maximum Nonresidential Intensity: 1.5 FAR
  - iii. Average Unit Size: 500sf
  - iv. Maximum % Residential: 100% (measured in gross square footage of building area)
  - v. Maximum Allowable Coverage: 90%
  - vi. Residential Density (# of units):  $\text{Lot Area} \times \text{Maximum Allowable Coverage} \times \text{FAR} \times \text{Maximum \% Residential} \div \text{Average Unit Size}$

**Policy FLUE A-3.4: Overlay District Land Development Code.** The land development code shall address the following additional areas specific to each infill development and redevelopment overlay district.

1. Ensure that industrial uses are not allowed except for the Myrtle Street Overlay District;
2. Utilize local roads and/or frontage roads for access and/or combine ingress and egress for access management;
3. Incorporate architectural and site design standards requiring human-scale design and architectural elements be incorporated into design guidelines including signage, awnings, storefronts, and proportional windows and other human-scale building details;
4. Buffer adjacent residential areas outside of overlay zoning district;
5. Incorporate stormwater management, tree preservation, landscaping and other conservation tools;
6. Provide uniform streetscape amenities, enhanced signage and intersection improvements;
7. Provide landscape and urban design amenities along CR 512;
8. Provide environmental studies on lands of 2 acres or more, where there is a determination that wetlands or significant habitat exist;
9. Remain compact and walkable served by a transportation system that promotes pedestrian activity and vitality and provide sidewalks to promote pedestrian activity and movement;
10. Require new development be consistent in size, scale and height with allowable size, scale and height of adjacent residential areas;
11. Preserve adjacent residential areas with the design of streets, parking areas, public spaces and buildings;
12. Allow residential uses such as accessory dwellings, single-family dwellings, multifamily dwellings, and units on upper floors of mixed use buildings;
13. Promote economic development by allocating uses that thrive with the site, spatial, and market area characteristics of the particular corridor;

**Policy FLUE A-3.5: N. Broadway.** The Land Development Code shall contain specific standards for the area located on North Broadway to:

- a. create a balanced mix of land use activities, including residential and non-residential uses, that create a range of choice in things to do and see, drawing people throughout the day and evening as the center for office, finance, civic, government, entertainment, retail, services and restaurants;
- b. allow residential uses on upper floors and nonresidential uses on lower floors of mixed use buildings;
- c. ensure that industrial uses are not allowed;
- d. remain compact and walkable served by a transportation system that promotes pedestrian activity and vitality;
- e. require new development be consistent in size, scale and height with the existing historical character and development patterns and building materials and design features be sensitive to the character of Downtown;
- f. retain existing businesses while promoting a “Main Street” business district;
- g. preserving historic buildings and the character of the area with the design of streets, parking areas, public spaces and buildings that reflect the unique history and character of the City of Fellsmere;
- h. preserve and rehabilitate, to the extent practicable, historic and architecturally significant buildings and promote their adaptive re-use as part of the cultural fabric of the community;
- i. promote economic development by allocating commercial uses that thrive with the site, spatial, and market area characteristics of downtown;
- j. require human-scale design and architectural elements be incorporated into design guidelines and development including signage, awnings, storefronts, and proportional windows and other human-scale building details;
- k. utilization of compatible building materials, colors, scale, mass, and design detailing of structures to the period of Fellsmere’s founding;
- l. The City shall coordinate with the residents, business community, and the private sector interest groups concerned with enhancing the Downtown in order to directly improve its image and function; and
- m. Architectural and site design standards shall provide for a uniform theme or character of development, with a mix of styles and range of prices to assure access by various income groups.

**Policy FLUE A-3.6:** Developments within Infill/Redevelopment Overlay zones shall contribute a fee to be established within the City’s fee structure in conjunction with the transit organizations, which fee will be put into a multi-modal transportation project fund that will be used to provide or make enhancements to transit stops, pedestrian and bicycle paths; and provide connectivity between the residential neighborhoods and commercial developments within Old Town.

**OBJECTIVE FLUE A-4: PLANNING FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT.**

Existing and new nonresidential commercial and industrial uses provide for the critical retail, service, and employment needs of the community and shall be planned and designed to:

1. Meet the location and space requirements of such uses;
2. Meet all of their own needs and services;
3. Promote efficient flow of traffic;
4. Achieve orderly development;
5. Avoid encroachment into established residential neighborhoods; and
6. Prevent negative impacts on the fragile eco-system.

By the end of the planning period, opportunities shall exist within the City of Fellsmere to meet the nonresidential demands of the community while providing choices in the type and location of such uses as implemented through the nonresidential land use categories and infill/redevelopment areas designated on the Future Land Use Map.

**Policy FLUE A-4.1: General Considerations for Locating Commercial Development.** The location and distribution of specific types of commercial activities shall be determined based on the following considerations:

1. Trip generation characteristics, impact on existing and planned transportation facilities and ability to achieve a functional internal circulation and off-street parking system, with landscaping amenities;
2. Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation and floor area requirements;
3. Compatibility with and impact on other surrounding commercial activities;
4. Relationship to surrounding land uses and natural systems;
5. Impact on existing and planned community services and utilities.

**Policy FLUE A-4.2: General Pattern of Commercial Land Use.** Commercial development shall be concentrated in strategically located areas having location characteristics that best accommodate specific land, site, public facilities, and market location requirements of their respective commercial uses. The strategically located areas shall promote efficient flow of traffic along major thoroughfares cited in the Transportation Element, achieve orderly development, and minimize adverse impact on residential quality. Proliferation of strip commercial development shall not be encouraged.

**Policy FLUE A-4.3: Designate Various Types of Commercial Nodes to Accommodate Diverse Commercial Uses.** Commercial development designations shall be based upon the Land Development Code which shall set forth districts and standards for commercial activities within the designated land use categories. The commercial development designations on the Land Use Map shall be complemented by zoning, performance standards, and site plan review requirements, which shall regulate development on such land. For instance, the land development regulation shall address issues surrounding:

1. Intensity of use
2. Floor area
3. Natural constraints to development
4. Perimeter and internal landscape requirements
5. Availability of public facilities at adequate levels of service
6. Concurrency management
7. Controlled access and egress
8. Off-street parking with safe and convenient internal vehicle and pedestrian circulation.
9. Open space preservation
10. Adequate building setbacks
11. Urban design and required amenities, including, but not limited to, signage controls, pedestrian amenities, building height, and orientation, and other similar design features.

**Policy FLUE A-4.4: Neighborhood Commercial Development (NC).** Neighborhood Commercial (NC) Districts provide limited commercial opportunities to serve adjacent residential neighborhoods offering limited retail, office, services, small civic uses, and higher density housing. These areas are accessible to nearby residential areas and promote walking and bicycling for residents. Vertical mixed-use structures will be encouraged.

**Policy FLUE A-4.4.1: NC Allowable Intensity.** The maximum floor area ratio is 0.50. Design guidelines, densities and intensities of development, and other regulatory issues will be directed by the Land Development Code, but shall be intended to create a concentration of uses for infill, redevelopment, and service to nearby residential areas.

**Policy FLUE A-4.4.2: NC Allowable Uses.** The neighborhood commercial (NC) designation, generally located in the central core of the City or new residential neighborhoods, allows limited, smaller scale commercial and office uses internal or adjacent to residential neighborhoods to serve the needs of the residents within adjacent residential neighborhoods. Uses are limited to retail, administrative services, semi-public clubs (i.e., social or civic organizations), places of worship, assisted living facilities, restaurants, personal services, and business/professional

offices that serve adjacent residential neighborhoods. Only NC uses are allowed within the Neighborhood commercial land use category. Uses that are not intended to be accommodated within the neighborhood commercial area include: large scale discount stores, chain stores, health spas; motels; wholesale, warehousing, and mini-warehousing activities; outdoor storage; package stores; sales, service or repair of motor vehicles, machine equipment or accessory parts, including tire and battery shops; commercial amusements; and other similar services to be expressly defined in the Land Development Code.

**Policy FLUE A-4.4.3. Location Criteria.** The NC designation may be assigned to an area or property based on the following minimum criteria:

1. Sites shall abut a collector road, intersection of a collector road and a local road, or intersection of two local roads.
2. Buildings shall be designed and constructed similar in appearance and character to single family residential structures.
3. The use and location shall not create cut-through traffic within residential areas.

**Policy FLUE A-4.5: General Commercial Development (GC).** General Commercial (GC) Districts serve as hubs offering retail, offices, services, small civic uses, and higher density housing. These areas are accessible to nearby residential areas and promote walking and bicycling for residents. Vertical mixed-use structures will be encouraged. Areas designated under the (GC) category for general commercial uses can accommodate both community and neighborhood commercial activities and zoning districts as regulated in the Land Development Code.

**Policy FLUE A-4.5.1: GC Allowable Intensity.** The maximum floor area ratio is 0.35 for sites ten (10) acres or less or a minimum of 15% open space; or 0.25 for sites over ten (10) acres or a minimum of 15% open space. Further intensity, density, design, and regulatory measures will be directed by the Land Development Code.

**Policy FLUE A-4.5.2: GC Allowable Uses.** Uses that are intended to be accommodated within the general commercial area include: general retail; office; business with drive-through facilities; large scale discount stores, health spas; supermarkets; department stores; full service hardware stores; wholesale and warehousing activities; general appliance shops; printing shops; sales, service or repair of motor vehicles, machine equipment or accessory parts, including tire and battery shops; gas and limited automotive service centers; commercial amusements; restaurants, including, convenience stores; personal services including barber, beauty care; specialty shops, motel and hotel lodging establishments; and other similar uses and services to be expressly defined within the Land Development Code. The location of certain uses listed above may be restricted to zoning districts, transportation corridors, or overlay districts established within the Land Development Code. Neighborhood Commercial uses may be allowed within the GC designated areas on the map. The location of certain uses listed above may be restricted to zoning districts, transportation corridors, or overlay districts established within the Land Development Code.

**Policy FLUE A-4.5.3: GC Location Criteria.** Future General Commercial designations shall be located to have access from arterial or collector streets, including CR 512 and Willow Street, except where frontage or other access management standards set by the City or Indian River County preclude such access in which case local roads may be used; be compatible with adjacent land uses; use buffering and screening; and be served by central water and sewer. General commercial designations also are located in highly accessible areas adjacent to major thoroughfares that possess necessary location, site, and market requirements.

**Policy FLUE A-4.6: REGIONAL EMPLOYMENT ACTIVITY CENTERS (REAC).** The REAC designation accommodates commercial and light industrial uses as set forth in the City's Land Development Code and approved pursuant to a master planned development plan.

**Policy FLUE A-4.6.1: REAC Allowable Intensity .** Projects shall maintain a minimum average of 15% open space and other density and intensity standards regulated within the Land Development Code, but in no case shall the overall intensity exceed an FAR of 1.0.

**Policy FLUE A-4.6.2. REAC Allowable Uses.** REAC areas are designed to capture and accommodate large scale regional uses such as large commercial shopping plazas, office or business parks; large scale industrial complexes; hotels/motels; restaurants; gas stations; and other uses which not only serve the local areas of Indian River County but also capture the I-95 and pass-through travelers. Uses within REAC Districts shall be regulated through the Land Development Code but may include a mix of commercial and/or industrial uses as well as secondary or supporting uses.

**Policy FLUE A-4.6.3. REAC Location Criteria.** REAC areas are not expected nor intended to be connected to population trends or projections for the City as they will serve a regional and interstate market area, similar to the lands along CR512, SR 60 and I-95 in Indian River County. REAC areas shall be so located to encourage a range of employment opportunities from small businesses to large scale employers needing large parcels of land to meet their needs.

**Policy FLUE A.4.6.4. REAC Approval Process.** REAC projects shall be approved through a master development plan and use the planned development zoning district approval process meeting the following minimum criteria:

1. planned on a minimum of 5 acres;
2. access to an arterial and collector roadway network;
3. provide environmental and traffic studies as deemed necessary by the regulatory agencies and City; and
4. be connected to public water and wastewater facilities and provide private connection/extension/expansion of those facilities to meet concurrency standards at the time of development.

**Policy FLUE A.4.6.5:** Regional employment/activity centers shall be encouraged through land use incentives, and performance standards to have a "park-like" form, with a connected network of streets and sidewalks. Natural features shall be used to connect the activity centers with the larger community.

**Policy FLUE A-4.6.6: Architectural Standards within REAC.**

Projects shall adhere to higher levels of protective covenants and site design guidelines than traditional developments to be approved by the City Council through the Planned Development process.

**Policy FLUE A-4.7: INDUSTRIAL DEVELOPMENT (IND).** The IND designation accommodates commercial and light industrial uses as set forth in the City's Land Development Code.

**Policy FLUE A-4.7.1. Industrial Allowable Uses.** Industrial uses include manufacturing, assembling and distribution activities; warehousing and storage activities; general commercial activities; and other similar land uses which shall be regulated through appropriate zoning procedures. The Land Development Code performance standards for regulating the nuisance impacts sometimes associated with intense commercial and industrial development shall be enforced to promote nuisance abatement. Heavy metal fabrication, batch plants, salvage yards, chemical or petroleum manufacturing or refining, rubber or plastics manufacturing, or other use generating potentially harmful environmental or nuisance impacts shall be prohibited. These uses typically generate heavy truck traffic, require significant acreage, are difficult to screen and buffer from residential areas. Intensive Privately owned recreation activities, such as concert venues, motocross tracks, etc., with the exception of golf courses, are allowed where the use is located at least 500 feet from lands designed residential on the FLUM or used for residential purposes. This Land Use classification is not intended for activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. Examples of these types of uses include manufacturing, processing, or assembly of

goods (except food products), sales and service of heavy commercial vehicle and equipment, or related services or maintenance activities; warehousing; or uses requiring extensive outside storage.

**Policy FLUE A-4.7.2. Industrial Allowable Intensity.** The maximum intensity of industrial development measured in floor-to-area ratios is 0.5 for sites up to 5 acres; 0.35 for sites 5 to 20 acres; and 0.25 for sites greater than 20 acres.

**Policy FLUE A-4.7.3. Industrial Location Criteria.** The industrial land use designation shall be allocated to industrial sites accessible to major thoroughfares. Generally, industrially designated areas are not adaptive to residential use and as such industrial activities shall not be located within areas designated for residential development. Sites shall be buffered from adjacent residential neighborhoods. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes when approved as a conditional use. Industrial land use designations shall also be located where central sewer is available or planned to be available before the issuance of a certificate of completion or occupancy.

Future designation of industrial (IND) on the Future Land Use Map shall be contingent on meeting the following minimum criteria: meet appropriate buffering, screening, clustering or opens pace standards, be able to be served by central water and sewer; be adjacent to an arterial or collector roadway or railroad track; be a minimum of ten (10) acres; be located where industrial activities will not adversely affect residential areas; provide assurance of meeting all safety regulations; provide adequate landscaping, and be compatible with adjacent land uses. The Land Development Code shall include the above minimum criteria and may include additional criteria.

The allocation of land use designations will provide a high priority to industry's frequent need for strategically located lands which are accessible to highway transport facilities, as well as labor markets and necessary urban services. The City shall work with industrial interest groups to pursue a selective industrial expansion policy.

**Policy FLUE A-4.7.4: General Considerations for Locating Industrial Development.** The allocation of land resources for industrial development shall be responsive to the location and space requirements of industrial activities and potential fiscal and environmental impacts on the City of Fellsmere. The location and distribution of specific types of industrial activities shall be determined based on the following considerations:

1. Trip generation characteristics and impact on existing and planned transportation systems, including dependency on rail, air, or trucking for distribution of material and goods;
2. Anticipated employment generation, floor area requirements, and market area;
3. Ability to meet established performance standards for preventing or minimizing nuisance impacts, such as generation or emission of air pollutants, glare, noise, odor, or hazardous by-products;
4. Impact on established as well as anticipated future development and natural systems; and
5. Availability of and impact on existing or planned public services, utilities, water resources, and energy resources.

**Policy FLUE A-4.7.5: General Pattern of Industrial Land Use.** A high priority shall be given to reserving strategically located lands adaptive to the unique location requirements of industry. Industrial sites shall generally be allocated in areas accessible to I-95 but adequately buffered from residential uses. The design of industrial activities adjacent to or near residential land use designations shall accommodate smaller-scale and less intensive uses with no outdoor manufacturing, assembly, storage that will adversely impact the character of residential neighborhoods.

**Policy FLUE A-4.7.6: Pursue Selective Industrial Expansion Policy.** The City shall pursue a strategy of selective expansion of its industrial base within its urban service area. The City shall encourage industries that contribute

optimally to the City's economy and that of the Treasure Coast and Space Coast. Highest priority shall be directed toward recruiting industries which:

1. Generate high levels of employment together with higher than average wage and salaries;
2. Promote an industrial mix to counterbalance the impact of cyclical economic changes;
3. Produce services/products that complement the needs and resources of existing industry;
4. Provide industry and service activities required to support and attract prime industrial land uses, which are compatible with the City's goals, objectives and policies;
5. Contribute a net revenue to Fellsmere and thus enhancing the fiscal capacity of the City; and
6. Do not adversely impact the City's natural resources including groundwater quality, infrastructure, and public facility improvement needs.

**Policy FLUE A-4.7.7: Pursue Nuisance Abatement Standards and Criteria.** The City shall prevent nuisance impacts frequently associated with industrial activities by maintaining performance standards for managing emission of noise, air pollutants, odor, vibration, fire or explosive hazard, and glare. Similarly, land shall be allocated to industrial uses in a manner that allows for separation and co-location of industrial activities capable of complying with the most restrictive performance standards and exhibiting minimal adverse impacts on surrounding development.

**OBJECTIVE FLUE A-5: PLANNING FOR PUBLIC AND INSTITUTIONAL FACILITIES AND PUBLIC SERVICES.**

In general, institutional facilities may be located throughout the city, as determined to be consistent with the comprehensive plan and compatible with the surrounding area. In addition, the City shall use the capital improvement program and budget process to pursue advance acquisition of land required to provide recreation, conservation, and related public benefits and promote multiple use of public lands.

**Policy FLUE A-5.1: Allocating Public and Institutional Services (P).** The P designation accommodates public and institutional facilities and services as set forth in the City's Land Development Code. The sites shall be compatible with adjacent land uses to the greatest practical extent. The sites shall also fulfill the unique site location requirements included in respective functional plans and shall be responsive to the needs identified in related demographic and supportive needs analysis.

**Policy FLUE A-5.1.1: PIN Allowable Uses.** The institutional (PIN) land use designation is intended to accommodate existing public and semi-public services including, but not limited to, governmental administration buildings; public schools and not-for-profit educational institutions; hospital facilities and supportive health care units; arts and cultural or civic facilities; essential public services and facilities; cemeteries; fire, police and rescue services; educational institutions; utilities; and other similar activities as shall be identified in the Land Development Code. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this land use designation or within other land use designations as provided for in the zoning regulations. School-siting criteria are addressed within Objective FLUE B-9.

**Policy FLUE A-5.1.2: PIN Allowable Intensity.** The maximum intensity of institutional activity measured in floor-to-area ratio is 0.35 FAR.

**Policy FLUE A-5.1.3: PIN Location Criteria.** The City shall monitor the need for increased land area for institutional uses and shall assure that the institutional land use designation on the Future Land Use Map is expanded to accommodate public and institutional needs. Lands designated for institutional services shall contain sufficient acreage and open space and be properly screened and buffered in order to minimize potential adverse impacts on adjacent land uses.

**Policy FLUE A-5.1.4: Coordinate Public and Private Investments in Land Improvements.** The location, scale, timing, and design of necessary public and semi-public services and utilities shall be closely coordinated with development activities in order to promote more effective and efficient delivery of requisite services and utilities.

**Policy FLUE A-5.1.5: Maintain and Enforce Standards and Specifications for Design and Construction of Public and Semi-Public Services.** The City shall maintain and enforce appropriate standards and specifications for the design and construction of public and semi-public services in order to promote cost effectiveness and quality control consistent with all applicable federal, state, regional, and local standards. Community facilities include police and fire protection, public schools, health care, emergency services, drainage, and water and wastewater facilities.

**Policy FLUE A-5.1.6: Electric substations.** Electric substations shall be a permitted use in all land use categories and zoning districts within a utility's service territory except those designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance. The following standards shall apply to new distribution electric substations. The City may adopt and enforce reasonable land development regulations for new distribution electric substations addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of 14 feet. Until such time that these regulations are adopted, the allowances of Chapter 163.3208, Florida Statutes, shall govern.

**Policy FLUE A-5.1.7: Suitable Locations for Schools.** Schools shall be located where a school type will be compatible with the following Future Land Use Map designations and location criteria:

1. Elementary Schools (primary and intermediate): Institutional, all residential future land use designations. A site should contain a minimum of ten acres and shall have public water and sewer facilities.
2. Secondary Schools (middle and high): Institutional (Inst), Multiple Family – High Density (MFH), General Commercial (C). A site should contain a minimum of twenty acres, shall be located adjacent to a collector or arterial road, and shall have public water and sewer facilities.

**Policy FLUE A-5.1.8. School Siting within the Future Land Use Map**

The Future Land Use Map shall accommodate schools at locations that minimize impacts to adjacent residential land use, that provide safe and efficient access to school sites, and that create compatibility between the size of the school facility and adjacent residential land uses. The City of Fellsmere shall work cooperatively with the Indian River County School Board on the issue of siting schools to serve the needs of the area population.

**OBJECTIVE FLUE A-6: ALLOCATING SITES FOR RECREATION AND PUBLIC OPEN SPACE.** The recreation (REC) land use designation is intended to accommodate existing public and private recreation areas and facilities. Such sites shall be provided at minimum to conform to the City's adopted level of service standard.

**Policy FLUE A-6.1. Recreation and Conservation Allowable Uses.** The "Recreation" land use designation provides sites for public and private parks and recreation areas for passive or active recreation; extensive open areas comprising major committed public and semi-public open spaces, including golf courses; and recreation corridors such as bicycle trails. Adequate buffer and screening shall be provided to reduce impacts to adjacent residential areas. The "Conservation" land use designation provides sites for the long term protection and preservation of environmentally sensitive natural resource systems. No development, other than passive recreation, is permitted within "Conservation" designated areas. The applicant shall bear the burden of proof in determining that development on adjacent properties shall not adversely impact conservation resources.

**Policy FLUE A-6.2. Recreation and Conservation Allowable Intensity.** The maximum intensity of recreational activity measured in floor-to-area ratio is 0.5 FAR, unless determined by the local government or agency constructing the public facility that a higher intensity is needed. A minimum average of 15% open space shall be maintained on

the development site. Any permissible development within the conservation areas shall not exceed a FAR of 0.05 to 0.20, as long as approved by the permitting agencies.

**Policy FLUE A-6.3. Recreation and Conservation Location Criteria.** Environmentally sensitive natural resource systems, scrub or other wildlife habitat, wetlands, or other areas shown on the FLUM shall have their boundaries defined and governed by the regulatory agencies, including St. Johns River Water Management, U.S. Fish and Wildlife Service, Florida Department of Environmental Protection, or other state or federal agency involved in the development permitting process. If it is impractical to designate the area containing conservation resources as Conservation due to size, location, or other factors, the City shall have the option of obtaining a conservation easement from the property owner(s) to protect the area. Areas covered by a conservation easement shall be treated the same as areas designated as Conservation on the FLUM Map series of Maps 1-1A, 1-1B and 1-1C.

**Objective FLUE A-7: DESIGN AND PERFORMANCE STANDARDS.** The following design and performance standards shall be incorporated in the Land Development Code and updated and refined as needed to reflect best management principles and practices.

**Policy A-7.0: OVERVIEW.** Plan review functions shall be carried out by the Department of Community Development and the City Engineer, using other professionals with demonstrated expertise in the issue under review:

1. Provide criteria for protecting wetlands;
2. Establish open space requirements;
3. Provide criteria for protection of potable water well fields
4. Provide criteria for drainage and stormwater management;
5. Incorporate criteria for requiring off-street parking and managing internal traffic circulation as well as access to and egress from the street system;
6. Mandate availability of requisite services and infrastructure;
7. Stipulate criteria for perimeter screening and buffering land uses and facilities that may otherwise adversely impact development of adjacent land use;
8. Establish standards for erosion and sedimentation control;
9. Address historically significant properties meriting protection
10. Require an assessment of the environmental impact of development during major site plan review and stipulate appropriate performance criteria in the Land Development Code.

**Policy FLUE A-7.1 DESIGN STANDARDS.** In order to promote quality design and provide flexibility, design standards and engineering specifications for planned developments shall be approved by the City as part of the development order. The City Council may waive various engineering or design provisions of the Land Development Code when in their opinion a project's design features, land uses, densities and intensities are consistent with the Comprehensive Plan, based upon the following criteria. The applicant shall:

1. Submit a letter detailing each item that deviates from the specific base code requirements;
2. Demonstrate they meet or exceed the base requirements through a betterment plan; and
3. Substantiate the need to deviate from the base requirements.

**Policy FLUE A-7.2: Development Agreements.** The City shall require the development agreements, annexation agreements, conditions imposed within development orders, letters of credit, or other surety, in order to secure provision of and payment for all necessary public facilities needed to maintain level of service standards and meet concurrency management standards, including but not limited to transportation improvements, internal roadways, water systems, sanitary sewer systems, and stormwater management, for projects developed an approved master plan.

**Policy FLUE A-7.3: “Big Box ”.** Large retail establishments shall be permitted only in General and Regional commercial districts and shall be required to meet overlay standards for design, scale, access, connectivity, environmental and public facilities impacts, and pedestrian mobility as defined for each type of district within the Land Development Code.

**Policy FLUE A-7.4: Strip Commercial Corridor Developments.** The City will encourage and support the gradual evolution of existing, auto-dominated strip commercial areas to compact, multi-modal-oriented, mixed-use places with enhanced walking connections between destinations and shall seek to minimize the presence of new strip commercial corridors.

**Policy FLUE A-7.5: Pedestrian Access.** Pedestrian environments within Commercial Districts will be supported by connecting them to adjoining uses. Buildings should be oriented both to public streets and to internal streets, with parking areas located internally on the property, or behind buildings when possible.

**Policy FLUE A-7.6: Patterns of Streets and Buildings.** On all commercial developments within the General Commercial land use classification that are over 2 acres, street design and patterns shall be scaled to the needs of pedestrians, and building design and placement shall be on a pedestrian scale. Super blocks, dead-end streets, and cul-de-sacs should be avoided.

**Policy FLUE A-7.7: Streetscapes.** Urban streetscape design shall be in conformance with the City design guidelines and will at a minimum require: street trees incorporated into the sidewalk design, street furniture, pedestrian scale lighting, and mid-block planting areas for enhanced pedestrian crossings.

**Policy FLUE A-7.8. Buffering and Screening.** Development occurring within the NC designation must include buffer and screening to mitigate impacts to adjacent residential uses.

**Policy FLUE A-7.9. Aesthetics.** The Land Development Code shall include performance and design criteria to assure that site design and building appearance are compatible with adjacent residential areas.

**Policy FLUE A-7.10. - Provision of On-Site and Off-Site Improvements.** The City shall evaluate all plans for new development. Prior to receiving a development permit, the applicant's plans must incorporate necessary on- and off-site improvements or equitable contributions in lieu thereof, which are required as part of a development application pursuant to the Comprehensive Plan and Land Development Code, as they exist currently or as they may hereinafter be amended.

Supportive facilities, services, or other improvements (or equitable contributions in lieu thereof), as required by ordinance, shall be agreed to by the applicant prior to City approval of a development petition and facilities shall be constructed as agreed upon prior to issuance of a development permit. The intent of this policy is to ensure that the City of Fellsmere does not assume unanticipated fiscal liabilities for supportive facilities and services that are expressly attributed to new development. In cases involving unpaved roads adjacent to a proposed development, the applicant shall be required to pave the portion of the road, which the development will be utilizing. The applicant shall not be required to pave adjacent unpaved roads if the development will not be accessing those roads unless such roads are critical to emergency response for police, fire, and paramedical services. In cases of insufficient rights-of-way adjacent to a proposed development, the City can require an applicant to donate the land necessary to make the rights-of-way conform to the requirements of the Land Development Code.

**Policy FLUE A-7.11: Developments Not Served by Public Water and/or Wastewater Systems.** All developments in areas not serviced by public water and/or wastewater systems shall be governed by applicable State laws and administrative regulations.

**Policy FLUE A-7.12: Accommodating Requisite Infrastructure.** During the subdivision review, site plan review, and permitting processes the City shall ensure that respective future developments allocate sufficient land area for infrastructure required to support the proposed development.

**Policy FLUE A-7.13: Prevent Proliferation of Urban Sprawl.** The City shall maintain a Land Development Code that includes performance standards ensuring that the location, scale, timing, and design of development shall be coordinated with public facilities and services in order to prevent the proliferation of urban sprawl and achieve cost effective land development patterns. Performance standards consistent with those listed shall direct future development only to those areas where provisions of public facilities necessary to meet levels of service standards are to be made available concurrent with the impacts of the development.

**Objective FLUE A-8: AGRICULTURAL AND RURAL LAND USE CLASSIFICATION.** The City hereby creates an agricultural and rural land use category that will adhere to the following principles.

- **Uses:** Shall be identified and regulated through the Land Development Code and include: Traditional Agricultural Uses; Agricultural Research Uses; Agricultural Related Industries or Businesses, passive or active Recreational Uses; Education facilities with agriculturally related curriculum; Rural residential uses; and similar uses.
- **Intensity:** The location of certain uses listed above may be restricted to zoning districts, transportation corridors, or overlay districts established within the Land Development Code. All Non-Residential Uses shall be agriculturally related. Maximum intensity shall be measured at a FAR of .4.
- **Density:** The density shall be the underlying Indian River County Agricultural (AG) density on the property at the time of annexation
- **Clustering:** Clustering of residential uses shall be permitted with lots being a maximum of 1 acre per residential unit. Projects proposed to use clustering principles may not be done on lands greater than 500 acres under one ownership.

**Policy FLUE A-8.1:** Non-residential uses shall be subject to additional buffering, landscaping, screening and safety standards to protect both the non-residential and agricultural uses.

**Policy FLUE A-8.2:** Energy related, certified “Green” industries, research and development, and associated bio-fuel, renewable, or other related energy institutional projects using natural, agricultural, organic, or similar resources or materials; or new technologies shall be permitted using the FAR standards set forth above for non-residential uses.

**Policy FLUE A-8.3:** To protect and conserve agriculturally designated lands, the City shall maintain its development regulations which control the division and development agriculturally designate lands.

**Policy FLUE A-8.4:** The City shall permit the continuation of agricultural uses within the urban service area where those uses serve or enhance open space and green belt areas of the City and County.

**Policy FLUE A-8.5:** As all the agricultural lands to which this applies lie within the City and County’s Urban Service Area, the city shall require subdivision and planned development projects that propose new residential lots adjacent to active agricultural operations to provide special buffers.

**Policy FLUE A-8.6:** Community Farming, Farmer’s Markets, community kitchens for processing materials for local growers and local uses, shall be encouraged.

**Policy FLUE A-8.7:** The City shall not enact any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land. For the purpose of this policy, bona fide farm operation shall be defined as set forth in Chapter 193.461, Florida Statutes.

**Policy FLUE A-8.8: Agricultural and Rural Uses.** As the city has expanded or continues to expand within outlying areas, agricultural pursuits and rational conversion of rural lands shall be allowed pursuant to the Comprehensive Plan and Land Development Regulations.

**Objective FLUE A-9: ANNEXATION:** The City shall consider and encourage annexation of new lands into the City limits when the annexation of such property is consistent with the Plan, meets statutory requirements, and will be compatible in use with adjacent lands.

**Policy FLUE A-9.1: Annexation Ordinance.** The addition of real property to the boundaries of the City shall be by ordinance. The ordinance shall contain an Annexation Agreement setting forth the minimum responsibilities and obligations to be imposed as a result of the annexation, as well as the density and/or intensity of development allowed on the real property. The ordinance may contain a Declaration of Covenants governing the use of real property that shall be duly recorded and run with the land. At the request of the land owner, the City shall consider an amendment to the Comprehensive Plan to incorporate the density and/or intensity of development provided within an Annexation Agreement consistent with the process set forth in applicable Florida Statute and Administrative Code. Notwithstanding any other provisions contained in this Comprehensive Plan, the terms and conditions contained within any ordinance annexing real property into the City shall control the use and development of such real property.

**Policy FLUE A-9.2: Annexation Required.** Lands outside the corporate limits of the City shall be required to annex into the City in order to receive public facilities and services.

**Objective FLUE A-10: URBAN SERVICE AREA.** The City of Fellsmere hereby establishes an urban service area consistent with Florida Statutes the boundary of which shall be coterminous with the City limits and delineate the extent of urban development in the community.

**Objective FLUE A-11: STANDARDS FOR RESIDENTIAL DENSITY.** Residential development standards shall be based on and be consistent with the following standards:

<b>RESIDENTIAL LAND USE DESIGNATIONS</b>	<b>GROSS DENSITY</b>
Infill Development and Redevelopment Overlays (excluding CR512 Pine Grove)	Lot Area x Maximum Allowable Coverage x FAR x Maximum % Residential ÷ Average Unit Size
Low Density Residential	Up to 5 units/acre
Low Density Mobile Home	Up to 5 units/acre
Medium Density Residential	Ranges from 3 to 7 units/acre
High Density Residential	Ranges from 5 to 8 units/acre (up to 15 units per acre when density bonuses or transfers qualify)
Low Density Mixed Use Neighborhoods:	Average of five (5) dupa for those areas annexed prior to December, 2006; or average of three (3) dupa for those thereafter.

**B. FUTURE LAND USE MAP.**

**GOAL FLUE B: FUTURE LAND USE MAP. THE CITY OF FELLSMERE SHALL CONTINUE TO MAINTAIN AND MANAGE SPECIFIC FUTURE LAND USE OBJECTIVES AND SUPPORTING POLICIES TO ADDRESS UNIQUE SITE CONDITIONS; INTER-RELATIONS WITH ADJACENT LAND AND THE CITY IN GENERAL; AND SPECIFIC DEVELOPMENT THEMES, CHARACTERISTICS OR CONDITIONS TO A PARTICULAR PROPERTY.**

**Objective FLUE B-1: PINE GROVE/ ANSIN DEVELOPMENT.** Concurrent with the adoption of this Comprehensive Plan 2035, the City concluded a development agreement with RO-Ed Corporation dated December 4, 2003 pertaining to Pine Grove, which shall be considered a part of this plan.

**Policy FLUE B-1.1: Limitations on development.** Development within the Pine Grove property shall be limited to the densities and intensities specified in this policy until further amendments to the City’s Comprehensive Plan are made:

Non-Residential:	1.52 million square feet
Industrial:	up to 80% of total square feet
Commercial:	up to 20% of total square feet
Office:	up to 5% of total square feet
Residential:	5,600 total dwelling units

**Policy FLUE B-1.2:** Development within Pine Grove property shall not exceed a level that will cause trips on CR 512 to exceed 739 peak pm hour/peak direction trips or cause the level of service to drop below a level “D”, until CR 512 is 4-laned from the western boundary of Pine Grove east to I-95.

**Policy FLUE B-1.3:** Development within Pine Grove property shall not exceed a level that will cause trips on CR 512 to exceed 745 peak pm hour/peak direction trips or cause the level of service to drop below a level “D”, until CR 512 is 4-laned from the western boundary of Pine Grove to the west to a point determined by future traffic study.

**Policy FLUE B-1.4:** Development within Pine Grove property shall not exceed a level that will cause trips on CR 512 to exceed 1,596 peak pm hour/peak direction trips or cause the level of service to drop below a level “D”, until CR 512 is 6-laned from the western boundary of Pine Grove east to I-95.

**Policy FLUE B-1.5:** In addition to the goals, objectives and policies and Land Development Code, the following minimum standards and principles shall apply to development of the 3,480-acre Pine Grove Development.

1. The area shall be viewed as a primary target area for economic development within the city.
2. The area shall contain a mix of uses, arranged to be consistent with the Comprehensive Plan and compatible with internal and external developments including Regional Employment Commercial/Industrial Activity Centers, Public facilities/services/institutions, medium density residential, low density mixed-use residential neighborhoods, Neighborhood Centers, conservation and natural areas, and related infrastructure as defined herein.
3. While there are “lines” on the future land use map series pertaining to Pine Grove, (Maps 1-1A, 1-1B, and 1-1C) delineating areas for different types of land uses and development, further environmental, traffic, survey, and engineering studies may dictate a need to shift those lines to accommodate natural features, topography, existing or planned public or private utilities, transportation networks and other land use needs. Therefore, the lines for an individual category shown on the FLUM may shift as long as the percentages shown in the Pine Grove Land Use Table for each type of land use category do not change, without triggering the need for a comprehensive plan amendment. The minimum and maximum land use percentages found in the table shall apply (total will not equal 100% as these are ranges).

4. Low density mixed-use neighborhoods may contain a mix of uses including single family, urban estate, town homes, single family attached, zero lot line, garden apartments, adult congregate living facilities, or other single family styles in density pursuant to the policies contained herein.
5. Design standards, street networks, pedestrian and bicycle provisions, conservation and open lands, and other policies contained in this plan shall apply within the development. The Land Development Code shall delineate further specific standards, including density bonuses and transfers of development rights, to apply to planned developments.
6. The Land Development Code shall create a Planned Development structure for regulating large scale development projects.
7. Development agreements shall be used to assure compliance with plans and regulations, as well as provision of public facilities, utilities and services to maintain level of service standards at the land use stage and prior to issuance of final development orders.
8. The developer shall be required to pay for any public utility and facility needs to serve the development and to design, engineer and pay for any system expansions or connections where necessary.
9. The roadway network shall be in accordance with Indian River County and City of Fellsmere transportation system requirements, level of service standards and concurrency requirements.
10. Environmental and traffic studies shall be required submittals for planned development-approval.
11. Development shall be coordinated with the Indian River County School Board and the City of Fellsmere to assure that local schools can accommodate proposed developments.

**Objective FLUE B-2: PATEL LAND USE AMENDMENT Ordinance 07-05 (AMENDMENT 07-01, ADOPTED ON OCTOBER 11, 2007):** The amendment to the Comprehensive Plan Future Land Use Maps as requested by Patel Associates, Inc. is subject to compliance with the following conditions and requirements, which shall run with the land.

1. Provide an environmental study and traffic impact analysis prior to site plan review.
2. Provide at owner's/developer's expense for the construction of all required public facilities, roadways, turn lanes and utilities improvements, connections and extensions as determined by the City to be needed for the development of the land. All roads needed for the development shall be paved at owner's/developer's expense to City or County standards, as applicable.
3. The owner/developer shall dedicate, without compensation, all needed right of way for Community Road and Broadway within thirty (30) days after the City requests the right of way.
4. The owner/developer shall demonstrate prior to site plan approval that all concurrency provisions have been addressed or met including but not limited to: sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities, including mass transit, where applicable.
5. The development shall provide a location for a transit stop; shall include internal pedestrian and bicycle paths; and provide connectivity between the residential neighborhood and commercial developments to the south within Old Town.
6. The owner/developer shall enter into a development agreement to provide for payment of fees for or direct construction of public facilities and services demanded by the development.
7. The owners/developers are responsible to pay for all costs associated with any new or expanded public facilities and services required to make their project meet concurrency regulations or to provide their proportionate or fair share contributions therefore.
8. Existing roadways shall be used as the basis for forming a "grid" pattern for new developments to the extent practical based upon the geography and typography.
9. Required Willow Street, Broadway, and Community Road improvements shall be in place prior to certificate

of occupancy; or the payments for the proportionate or fair share shall be paid prior to any certificate of occupancy.

10. The development will incorporate Green Building (LEED) buildings and site standards to the extent practical.

**Objective FLUE B-3 BANACK FAMILY PARTNERSHIP, ORDINANCE 07-04 (AMENDMENT 07-01, ADOPTED ON OCTOBER 11, 2007):** The amendment to the Comprehensive Plan Future Land Use Maps as requested by the Banack Family Limited Partnership is subject to Compliance with the following conditions and requirements, which shall run with the land.

1. The overall density of any residential development on the above-described land shall not exceed 3.5 dwelling units per acre.
2. The owner/developer shall demonstrate prior to site plan approval that all concurrency provisions have been addressed or met including but not limited to: sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities, including mass transit, where applicable.
3. The development shall provide a location for a transit stop; shall include internal pedestrian and bicycle paths; and provide connectivity between the residential neighborhood and commercial developments to the south within Old Town.
4. The provisions of the annexation agreement and other development agreements shall apply.
5. The owners/developers are responsible to pay for all costs associated with any new or expanded public facilities and services required to make their project meet concurrency regulations or to provide their proportionate or fair share contributions therefore.
6. Existing roadways shall be used as the basis for forming a "grid" pattern for new developments to the extent practical based upon the geography and topography.
7. The development will incorporate Green Building (LEED) buildings and site standards to the extent practical.

**Objective FLUE B-4 FELLSMERE 392, ORDINANCE 07-07 (AMENDMENT 07-01, ADOPTED ON OCTOBER 11, 2007):** The amendment to the Comprehensive Plan Future Land Use Maps as requested by Fellsmere 392 LLC is subject to compliance with the following conditions and requirements, which shall run with the land.

1. The density of the residential development on the above-described land shall not exceed 1.857 dwelling units per acre and such development shall be limited to the lands described in Exhibit "A" attached hereto. The commercial activity shall be limited to the land described in Exhibit "C" attached hereto.
2. Upon receipt of all environmental permits from the St. John's River Water Management District, Corps of Engineers, Fish and Wildlife Commission, and Department of Environmental Protection, the lands determined by those agencies to be under jurisdictional governance shall automatically be placed under a conservation easement as defined within the City's Comprehensive Plan.
3. A 100-foot buffer shall separate the Indian River County Gun Range from any publicly used or accessible areas and be no less than 1000' from any habitable structure.
4. Existing vegetation shall be left to provide a natural noise buffer between the project and gun range.
5. Enhanced buffers shall be used when placing development near the Indian River County industrial lands to the East, which may include additional space or additional vegetative materials. This shall be at the discretion of the City when reviewing development plans based upon the topography and other environmental features.
6. The development will incorporate Green Building (LEED) buildings and site standards to the extent feasible.
7. The owner/developer shall demonstrate prior to site plan approval that all concurrency provisions have been addressed or met including but not limited to: sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities, including mass transit, where applicable.
8. The development shall work with Indian River County and the City to provide a location for a transit stop; shall include internal pedestrian and bicycle paths; and provide connectivity between the residential and commercial portions of the development.

9. To the extent approved by the State, the development shall be accessible to the St. Sebastian River Preserve State Park.
10. The City and the owner/developer will work closely with the County's Economic Development personnel to recruit commercial or other development desired by Indian River County.
11. Architectural and site design standards shall provide for a uniform theme or character of the development, with a mix of styles and range of prices to assure access by various income groups.
12. Deed restrictions shall include disclosure of the St. Sebastian River Preserve State Park's conduct of proscribed burns and the existence of the gun range to the East.

**Objective FLUE B-5: GARAFOLO ORDINANCE 07-25 (AMENDMENT 07-01, ADOPTED ON OCTOBER 11, 2007):** The amendment to the Comprehensive Plan Future Land Use Maps as requested by CGV of Fellsmere, LLC is subject to compliance with the following conditions and requirements, which shall run with the land.

1. The density of the residential development on the above-described land shall not exceed 4.58 dwelling units per acre in order to achieve a maximum of Three Hundred Twenty (320) residential units (152 town homes and 168 single-family homes) on Seventy (70) acres. The commercial activity shall be limited to the Northern Eight and Seventy-Seven One Hundredths (8.77) acres and no portion of this land shall be entitled to be used for calculating residential density.
2. The owner/developer shall demonstrate prior to site plan approval that all concurrency provisions have been addressed or met including but not limited to: sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities, including mass transit, where applicable.
3. The owner/developer shall enter into a development agreement to provide for payment of fees for a direct construction of public facilities and services demanded by the development.
4. Existing roadways shall be used as the basis for forming a "grid" pattern for new developments to the extent practical based upon the geography and typography.
5. Architectural and site designs standards shall provide for a uniform theme or character of the development, with a mix of styles and range of prices to assure access by various income groups.
6. The development will incorporate Green Building (LEED) buildings and the site standards to the extent feasible.

**Objective FLUE B-6 Administrative Amendment CPA\_01-2007-A- Future land Use Map- (Community Redevelopment Area) (Ordinance -07-08) (AMENDMENT 07-01, ADOPTED ON OCTOBER 11, 2007):** Expansion of the Old Town land use district. In addition to existing policy language within the Comprehensive Plan, the following policies or conditions shall apply to all developments undertaken within the Old Town District:

1. No development shall exceed the de minimus transportation impacts for urban infill and redevelopment areas as defined in Chapter 163.3180.
2. Architectural and site design standards shall provide for a uniform theme or character of development, with a mix of styles and range of prices to assure access by various income groups.
3. Developers shall enter into a Development Agreement for payment of fees toward required roadway or other public facility improvement required by the City, County or other governmental agencies prior to or as part of site plan approval.
4. Developments shall contribute a fee to be established within the City's fee structure in conjunction with the transit organizations, which fee will be put into a multi-modal transportation project fund that will be used to provide or make enhancements to transit stops, pedestrian and bicycle paths; and provide connectivity between the residential neighborhoods and commercial developments within Old Town.

5. The developers are responsible to pay for all costs associated with any new or expanded public facilities and services required to make their project meet concurrency regulations or to provide their proportionate or fair share contributions therefore.
6. Existing roadways shall be used as the basis for forming a “grid” pattern for new developments to the extent practical based upon the geography and topography.
7. Required CR 512, Broadway, and other road improvements shall be in place prior to certificate of occupancy; or the payments for the proportionate or fair share shall be paid prior to any certificate of occupancy.

**Objective B-7 through B-20 – RESERVED.**

**Objective B-21. Villages of Fellsmere (VOF).** The VOF is hereby created as a future land use category on the future land use map of the Comprehensive Plan. The Owners, Fellsmere Estates, LLC, Bernard A. Egan Groves, Inc., and Fellsmere Joint Venture LLP, represent collectively that at time of the adoption of the VOF future land use designation they are the fee "Owners" (the “Owner”) of the real property containing 18,388.27 acres, more or less, and such lands shall be noted as VOF on the Future Land Use Map and be subject to the following policies.

The VOF establishes policies for the continuation and expansion of agricultural operations and related uses while also setting forth a mechanism for the transition of agricultural and rural lands to urban uses through a development framework that encourages a sustainable settlement pattern that:

- Preserves the heritage and character of the City of Fellsmere;
- Encourages the preservation of agricultural opportunities while providing more diverse employment with higher wages;
- Protects and enhances the natural environment;
- Provides for a means to achieve water quality objectives within the Indian River Lagoon and St John’s River Water Management District;
- Improves the quality of life of its citizens;
- Manages water comprehensively throughout the area;
- Provides an interconnected system of greenways, parks, and open areas;
- Minimizes reliance on automobile travel;
- Balances housing with workplaces, jobs, retail and civic uses;
- Provides a variety of housing types to support residents of diverse ages, incomes, family sizes, and lifestyles;
- Creates predictability and efficiency in planning, provision, and long term maintenance of infrastructure;
- Allocates infrastructure and public service costs in a fair manner to those creating the need;
- Sets forth an energy efficient land use pattern by requiring clustered, compact development patterns that will aid the City in minimizing carbon footprints and greenhouse gasses; and
- Requires consideration of sustainable, “Green” building and neighborhood design and low impact site planning practices.

**Policy 21.1: Development Allowances.** The VOF Properties shall be governed by the conceptual map required by Policy 21.2 and adopted as an overlay map to the future land use map within the Comprehensive Plan. The maximum residential development allowances across the entire gross acreage of the VOF Properties shall be limited to 19,750 units and a minimum of 4,000,000 square feet of non-residential uses. Civic uses, institutional uses, schools, as well as all development authorized on lands dedicated to the City for targeted industry shall be part of the minimum non-residential allowances.

All applications for amendment to the VOF to increase the size of the land area assigned the VOF future land use category shall be accompanied by the following:

1. Planning area – The planning area shall encompass the gross acreage of the VOF property and shall be provided in the form of a legal description and sketch. The data and analysis outlined below shall also consider the functional relationships within the Planning Area.
2. Conceptual Map – The applicant shall provide a revised conceptual map consistent with Policy 21.2 indicating current and future locations and allocations of uses.
3. Existing use – An analysis of the existing uses shall be provided in both text and graphic format for the subject property and immediately adjacent properties.
4. Needs Analysis – To allow the City of Fellsmere to properly plan for future growth, a needs analysis shall be provided specifically addressing the need for future housing and non-residential demand through the planning horizon; however, need shall not be a determinant as to whether additional development rights are approved.
5. Environmental Analysis – A preliminary environmental assessment based upon best available data, such as aerial map interpretation, soil survey data, and agency database searches, shall be provided. The analysis shall identify potential wetlands and native upland communities that may exist in the Planning Area and immediately adjacent properties. The analysis shall address potential linkages of off-site wetlands and native upland habitats with potential environmental resources on site.
6. Financial Analysis – To ensure that proposed development is capable of financing the capital needs of required public infrastructure and to minimize the fiscal impact to the City of Fellsmere, a fiscal impact analysis shall be provided.
7. Public Facilities Analysis – To ensure that adequate public facilities (transportation, water, sewer, solid waste, drainage, recreation, and public schools) will be maintained, an analysis of public facility needs shall be provided for the maximum development allowances reflected on the conceptual map.
8. Potable Water Supply – The application shall contain an analysis of the potable water supply demands that would result under the proposed VOF future land use and shall include an identification of potential sources. The analysis shall include a listing of current water supply permits that may exist over the subject property.
9. Stormwater management – To ensure that future development will be consistent with the plans of the St. John's River Water Management District, a summary of the existing and conceptual stormwater regime for the Planning Area shall be provided. This summary shall contain for the Planning Area the following information: (a) list of current SJRWMD stormwater-related permits on the subject property, (b) discussion of the historic drainage outfall; (c) soil survey data; (d) estimated depth to water table; (e) review of agency plans for acquisition potential for Stormwater Management Areas; and (f) description of the existing and proposed stormwater management system.

**Policy 21.2: Conceptual Map.** The conceptual map for the entire gross acreage of the VOF property, reflected as Figure B.21 of the Comprehensive Plan, is an overlay to the future land use map and shall be maintained with the following data:

- a. Base Map – Reflecting the existing city boundary and adjacent natural resources, existing public facilities, and the gross acreage of the VOF property covered by the conceptual map;
- b. Villages - Identification of the number, general size and location of Villages including the amount or range of residential units and nonresidential square footage allocated to each Village;
- c. Employment Activity Centers - Identification of the number, general size and location of Employment Activity Centers including the amount or range of nonresidential square footage allocated to each Employment Activity Center;
- d. Significant Natural Features - General location of the Countryside and its relationship to each Village including the general location of environmentally sensitive lands to be preserved such as wetlands, wildlife habitat, greenways and trails, natural water bodies, and similar features;

- e. Public Facilities – General location of future public facilities including location of existing and proposed roads (by number of lanes), water and wastewater treatment plants, well fields, and public schools. The future street network shall be limited to arterial roadways, limited access parkways, and transit ways;

**Policy 21.2.1: Conceptual Map Amendments.** The maximum residential development allowances within the VOF shall not exceed 19,750 units. There are no limitations to the maximum amount of nonresidential uses within the VOF. Any additional residential development allowances shall require an amendment to the Comprehensive Plan to 1) amend Policy 21.1 and 21.2.1 to set forth the maximum development allowances within the VOF; 2) revise the conceptual map to identify the general location in which the additional development rights will be located and 3) provide supportive data and analysis as set forth in Policy 21.1. An application for a comprehensive plan amendment to obtain additional development allowances beyond 19,750 units without an accompanying increase in the land area designated as VOF may be initiated in accordance with the timing relationships of Policy 21.4.5 upon application for building permits for 60% of the residential units or 40% of the nonresidential minimum allowance.

**Policy 21.2.2: Conceptual Map Consistency.** The general location of attributes reflected on the conceptual map may be adjusted either by local government approvals or by amendment to the comprehensive plan to amend the conceptual map.

**Amendment by Local Government Approvals**

*Base Map* – Adjustments to city boundary, adjacent natural resources, and existing public facilities.

*Villages and Hamlets* – Adjustments to the general location or size of Villages and Hamlets that do not amend the maximum development allowances of the Village or Hamlet.

*Employment Activity Centers* – Adjustments to the general location, size or number of Employment Activity Centers.

*Significant Natural Features* – Adjustments to the general location of the Countryside and its relationship to each Village.

*Public Facilities* – Adjustments to the general location of future public facilities including location of existing and proposed roads, transitways, water and wastewater treatment plants, well fields, and public schools.

**Amendment by Comprehensive Plan Amendment**

*Base Map* – Geographic area (the Planning Area) covered by the conceptual map.

*Villages and Hamlets* - Maximum development allowances of a Village or Hamlet or the number of Villages or Hamlets within the conceptual map.

*Employment Activity Centers* - Minimum development allowances within the conceptual map except as otherwise set forth in Policy 21.4.3.

*Significant Natural Features* - Location of environmentally sensitive lands to be preserved such as wetlands, wildlife habitat, and natural water bodies.

*Public Facilities* – Number of lanes for proposed roadways, capacity of water and wastewater treatment plants and well fields, and the number of public schools by school type.

**Policy 21.2.3: Development Process.** The VOF Properties are intended to be subdivided into multiple parcels, each of which are to be developed under the Villages of Fellsmere (VOF) future land use designation. The VOF Properties shall be developed through the Planned Development District zoning category, except for agricultural uses, public uses, private uses in support of a public recreational use, or Countryside uses, which may be developed consistent with the underlying zoning.

The Owner/Developer shall not develop the VOF Properties for any planned development unless approved as part of a Development of Regional Impact (DRI) or Preliminary Development Agreement (“PDA”) under Chapter 380, Florida Statutes unless otherwise exempt from the DRI requirements. Notwithstanding, any development of agricultural operations, public uses, uses within Employment Activity Centers, private uses in support of a public

recreational use, or Countryside uses shall be excluded from the DRI or PDA requirement to the extent allowable by law.

Local government approval for planned development districts will follow processes defined in the Land Development Code and will include the following items:

- a. conceptual master plan for all acreage covered by the VOF;
- b. preliminary development plan for the current phase for each Hamlet, Village, or Employment Activity Center;
- c. final development plans; and
- d. preliminary and final plats.

Employment Activity Centers need not provide a conceptual master plan as set forth in item “a” above.

**Policy 21.2.4. Master Planning Activities.** The following minimum master planning activities over the VOF property must be submitted for review and approval prior to any development of the VOF properties with the exception of agricultural uses, public uses, uses within Employment Activity Centers, private uses in support of a public recreational use, or Countryside uses:

- a. 5-10-15 Year Capital Improvement Schedule;
- b. Master Stormwater Utility Plan and stormwater utility, if applicable, as part of the conceptual master plan for the VOF Properties;
- c. Master Transportation Plan showing arterial, collector and to the extent practical, local roadways, transit opportunities, and other multi-modal forms of transportation and including connectivity to the existing local, county, and state roadway network;
- d. CR 512 Western Corridor Plan extending from the western terminus of the historic City boundary to and through the VOF Properties to identify landscape, hardscape, and streetscape improvements to the City’s western entry way;
- e. Master Greenway/Trails Plan showing interconnectivity with existing and planned conservation or preserve areas and active and passive recreation and trails systems in Indian River and nearby Brevard County to the extent access is available or offered by Indian River County, Brevard County or other governmental agencies;
- f. Emergency Response Plan acceptable to the City prior to the issuance of the first Certificate of Occupancy for any development of the VOF Properties with the exception of agricultural uses, public uses, uses within Employment Activity Centers, private uses in support of a public recreational use or Countryside uses; and
- g. Fairgrounds site location and size as set forth within the Annexation Agreement recorded on July 5, 2007 in Official Records Book 2181, Page 989, Public Records of Indian River County, Florida.

Notwithstanding the above, development of agricultural uses, public uses, uses within Employment Activity Centers, private uses in support of a public recreational use, or Countryside uses shall meet all requirements of the City of Fellsmere Comprehensive Plan and Land Development Code.

**Policy 21.2.5. Architectural and Aesthetic Diversity.** To ensure architectural and aesthetic diversity in the VOF, with the exception of the agricultural uses, the developer is required to provide varied architectural styles within the VOF at all times. The Owner, or an association created by the Owner and/or assigns shall establish an Architectural Review Committee (ARC) or similar reviewing entity for the entire VOF property. The City shall require as part of any final site plan or building permit application for development confirmation that the project was/was not submitted to the ARC. The City shall not approve any final site plan or building permit application for development without compliance with the residential architectural and aesthetic diversity provided herein. Each residential style shall be defined by common nomenclature, such as, but not limited to, Craftsman, Mission, Florida vernacular, Mediterranean, Prairie, etc., and offered with multiple facade treatments, building orientation, and/or other design variances. In residential settings, at least four homes/buildings shall separate any two identical combinations of architectural style,

façade treatment and building orientation to avoid a visual similarity that will appear “cookie-cutter” in style, thus requiring a non-repetitive street scape. Changes in materials or colors or the addition of adorned architectural items, by themselves, is not sufficient to meet the non-repetition requirement. A developer may request relief from the non-repetitive requirement of this policy subject to approval from the City Council as part of the Preliminary or Final Development Plan and provision of an enhanced lot landscaping plan. Architectural and aesthetic features for any nonresidential development shall be approved by the City as part of the preliminary planned development or final development plan, as applicable.

**Policy 21.3: VOF Guiding Principles.** To prevent urban sprawl, the VOF classification shall only be applied to the VOF property for its development into a system of compact, mixed-use, pedestrian-friendly Hamlets and Villages interspersed within the Countryside. The location and number of Hamlets or Villages shall be determined based upon a minimum Hamlet or Village spacing and minimum and maximum Village size as set forth in Table 5 of Policy 21.5. Village or Hamlet spacing shall be measured from the closest edge of the nearest Village or Hamlet. Villages shall be located along arterial roadways generally bisecting the Village and shall provide a variety of Village settings based upon size, topography and proximity to natural or manmade recreational areas. There shall be no mobile homes/manufactured homes allowed on the VOF property. Mobile homes/manufactured homes means any structure with wheels and/or axles or any vehicle constructed solely as to be capable of transport on public streets or highways whether or not the wheels and/or axles are removed, which is built on a permanent, internal chasis and is designed for use with or without a permanent foundation. This definition does not include mobiles homes/manufactures homes in existence as of July 5, 2007; temporary construction trailers; or “manufactured building”, “modular building” or “factory built building”, as defined in Chapter 553 Florida Statutes 2013.

**Policy 21.3.1: Village Settlement Principles.** A Village shall consist of a series of Neighborhoods surrounding a mixed-use Village Center containing residential and non-residential uses and including Common Area uses. The minimum size of any Village within the VOF shall be 1,000 acres except for land lying north of 95<sup>th</sup> Street in which the minimum Village size shall be 500 acres. Villages will be integrated with each other and the historic center of the existing City by requiring that new local roads and corridors connect to the existing transportation network and existing grid street pattern where feasible based on topographical and other natural and manmade features while also providing for transit, pedestrian, and greenways linkages. In this way, the Villages will become natural extensions of the historic urban core of Fellsmere. The components of a Village shall generally exhibit the following characteristics.

**1. Neighborhood:** Neighborhoods will consist primarily of urban residential uses with a variety of housing types and secondarily of non-residential uses such as bed and breakfast establishments, day-care facilities, group homes, home based businesses, limited Common Area uses and live-work units where appropriate. Urban residential uses are defined in Policy 21.3.4.

- a. **Neighborhood Size.** Neighborhoods shall be located immediately adjacent to a Village Center. The shape or form of the Neighborhood is flexible and responds to physical or geological conditions or unique site design considerations. The average depth of a Neighborhood shall not exceed one-half mile from the edge of the Village Center. This benchmark for scale shall generally be maintained but not mandatory in all cases based upon geographic, topological or other factors.
- b. **Neighborhood Transition.** Within Neighborhoods, residential units shall be clustered through the progression of higher densities and/or smaller lot sizes from the Village Center to larger lots and less density near the neighborhood edge. The Neighborhood edge is the area at the outer reaches of the Village and is generally adjacent to the Countryside. Intensities and densities shall generally get lower toward the outside edges of the Village as a whole with net densities ranging from a minimum of net one (1) unit per acre at the Neighborhood edge to a maximum of net five (5) units per acre within a Neighborhood adjacent to the Village Center. The maximum lot size within a Neighborhood shall not exceed 1-acre, generally near the neighborhood edge. For the purpose of implementing the VOF, net density shall be determined by the number of units within a specific final development plan divided by the net land area excluding conservation

lands, passive or active open or recreation lands, roadways, utility or stormwater tracts, and all nonresidential parcels.

**2. Village Center.** The Village Center is the recognizable core of the community and shall contain a mix of each of the following uses: residential, commercial, office, and Common Area uses to serve the public. Limited impact industries, also known as flex-space, may also be located within Village Centers pursuant to Policy 21.4.4. Village Centers shall be developed under the following principles.

- a. **Recognizable Center.** The Village Center shall contain a recognizable center in the form of a public or civic focal point that may be a publicly owned square, park, green or plaza in combination with a civic building or a farmer’s market or small-scale Neighborhood retail uses.
- b. **Mixed Use.** The Village Center shall contain residential, commercial, office, and Common Area uses and may accommodate limited impact industries and communication facilities compatible with the mixed use nature of a Village Center. High impact industrial uses are specifically excluded from the Village Center but shall instead be located in Employment Activity Centers. Shops with offices or apartments in the upper stories, live/work units and higher density residential types are also appropriate in the Village Center. Residential units within the Village Center shall be clustered horizontally and/or vertically and shall be developed with a minimum net residential density of 5 units per acre. There shall be no maximum residential density within Village Centers. Final approval of density and intensity shall rest with the City Council, but in no case shall the cumulative residential units throughout the VOF exceed the highest limitations set forth by Policy 21.1. The minimum and maximum percentage mix of uses required within a Village Center shall be governed by Policy 21.3.8. The maximum habitable building height shall be 65 feet. The maximum floor-area-ratio shall be 4.0. The maximum size of any use within the Village Center shall not exceed 100,000 square feet for a single use within a building unless otherwise approved by City Council. The maximum hotel/motel density shall not exceed 60 units per net acre.
- c. **Compact and Accessible:** The Village Center shall be compact and appropriate for multi-story attached buildings designed to accommodate a range of uses over time. The Village Center shall be accessible for pedestrians, bicyclists and motorists to all Neighborhood residents. The size of a Village Center shall be governed by the application of the maximum Neighborhood depth pursuant to Policy 21.3.1.1.a; however, the minimum size of a Village Center shall be governed as set forth in Table 1 below.

Table 1: Minimum Size of Village Centers

Village Size* (range in acres)	Minimum Size of Village Center
500 – 750	30 acres
>750 – 1,000	50 acres
>1,000 – 1,250	80 acres
>1,250 – 1,500	120 acres
>1,500	150 acres

\*Only Villages north of 95<sup>th</sup> Street may be less than 1,000 acres.

**3. Common Areas.** Within a Village, Common Area uses shall be regulated by their location within a Neighborhood or Village Center. Within Neighborhoods, Common Areas are limited to schools, places of worship, group homes, civic or institutional uses serving the demands generated by the use of a recreational amenity or open area, and public or private active or passive recreation or open areas. Such uses may be further regulated through the Land Development Code or Planned Development to ensure compatibility with adjacent residential uses. Within Village Centers, Common Areas are limited to schools, places of worship, group homes, not-for-profit uses, public or private active or passive recreation or open areas, medical facilities, civic or institutional uses such as post offices, libraries, police, fire, and administrative offices, and civic or institutional uses serving the demands generated by the

use of a recreational amenity or open area. Life safety uses such as police and fire may be located within Neighborhoods if demonstrated that adequate coverage cannot otherwise be provided. Each Village Center shall contain at least one civic building that shall be sited on a location of high public visibility and prominence usually within or around a public open area or at the termination of vistas. Fire Stations and Police Stations are encouraged to provide community meeting rooms to enhance their public character. Villages that are required to provide an elementary or middle school shall locate the school within the confines of the Village. Planning for the school shall be coordinated with the School Board of Indian River County. Civic uses that are incompatible with the urban mixed-use character of a Village Center, such as maintenance facilities comparable in intensity to a high impact industry or central utility systems such as water or sewer plants, shall be located in Employment Activity Centers. A minimum of 5% and a maximum of 15% of a Neighborhood and Village Center shall each be comprised of Common Area uses. Common areas in excess of 15% of a Village Center or Neighborhood can be approved at the sole discretion of the City Council. A Common Area in the form of a developed active or passive, public or private recreation or open area shall be within ¼-mile of every residential unit within a Village or Hamlet.

**Policy 21.3.2: Hamlet Settlement Principles.** Hamlets are collections of residential and nonresidential uses clustered together around a crossroads or water access point that may include rural and urban residential uses and commercial, office, and limited Common Area uses. Due to their limited size, Hamlets are not required to maintain defined neighborhoods but shall instead be regulated by the location of uses in relation to the crossroad or water access point, which serves as the center of the Hamlet.

1. **Urban Hamlet Uses:** Uses located adjacent to the crossroad or water access point within the Hamlet Center shall be urban in nature consisting of urban residential uses, commercial, office, passive or active recreation or open areas, or limited civic uses. Compatible with the mixed use nature of a Hamlet Center, commercial and office development is limited to neighborhood commercial or office uses and commercial or office uses in support of water dependent uses and recreation facilities and may also contain hotels, lodges, bed and breakfast establishments, day-care facilities, group homes, home based businesses, and live-work units where appropriate. The minimum and maximum intensity of nonresidential uses in the Hamlet shall be regulated by Table 2. A definition of urban residential uses is provided in Policy 21.3.4.
2. **Rural Hamlet Uses:** Uses removed from the crossroad or water access point outside of the Hamlet Center and forming the perimeter of the Hamlet shall be rural in nature consisting of rural residential uses and passive or active recreation or open areas and may also contain bed and breakfast establishments. Hamlets shall generally contain a progression of higher densities and/or smaller lot sizes from the Hamlet Center to larger lots and less density near the Hamlet edge. The minimum and maximum intensity of nonresidential uses in the Hamlet shall be regulated by Table 2. A definition of rural residential uses is provided in Policy 21.3.4.
3. **Common Areas.** Each Hamlet is required to have a Civic focal point such as a public park located adjacent to the crossroad or water access point. The Public/Civic focal points of adjacent Hamlets shall be located at least 4000 feet apart. Each Hamlet shall have a minimum of 5% of the Hamlet set aside for Common Area uses. Uses allowed within the Common Areas shall be limited to public or private active or passive recreation or open areas, places of worship, civic uses such as government annex buildings for libraries, police, fire, administrative offices, and civic or institutional uses serving the demands generated by the use of a recreational amenity or open area.

**Table 2. Hamlet Development Controls**

Maximum Size	250 acres
Minimum Size	50 acres
Hamlet Center Maximum Size	75 acres
Hamlet Center Minimum Size	5 acres

Minimum Number of Residential Units	50 dwelling units
Maximum Number of Residential Units:	500 dwelling units
Minimum Spacing to Nearest Village or Hamlet	One-half mile – edge to edge 4000’ – Hamlet center to center
Maximum Nonresidential Uses	500,000sf
Minimum Nonresidential Uses	10,000sf

**Policy 21.3.3: Countryside Settlement Principles.** At least 45% of the entire gross acreage of the VOF property shall be allocated to the Countryside outside of Villages and Hamlets. The Countryside separates one Village or Hamlet from the next and provides a buffer between Villages or Hamlets and adjacent uses outside of the VOF. The Countryside may contain native habitat and environmentally sensitive preserve areas, stormwater resource areas, recreation and passive open areas, greenway corridors, agriculture, civic and institutional uses in support of other Countryside uses, communication facilities, cemeteries; golf courses, mining operations approved with a planned development, boat ramps in support of water related recreational amenities and private docks, and similar uses. Agricultural uses may be maintained and expanded as further defined by Policy 21.4.1. No more than 25% of the required Countryside may be platted outside of a Village or Hamlet into ranchette residential developments with a minimum lot size of 2 acres. Such plats must contain covenants and restrictions allowing for related agricultural uses.

**Policy 21.3.4. Variety of Housing Types.** The VOF shall support a variety of housing types and prices that support a broad range of family sizes and incomes. Housing types are defined as rural or urban and by building types such as single-family detached dwellings and multifamily dwellings, which include all forms of attached dwellings such as townhouse, apartments, condominiums, or residential units within mixed use buildings. Rural housing consists of single-family detached dwellings on lots greater than one acre and not exceeding two acres in size. Urban housing consists of all other unit types, both single and multifamily, on lots one acre in size and smaller. Housing types shall be distributed throughout a Village or Hamlet with denser housing types (i.e., small lot single family homes including garden/patio/zero lot line type units and multifamily) within or adjacent to the center and less dense housing types transitioning to the edge. The minimum percentage mix of single-family to multifamily units within a Village shall be governed by Policy 21.5, Table 5. There shall be no minimum mix of single-to-multifamily development within a Hamlet. Both home-ownership and rental housing opportunities shall be coordinated in an integrated manner. Agricultural uses and ranchette residential uses are not appropriate for Hamlets or Villages but may be located in the Countryside.

- i. The use of accessory dwelling units to provide an opportunity for dispersed housing or other accessory uses within single-family fabric is desirable and may be approved as part of a final development plan on a case by case basis by the City Council in its sole discretion. Accessory dwelling units included within or architecturally connected to the main residential structure approved as part of a final development plan shall not constitute a unit for the purposes of limiting density at the sole discretion of the City Council. Accessory dwelling units shall be evaluated for concurrency purposes to determine availability of services when included within a proposed development plan. When proposed by an individual lot owner, verification of potable water and sanitary sewer service shall be required and such use shall be in compliance with the Land Development Code. A Recreational Vehicle (RV) shall not constitute such an accessory dwelling unit. No more than one accessory living unit may be approved for any single family residence.
- ii. Student housing maintained in support of a boarding school or post-secondary education shall not constitute a unit for the purpose of compliance with the maximum unit allowances within the VOF.

**Policy 21.3.5. Walkable Blocks.** Blocks within a Village or Hamlet shall be scaled to accommodate a variety of building types and encourage pedestrian traffic. Block dimensions may range between approximately 250’ and

1,500' on a block face and shall not exceed a total perimeter distance of 3,000'. Exceptions to these requirements may be provided in response to specific site design objectives based upon geographic, topological or other factors.

**Policy 21.3.6. Proper Building Placement.** Buildings within a Village or Hamlet with similar characteristics such as scale, massing, and use shall generally face one another on a given street. Differing building types may be placed side-to-side and back-to-back on a given block. Building designs, such as “stair-stepping” of facades; porte-cocheres, awnings, or overhangs shall be employed to create a “street and pedestrian” connection. Building design regulation shall also regulate against flat blank walls. Within Village Centers, design standards shall require primary entrances of non-residential buildings to directly face a street, square, park, plaza, or green and shall generally employ build-to lines. Residential structures shall be encouraged to have entrances that face the primary street and within the Village Center shall be located generally closer to the street to create an interactive environment.

**Policy 21.3.7. Street Network.** Hamlets and Villages shall have an interconnected network of public and/or private streets designed to balance the needs of all users, including pedestrians, bicyclists and motor vehicles. A hierarchy of streets shall be provided so that larger streets accommodate larger buildings and wider sidewalks while smaller streets have smaller buildings and sidewalks. Alleys may be used and are encouraged in the Village or Hamlet centers to provide access for rear-loaded parking, municipal services, and loading and unloading of goods, which allows the street to be more safely used by pedestrians and bicyclists by reducing conflicts with vehicles. In residential areas, alleys are encouraged to accommodate parking and to provide private entrances and parking for rental units located behind single-family homes. Where alleys are used to provide rear access, buildings shall have secondary entrances, lighting and sufficient window opening to provide natural surveillance.

**Policy 21.3.8. Mix of Uses.** Villages shall be supported by varying amounts of mixed uses located within suitable building types or areas within a Village Center. Different Villages have diverse characteristics, which support varying amounts of mixed use; however, in the absence of a market study prepared by a qualified firm demonstrating the ability of a village to support a specific nonresidential allocation, each Village Center shall contain a minimum of 45sf of nonresidential uses for each residential unit approved throughout the entire Village or that current ratio in existence within the area bounded by the Plat for the Town of Fellsmere recorded in Plat Book 2, Pages 3 and 4, Official Records of Indian River County, Florida at the time of the preliminary development approval for each Village, whichever is greater. At a minimum, the percentage distribution of required mix of uses allowed within a Village shall be as shown below in Table 3. For Hamlets, the minimum and maximum range of nonresidential intensity is governed by Policy 21.3.2, Table 2.

**Table 3: Mixed Use Requirements for each Village within the Village of Fellsmere**

Location	Residential	Non-Residential
Village Center <sup>1</sup>	15% to 85%	15% to 85%
Neighborhood <sup>1</sup>	75% to 100%	0% to 25%

<sup>1</sup>Percentage of residential and nonresidential use based upon total land area allocated to each use. For vertically mixed use buildings containing both residential and nonresidential uses, the acreage shall be equally allocated to each use.

Due to the unique size and locational requirements for schools, they may be credited toward the non-residential requirements of Village Centers regardless of location within a Village. In addition, community gathering spaces within a Village Center such as libraries, permanent farmers markets, and similar uses, may be credited toward the non-residential requirements of the Village Centers.

**Policy 21.3.9. Marinas.** Marinas are an allowed use within a Village, Hamlet or Countryside depending upon their scale and intensity and proposed surrounding development program. When located within a Hamlet, marinas shall

be limited to the recreational aspects of water dependent or water related uses such as wet and dry docks, bait & tackle shops, marina master's residence, marina clubhouse, boat ramp, restaurants, and temporary lodging facilities and must be integrally designed as part of a public recreational amenity such as a park, water access, or picnic area. The maximum floor-area-ratio shall not exceed 1.0 in the Hamlet. If developed within a Village Center, marinas may include the recreational aspects of water dependent or water related uses as well as non-recreational aspects including boat repair and must be integrally designed with the balance of the Village Center and adjoining neighborhoods. The maximum floor-area-ratio for development of marinas within a Village shall follow the intensity standards of Table 5 of Policy 21.5 in the Village Center. If developed within a Neighborhood, marinas will be limited to wet docks, boat ramps, marina master's residence, and marina clubhouse and must be integrally designed with the balance of the neighborhood and adjoining neighborhoods. The maximum floor-area-ratio shall not exceed 0.5 in a Neighborhood. If located within the Countryside, marinas shall be limited to the recreational aspects of water dependent or water related uses such as wet and dry docks, bait & tackle shops, marina master's residence, marina clubhouse, boat ramp, restaurants, and temporary lodging facilities and must be integrally designed as part of a public recreational amenity such as a park, water access, or picnic area. The maximum floor-area-ratio shall not exceed 0.25 in the Countryside.

**Policy 21.4: Economic Development.** The VOF is designed to position Fellsmere as a competitive business environment both at the regional and national levels and to create the conditions of sustainable economic development by promoting high-wage, high-quality employment opportunities.

**Policy 21.4.1: Agriculture.** At a minimum, Florida's Right to Farm laws apply to existing and new agricultural uses in the VOF. Owners of the land are encouraged to initiate, continue, and expand agricultural operations, small plot farms, and sustainable agricultural practices. All existing agricultural operations and practices, including, but not limited to, packinghouses, greenhouses, cooling facilities, radio antenna tower, and support facilities such as airstrips, shall be allowed to continue. Existing communication towers such as the Federal Aviation tower and cell phone tower shall remain permissible non-conforming uses and reviewed for conformance when new plans are approved for the areas in which they are located.

Uses complementary to and supportive of agriculture and related research and education facilities are encouraged within the VOF and may be arranged outside of a Village or Hamlet within the Countryside or Employment Activity Centers as appropriate. Uses may include traditional agricultural uses such as grazing, groves, or crops; agricultural research uses; agricultural related industries or businesses; education facilities with agriculturally related curriculum; aquaculture; small plot farms; U-pick farms and roadside stands; equestrian facilities; landscape nurseries; mining; kennels; agricultural support airstrips; hunting and fishing camps, and similar uses. The presence of an agricultural tax exemption from the Property Appraiser shall not be determinative of an agricultural use. Farmworker housing in support of agricultural uses are allowed within the Countryside outside of Villages or Hamlets. Such uses will not count toward the ranchette residential allowance of Policy 21.3.3 or the maximum residential allowance and gross density requirements of the VOF. The City shall encourage retaining land for agricultural pursuits. Pre-existing agricultural activities are permitted and, if to remain, shall be planned as part the Countryside. When possible, agricultural uses should be encouraged to utilize reuse wastewater to help reduce the biological impact of new development. When located within the Countryside or Hamlet outside of a Village, agricultural research and education facilities and other agricultural related commerce at an FAR of 0.5 are permitted. Floor-area-ratios greater than 0.5 may be approved by the City Council for unique needs of agricultural research and education facilities and other agricultural related commerce. When located within an Employment Activity Center, agricultural research and education facilities shall follow the intensity standards of Table 5 of Policy 21.5. Agricultural uses are not appropriate for Villages or Hamlets.

**Policy 21.4.2 Village and Hamlet Centers.** Appropriate non-residential uses shall be located within Village and Hamlet Centers providing multiple vehicular and pedestrian linkages to adjacent and nearby residential uses.

Desirable locations channel as much neighborhood traffic circulation by the site as possible. Non-residential uses within a Village or Hamlet Center shall have a scale and intensity compatible with adjacent residential areas and with required residential uses contained within the Centers themselves. Sites within a Village Center shall accommodate shops with limited inventory of goods as well as transient lodging facilities; restaurants; and professional, medical, and business offices. Retail uses such as gas stations, fast food restaurants, large retailers, drive through facilities, and communication facilities are allowed subject to specific site design considerations that ensure their compatibility with the ideals of the Village Center. In areas adjacent to natural or man-made water bodies, the Village or Hamlet Center may include water dependent uses such as marine waterfront commercial areas to satisfy the unique location, market, and resource needs of the water dependent uses. Specific site design considerations for marine waterfront commercial operations shall provide use restrictions, landscaping, screening, and/or nuisance abatement standards adjacent to residential areas. Sites within a Hamlet Center shall accommodate neighborhood commercial or office uses and commercial or office uses in support of a water dependent uses and recreation facilities and may also contain hotels, lodges, bed and breakfast establishments, day-care facilities, group homes, home based businesses, and live-work units where appropriate. Neighborhood commercial or office uses are those uses that serve the local market.

**Policy 21.4.3: Employment Activity Centers (EAC).** Non-residential commercial, industrial, entertainment and institutional uses that are incompatible with the mixed use nature of a Village or Hamlet Center are required to locate within Employment Activity Centers that are strategically located to meet their unique logistical needs relative to rail facilities, major arterials, interchanges, labor markets, and requisite urban services. Employment Activity Centers shall have their principal access from an arterial roadway. The general location of EACs shall be reflected on the conceptual map required by Policy 21.2. Adjustments to the allocation of nonresidential uses between EACs and Village Centers may be implemented through local government approval as long as the minimum ratio requirements of Policy 21.3.8 are maintained within Village Centers. Employment Activity Centers shall contain a minimum combined total of 250,000 square feet of non-residential uses or 10 developable acres. Employment Activity Centers developed to support utility services shall be exempt from the minimum size and location requirements. Allowable uses may include regional industrial, commercial, secondary education, research or business uses; highway oriented commercial sales and services; commercial amusements; trade and warehousing facilities; business and construction trades or services; communication facilities; limited or extensive impact industrial or institutional uses; automotive sales and services; highway oriented commercial uses; low carbon emitting power plants; similar and/or supportive uses and other uses subject to City Council approval in its sole discretion. There shall be no maximum size for any specific use within the Employment Activity Centers. The maximum floor-area-ratio shall be 2.0. The minimum open space requirement for a specific building lot shall be 10 percent. The maximum building height shall be 65 feet. The maximum hotel/motel density shall not exceed 60 units per net acre.

**Policy 21.4.4: Industrial Component.** Industrial development includes both limited impact and extensive impact industries.

- a. Limited impact industries within the Villages of Fellsmere future land use, also known as flex-space, such as light assembly and manufacturing uses and skilled trades, shall be allowed within Village Centers or outlying Employment Activity Centers. The design of flex space activities within Village Centers or adjacent to off-site residential areas shall accommodate smaller-scale and less intensive uses with no outdoor manufacturing, assembly or storage that will adversely impact the character of residential uses. Wholesale commercial with a regional market; high impact industrial uses; and other uses incompatible with a residential mixed use neighborhood shall not be allowed within a Village Center but shall be located within Employment Activity Centers. Flex space uses within a Village Center shall comply with the intensity limitations identified in Table 5 of Policy 21.5. Flex space uses shall be located with convenient access to arterial or collector roadways and contain enhanced architectural and site design features to ensure compatibility with surrounding areas as needed.

b. Extensive impact industries include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, electric generation plants, uses customarily associated with airports, low carbon emitting power plants and intensive institutional uses such as water and sewer treatment facilities, and maintenance compounds. Extensive impact industries are not generally adaptive to residential use or mixed use villages, and such uses shall be located in Employment Activity Centers. A high priority shall be given to reserving strategically located lands adaptive to the unique location requirements of extensive impact industries. Extensive impact industrial sites shall generally be allocated in areas accessible to CR-512 and I-95 but adequately buffered from residential uses. Extensive impact uses shall only be approved through a planned development agreement. Performance standards shall be established for managing, at a minimum, noise, air pollutants, odor, vibration, fire or explosive hazard, and glare. Location and design of industrial activities shall be based on the activity's ability to comply with these standards. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. Industrial uses within an Employment Activity Center shall comply with the intensity limitations identified in Table 5 of Policy 21.5. Industrial uses shall contain enhanced architectural or site design features to buffer from surrounding areas as needed. Industrial uses may include a variety of uses normally found within industrial or business parks as regulated by the Land Development Code.

**Policy 21.4.5: Timing of Development.** To ensure that nonresidential uses within Village Centers are developed to support the needs of residential uses within a Village, thus providing an adequate number of jobs within a Village and thereby reducing dependence on automobile travel and vehicle miles traveled (“VMT”), the non-residential components of a Village shall be developed in accordance with the following schedule based upon the approved residential unit and nonresidential square footage allocation for each Village guided by the Conceptual Map adopted pursuant to Policy 21.2 and ultimately approved through the Development of Regional Impact and/or local government development order, as applicable.

**Table 4: Timing of Development**

Residential Units within a Village (% complete)	Non-Residential uses within the Village (% complete by land area allocation)	Non-Residential Uses within the Village (% complete by sf allocation)	Minimum Village Developed Form
0% to 50%	20%	10%	<ul style="list-style-type: none"> <li>Recognizable public or civic focal point and</li> <li>Civic building <u>or</u> small-scale neighborhood retail uses</li> </ul>
50% to 70%	40%	20%	<ul style="list-style-type: none"> <li>Recognizable public or civic focal point and</li> <li>Civic building <u>and</u> small-scale neighborhood retail uses</li> </ul>
70% to 90%	60%	40%	<ul style="list-style-type: none"> <li>Multi-family or mixed use residential opportunities</li> </ul>
90% to 100%	80%	60%	

By way of example, assume a single Village has been approved for 2,000 residential units within the Village and 200,000sf of total non-residential uses within the Village Center. No more than 50% of the allowable residential units (no more than 1,000 units) can be constructed before at least 20% of non-residential land area has been developed as buildable lots and at least 10% of the non-residential space (or 20,000sf) has been constructed. This non-residential space may be constructed along with the main public or civic focal point of the Village Center and may be

comprised of small-scale neighborhood retail uses or a civic building. Constructed as buildable lots means that the lot has been stubbed for all utility services and the pad prepared for foundation work.

**Policy 21.5 Summary Requirements for Development within the VOF**

**Table 5: Requirements for Development within the VOF**

**Hamlets**

Attribute	Minimum Standard	Maximum Standard
Overall Size	50 acres	250 acres
Size of Hamlet Center	5 acres	75 acres
Number of Residential Units	50	500
Spacing to Nearest Village	One-half mile (edge to edge)	
Spacing to Nearest Hamlet	4000' (center to center)	
Nonresidential Allowances	10,000sf	500,000sf

**Villages**

Attribute	Minimum Standard	Maximum Standard
Village size*	1,000 acres	3,500 acres
Spacing to Nearest Village	One-half mile (edge to edge)	
Ratio of single to multi-family housing (applied to approved total units)	15% single to 85% multi-family	85% single to 15% multi-family
Accessory dwelling units	NA	NA

\*Villages north of 95th Street may be a minimum of 500 acres.

**Neighborhoods**

Attribute	Minimum Standard	Maximum Standard
Lot size	1,000sf	1 acre
Density (net)	1 unit per acre	<5 units per acre
Common Area Uses within a Neighborhood	5%	15%
Floor-area-ratio	NA	2.0
Open space per building lot	NA	NA
Building height	NA	40' (See note 2)

**Village Centers**

Attribute	Minimum Standard	Maximum Standard
Density(net)	5 units per acre	NA
Size of any specific building use	NA	100,000 square feet
Hotel/motel density	NA	60 units per net acre
Floor-area-ratio	NA	4.0
Open space per building lot	NA	NA
Common Area Uses within a Village Center	5%	15%
Building height	NA	65' (See note 1, 2)

**Employment Activity Center**

Attribute	Minimum Standard	Maximum Standard
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Size of combined uses	250,000sf or 10 net acres	NA
Hotel/motel density	NA	60 units per net acre
Floor-area-ratio	NA	2.0
Open space per building lot	10%	NA
Building height	NA	65' (See note 1, 2)

**Countryside**

Attribute	Minimum Standard	Maximum Standard
General Requirement	45% of gross land area	-
Ranchette residential lot size (limited to 25% of the Countryside)	2.0 acres	<10 acres
Floor-area-ratio	NA	0.5
Open space per building lot	10%	NA
Building height	NA	35' (See note 1)

Notes: 1. Maximum height for agricultural or institutional support facilities for non-habitable structures, such as silos, processing facilities, electric power generation or transmission systems, conveyers, shall be 65'. Heights exceeding 65' may only be approved by conditional use or Planned Development by the City Council.

Notes: 2. Maximum height for non-habitable architectural embellishments such as elevator towers, church steeples, and clock towers, shall be 75'. Heights exceeding 65' may only be approved by conditional use or Planned Development by the City Council.

**Policy 21.6: Affordable/Workforce Housing.** Projects within the Villages of Fellsmere future land use shall provide the greater of at least 5 percent of the total residential dwelling units to affordable housing or a percentage determined through analysis of affordable housing need completed pursuant to Chapter 163.3177(6)(f)(1)d, F.S. utilizing the methodology employed by the Shimberg Center for Affordable Housing, University of Florida. Provision of affordable housing units may be by development of affordable units or other means as determined by the City. Affordable housing shall be subject to a recorded land use restriction for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. The affordable housing must be commenced prior to the completion of 75 percent of the market rate dwellings. For purposes of this policy, the term "affordable housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home as defined by Section 380.0651(3)(j), F.S. For projects that are to be phased, the provision of workforce housing may also be phased as long as the minimum required affordable workforce housing is attained at project build-out. The location of affordable workforce housing shall comply with the policies outlined in the Housing Element and pertinent Land Development Regulations.

**Policy 21.7: Adequate Public Facilities and Services.** The Applicant will be responsible for compliance with the concurrency requirements of the City of Fellsmere's Comprehensive Plan for the VOF Properties which includes sanitary sewer, potable water; offsite solid waste; drainage; parks and recreation; schools and transportation – the infrastructure. To the extent not funded by others, the Applicant shall be responsible for funding the planning, design, permitting and construction of the Infrastructure in order to serve the needs of the future development of the VOF Properties in accordance with the level of service established by the City's Comprehensive Plan. Said infrastructure may be constructed in phases commensurate with the creation of demand by development. As part of the continuing planning process and annual updates to the Capital Improvements Element (CIE) and 5-year Capital Improvements Plan (CIP), the City of Fellsmere shall require that improvements required to support the development allowances authorized for each phase are reflected in the CIE/CIP for the five-year period these improvement will be needed.

The CIE/CIP shall be consistent with the Conceptual Map as implemented through a Development of Regional Impact and/or local government development order, as applicable, and shall identify how each improvement shall be funded. Applicants for development within the VOF shall work with the City, the County, the Indian River County School Board, and other service providers, as applicable, to determine the most appropriate sites that fulfill the locational needs set forth by the respective agency and meeting the City of Fellsmere level of service standards. For schools, the City shall coordinate such needs consistent with the adopted Indian River County Interlocal Agreement for School Concurrency. Proposals to build in accordance with the Goals, Objectives and Policies of the City's Comprehensive Plan shall be eligible and are required to receive, use and construct urban services to support their development as defined herein.

**Policy 21.7.1: Potable Water and Sanitary Sewer:** All development within the Villages of Fellsmere future land use shall be serviced by centralized potable water and sanitary sewer systems except for the following uses which must be located outside of a Village within the Countryside: (1) ranchette residential development with a minimum lot size of two acres and (2) non-residential and agricultural uses subject to receipt of agency permits for well and septic or other alternative service arrangement. Temporary use of package treatment plants or other service means may be approved for Hamlets or Employment Activity Centers subject to agreement to connect to centralized potable water and sanitary sewer systems when such systems are available and within ¼-mile.

**Policy 21.7.2: Provider of Potable Water and Sanitary Sewer.** Prior to issuance of a final development order, the applicant shall demonstrate compliance with the water and sewer concurrency requirements of the City and that an agreement exists with a competent entity as the operator of Potable Water and Sanitary Sewer.

**Policy 21.7.3: Wastewater Reuse.** New developments in VOF are required to accommodate the volume of treated wastewater produced, when available, and may include re-use irrigation or adequate areas designed to absorb the treated wastewater to utilize its nutrients to enhance the ecological function of the environment. The City acknowledges that an on-site irrigation water supply system may be provided to serve non-agricultural uses within the VOF Properties.

**Policy 21.7.4: Water Resource Management.** The City shall require stormwater management systems within the VOF that support the objectives of the St. John's River Water Management District (SJRWMD), Fellsmere Water Control District (FWCD), and the City's Comprehensive Plan.

**Policy 21.7.5: Water Resource Management Strategy.** The land necessary for water storage, attenuation and discharge for drainage of new development in the VOF shall be arranged and managed as part of a comprehensive regional drainage system permitted by the City, FWCD and/or SJRWMD.

**Policy 21.7.6: Management and Coordination of the Stormwater System.** The City will coordinate with SJRWMD and FWCD to facilitate the implementation of a surface water and water resource management system that a) maintains adopted level of service standards; b) is coordinated with landowners to achieve connectivity over time; c) is financially feasible; d) is coordinated with the plans of the SJRWMD and FWCD; and e) meets water quality objectives prior to discharge into the upper SJR basin.

**Policy 21.7.7: Transportation.** Development plans or proposals may be approved within the VOF Properties if the transportation facilities necessary to meet concurrency exist or are supported by an executed Developer Agreement, Interlocal Agreement, Impact Fee Agreement, Proportionate Fair Share Agreement, or other method guaranteeing adequate funding for the VOF Properties' Fair Share Cost of such improvements.

In addition, the City acknowledges its intention, in good faith, to:

1. Coordinate the pro-rata funding of the interchange with Interstate 95, bridge crossings, or roadways

- with adjacent property owners/developers when such other properties are benefited by these improvements.
2. Implement a “cost-recovery” agreement for the Applicant when the Applicant funds more than its pro-rata share of an improvement.
  3. Work with the Applicant to secure appropriate impact fee credits based upon fair share apportionment payments and/or actual construction of improvements.
  4. Create a right-of-way preservation plan for roadway connection required for traffic distribution to reduce traffic on CR512 through the “old town district”.

**Policy 21.7.8. Financing Mechanisms.** The City will encourage a variety of financing tools and strategies to fund capital improvement programs within the VOF Properties such as but not limited to:

1. Community Development Districts (CDD),
2. Independent Special Districts,
3. Business Improvement Districts (BID),
4. Educational Facilities Benefit Districts,
5. Interlocal Agreements,
6. Developer Agreements, and
7. Proportionate Share Contributions to the extent permitted under Chapter 163, F.S., and the establishment of special assessment districts.

The objective is for the City to achieve fiscal neutrality and therefore incur no cost for development.

The City understands that one or more financing mechanisms may hereafter be established, or an existing financing mechanism may hereafter be modified, or any combination of the foregoing, by each Developer to provide services to any portion of the VOF Properties owned by such Developer. Any such financing mechanism established by a Developer may plan, finance, acquire and construct community infrastructure that may benefit all or portions of the VOF Properties owned by such Developer. The City further understands that any CDD that may hereafter be established with respect to the VOF Properties may have the right to exercise the powers enumerated under Chapter 190, Florida Statutes or Chapter 298, Florida Statutes. The City will consider supporting special legislation to expand the powers of the Fellsmere Water Control District, a Florida Statute 298 Special District.

**Policy 21.7.9.** To the extent a developer provides land and/or constructs municipal facilities consistent with the demands of any development of the property, the cost of all such facilities, including the market value of the land, shall be creditable toward any current or future impact fees to the extent that such costs are legally eligible for impact fee credits. The City will work with the Applicant toward receiving a credit. This Infrastructure shall be built to the City and permitting agencies’ reasonable and customary standards. The City shall have the right to require the Infrastructure be oversized by the Applicant to serve other property, provided a mutually agreeable cost recovery system is in place to reimburse the Applicant for the over-sizing.

Improvements necessitated by development of the VOF Properties shall be in place and available to serve new development no later than the issuance of a certificate of occupancy unless otherwise addressed by an executed Proportional Share Agreement, an executed Developer’s Agreement, an executed Impact Fee Agreement, or posting of a surety equal to 125% of an engineer’s estimated cost as provided in the Land Development Code.

**Policy 21.7.10.** City will consider Interlocal service agreements with proximate service providers such as the City of Palm Bay and Indian River County in lieu of the construction of additional redundant facilities for the provision of potable water, reuse water, and wastewater treatment. The City agrees to work cooperatively with the Applicant in identifying the provider for such services. The City shall not be required or obligated in any way to construct or maintain or participate in the construction or maintenance of any improvements for the Development (except for maintenance of improvements dedicated to and accepted by the City at its sole discretion). The Owner its grantees,

successors or assigns in interest or an association and/or assigns satisfactory to the City shall be responsible for the maintenance of all improvements not dedicated to the City.

**Policy 21.8: Countryside and Common Areas:** The Countryside and Common Areas within Villages and Hamlets are an integral component of the settlement pattern and together shall consist of a minimum of 50% of the gross land area contained within lands designated as VOF. The Countryside shall consist of a minimum of 45% of the gross land area designated as VOF, and Common Areas within Villages and Hamlets shall consist of a minimum of 5% and, within Villages, a maximum of 15% of the gross land area. Such areas shall:

- a. support and enhance the village character;
- b. preserve native habitats;
- c. encourage opportunities for sustained agriculture;
- d. help mitigate the biological and ecological impacts of new development;
- e. promote the sustainability of both native and migratory species;
- f. improve the health of both the natural and built environment;
- g. provide passive and active recreation opportunities; and
- h. promote quality civic and public spaces.

**Policy 21.8.1: Non-Contiguous Locations.** Land assigned to the Countryside or Common Areas may be located on non-contiguous parcels when dedicated to the public, subject to the discretion of the City Council during the development approval process.

**Policy 21.8.2: Linking Countryside Areas.** To maximize both the aesthetics of the rural landscape and the biological and ecological system contained within the Countryside, developments shall link to the greatest extent practical Countryside areas within the site as well as to any neighboring existing or planned passive parks, existing uses of an agricultural character or environmental preserves. This may be accomplished by greenways, trails, wildlife corridors, pedestrian and bicycle corridors, golf cart paths, horse trails, and similar low intensity methods.

**Policy 21.8.3: Components of the Countryside and Common Areas.** Table 6 provides an overview of the allowable uses for both the Countryside and Common Areas within Villages or Hamlets.

**Table 6. Countryside and Common Area Components**

<b>COUNTRYSIDE MINIMUM: 45% OF GROSS ACREAGE MAXIMUM: NONE</b>	<b>COMMON AREAS MINIMUM: 5% OF VILLAGES AND HAMLETS MAXIMUM: 15% OF VILLAGES</b>
Native Habitat, Upland Buffers and Conservation/ Environmentally Sensitive Areas	Native Habitat, Upland Buffers and Conservation/Environmentally Sensitive Areas
Recreation and Passive Open Areas	Recreation and Passive Open Areas
Community Recreation Areas	Community Recreation Areas
Linear Parks along the stormwater system	Linear Parks along the stormwater system
Equestrian and bicycle trails	Equestrian and bicycle trails
Greenway Corridors	Greenway Corridors
Stormwater Management/Water Resource Areas	Stormwater Management/Water Resource Areas
Civic Uses <sup>2</sup>	Civic Uses <sup>2</sup>
Passive open areas of developments within the countryside <sup>1</sup>	Neighborhood Parks, Greens and Squares
Golf Courses	
Agriculture	
<sup>1</sup> - See Policy 21.3.3	

<sup>2</sup> – See Policy 21.8.10
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**Policy 21.8.4: Agriculture.** The City shall encourage retaining land for agricultural pursuits. Previous agricultural lands shall be credited towards the Countryside requirements. Existing or proposed impervious agricultural activities, including packing houses, greenhouses, cooling facilities, or other agricultural support facilities shall not be creditable toward the Countryside requirement. Agricultural and/or water resource management areas shall comprise a minimum of 25% of the combined requirements for Countryside and Common Areas.

**Policy 21.8.5: Native Habitat and Environmentally Sensitive Areas.** Wetlands, upland buffers, and native upland habitat areas to be preserved on-site shall be counted towards the fulfillment of the Countryside or Common Area requirements. Preservation requirements shall be as set forth elsewhere within the Comprehensive Plan. Development will be required to provide wildlife corridors to connect habitat areas and maintain safe crossing areas. Trails shall be used to provide access to environmentally sensitive lands for their passive enjoyment. For off-site preservation areas abutting the VOF property, a 100' wide buffer shall be provided adjacent to the external property line or that required by the pertinent permitting agency, whichever is greater. Buffers shall not be required adjacent to off-site stormwater treatment areas or other manmade water bodies.

**Policy 21.8.6: Water Resource Management Areas.** The stormwater system is intended to work in concert with and be part of the land designated for the Countryside or Common Areas. To be credited toward either of these requirements, the land used in the stormwater system shall contain at least two of the following:

- a. The stormwater system is supplemented with a native planting program to promote the sustainability of both native and migratory species.
- b. Access is provided to the stormwater system.
- c. A linear park is provided along the edge of the stormwater system providing for multiuse trails for bicyclist and pedestrians.
- d. Equestrian trails are provided along the edge of the stormwater system within the countryside or as appropriate.

Stormwater systems meeting the requirements noted herein located only within a Village or Hamlet may only be credited toward the Common Area requirements; likewise, stormwater systems located only within the Countryside may only be credited toward the requirements of the Countryside. Stormwater systems that span both the Countryside and Village or Hamlet may be credited toward the requirements of either the Countryside or Village or Hamlet as set forth in the development order. Water resource management areas may encompass any aspect of stormwater and/or water conveyance, retention or detention.

**Policy 21.8.7: Recreation and Passive Open Areas.** Land used for active or passive recreation or passive open areas may be counted toward the fulfillment of the required Countryside or Common Area. Such amenities include, but are not limited to, the following:

- a. Community Recreation Areas. Uses such as regional parks, fair grounds, ecotourism areas, swimming and fishing lakes, greenways and trails, equestrian areas and/or polo fields, camp grounds, public waterfronts and boat launching areas.
- b. Neighborhood Parks, Greens and Squares. Uses such as playgrounds, picnic areas, pocket parks, open air amphitheaters, village squares or greens, boardwalks, vita courses, and playing fields and courts.
- c. Golf Courses. Golf courses that are designed to accommodate reuse wastewater. (Golf courses may comprise no more than 10% of the combined requirements for Countryside and Common Areas.)

The Owner/Developer shall provide public access to the Fellsmere Water Management Area, including a public boat ramp, to the extent access and the public boat ramp are permittable by SJRWMD and consistent with SJRWMD's public access plan. The maintenance and upkeep of privately owned recreational areas shall be the responsibility of an entity approved by the City, i.e. Community Development District (CDD), Home Owner's Association (HOA),

Chapter 298 Special District Authority, and such spaces shall be accessible in perpetuity.

**Policy 21.8.8: Greenway Corridors.** Greenways, trails, and linear parks shall be credited toward the Countryside or Common Area requirements when supplemented with a planting program.

**Policy 21.8.9: Civic Uses.** Land allocated for civic uses may be counted toward the fulfillment of required Common Areas or Countryside as set forth below.

- a. Common Area civic uses such as, but not limited to, libraries and schools (including the associated playfields), as well as community buildings and clubhouses may be counted toward the fulfillment of the required Common Areas within Villages or Hamlets.
- b. Civic uses may not be located within the Countryside unless they are supportive of another Countryside use such as small utility systems (lift stations, sub-stations, or similar uses) developed in support of a major recreation uses or administrative or maintenance facilities developed in support of major recreation uses or similar uses. When such civic uses are located within the Countryside, only the pervious area of civic uses may be credited toward the Countryside requirements.

**Policy 21.9: Transportation Planning.** The City will ensure that a balanced and integrated transportation system is established concurrently with new development that promotes the desired sustainable pattern of growth, protects and enhances the character of the area, and seeks to reduce the greenhouse gas emissions of the transportation system while maintaining level of service requirements.

**Policy 21.9.1: Sustainable Transportation.** Vehicular trips shall be minimized through a combination of the following:

1. Provision of housing opportunities in proximity to employment opportunities;
2. Provision of essential services and recreational opportunities in proximity to demand;
3. Provision of an interconnected street network designed for pedestrians, cyclists, the automobile and transit;
4. Provisions for parking that will encourage pedestrian and public transportation alternatives;
5. Provisions for incentives encouraging multiple modes of transportation;
6. Coordination with the FDOT, IRC Metropolitan Planning Organization and adjacent Cities for planning for current and future regional transportation networks within and outside the City and County.

**Policy 21.9.2: Connected, Multi-modal Transportation System.** The transportation system shall provide multi-modal capabilities and be connected through a network of streets that are visually appealing. The visual and functional characteristics of streets are important in the design of the community and shall be guided by the following design principles:

1. Streets shall be designed to create a sense of place that reflects the rural or urban character through which they pass and
2. Streets shall be designed to accommodate a mix of travel modes including vehicles, bikes, transit and pedestrians with appropriate lighting, landscape, utility and signage provisions.

**Policy 21.9.3: Rights-of-Way.** The City shall work with and require developers to identify right-of-way needs during the development process and reserve and protect existing and future rights-of-way within site plans, plats, or other legal instruments in order to provide for an efficient multi-modal transportation system. The City shall protect the required right-of-way for regional facilities shown in the Transportation Element and seek the dedication or acquisition of needed additional rights-of-way for these corridors through local government development approvals and as part of the continuing transportation planning process with FDOT, IRC Metropolitan Planning Organization and adjacent Cities and Counties.

**Policy 21.9.4: Internal Street Network.** Neighborhoods shall construct interconnected networks of streets in a predictable pattern that encourages walking, reduces the number and length of automobile trips, provides multiple circulation routes, and conserves energy. Cul-de-sacs may be permitted only where a roadway terminates at a water management tract, park or civic area, development boundary, or other topological feature. Dead-end streets are discouraged.

**Policy 21.9.5: Interconnected Neighborhoods.** The transportation system shall be designed so that multiple streets, bicycle paths and sidewalks continue into adjacent Neighborhoods, Village Center, and nearby developments to facilitate convenient movement and disperse traffic throughout the local network except where a roadway terminates at a water management tract, park or civic area, development boundary, or other topological feature. Connections to existing or future collector roadways shall be at approximately ¼-mile intervals. Owner/Developer shall be required to construct a City-approved Pedestrian Linkage System.

**Policy 21.9.6: Roadway Character.** Within the Countryside, development shall be designed to maintain open vistas and protect the integrity of the rural character of roadways. Within Villages, roadways shall be designed to regulate vehicular speeds and ensure a balanced environment for motorists, bicyclists, pedestrians, transit, and utility transmission needs. The Master Plans prepared pursuant to Policy 21.2.4 shall include design standards to accomplish this intent.

**Policy 21.9.7: Street Trees.** Regularly spaced shade trees shall be required to provide shade for pedestrians and cyclists along all new streets with exception of alleys and limited access facilities.

**Policy 21.9.8: Interconnected Parcels.** Interconnections between complementary uses shall be required, including access and circulation among parking lots and to pedestrian paths and may take the form of shared driveways, frontage streets, and parking with cross access easements.

**Policy 21.9.9: Parking Location.** Village Centers shall be designed to promote a “park once” environment to encourage walking between multiple destinations and proximity to transit stops. Shared parking arrangements shall be encouraged through a reduction in the required parking if supported by appropriate traffic analysis. Parking lots and garages shall be buffered from the view of the sidewalk preferably located behind or to the sides of buildings to enhance the pedestrian environment of the street. Conveniently located bike racks shall be provided throughout the Village Center within all Villages. Parking lots shall be considered for park-n-ride lots as part of the regional transit system where appropriate.

**Policy 21.9.10: Recreational Trail and Greenway System.** Developments shall create an interconnected network of routes for pedestrians and cyclists providing links to schools, parks, adjacent Neighborhoods and developments as well as non-motorized trails along or within the Countryside and water resource areas.

**Policy 21.9.11: Transportation Demand Management.** The City may establish incentives for residential and nonresidential uses to encourage public transit, ride sharing, modified and flexible work hours, and to provide bicycle racks/storage and shower facilities to encourage walking/bicycling to work.

**Policy 21.9.12: Remedies for Roadway Deficiencies.** Where roadways are found to be deficient, according to methods used by the City, the City shall consider that the appropriate remedy to restoring a satisfactory level of service is not necessarily widening of the link, but may be:

1. Intersection improvements;
2. Signalization changes;
3. Turning or auxiliary lanes;
4. Access management;

5. Improvements in parallel corridors; and/or
6. Other traffic engineering policy measures.

**Policy 21.9.13: Special District.** The City may consider the establishment of special districts in order to provide appropriate funding mechanisms for the regional transportation system, electric power generation and transmission system, or other public facilities and services, including acquiring links in the Water Resource Management and Countryside components. The City will also support legislative requests by the Fellsmere Water Control District for expanded powers within their adopted Chapter 298 Special District authority. Any actions of a special district would be required to be integrated and coordinated through the Capital Improvements Program and may build on existing systems and strengthen existing partnerships.

**Policy 21.9.14: Transportation Concurrency.** An approved project that meets the requirements of the VOF land use must satisfy transportation concurrency pursuant to Policy 21.7 and may, as further allowed by Florida Statutes and Administrative Code, satisfy transportation concurrency by paying to the City, Indian River County and/or FDOT a proportionate fair-share contribution, to pay for one or more improvements that will benefit the future street network. Developers may be eligible for impact fee credits for construction of improvements. At a minimum this methodology shall be consistent with requirements of section 163.3180(5)(h)1.c.II, F.S. as applicable.

**Policy 21.10: Green Building and Site Planning.** Developments proposed within the VOF are to utilize LID, LEED, LEED-ND, or other best management practices from the United States Green Building Council and Florida Green Building Coalition or other industry recognized groups to the extent feasible.

**Policy 21.11: Off Premise Signs.** The City will consider provisions for off-site directional signage in support of the Villages of Fellsmere as part of any Planned Development Application. Any off-site directional signage that may be allowed shall be at the Developer's cost.

**Objective FLUE B-22: CORRIGAN RANCH Ordinance 2014-17 (AMENDMENT 14-02, ADOPTED ON JANUARY 8, 2015):** The amendment to the Comprehensive Plan Future Land Use Maps as requested by HUGH CORRIGAN III FAMILY LIMITED PARTNERSHIP, LLLP, a Florida limited liability limited partnership, J. PAT CORRIGAN FAMILY LIMITED PARTNERSHIP, LLLP, a Florida limited liability limited partnership, ELEANOR CHRISTIE CORRIGAN, HUGH CORRIGAN, IV, HUGH DANIELS CORRIGAN, JAMES PATRICK CORRIGAN, JR., PATRICK EDWARD CORRIGAN, and J. PAT CORRIGAN and PATRICIA P. CORRIGAN, husband and wife (hereinafter collectively referred to as "Owner") is subject to compliance with the following policies, which shall run with the land. The terms "Owner" and "Developing Party" are used in this Objective to note the distinction between the present fee simple owner of the Property, and the party undertaking actual development activities upon the Property in the future. Use of these terms in this manner is intended to: (i) identify the party seeking municipal annexation and performing master planning and future land use functions; and (ii) clarify that the legal duty to comply with the requirements to construct Infrastructure (as herein defined) and the responsibility to develop the Property in accordance with the governing City Comprehensive Plan and Land Development Code is to be borne by the party actually performing physical development activities. The Owner and Developing Party may be the same if the Owner is seeking to develop the Annexation Properties or any portion thereof.

Policy FLUE B-22.1. The Developing Party shall provide a public school capacity analysis, an environmental study and traffic impact analysis prior to site plan review for each phase of development.

Policy FLUE B-22.2. The Developing Party shall provide at developer's expense for the construction of all required public facilities, roadways, turn lanes and utilities improvements, connections and extensions as determined by the

City to be needed for the development of the land. All roads needed for the development shall be paved at owner's/developer's expense to City, County or State standards, as applicable.

Policy FLUE B-22.3. The Developing Party shall demonstrate prior to each site plan approval that all concurrency provisions have been addressed or met including but not limited to: schools, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities.

Policy FLUE B-22.4. The Developing Party shall enter into a development agreement to provide for payment of fees for or direct construction of public facilities and services demanded by the development.

Policy FLUE B-22.5. The Developing Party is responsible for all costs associated with any new or expanded public facilities and services required to make the project meet concurrency regulations or to provide the proportionate or fair share contributions therefore.

Policy FLUE B-22.6. The Property shall be limited to: (i) a maximum of 1.69 dwelling units per acre calculated over the Low Density Mixed Use Neighborhood acreage within the Annexation Properties and (ii) a maximum of 12,000,000 nonresidential square feet composed of Neighborhood Commercial, Regional Employment Activity Center and/or Industrial uses.

Policy FLUE B-22.7. Regardless of the open space requirements that may be required for each future land use designation that may be assigned to the Property, a minimum aggregate total of 50% of the Property shall be set aside as open space. Each of the following uses shall qualify to meet the open space requirement: conservation areas; greenways and trails; all public parks greater than one acre, whether passive or recreational; pervious portions of agricultural land; golf courses; all common open space; all drainage and stormwater management systems, whether conveyance, retention, or detention; upland preserves; and all public institutional property that is donated (not sold); all subject to the reasonable discretion of the City Council through the Land Development Code or conditions imposed as part of the planned development process.

Policy FLUE B-22.8. The Owner shall be allowed to continue all existing agricultural operations and practices under the Indian River County future land use and zoning designations assigned to the property. Nothing contained herein shall prohibit or preclude the use of the Property or any portion thereof for agricultural or agriculture-related purposes.

Policy FLUE B-22.9. The Owner and/or Developing Party shall be permitted to perform commercial mining activities within the Property, subject to procurement of applicable project permits and regulatory approvals.

Policy FLUE B-22.10. A minimum of 2,000 acres of environmentally sensitive native upland/wetland areas shall be preserved.

Policy FLUE B-22.11. The Developing Party shall provide a standby emergency generator with each sewer pump station at proportionate cost to any users.

Policy FLUE B-22.12. The Developing Party shall be required to construct a City-approved Pedestrian Linkage System.

Policy FLUE B-22.13. The Developing Party shall dedicate without compensation sufficient right-of-way for 90<sup>th</sup> Avenue, as the same is ultimately determined to be located and configured, as a condition of development of each Planned Development on the east side of Interstate 95 traversed by or adjacent to 90<sup>th</sup> Avenue as extended.

Policy FLUE B-22.14. The Developing Party shall dedicate without compensation sufficient right-of-way for 53<sup>rd</sup>

Street, as the same is ultimately determined to be located and configured, as a condition of development of each Planned Development on the east side of Interstate 95 traversed by or adjacent to the proposed 53<sup>rd</sup> Street extension.

Policy FLUE B-22.15. The Developing Party shall provide within areas of the Property assigned the Low Density Mixed Use Neighborhood future land use designation a diverse mix of housing styles, sizes, configurations, costs and locations subject to each use’s market demand limitations.

Policy FLUE B-22.16. To the extent financially and commercially feasible and practical, “Green” building styles and methods shall be encouraged for both residential and non-residential development throughout the Property.

Policy FLUE B-22.17. The Owner or Developing Party, either prior to or as part of the initial residential development process, shall submit to the City for review and approval a Master Stormwater Plan; Master Transportation Plan, including the 5-10-15 Year Capital Improvement Schedule and a Master Conservation and Greenways/Trails Plan.

- A. A Master Stormwater Plan shall be developed for the Property containing information equivalent to a Conceptual Environmental Resource permit from the St. Johns River Water Management District. Alternatively, a Conceptual Environmental Resource permit shall be sufficient to meet the obligations of this section. The Owner acknowledges that the Annexation Properties shall be subject to the City’s stormwater utility.
  
- B. A Master Transportation Plan shall be developed for the Property as set forth above or as part of a nonresidential development process meeting the thresholds of a Development of Regional Impact as set forth in Florida Statutes containing arterial, collector and to the extent practical, local roadways, transit opportunities, and other multi-modal forms of transportation phased commensurate with the impacts of new development. Such plan shall identify connectivity to the existing local, county, and state roadway network and shall be long-term and system-oriented providing comprehensive solutions for access and mobility needs based on conceptual or master development plans covering the entire annexation area. The Master Transportation Plan shall provide the following specific facilities to the extent such access is permissible:
  - a. Interconnection west of Interstate 95 to the private property north of the Annexation Properties;
  - b. Interconnection east of Interstate 95 to the private property north of the Annexation Properties;
  - c. Interconnection east of Interstate 95 to a proposed interchange generally along 69<sup>th</sup> Avenue;
  - d. Extension of 53<sup>rd</sup> Street from its terminus to 90<sup>th</sup> Avenue;
  - e. Extension of 90<sup>th</sup> Avenue along the entire frontage of the Annexation Properties;
  - f. Interconnection west of Interstate 95 to SR60 in at least two locations; and
  - g. Connection to the proposed interchange with Interstate 95.

The Master Transportation Plan shall not be limited to the above facilities and shall also reflect all other

modifications needed throughout the local, county and state transportation network to serve the needs of the development.

- C. A Master Conservation and Greenway/Trails Plan shall be developed. Such plan shall show interconnectivity with existing and planned conservation, preserve, active and passive recreation and trails systems on the Property with similar facilities within the City of Fellsmere. The Master Conservation and Greenway/Trails Plan shall also provide the following specific facilities to the extent such access is permissible:
- a. Incorporation of existing Interstate 95 underpass into overall plan; and
  - b. Interconnection of greenways/trails on Annexation Properties to Sand Lakes Conservation Area; and
  - c. Interconnection of neighborhoods with public school facilities.

Policy FLUE B-22.18. The City will consider amending its Land Development Code to include provisions for off-site directional signage. Any off-site directional signage that may be allowed shall be at the Developing Party's expense.

Policy FLUE B-22.19. The Developing Party may implement architectural and site design control mechanisms to govern future development. The City acknowledges that community architectural review committees established by developers serve important community interests and maintain property values.

### **C. LAND USE ELEMENT IMPLEMENTATION.**

**GOAL FLUE C: IMPLEMENTING LAND USE GOALS AND OBJECTIVES. CONTINUE TO MONITOR AND EVALUATE DEVELOPMENT AND RESOURCE CONSERVATION WITHIN THE CITY PURSUANT TO GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN LAND USE ELEMENT AND CARRY OUT AN EFFECTIVE IMPLEMENTATION PROGRAM AS HEREIN ESTABLISHED.**

**OBJECTIVE FLUE C-1: CONSIDER APPLICATION OF INNOVATIVE LAND AND WATER RESOURCE MANAGEMENT AND ENERGY CONSERVATION CONCEPTS.** The Land Development Code shall establish regulations, conditions, restrictions, and general provisions for planned developments, which can be either single purpose residential, commercial or industrial land uses, or contain a mix of uses.

**Policy FLUE C-1.1: Master Planned Communities or Planned Developments:** Planned developments may be located on any size parcel of land. PDs shall be approved and conditioned only upon submittal of a master development plan describing in detail the density, intensity, style, character, and mix of uses contained within the proposed project, as well as specific requirements set forth in the Land Development Code. PDs shall include techniques and incentives to protect environmentally sensitive areas, provide on-site and common amenities, and mitigate flood hazards.

**Policy FLUE C-1.2: Planned Developments allowed.** Planned developments are an allowable use and are deemed to be a consistent zoning district or use within all land use categories except the "Low Density Mobile Home" classification. Planned Developments shall be the only district to allow for the blending of residential densities across differing future land use designations.

**Policy FLUE C-1.3: PD Zoning.** Approval for "Planned Development projects" will be obtained through a rezoning process using a conceptual, preliminary and final development plan and/or plat as the process for obtaining City

Council approval. The plan or plat shall become a binding upon the developer and be made a part of the development order.

**Policy FLUE C-1.4: Conditional Approvals.** The City Council shall have the ability to approve, approve with conditions or deny a request for Planned Developments based upon broad discretionary criteria to be set forth in the Land Development Code. The City Council shall apply any condition deemed necessary to assure consistency with the Comprehensive Plan, compatibility with the surrounding area, and promote the safety, health, welfare, and aesthetics of the City as a whole for any Planned Development project.

**Policy FLUE C-1.5: Master Agreement.** The City shall require the use of development agreements, or other means of financial obligation including, but not limited to annexation agreements, conditions imposed within development orders, letters of credit, etc. as a means to secure financial commitments for on and off-site improvements necessitated by a private development.

**OBJECTIVE FLUE C-2. - MANAGE AND COORDINATE FUTURE LAND USE DECISIONS**

The City of Fellsmere shall maintain Land Development Code, including performance standards that ensure land development activities, resource conservation, and infrastructure issues are managed in a manner that includes timely coordination with County, regional, and State agencies having jurisdictional authority. Management of land and physical improvements identified on the Future Land Use Map will be regulated in order to protect and/or conserve natural systems, including topography, soil conditions, vegetation, natural habitat, public potable water well fields, and other environmentally sensitive land and water resources. Land use shall also be predicated on availability of man-made infrastructure and service systems required to support respective land use activities or the ability of the public or private sector to provide same and maintain adopted levels of service standards.

**Policy FLUE C-2.1. - Future Land Use Map and Related Policies.**

The policies within this element and the Comprehensive Plan guiding the allocation of land uses on the Future Land Use Map shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of water supplies, public facilities, and services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; greenhouse gas reduction strategies; and the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

**Policy FLUE C-2.2. - Energy Efficient Land Use Patterns.**

The City of Fellsmere shall continue to support energy efficient land use patterns through implementation of the Villages of Fellsmere and Low Density Mixed Use Neighborhood land use designations according to the policies of this element. Within the historic City center, the City shall continue to ensure that the existing energy efficient land use pattern is maintained through adherence to the urban design requirements set forth in this element. Along CR 512, east of the historic City center, the City shall ensure the development of energy efficient land use patterns through proper urban design and multimodal transportation services as set forth in this element. Annexations of new lands or requests for amendments to the future land use map shall consider the resulting energy efficiency of the land use pattern considering the entirety of policies and land development regulations that may ultimately control the development under the proposed land use designation.

**Policy FLUE C-2.3. - Land Development Code.**

The City's existing Land Development Code governing zoning; subdivision; signage; landscaping and tree protection; and surface water management shall be revised when needed in order to:

1. Effectively regulate future land use activities and natural resources identified on the Future Land Use Map;

2. Adequately protect property rights; and
3. Implement the goals, objectives, and policies stipulated in the Comprehensive Plan.

The Land Development Code shall continue to be applied to:

1. Regulate the subdivision of land;
2. Regulate the uses on land and in water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;
3. Protect the environmentally sensitive lands designated in the Comprehensive Plan;
4. Regulate land use and minimum building elevations in areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
5. Protect potable water well fields and aquifer recharge functions and areas;
6. Regulate signage;
7. Ensure safe and convenient on-site and off-site traffic flow and vehicle parking needs and plan for dedication, acquisition and development of future rights-of-way as identified in the programmed engineered master plan for the City's Major Thoroughfares and prohibit development within future rights-of-way;
8. Provide that development orders and permits shall not be issued which result in a reduction of levels of services for impacted public facilities below the levels of service standards that shall be adopted by the City Council;
9. Seek the elimination of nonconforming uses which are inconsistent with the character of the community;
10. Encourage the redevelopment and renewal of blighted areas;
11. Discourage development of urban sprawl;
12. Ensure energy efficient land use patterns;
13. Minimize the growth of greenhouse gas emissions; and
14. Require and/or provide incentives for design techniques which reduce demand for artificial heating, cooling, ventilation and lighting such as building design, siting and orientation that effectively utilize natural solar resources, wind conditions, tree canopy, and plant material to reduce the effects of exposure to extreme weather conditions.

**Policy FLUE C-2.4. - Development Compatibility with Sewer System.**

Where the City's central sewer service is available within the City, new development or redevelopment other than building permits for single family homes on lots legally platted prior to the adoption of the Comprehensive Plan shall be required to connect to the central sewer system. The cost to connect to the system, including the extension of any sewer lines from existing locations, shall be borne by the developer. For new development or redevelopment proposed in areas where the City's central sewer is not available, the City may waive the requirement to connect to the City's central sewer system under the following circumstances:

1. The City approves the use of a central sewer system other than the City's system; or
2. The density and intensity of the development is suitable for use of on-site septic systems and such systems are compliant with Florida Statutes and Florida Administrative Code regarding such facilities and are permitted by the Indian River County Health Department. However, the City is not obligated to waive the requirement to connect to the City's central sewer system if it determines that public health and safety necessitate connection to the City's system. For lands west of Willow Street, such density shall not exceed 5 units per acre, as currently exists in the developed portions of the City, which are on septic systems approved by the IRC Health Department. For any new residential developments east of Willow Street to be allowed the use of on-site sewerage disposal systems, the maximum density allowed shall be 1 unit per acre. Pine Grove shall be connected to a central sewer system fully paid for by the developers of Pine Grove parcels.

For purposes of this policy, the phrase "not available" shall mean that the City is unable or unwilling to expend public funds to extend central sewer services to an area of the City.

**OBJECTIVE FLUE C-3: ENCOURAGE REDEVELOPMENT AND RENEWAL.** Fellsmere has a unique history, style, and look that the City seeks to preserve. The City of Fellsmere shall maintain a Land Development Code that includes performance standards to ensure that land development activities and infrastructure issues are managed in a manner that will consider the needs of all the citizens of Fellsmere. The City shall maximize the use of what already exists by protecting, restoring and enhancing the existing assets, including historical structures and resources. It is the intention of the City to preserve those positive things that brought our citizens to Fellsmere.

**Policy FLUE C-3.1: Public and Private Sector Partnerships.** The City shall coordinate redevelopment issues with the private sector in promoting mobilization of public and private resources necessary to effectively carry out redevelopment efforts, especially in the Downtown area.

**Policy FLUE C-3.2: Preservation of Existing Assets.** The protection, restoration, and enhancement of existing assets, including historical structures and resources, are important to the City. The City shall develop procedures and ordinances to protect, encourage restoration and to provide for enhancement of existing assets in the Downtown and surrounding area. The City shall develop programs and identify funding sources to protect, restore and enhance the historical structures in Fellsmere.

**Policy FLUE C-3.3: Protect Significant Sites and Structures through purchase or other techniques.** The City shall pursue state, federal, and local funding sources to acquire significant cultural and historic sites and resources (such as the TransFlorida Railroad) for public acquisition to be used for public recreation, open space and conservation to ensure their protection.

**Policy FLUE C-3.4: Identify Blighted Areas.** The City established a Community Redevelopment Area in 2005. The City shall continue to evaluate and identify blighted areas that are ready for re-development and implement programs to designate the areas for urban infill, urban redevelopment or downtown revitalization area as defined in section 163.3164, F.S.

**OBJECTIVE FLUE C-4: PREVENT LAND USE INCONSISTENT WITH CITY'S CHARACTER.** The City of Fellsmere shall maintain Land Development Code to ensure that if improvements are proposed to an existing structure that do not conform or comply with regulations governing use, setbacks, size, dimensions, height, density, or other location criteria, then:

1. in no case shall any existing non-conforming or non-complying structures be increased; and
2. any existing non-complying structures shall be eliminated or reduced to the greatest reasonable and practical extent.

**Policy FLUE C-4.1: Managing Future Land Use.** The Future Land Use Map and related policies together with the Land Development Code shall be applied as a planning and management tool in order to prevent development of land uses that do not conform to the City's character as illustrated in the City's adopted Future Land Use Map.

**Policy FLUE C-4.2: Managing Improvements to Existing Non-Complying Structures and Non-Conforming Uses.** The Land Development Regulations standards regulating improvements to existing non-complying structures as well as changes to non-conforming uses shall continue to be applied. Such standards shall continue to require that plans for alterations to non-complying uses incorporate improvements to bring the subject structure into compliance to the greatest reasonable and practical extent. In no case shall any existing non-compliance be increased. Similarly, no non-conforming use may be enlarged without reducing the extent of the non-conformity.

**Policy FLUE C-4.3: Code Enforcement Activities.** Code enforcement activities shall be continued as an integral part of the City's regulation programs. The code enforcement program shall preserve and protect structurally sound land improvements and land uses consistent with the Comprehensive Plan.

**OBJECTIVE FLUE C-5: PROTECTION OF NATURAL, ARCHAEOLOGICAL AND HISTORIC RESOURCES.** Any development of Federal, State or City designated natural, historic or archaeological sites or structures identified in the adopted Comprehensive Plan shall prevent the following adverse impacts:

1. Destruction or alteration of all or part of such site;
2. Isolation from, or alteration of the surrounding environment;
3. Introduction of visual, audible, or atmospheric elements that are out of character with a property or alter its setting;
4. Other forms of neglect resulting in resource deterioration.

**Policy FLUE C-5.1: Programming for Natural, Archaeological and Historic Sites.** The City shall coordinate with the State in developing programs for identifying, preserving, and enhancing sites of natural, historical and archaeological significance. Programs for identification, evaluation of relative significance, protection, preservation, and enhancement shall be promoted utilizing available public resources at the local, State, and Federal level as well as available private sector resources.

**Policy FLUE C-5.2: Preventing Adverse Impact of Development on Natural, Historic or Archaeological Sites.** Development activities shall include precautions necessary to prevent the following adverse impacts to natural, historic or archaeological sites of significance:

1. Destruction or alteration of all or part of such site;
2. Isolation from or significant alteration to its surrounding environment;
3. introduction of visible, audible, or atmospheric elements that are out of character with the property or significantly alter its setting;
4. transfer or sale of a site of significance without adequate conditions or restrictions regarding preservation, maintenance, or use; and other forms of neglect resulting in its deterioration.

**Policy FLUE C-5.3:** Development of Federal, State or City designated natural, historic or archaeological sites or structures identified in the adopted Comprehensive Plan shall be required to submit a site plan which illustrates how the applicant will mitigate adverse impacts. As a minimum, the site plan shall identify precautions to be taken to prevent the following adverse impacts:

1. Destruction or alteration of all or part of such site;
2. Isolation from, or alteration of the surrounding environment;
3. Introduction of visual, audible, or atmospheric elements that are out of character with a property or alter its setting; and
4. Other forms of neglect resulting in resource deterioration.

**Policy FLUE C-5.4:** Vegetation removal shall not be permitted on a natural, historic or archaeological sites unless the vegetation to be removed is a part of a duly authorized scientific excavation or is a part of an approved development plan.