

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 8C
From: Staff
Date: June 17, 2016 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of Fellsmere Comprehensive Plan
Amendment No. 16-1ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the City of Fellsmere includes a change to the Future Land Use, Transportation, Public Facilities, Conservation, Intergovernmental Coordination, and Capital Facilities elements; and Appendix 8A: Concurrency Management System of the comprehensive plan. This report includes a summary of the proposed amendment and Council comments.

Summary of Proposed Amendment

Future Land Use Map Amendments

The proposed changes to the Future Land Use Maps are to identify the Infill/Redevelopment Overlay. The areas of the overlay are depicted as dashed lines on Future Land Use Map in Figure 1-1C (Exhibit 7). The infill/redevelopment overlay areas are described in revised Objective FLUE A-3 and new Policies FLUE A-3.1 through A-3.6 in the Future Land Use Element. These areas are associated with County Road 512, North Broadway Street, North Willow Street, North Myrtle Street, and South Carolina Avenue in the central core of the city. The purpose of the infill/redevelopment overlay is to preserve the small town character of Fellsmere by encouraging infill and redevelopment projects within existing residential and commercial areas in the city. The infill/redevelopment areas are to be regulated through overlay zoning districts contained in

the Land Development Code, which defines specific policies, standards, and procedures of development.

Text Amendments

The proposed amendment includes text changes to the Future Land Use, Transportation, Public Facilities, Conservation, Intergovernmental Coordination, and Capital Facilities elements; and Appendix 8A: Concurrency Management System of the comprehensive plan. Because the text changes to the Future Land Use Element are extensive, they have been provided as a supplement to this report on Council's website. The text changes to the other elements have been included in the exhibits to this report. The most significant changes in the comprehensive plan are summarized below:

Future Land Use Element

This element has been reorganized to provide a more logical presentation of redevelopment and standard development allowances. The main purposes of the proposed changes are to implement language authorizing the use of form based codes as well as relocate large portions of the text in order to group similar issues in the same location. Exhibit 8 of this report includes a guide to how the element was reorganized. The most significant changes to the element are related to the new policies under Objective A-3 to implement the form based code. These include:

- Add new Policy FLUE A-3.1: Overlay District Infill Development and Redevelopment Values. This policy indicates 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. The policy includes an extensive list of general infill development and redevelopment values to be promoted.
- Add new Policy FLUE A-3.2: Overlay District Boundaries. This policy describes the overlay district boundaries. The infill/redevelopment mixed-use districts are created as future land use map overlays.
- Add new Policy FLUE A-3.3: Overlay District Specific Development Regulations. This policy provides overlay district specific development regulations. The regulations are to apply to each overlay district and supersede conflicting policies of the base future land use category.
- Add new Policy FLUE A-3.4: Overlay District Land Development Code. This policy identifies a specific list of directives that the land development code shall address related to each infill development and redevelopment overlay district.

- Add new Policy FLUE A-3.5: N. Broadway. This policy identifies a list of specific standards to be addressed in the Land Development Code for the area located on North Broadway Street.
- Add new Policy FLUE A-3.6. This policy indicates 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.

Transportation Element

- Revise Policy Tran A-1.1: Maintain Minimum Level of Service (LOS) Standards. This policy is revised to indicate developments located within Infill/Redevelopment Overlays as defined in the Future Land Use Element shall be exempt from Transportation Concurrency. Minimum LOS standard peak hour LOS for city collector and significant local streets have been deleted from Table 2.1: Facility/LOS Standards.
- Revise Policy Tran A-6.4: Form-based Code. This policy is revised to indicate the city shall maintain form based codes along prime commercial corridors in the historic portion of Fellsmere as a means to integrate land use and transportation.
- Delete Table 22: Anticipated Roadway Improvements. This list included a number of outdated improvements.

Public Facilities Element

- Revise Policy PF A-1.2: Level of Service Standards. This policy is revised to include corrected and updated LOS standards for potable water systems, sanitary sewer systems, and drainage.
- Delete Objective PF A-2: Maintaining a Schedule of Public Facility Capital Improvement Needs; and Policies PF A-2.1 and PF A-2.2, because they are duplicated in the Capital Improvements Element.
- Revise Objective PF B-3: Provision of Potable Water. This objective is revised to indicate the city shall continue its agreement with Indian River County to provide emergency back-up capacities and service to specific areas of the city as may be negotiated.
- Revise Policy PF B-3.4: Aquifer Withdrawal. This policy is revised to indicate the city shall coordinate with Indian River County to serve specific areas of the city as may be negotiated; and the Villages of Fellsmere shall identify water supply sources at time of application for a Development of Regional Impact or initial residential planned

development and may include application for one or a combination of surficial aquifer, Floridan Aquifer, or surface waters as an alternative water supply.

- Revise Policy PF B-4.2: Vero Lakes Water Control District. This policy is revised to indicate for the Pine Grove Estates property and other properties within the Vero Lakes Water Control District, a stormwater master plan shall be prepared in conjunction with development applications. This stormwater master plan shall identify improvements necessary to maintain adopted LOS standards for lands within the Vero Lakes Water Control District and adjacent lands.
- Delete Policies PF B-4.4 through B-4.6 because they are duplicated in the Capital Improvements Element.
- Revise Objective PF C-1: Protect Natural Drainage Features. This policy is revised to indicate the city shall continue to implement land development regulations to protect natural drainage features so that future development utilizes stormwater management systems consistent with the LOS criteria of this plan. The policy is also revised to indicate the regulations shall establish a coordination mechanism with both the Fellsmere Water Control District and Vero Lakes Water Control District for discharge of stormwater into systems owned by either the Fellsmere Water Control District or Vero Lakes Water Control District.

Conservation Element

- Revise Policy CON A-2.1: Water Quality, Surface Water Management, and Land Use. This policy indicates land development regulations shall incorporate the following performance standards in order to protect the quality of the city's water resources, reduce point and non-point sources of pollution, protect well-fields and other water sources, and to conform to policies of the Florida Department of Environmental Protection, and St. Johns River Water Management District: 1) Water Quality. The city shall establish and maintain land development regulations and management programs aimed at increasing the protection or enhancement of surface water quality by addressing point and non-point pollution through enhanced storm water treatment.

Intergovernmental Coordination Element

- Revise Objective ICE A-1: Intergovernmental Coordination Activities. This objective is revised to add the Fellsmere Water Control District, Vero Lakes Water Control District, and Sebastian River Improvement District to the list of organizations with which the city shall continue to improve coordination activities.
- Add new Policy ICE A-1.9: Coordination with Water Control District. This policy is added to indicate the city shall coordinate with the Fellsmere Water Control District, Vero Lakes Water Control District and the Sebastian River Improvement District in the review of matters surrounding preservation of the Indian River Lagoon, water quality, and other development issues impacting stormwater management. Any rules, policies or restrictions adopted by the Fellsmere Water Control District, the Vero Lakes Water Control District and the Sebastian River Improvement District regulating drainage of

lands located within the boundaries of the city to works or improvements owned and controlled by said districts shall be consistent with and not stricter than any ordinance, rule or policy adopted by the city.

- Revise Policies ICE A-2.9: Cooperative Freshwater Habitat Planning and Management. This policy is revised to incorporate the language in former Policy FLUE C-6.2
- Add new Policy ICE A-2.10: Coordination and Collaboration with Indian River County. This policy indicates the city will continue to cooperate with Indian River County to accomplish mutually beneficial land use goals and decisions, but final decisions shall vest solely with the city.
- Add new policies ICE A-2.11, ICE A-2.12, and ICE A-4.8, which were relocated from former policies FLUE A-10.2, FLUE A-10.4, and FLUE B-9.3, respectively.
- Revise Policy ICE A-5.2: Management of Water Quality and Other Resource Management Issues Impacting the City of Fellsmere. This policy is revised to indicate the city will coordinate issues impacting stormwater management with Fellsmere Water Control District, Vero Lakes Water Control District, and the Sebastian River Improvement District. However, any rules, policies or restrictions adopted by the Fellsmere Water Control District, the Vero Lakes Water Control District and the Sebastian River Improvement District regulating drainage of lands located within the boundaries of the city to works or improvements owned and controlled by said districts shall be consistent with and not stricter than any ordinance, rule or policy adopted by the city.

Capital Facilities Element

- Revise Policy CIE A-1.5: Capital Improvement Priorities. This policy is revised to indicate the proposed five-year schedule of improvements shall include the financially feasible “Summary of Capital Improvements Program” and the summary of estimated revenues, from the School District’s 5-year capital facilities plan when school projects are proposed within the City of Fellsmere.
- Add new Policy CIE A-1.7: Design of Public Facilities and Utilities, which was relocated from former Policy FLUE C-7.2.
- Revise Objective CIE A-4: Concurrency Management. This objective is revised to delete a reference to subdivision approvals.
- Revise Policy CIE A-5.1: Level of Service Standards. This policy is revised to include updated LOS standards for drainage; indicate the city shall not be required to maintain the additional LOS standard related to projects within the Fellsmere Water Control District or Vero Lakes Water Control District for paving existing dirt roads or expanding existing roads; and indicate developments located within Infill/Redevelopment Overlays shall be exempt from transportation concurrency.

Appendix 8A: Concurrency Management System

This section was revised for consistency with the balance of other changes in the plan. The main changes include references to development within the Infill/Redevelopment Overlay Zones being exempt from transportation concurrency; and clarification to the language describing the criteria to be met for parks and recreation facilities to be found in compliance with concurrency management requirements.

Regional Impacts

No adverse effects on significant regional resources and facilities have been identified.

Extrajurisdictional Impacts

Council requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on May 26, 2016. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Recommendation

Council should approve this report and authorize its transmittal to the City of Fellsmere and the Florida Department of Economic Opportunity.

Attachments

List of Exhibits

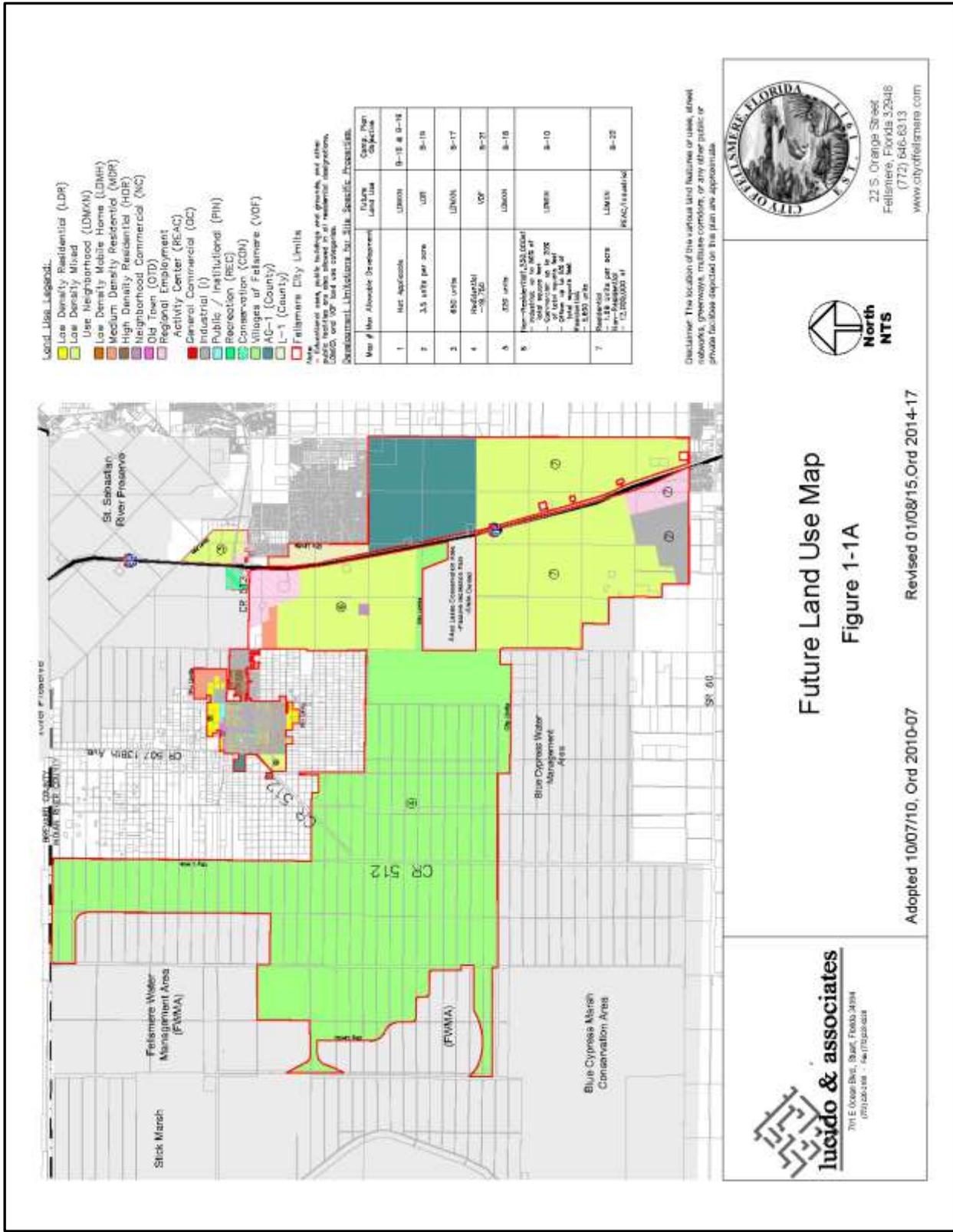
Exhibit

- 1 General Location Map
- 2 Existing Future Land Use Map Figure 1-1A
- 3 Proposed Future Land Use Map Figure 1-1A
- 4 Existing Future Land Use Map Figure 1-1B
- 5 Proposed Future Land Use Map Figure 1-1B
- 6 Existing Future Land Use Map Figure 1-1C
- 7 Proposed Future Land Use Map Figure 1-1C
- 8 Proposed Text Changes to Future Land Use Element - Guide
- 9 Proposed Text Changes to Transportation Element
- 10 Proposed Text Changes to Public Facilities Element
- 11 Proposed Text Changes to Conservation Element
- 12 Proposed Text Changes to Intergovernmental Coordination Element
- 13 Proposed Text Changes to Appendix 8A: Concurrency Management
- 14 Proposed Text Changes to Capital Improvements Element

Exhibit 1 General Location Map



Exhibit 2 Existing Future Land Use Map Figure 1-1A



**Future Land Use Map
Figure 1-1A**



Adopted 10/07/10, Ord 2010-07 Revised 01/08/15, Ord 2014-17

Exhibit 3 Proposed Land Use Map Figure 1-1A

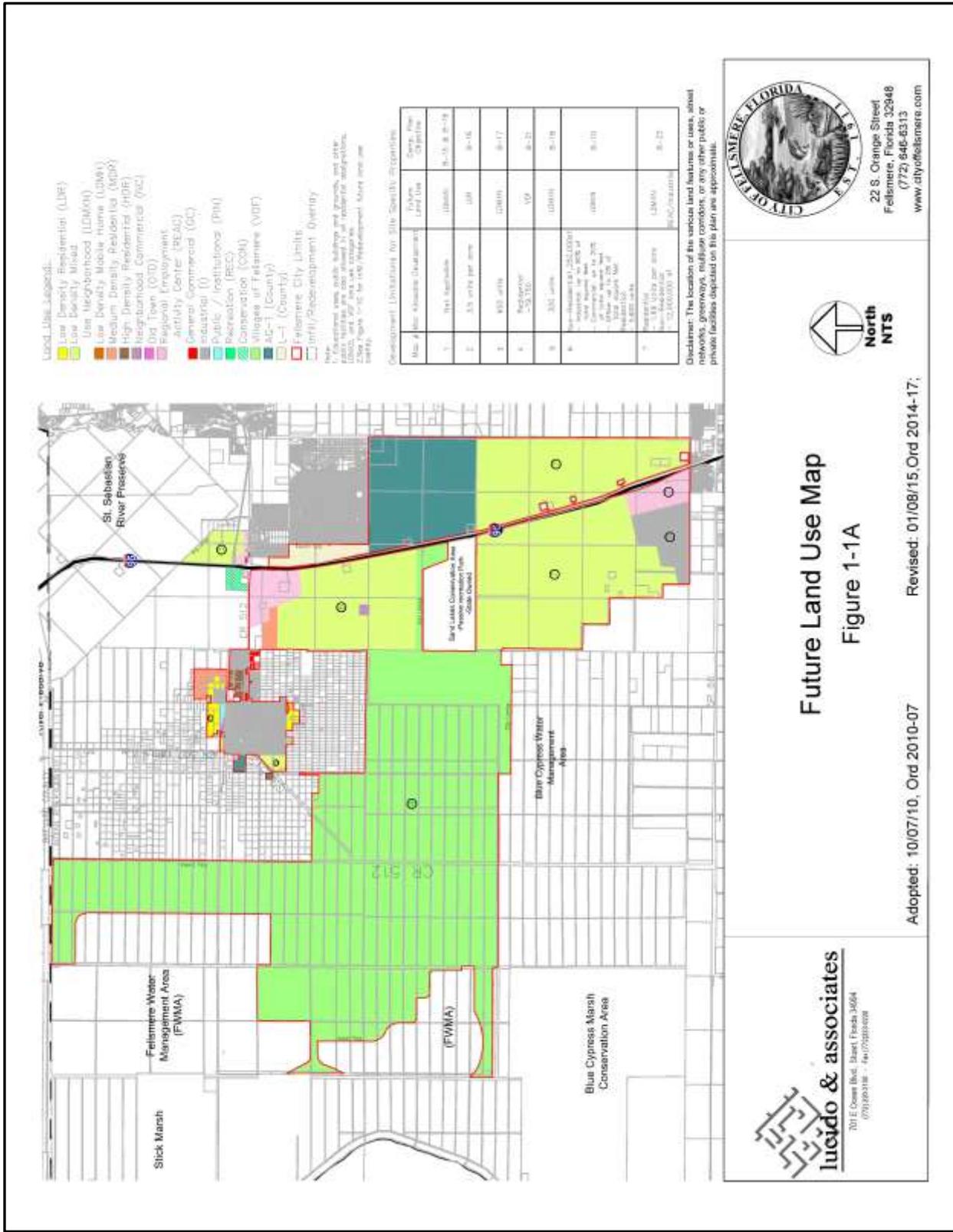


Exhibit 6 Existing Future Land Use Map Figure 1-1C

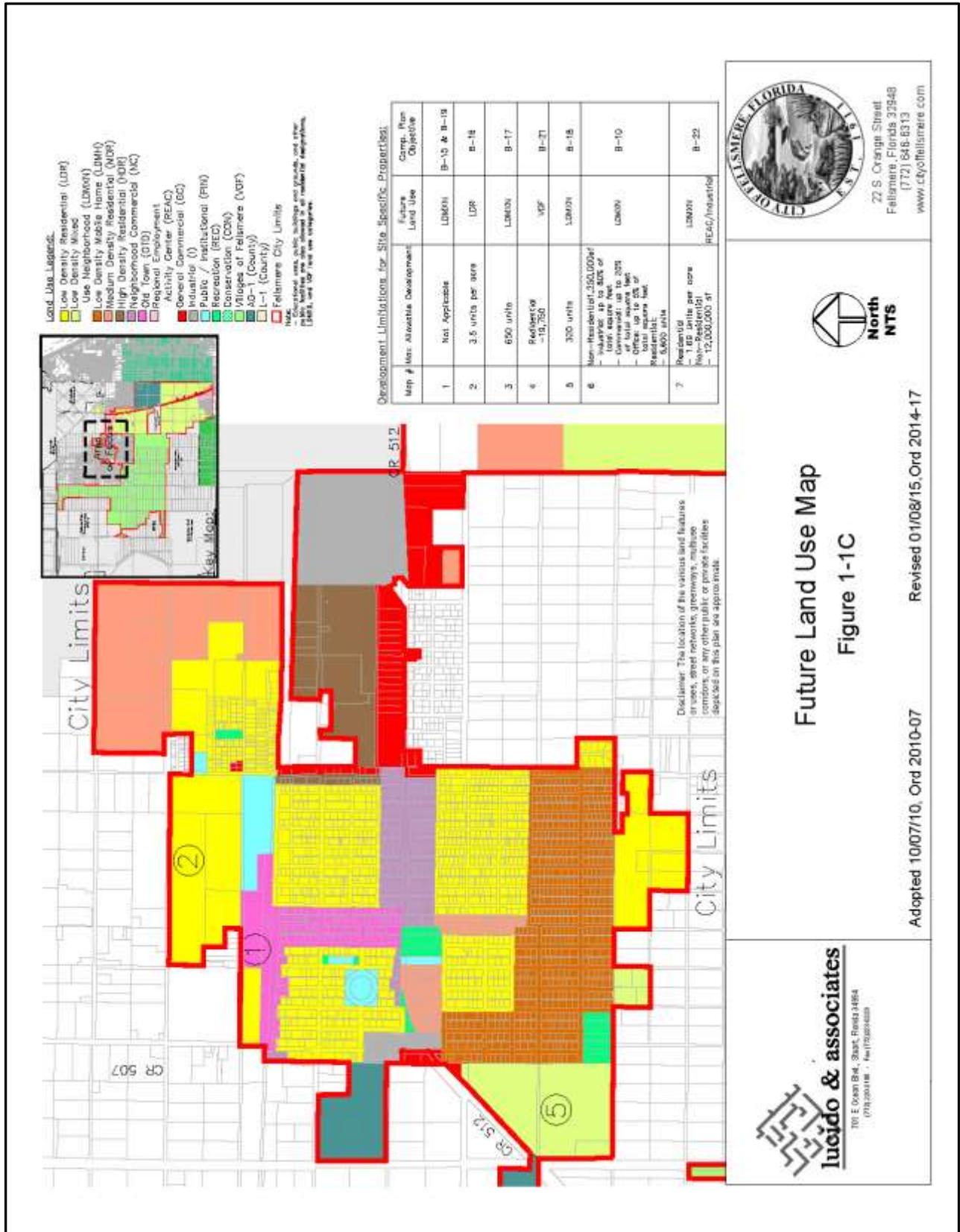


Exhibit 7 Proposed Future Land Use Map Figure 1-1C

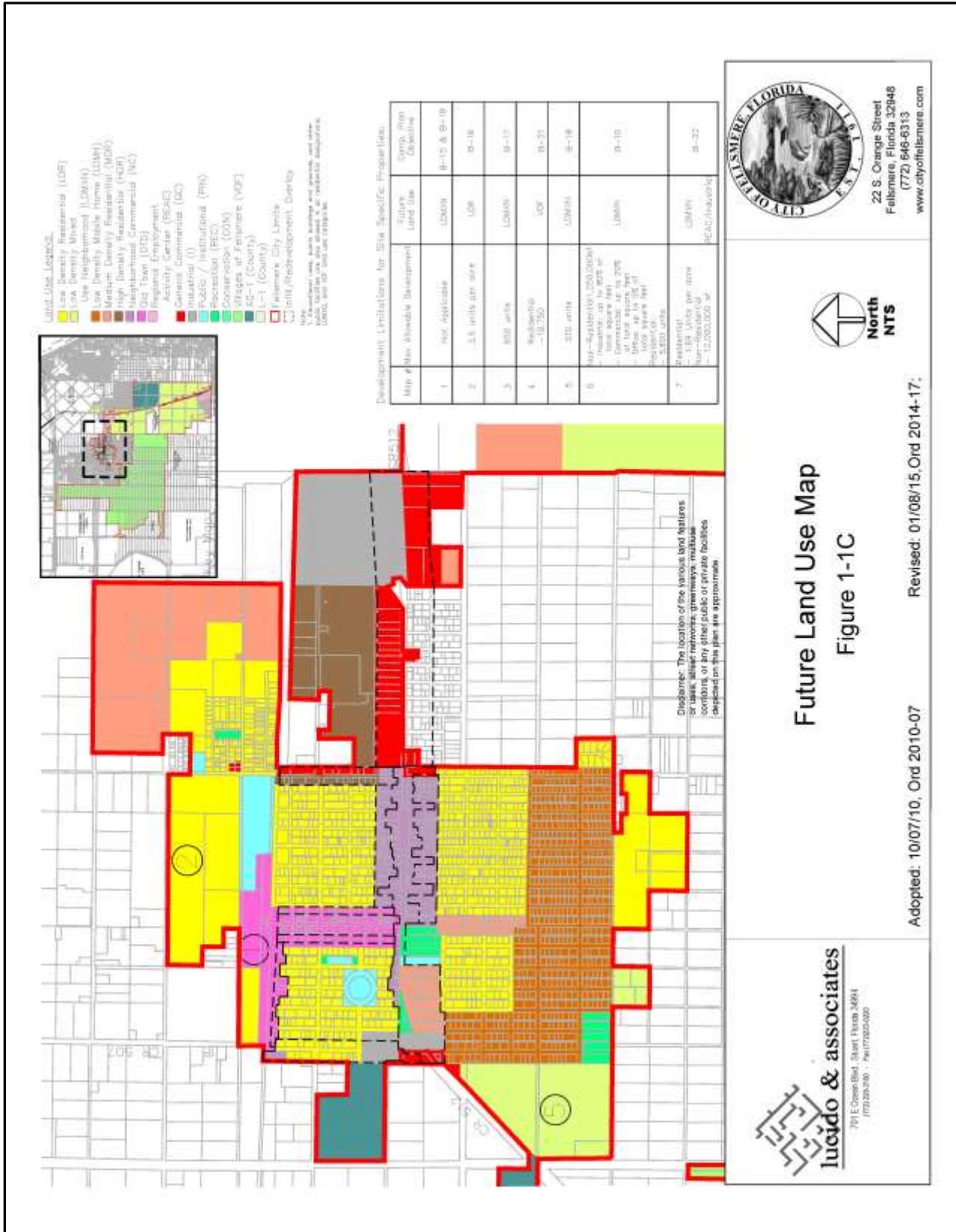


Exhibit 8

Proposed Text Changes to Future Land Use Element – Guide

CITY OF FELLSMERE CPA#15-2

GUIDE TO PROPOSED CHANGES TO CHAPTER 1: FUTURE LAND USE ELEMENT

NEW (PROPOSED) NUMBERING

GOAL FLUE A: LAND USE – revised slightly.

OBJECTIVE FLUE A-1: PLAN AND DESIGN FOR QUALITY - revised slightly.

Policy FLUE A-1.1 – unchanged.

Policy FLUE A-1.2 – unchanged.

Policy FLUE A-1.3 – unchanged.

Policy FLUE A-1.4 – unchanged.

Policy FLUE A-1.5 – new policy is renumbered Policy FLUE A-2.2 unchanged.

Policy FLUE A-1.6 – relocated Policy FLUE B-19.6 unchanged.

OBJECTIVE FLUE A-2 – revised - relocated part of OBJ. FLUE B-1 renumbered as OBJ. FLUE A-2. old OBJ. FLUE A-2 combined into Policy FLUE A-2.2 - unchanged

Policy FLUE A-2.1 –relocated part of OBJ. FLUE B-1 as new Policy FLUE A-2.1 and revised.

Policy FLUE A-2.2 –relocated OBJ. FLUE A-2 as new Policy FLUE A-2.2 and Policy FLUE A-2.1, both unchanged.

Policy FLUE A-2.3 – new policy is renumbered OBJ. FLUE B-2 slightly revised.

Policy FLUE A-2.4 – new policy is renumbered Policy FLUE B-1.2 slightly revised.

Policy FLUE A-2.5 – new policy is renumbered Policy FLUE B-2.1 slightly revised.

Policy FLUE A-2.6 – new policy is renumbered Policy FLUE B-2.2 slightly revised.

Policy FLUE A-2.7 – new policy is renumbered Policy FLUE B-2.3 slightly revised.

Policy FLUE A-2.8 – new policy is renumbered Policy FLUE B-2.4 slightly revised.

Policy FLUE A-2.9 – new policy is renumbered Policy FLUE B-2.5 slightly revised.

Policy FLUE A-2.10 – new policy is renumbered Policy FLUE B-2.6 slightly revised.

Policy FLUE A-2.10.1 – new policy is renumbered Policy FLUE B-2.6.1 slightly revised.

Policy FLUE A-2.10.2 – new policy is renumbered Policy FLUE B-2.6.2 slightly revised.

Policy FLUE A-2.10.3 – new policy is renumbered Policy FLUE B-2.6.3 slightly revised.

Policy FLUE A-2.10.4 – new policy is renumbered Policy FLUE A-4.1.4 slightly revised.

Policy FLUE A-2.10.5 – new policy is renumbered Policy FLUE B-2.6.4 slightly revised.

Policy FLUE A-2.10.6 – new policy is renumbered Policy FLUE B-2.6.5 slightly revised.

OBJECTIVE FLUE A-3 – slightly revised.

Policy FLUE A-3.1 – new policy to implement form based codes. This policy also incorporates portions of Policies FLUE A-4.1.1, A-7.1, A-7.2, B-3.1, C-3.3.

Policy FLUE A-3.2 – new policy to implement form based codes.

Policy FLUE A-3.3 – new policy to implement form based codes.

Policy FLUE A-3.4 – new policy to implement form based codes. This policy also incorporates portions of Policies FLUE A-4.1.1, A-7.1, A-7.2, B-3.1, C-3.3.

Policy FLUE A-3.5 – new policy to implement form based codes. This policy also incorporates portions of OBJ. FLUE B-19 AND Policy FLUE B-3.1.

Policy FLUE A-3.6 – new policy is renumbered OBJ. FLUE B-19 slightly revised.

OBJECTIVE FLUE A-4 – revised by merging OBJ. FLUE A-4 and OBJ. FLUE B-3 with changes.

Policy FLUE A-4.1 –relocated Policy FLUE A-4.2 unchanged.

Policy FLUE A-4.2 –relocated Policy FLUE A-4.3 unchanged.

Policy FLUE A-4.3 –relocated Policy FLUE A-4.4 unchanged.

Policy FLUE A-4.4 –relocated Policy FLUE B-3.3 unchanged and broke into sub-policies below.

Policy FLUE A-4.4.1 –relocated Policy FLUE B-3.3 unchanged.

Policy FLUE A-4.4.2 –relocated Policy FLUE B-3.3 slightly revised.

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GUIDE TO PROPOSED CHANGES TO CHAPTER 1: FUTURE LAND USE ELEMENT

NEW (PROPOSED) NUMBERING

Policy FLUE A-4.4.3 –relocated Policy FLUE B-3-3 unchanged.
Policy FLUE A-4.5 –relocated Policy FLUE B-3-2 slightly revised and broke into sub-policies below.
Policy FLUE A-4.5.1 –relocated Policy FLUE B-3-2 unchanged.
Policy FLUE A-4.5.2 –relocated Policy FLUE B-3-2 slightly revised.
Policy FLUE A-4.5.3 –relocated Policy FLUE B-3-2.5 and part of FLUE B-3.2 unchanged.
Policy FLUE A-4.6 –relocated OBJ. FLUE B-4 slightly revised and broke into sub-policies below.
Policy FLUE A-4.6.1 –relocated Policy FLUE B-4.6 slightly revised.
Policy FLUE A-4.6.2 –relocated Policy FLUE A-4.1.3 slightly revised.
Policy FLUE A-4.6.3 –relocated Policy FLUE A-4.1.3 unchanged.
Policy FLUE A-4.6.4 –relocated Policy FLUE B-4.5 slightly revised.
Policy FLUE A-4.6.5 –relocated Policy FLUE B-4.4 unchanged.
Policy FLUE A-4.6.6 –relocated Policy FLUE B-4.8 unchanged.
Policy FLUE A-4.7 –relocated OBJ. FLUE B-5 slightly revised and broke into sub-policies below.
Policy FLUE A-4.7.1 –relocated Policy FLUE B-5.1 slightly revised and FLUE B-3.2.4 unchanged.
Policy FLUE A-4.7.2 –relocated Policy FLUE B-5.1 slightly revised.
Policy FLUE A-4.7.3 –relocated Policy FLUE B-5.1 & 5.1.2 slightly revised.
Policy FLUE A-4.7.4 –relocated Policy FLUE A-5.1 slightly revised.
Policy FLUE A-4.7.5 –relocated Policy FLUE A-5.2 slightly revised.
Policy FLUE A-4.7.6 –relocated Policy FLUE A-5.3 unchanged.
Policy FLUE A-4.7.7 –relocated Policy FLUE A-5.4 unchanged.

OBJECTIVE FLUE A-5 – relocated OBJ. FLUE A-6 slightly revised.

Policy FLUE A-5.1 – relocated OBJ. FLUE B-6 as new policy slightly revised
Policy FLUE A-5.1.2 – relocated Policy FLUE B-6.1 unchanged
Policy FLUE A-5.1.3 – relocated Policy FLUE A-6.1 slightly revised.
Policy FLUE A-5.1.4 – relocated Policy FLUE A-6.1 unchanged.
Policy FLUE A-5.1.5 – relocated Policy FLUE A-6.2 unchanged.
Policy FLUE A-5.1.6 – relocated Policy FLUE A-6.4 unchanged.
Policy FLUE A-5.1.7 – relocated Policy FLUE B-9.1 unchanged.
Policy FLUE A-5.1.8 – relocated OBJ. FLUE AB-9 as new policy unchanged.

OBJECTIVE FLUE A-6 – relocated OBJ. FLUE B-8 unchanged.

Policy FLUE A-6.1 – relocated Policy FLUE B-8.1 unchanged and relocated Policy FLUE B-7.1 slightly revised.
Policy FLUE A-6.2 – relocated Policy FLUE B-8.2 unchanged and relocated Policy FLUE B-7.2 unchanged.
Policy FLUE A-6.3 – and relocated Policy FLUE B-7.1

OBJECTIVE FLUE A-7 – relocated OBJ. FLUE B-13 slightly revised.

Policy FLUE A-7.0 – relocated OBJ. FLUE B-13 unchanged.
Policy FLUE A-7.1 – relocated OBJ. FLUE B-14 unchanged.
Policy FLUE A-7.2 – relocated Policy FLUE B-4.7 unchanged.
Policy FLUE A-7.3 – relocated Policy FLUE B-3.2.6 unchanged
Policy FLUE A-7.4 – relocated Policy FLUE B-3.2.7 slightly revised.
Policy FLUE A-7.5 – relocated Policy FLUE B-3.2.8 unchanged
Policy FLUE A-7.6 – relocated Policy FLUE B-3.2.2 unchanged.
Policy FLUE A-7.7 – relocated Policy FLUE B-3.2.3 unchanged.
Policy FLUE A-7.8 – relocated part of Policy FLUE B-3.3 unchanged.
Policy FLUE A-7.9 – relocated part of Policy FLUE B-3.3 unchanged.

CITY OF FELLSMERE CPA#15-2

GUIDE TO PROPOSED CHANGES TO CHAPTER 1: FUTURE LAND USE ELEMENT

NEW (PROPOSED) NUMBERING

Policy FLUE A-7.10 – relocated Policy FLUE A-6.3 unchanged.
Policy FLUE A-7.11 – relocated Policy FLUE C-7.3 unchanged.
Policy FLUE A-7.12 – relocated Policy FLUE C-7.4 unchanged.
Policy FLUE A-7.13 – relocated OBJ. FLUE C-7 slightly revised.

OBJECTIVE FLUE A-8 – relocated OBJ. FLUE B-20 unchanged.

Policy FLUE A-8.1 – relocated Policy FLUE B-20.1 unchanged.
Policy FLUE A-8.2 – relocated Policy FLUE B-20.2 unchanged.
Policy FLUE A-8.3 – relocated Policy FLUE B-20.3 unchanged.
Policy FLUE A-8.4 – relocated Policy FLUE B-20.4 unchanged.
Policy FLUE A-8.5 – relocated Policy FLUE B-20.5 unchanged.
Policy FLUE A-8.6 – relocated Policy FLUE B-20.6 unchanged.
Policy FLUE A-8.7 – relocated Policy FLUE B-20.7 unchanged.
Policy FLUE A-8.8 – relocated Policy FLUE A-11 unchanged.

OBJECTIVE FLUE A-9 – relocated OBJ. FLUE A-8 unchanged.

Policy FLUE A-9.1 – relocated Policy FLUE A-8.1 unchanged.
Policy FLUE A-9.2 – relocated Policy FLUE A-9.3 unchanged.

OBJECTIVE FLUE A-10 – relocated OBJ. FLUE A-9 unchanged.

OBJECTIVE FLUE A-11 - relocated OBJ. FLUE B-12 slightly revised.

GOAL B – retitled and reworded to accommodate site specific Comp Plan policies only.

EDITOR'S NOTE: EXCEPT AS OTHERWISE NOTED HEREIN AND WITHIN THE SUPPORTING GUIDE TO PROPOSED CHANGES, EXISTING OBJECTIVES AND SUPPORTING POLICIES ARE SIMPLY RENUMBERED.

GOAL FLUE C – no change.

OBJECTIVE FLUE C-1 - relocated OBJ. FLUE C-8 revised.

Policy FLUE C-1.1: relocated OBJ. FLUE A-10 slightly revised.
Policy FLUE C-1.2 - relocated Policy FLUE A-10.1 unchanged.
Policy FLUE C-1.3 - relocated Policy FLUE A-10.2 unchanged.
Policy FLUE C-1.4 - relocated Policy FLUE A-10.3 unchanged.
Policy FLUE C-1.5 - relocated Policy FLUE A-10.4 unchanged.

OBJECTIVE FLUE C-2 – no change.

Policy FLUE C-2.1 – no change.
Policy FLUE C-2.2 - renumbered Policy FLUE C-2.1.2 unchanged.
Policy FLUE C-2.3 - relocated Policy FLUE C-2.2 slightly revised.
Policy FLUE C-2.4 - relocated Policy FLUE C-2.3 unchanged.

OBJECTIVE FLUE C-3 – no change.

Policy FLUE C-3.1 - relocated Policy FLUE C-3.2 unchanged.
Policy FLUE C-3.2 - relocated Policy FLUE C-3.4 unchanged.
Policy FLUE C-3.3 - relocated Policy FLUE C-3.6 unchanged.

CITY OF FELLOSMERE CPA#15-2

GUIDE TO PROPOSED CHANGES TO CHAPTER 1: FUTURE LAND USE ELEMENT

NEW (PROPOSED) NUMBERING

Policy FLUE C-3.4 - relocated FLUE Policy C-3.7 unchanged.

OBJECTIVE FLUE C-4 - no change.

Policy FLUE C-4.1 - no change.

Policy FLUE C-4.2 - no change.

Policy FLUE C-4.3 - relocated Policy FLUE C-3.1 unchanged.

OBJECTIVE FLUE C-5 - slightly revised.

Policy FLUE C-5.1 - slightly revised.

Policy FLUE C-5.2 - slightly revised.

Policy FLUE C-5.3 – relocated part of OBJ. FLUE C-5 slightly revised

Policy FLUE C-5.4 – relocated part of OBJ. FLUE C-5 slightly revised

Exhibit 9

Proposed Text Changes to Transportation Element

5.19.16

CHANGES TO CHAPTER 2: TRANSPORTATION ELEMENT

Policy Tran A-1.1: Maintain Minimum Level of Service Standards (LOS). The City shall maintain the minimum LOS standards for arterials, collectors and significant local streets as set forth in Table 2-1. The City must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System.

Table 2-1: FACILITY/LOS STANDARDS

ROADWAY FACILITY	MINIMUM LOS STANDARD PEAK HOUR
State Highways/SIS and TRIP Facilities	
I-95 and CR 512 from I-95 to CR 510	C
County Arterials	
CR 512	D
County Collectors	
CR 507 (North Broadway St. and South Carolina Ave, west of Broadway St.)	D
North and South Willow Street	C
City Collectors	
Cleander Street	E
South Carolina Avenue (east of Broadway St.)	E
South Broadway Street	E
N. Myrtle to CR 507 (Truck Route)	E
Significant Local Streets	
New York Ave.	E
Massachusetts Avenue	E
Local All roads not classified as arterials, collectors, or significant local streets shown on the Major Thoroughfare Plan.	E

Developments located within Infill/Redevelopment Overlays as defined in the Future Land Use Element shall be exempt from Transportation Concurrency.

Policy Tran A-6.4: Form-based Code. The city shall maintain form based codes along prime commercial corridors in the historic portion of Fellsmere. By February 2012, the City of Fellsmere shall have completed a study of the merits of implementing a form based code and necessary amendments to the Comprehensive Plan as a means to integrate land use and transportation.

TRAN 2-1

CHANGES TO CHAPTER 2: TRANSPORTATION ELEMENT

TABLE 2-2
ANTICIPATED ROADWAY IMPROVEMENTS

ROADWAY/LINK	IMPROVEMENT	SOURCE	TIMEFRAME	COST
CR-512, locations from SR-60 to I-95	ROW Acquisition from 80 to 200 ft.	County	Ongoing	TBD
CR-512 east of Pine Grove to city limits	4-laned, divided,	Developer	2009-2011	TBD
CR-512 east of Pine Grove by 2013 (the county work program calls for 6-laning in 2016)	6-laned, divided,	Developer/County	2013-16	TBD
CR-512 west of Pine Grove	4-laned, divided	Developer/County	2011	TBD
CR-512 East of I-95	4-lane divided	Developer/County	2010	TBD
CR-507/Broadway	Intersection improvements/lane modifications/turning movements	Developer/County/	2010	TBD
Improvements to Willow at 99 th and 101 st	Intersection improvements/lane improvement	Developer/County	2010	TBD
Broadway and CR-512 Intersection	Traffic Signalization/lane modifications	Developer/County/	2008	TBD
SIS/TRIP Facilities I-95, CR-512 from I-95 to CR 510	Traffic Signalization/lane modifications/additional lanes	FDOT/Indian River County (complete)	2007-2009	TBD

Source—Indian River County Transportation Element, MPO Transportation Improvement Program 2006; Pine Grove Development Traffic Impact Statement, September, 2003, Updated February 2007.

TRAN 2-2

Exhibit 10

Proposed Text Changes to Public Facilities Element

5.19.16

CHANGES TO CHAPTER 4: PUBLIC FACILITIES ELEMENT

Policy PF A-1.2: Level of Service Standards. The following level of service standards are hereby adopted and the concurrency standards shall also be included in amended land development regulations which shall be used as the basis for determining the availability of facility capacity and the demand generated by a development:

Potable Water Systems

LOS Standard

Residential Uses	250-200 gpd per equivalent residential unit
Commercial/Industrial Uses	2,500 gal per acre ¹ per day
Nonresidential buildings	0.15 gal. per day per square foot (2)

(1) Equivalent to twenty-five (25) persons per acre.
Note: gpcpd represents "gallons per capita per day."

Sanitary Sewer Systems

LOS Standard

Residential Uses	250-200 gpd per equivalent residential unit
Commercial/Industrial Uses	2,500 gal per acre ¹ per day
Non-Residential Buildings	0.15 gallons per day per square foot (2)

(1) Equivalent to twenty-five (25) persons per acre.
Note: gpcpd represents "gallons per capita per day."

Solid Waste: Years 2000-2035: 6.5 pounds per capita per day.

Drainage: ~~Current LOS standards in the City are sufficient to effectively manage stormwater within the existing infill areas and future development.~~ The Level of Service (LOS) requirements are as follows:

1. For projects located in the Old Town District, the LOS standards shall be as required by Section 62-330.055, Florida Administrative Code for Urban Infill or Redevelopment authorized by Section 373.4131(1)(b), Florida Statutes.
2. For projects located outside the Fellsmere Water Control District (FWCD) or the Vero Lakes Water Control District (VLWCD) and subject to permitting requirements of the St. Johns River Water Management District (SJRWMD) or the Florida Department of Environmental Protection (FDEP), the LOS standard shall be that required by the SJRWMD or FDEP, as applicable.
3. For projects located within the Fellsmere Water Control District or the Vero Lakes Water Control District, the LOS standard shall also require a stormwater discharge limitation of 2 inches/24 hours for a 25 year – 24 hour storm event over the first 72 hours during and after the 24 hour storm event.
4. For projects located outside the Fellsmere Water Control District or the Vero Lakes Water Control District and not subject to permitting requirements of either SJRWMD or FDEP, as applicable, the LOS standards shall be as follows:
 - ~~1-a~~ Water Quality. ~~Retention-Detention~~ of first inch of runoff.
 - ~~2-b~~ Water Quantity. Post development peak rate of discharge must not exceed the pre-development peak rate of discharge for the 25-year frequency, 24-hour duration storm event for water quantity.

~~The City of Fellsmere shall not be required to maintain the additional LOS standard related to projects within the FWCD or VLWCD for paving existing dirt roads or expanding existing roads.~~

~~OBJECTIVE PF A-2: MAINTAINING A SCHEDULE OF PUBLIC FACILITY CAPITAL IMPROVEMENT NEEDS.~~ ~~The City shall develop and maintain a 5-year schedule of capital improvements for public facilities and shall annually update the schedule as stipulated in the Capital Improvements Element. During the~~

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~~process of programming and budgeting for capital outlays, the City shall be resourceful in investigating new ways to finance public facilities and services.~~

~~**Policy PF A-2.1: Capital Improvement Schedule.** The City Council, after considering the recommendations of City staff, shall annually evaluate and approve capital improvement projects proposed for inclusion in the 5-year schedule of capital improvements.~~

~~**Policy PF A-2.2: Public Facility Evaluation Criteria.** Proposed capital improvement projects shall be evaluated and ranked according to the following priority level guidelines:~~

- ~~1. "Level 1": Whether the project is financially feasible and is needed to:

 - ~~a. Protect public health and safety.~~
 - ~~b. Fulfill the City's legal commitment to provide facilities and services.~~
 - ~~c. Preserve or achieve full use of existing facilities.~~
 - ~~d. Maintain compliance with plans of state agencies, FWCD, VLWCD, or the St. Johns River Water Management District that provide public facilities within the City of Fellsmere.~~~~
- ~~2. "Level 2": Whether the project accomplishes the following:

 - ~~a. Increases efficiency of existing facilities.~~
 - ~~b. Prevents or reduces future improvement costs.~~
 - ~~c. Provides service to developed areas lacking full service or promotes in-fill development or redevelopment.~~~~
- ~~3. "Level 3": Whether the project Represents a logical extension of facilities and services for new development in a manner consistent with Future Land Use Element goals, objectives and policies, including the Future Land Use Map.~~

~~EDITORS NOTE: OBJECTIVE AND SUPPORTING POLICIES DUPLICATIVE TO CIE.~~

Policy PF A-3.1: Use of On-site Wastewater Treatment Systems. Use of on-site wastewater treatment systems shall be limited to the following conditions:

- a. Existing septic tanks may remain in service until such time as centralized wastewater service is made available.
- b. Use of septic tank systems for new development shall be restricted to sites on which the Indian River County Public Health Unit renders a finding that the site and facility design is in compliance with State and local regulations governing the same.
- c. New development shall be required to connect with the central wastewater system, if available, pursuant to the standards established by the City of Fellsmere and consistent with [Policy 4-1-1-8](#) [this Plan](#).

OBJECTIVE PF B-2: PROVISION OF SOLID WASTE MANAGEMENT SERVICES. The City has not identified any existing solid waste deficiencies. The City shall annually coordinate with Indian River County Utilities Department and the Solid Waste Disposal District ~~Board~~ regarding available capacity ~~ies~~ for solid waste disposal at local transfer stations and the County landfill, as well as for recycling programs. Annually, the City shall evaluate whether central solid waste collection services should be implemented.

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Policy PF B-2.2: Solid Waste Projects. The City shall continue to coordinate with Indian River County Utilities Department and the County's Solid Waste Disposal District ~~Board~~ (SWDD) regarding solid waste management and recycling programs. In addition, the City will coordinate with the County to maintain the hazardous waste collection and disposal services provided at the solid waste transfer station. The City shall cooperate with the SWDD in order to address countywide approaches for achieving access to resource recovery facilities or other alternatives to conventional landfill operations. Other specific coordination issues which shall be addressed include:

1. Management strategies for implementing recycling efforts;
2. Curbing illegal dumping of solid waste as well as disposal activities that adversely impact natural systems;
3. Developing improved information dissemination regarding hazardous waste generators;
4. Improving management of the collection and disposal of hazardous waste.

OBJECTIVE PF B-3: PROVISION OF POTABLE WATER. Currently, there are no potable water deficiencies in Fellsmere. The City shall own, operate and maintain a potable water system to serve existing and new development at level of service standards adopted or provided otherwise herein. The City shall continue its agreement with Indian River County to provide emergency back-up capacities and service to specific areas of the City as may be negotiated.

Policy PF B-3.4: Aquifer Withdrawal. The City of Fellsmere shall utilize the surficial aquifer water supply source to meet and achieve the existing and projected water use demand for the established planning period, consistent with the consumptive use permit authorized by the St. Johns River Water Management District and considering the applicable plan developed pursuant to section 373.0361, F.S. The City shall monitor average daily volumes pumped from the surficial aquifer for consistency with authorized volumes approved by the St. Johns River Water Management District. The City shall continue coordination with the SJRWMD regarding programs to conserve water and to protect groundwater quality. As additional water supplies are required during the planning period, the City shall coordinate with Indian River County to serve specific areas of the City as may be negotiated~~the Pine Grove property and other lands south of CR 512 and east of 195 through the Floridan Aquifer.~~ The Villages of Fellsmere shall identify water supply sources at time of application for a Development of Regional Impact or initial residential planned development and may include application for one or a combination of surficial aquifer, Floridan Aquifer, or surface waters as an alternative water supply.

Policy PF B-4.2: Vero Lakes Water Control District ~~Currently, the VLWCD is an established district but has no continuing administration. By December 2011, the City shall coordinate with the SJRWMD and Indian River County to determine if this VLWCD warrants continuation.~~ For the Pine Grove Estates property and other properties within the VLWCD, a stormwater master plan shall be prepared in conjunction with development applications ~~for the Pine Grove Estates and/or other large properties on the east side of the City. The This Eastside~~ Stormwater Master Plan shall identify improvements necessary to maintain adopted level of service standards for lands within the VLWCD and adjacent lands as noted herein and, if determined necessary by the City, adjacent lands within the FWCD.

Major improvements ~~identified in the Eastside Stormwater Management Master Plan~~ shall be included within the City's Five-Year Schedule of Capital Improvements if they involve expenditure of public funds, development related improvements that the City required to be bonded, or are set forth within a development agreement.

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~~**Policy PF-B-4.4: Compliance with Capital Improvements Element.** All major public facility projects shall be undertaken in accordance with the schedule provided in the Capital Improvements Element of this plan and/or subsequent amendments.~~

~~**Policy PF-B-4.5: Priority for Correcting Existing Deficiencies.** While no deficiencies currently exist, as time goes by during the planning period, in developing the annual schedule of capital improvement projects (CIP), the City shall assign highest priority to those projects required for purposes of correcting existing deficiencies. For stormwater facilities, the City will coordinate with the FWCD to identify potential projects and funding sources that may be jointly sought to increase water quality discharge from the public stormwater system.~~

~~**Policy PF-B-4.6: Existing Deficiencies Shall Not Be Increased by New Development.** The City shall issue no development order for new development, which would result in increased demand on deficient facilities. The necessary improvements shall be constructed prior to the issuance of development orders. The City shall include requirements for adequate facilities as part of the updated Land Development Code. These requirements shall mandate that future applications for development include a written evaluation of the impact of the anticipated development on the levels of services for all public facilities.~~

~~The latest point for determining whether public facilities shall be available concurrent with the impacts of development shall be prior to the issuance of a development order or permit which contains a specific plan for development, including the densities and intensities of use. Prior to issuing such development order or permits, the City shall render a finding that the applicant has provided written assurance that the proposed development shall be served with the necessary public facilities with a level of service at least equal to that level of service stipulated in Policy 4-1-1.2. Development applications shall include written assurances that any required improvements shall be in place concurrent with the impacts of the development (i.e., by the time the City grants a certificate of occupancy).~~

~~EDITOR'S NOTE: POLICIES ARE DUPLICATIVE WITH THE CIE.~~

OBJECTIVE PF C-1: PROTECT NATURAL DRAINAGE FEATURES. The City shall continue to implement ~~and enhance (where necessary within one year after adoption of the Plan) its~~ land development regulations to protect natural drainage features so that future development utilizes stormwater management systems consistent with the level of service criteria of this Plan, the Fellemere Water Control District (FWCD), Florida Department of Environmental Protection (FDEP), the Vero Lakes Water Control District (VLWCD) and SJRWMD. The Pine Groves Development is in the VLWCD. At a minimum the regulations shall include the following:

1. Establish a coordination mechanism with both the FWCD and VLWCD for discharge of stormwater into systems owned by either the FWCD or VLWCD~~the management and storage of stormwater within their jurisdiction;~~
2. Existing stormwater engineering, design and construction standards for on-site systems should be evaluated and amended as needed;
3. Existing standards for erosion and sediment controls should be evaluated and amended, if necessary; and
4. Periodic inspection of on-site systems by developers shall be required by the City to ensure continuance of system design and maintenance.
5. The City's Land Development Code shall be amended to ensure that a positive outfall exists for all stormwater facilities proposing to discharge stormwater flows off-site.

Exhibit 11

Proposed Text Changes to Conservation Element

5.19.16

CHANGES TO CHAPTER 5: CONSERVATION ELEMENT

Policy CON A-2.1: Water Quality, Surface Water Management, and Land Use. Land development regulations shall incorporate the following performance standards in order to protect the quality of the City's water resources, reduce point and non-point sources of pollution, protect well-fields and other water sources, and to conform to policies of the DEP, and SJRWMD:

~~4. Water Quality. Surface water management systems shall be designed and constructed to retain or detain run-off per the following standards:~~

~~a. New Development. Post-development peak rate of discharge must not exceed the pre-development peak rate of discharge for the 25-year frequency, 24-hour duration storm event for water quantity.~~

~~b. Existing and Infill Development. Attenuation of the 2-year frequency, 5-year, 24-hour event by the year 2000 and the 10-year, 24-hour storm event by the year 2010.~~

21. Water Quality. The City shall establish and maintain land development regulations and management programs aimed at increasing the protection or enhancement of surface water quality by addressing point and non-point pollution through enhanced storm water treatment. ~~Stormwater facilities shall be designed to meet the following design and performance standards for new, existing, and infill development. Retention of first inch of runoff.~~

Exhibit 12

Proposed Text Changes to Intergovernmental Coordination Element

5.19.16

CHANGES TO CHAPTER 7: INTERGOVERNMENTAL COORDINATION ELEMENT

OBJECTIVE ICE A-1: INTERGOVERNMENTAL COORDINATION ACTIVITIES. The City shall continue to improve coordination activities with:

- 1) Government agencies having planning and impact assessment duties affecting the City;
- 2) Local government agencies and units providing services, but not having regulatory authority over the use of land;
- 3) Fellsmere Water Control District;
- 4) Vero Lakes Water Control District;
- 5) Sebastian River Improvement District;
- 6) Indian River County School Board, and
- 7) Comprehensive Plans of Indian River County, Sebastian, Vero Beach, and other local governments.

POLICY ICE A.1.9: Coordination with Water Control Districts. The City shall coordinate with the Fellsmere Water Control District, Vero Lakes Water Control District and the Sebastian River Improvement District in the review of matters surrounding preservation of the Indian River Lagoon, water quality, and other development issues impacting stormwater management. Any rules, policies or restrictions adopted by the Fellsmere Water Control District, the Vero Lakes Water Control District and the Sebastian River Improvement District regulating drainage of lands located within the boundaries of the City to works or improvements owned and controlled by said districts shall be consistent with and not stricter than any ordinance, rule or policy adopted by the City.

Policy ICE A-2.9: Cooperative Freshwater Habitat Planning & Management. The City shall protect freshwater habitats necessary for the continued ecological stability of water dependent wildlife through coordination with the Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, and other governmental agencies as appropriate. The City shall coordinate with the State, the St. Johns River Water Management District, the Treasure Coast Regional Planning Council, Indian River County, state agencies, and other agencies concerned with managing natural resources. Such intergovernmental coordinating activities shall be directed toward protecting the values and functions of respective natural systems. EDITOR'S NOTE: ADDITION FORMERLY POLICY FLUE C-6.2

Policy ICE A-2.10: Coordination and Collaboration with Indian River County. The City will continue to cooperate with Indian River County to accomplish mutually beneficial land use goals and decisions, but final decisions shall vest solely with the City.

Policy ICE A-2.11: Collaboration With Other Agencies. The City will cooperate with other governmental entities, such as SJRWMD, to ensure that contiguous areas are developed in ways that preserve the environment, limit sprawl and provide sound community transitions. EDITOR'S NOTE: FORMERLY POLICY FLUE A-10.2

Policy ICE A-2.12: Provisions for pre-annexation agreements. There may arise situations where the City determines that a proposed project located within Indian River County's urban service area but is not contiguous to the City will be beneficial to the community's future, is consistent with the goals, objectives and policies of the plan, and will promote economic development. In such cases, the City may choose to provide services to a non-contiguous property through a pre-annexation development agreement until such time as the property becomes contiguous and can be annexed. EDITOR'S NOTE: FORMERLY POLICY FLUE A-10.4

ICE 10-1

CHANGES TO CHAPTER 7: INTERGOVERNMENTAL COORDINATION ELEMENT

Policy ICE A-4.8. - School Capacity. The City shall work cooperatively with adjacent municipalities, Indian River County, the Indian River County School Board and other agencies involved in school facility planning, location, expansion, and capacity to assure that schools are capable of accepting new students from approved development.
 EDITOR'S NOTE: FORMERLY POLICY FLUE B-9.3

Policy ICE A-5.2: Management of Water Quality and Other Resource Management Issues Impacting the City of Fellsmere. In order to effectively manage the impacts of development on natural resources and adjacent to conservation areas, the City shall coordinate with the SJRWMD in using the resources of their programs. The City will also coordinate issues impacting stormwater management with Fellsmere Water Control District and Vero Lakes Water Control Districts. ~~(No staff or board currently exists for the VLWCD.)~~ and the Sebastian River Improvement District. However, any rules, policies or restrictions adopted by the Fellsmere Water Control District, the Vero Lakes Water Control District and the Sebastian River Improvement District regulating drainage of lands located within the boundaries of the City to works or improvements owned and controlled by said districts shall be consistent with and not stricter than any ordinance, rule or policy adopted by the City.

Exhibit 13

Proposed Text Changes to Appendix 8A: Concurrency Management

5.19.16

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

This appendix is hereby referenced as the City of Fellsmere Concurrency Management System (hereafter CMS).

SECTION 1: PURPOSE AND INTENT

Concurrency is a finding that public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of the development. The CMS is intended to provide a systematic process for the review and evaluation of all proposed development for its impact on concurrency facilities and services (as defined in Section 3), as required by the Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Part II, FS- and Rule 9J-5.0055, Florida Administrative Code.

Facilities in Fellsmere that are subject to these regulations include:

- Potable Water
- Recreation
- Sanitary Sewer
- Solid Waste
- Drainage
- Roads*
- Public Schools

*Development within Infill/Redevelopment Overlay Zones as defined within the Future Land Use Element are exempt from transportation concurrency.

The purpose of the CMS is to ensure that development orders and permits are conditioned on the availability of concurrency facilities and services to meet adopted level of service requirements identified in this Elementthe City of Fellsmere's Comprehensive Plan. The CMS is also intended to describe the requirements and procedures for determining consistency of proposed development with the City of Fellsmere's Comprehensive Plan.

For purposes of implementing School Concurrency, the governing document shall be the adopted Interlocal Agreement for School Concurrency entered into by the City of Fellsmere, Indian River County, Indian River County School District, Sebastian, Vero Beach, Town of Orchid and Indian River Shores. Where there is a conflict between this appendix and the Interlocal Agreement, the Interlocal Agreement shall prevail.

SECTION 3: DEFINITION OF CONCURRENCY MANAGEMENT TERMS

The following definitions shall apply to concurrency management rules and regulations:

Appeal: A request for a review of an administrative interpretation of any provision of this Policy, or a review of a decision made by any administrative official or board or commission.

Building Permit: For purposes of the CMS, a permit which authorizes the construction of a new building, or the expansion of floor area, or the increase in the number of dwelling units contained in an existing building, or change in use shall qualify as a building permit.

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CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

Capacity: Refers to the availability of a public service or facility to accommodate users, expressed in an appropriate unit of measure, such as gallons per day or average daily trips.

Capacity, Available: Capacity which can be reserved or committed to future users for a specific public facility.

Capacity, Committed: The amount of capacity which has been committed to accommodate existing developments, developments which have been issued a final development order, and vested developments.

Capacity, Reserved: Capacity which has been removed from the available capacity pool and allocated to a particular property for a set period of time.

Certificate of Occupancy: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

Concurrency Certificate: An authorization to reserve capacity for concurrency facilities.

Concurrency Certificate, Conditional: A conditional authorization to reserve capacity in concurrency facilities demanded for a particular development order.

Concurrency Facilities: Public facilities and services for which a level of service must be met concurrent with the impacts of development or by an acceptable deadline, as mandated in the Comprehensive Plan pursuant to Chapter 163, ~~FS, and 9J 5.0055, Florida Administrative Codes~~, shall include:

- ❖ Potable Water
- ❖ Recreation
- ❖ Sanitary Sewer
- ❖ Solid Waste
- ❖ Drainage
- ❖ Roads
- ❖ Public Schools

Concurrency Management Monitoring System: The data collection, processing and analysis performed by the City to determine available capacity for concurrency facilities. Data utilized shall be the most current reliable information available to the City.

Concurrency Management System: The procedure and process that the City uses to ensure that no development order or building permit is issued by the City unless the necessary concurrency facilities are available or are assured to be available consistent with the City of Fellsmere Comprehensive Plan. The procedure and process is also intended to ensure that sufficient capacity for concurrency facilities is available to meet and maintain adopted levels of service. As part of the concurrency management system the City shall operate and maintain a concurrency management monitoring system.

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

Concurrency Review: Evaluation by the City based on adopted level of service standards to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development as defined in the CMS and if such facilities are not available, that the developer of a proposed development bear the cost of providing public services and facilities at the level of service defined by this Comprehensive Plan and concurrent with the impacts of the proposed development.

Concurrency Status Report: A status report prepared by the City identifying available concurrency facility capacity. The status report shall be produced, modified and adjusted from time-to-time as a result of the reservation of capacity or other act which alters the availability of concurrency facility capacity.

Design Capacity: The rating or ability of a facility to meet the demands upon a concurrency facility.

Developer's Agreement: An agreement between the City and another party associated with the development of land.

Development Order: Any order or permit granting, denying or granting with conditions an application for a preliminary development order, a final development order, a development permit or any other official action of the City having the effect of permitting the development of land, or as defined within the Florida Statutes, Chapter 163.

Development Order, Final: This shall mean the last discretionary act of the City before development can commence. The last discretionary act shall occur through an act of official authorization and with recorded documentation from the City of Fellsmere thereby approving the final development plans for a proposed development project. The issuance of a final development order after the effective date of the ordinance adopting the Comprehensive Plan shall only occur if the final development plan complies with the goals, objectives, and policies established in the Comprehensive Plan.

Final development orders shall include the City's final approval of the following, as applicable:

- Certificate of Completion;
- Construction permit;
- Building permit;
- Developments of Regional Impact (DRI) approval; and
- Site plan approval.

Level of Service: An indicator of the operational efficiency of service provided by a concurrency facility.

Level of Service Standard: The adopted volume of demand required for each concurrency facility in order to achieve acceptable operational efficiency.

Pool, Available Capacity: The total unused capacity of concurrency facilities existing at any point in time.

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

"Proceeding in Good Faith": Tangible and continuing actions taken by an applicant of an approved final development order to perform actual project construction and implementation leading to completion of a final development plan within a reasonable period of time. More over, a certificate of completion for the development of infrastructure must be received within the time frame established in the applicable final development order. This provision can only be modified through a development agreement approved by the City Council.

Vested Rights: A development order shall be deemed "vested" and not subject to requirements of concurrency management if development circumstances meet criteria for common law or statutory vesting, as defined below. All "non-vested" development or development orders are subject to all requirements of this Element.

Vested Rights, Common Law: A right not created by statute or the provisions of the City of Fellsmere Comprehensive Plan which would authorize the development of real property or the continued development of real property notwithstanding the provisions of the City of Fellsmere Comprehensive Plan. The City may find such vesting to exist whenever the applicant proves by a preponderance of evidence that the real property owner, acting in good faith upon some act or omission of the City has made a substantial change in the position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right to develop or to continue the development of the real property. The assignment of the particular zoning classification or the assignment of a particular land use designation to a parcel of real property does not guarantee or vest any specific development rights to any person or entity as to said real property.

Vested Rights, Statutory: A statutory right to develop or to continue the development of real property pursuant to the provisions of §163.3187(8), FS, or its successor provisions. Such vesting may be found to exist if a valid and unexpired final development order was issued by the City prior to the effective date of this Code, if construction has commenced on the subject development and the development is in the process of being completed or further development is continuing in good faith. Statutory vesting does not occur unless all material requirements, conditions, limitations and regulations of the development order have been met and are being maintained. The Land Development Regulations shall not apply to developments which have commenced duly approved construction prior to the effective date of the City's Comprehensive Plan.

SECTION 4: APPLICABILITY AND EXEMPTIONS

All applications for final development orders shall be subject to concurrency review unless specifically exempted below. However, in no case shall a development order be issued for a minimum threshold project which would impact a concurrency facility for which a moratorium or deferral on development has been placed.

- A. **Projects Below the Minimum Threshold.** The following development shall be exempt from concurrency review:

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

1. Residential projects that entail structural alterations, including room additions to single family structures_ which do not change the land use;
 2. Construction of residential or non-residential accessory buildings and structures which do not create additional public facility demand.
 3. Actions administered through development orders and other developments which do not increase demand on concurrency facilities, such as grading or land excavation or structural alterations which do not include a change of use and satisfy provisions of (1) and (2) above.
- B. **Vested Projects.** Projects which have valid final development orders or building permits prior to the effective date of this Code, shall be considered to be vested and therefore exempt from concurrency management. This shall include the following:
1. Any project for which a valid building permit has been issued and has not expired; and
 2. All vacant lots in single-family subdivisions which were lawfully platted in accordance with the City Land Development Regulations and recorded prior to the effective date of this Element; and
 3. Approved developments of regional impact with a development order that has not expired; and
 4. Any project which has obtained a determination of vested rights upon appeal to the Fellsmere City Council.
- C. **Redevelopment Projects.** Proposed redevelopment shall be credited for the existing demand on available capacity. If a redevelopment project generates demand in excess of the existing demand which it is replacing, a concurrency review shall be required; however, the concurrency review shall only address the amount by which the proposed demand generated exceeds the demand of existing development. If the proposed redevelopment generates equal or less demand than the existing project, the applicant shall be given a concurrency credit enabling the applicant to reserve the unused capacity. The concurrency credit will expire within five (5) years of the change or discontinuance of the use. An applicant for a demolition permit may also initiate a concurrency review for the express purpose of issuing credits for redevelopment.
- D. **Public Facilities.** Public facilities necessary to ensure the protection of the health, safety and general welfare of the citizens of the City of Fellsmere, shall be exempt from concurrency review. This shall include all public facility construction projects included in the City's Capital Improvements Program required to meet any adopted level of service standard.
- E. **Infill/Redevelopment Overlay Zones.** Development within Infill/Redevelopment Overlay Zones as defined within the Future Land Use Element are exempt from transportation concurrency.

SECTION 5: CRITERIA FOR CONCURRENCY AND FINAL DEVELOPMENT ORDERS

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

A final development order shall not be granted for a proposed development unless the City finds that adequate capacity for concurrency facilities exists at or above adopted level of service in order to accommodate the impacts of the proposed development, or that improvements necessary to bring concurrency facilities up to their adopted level of service will be in place concurrent with the impacts of the development.

A. **Sanitary Sewer, Potable Water, Solid Waste, and Drainage.** For sanitary sewer, potable water, solid waste, and drainage facilities, the City shall find that the following criteria have been met in order for a proposed development to be found in compliance with concurrency management requirements:

1. A final development order is issued subject to the condition that, at the time of the issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or
2. At the time the final development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to §163.3220, FS, or an agreement or development order issued pursuant to Chapter 380, FS, to be in place and available to serve new development at the time of the issuance of a certificate of occupancy.

B. **Parks and Recreations.** For parks and recreation facilities, at a minimum, the City shall find that the following criteria have been met in order for a proposed development to be found in compliance with concurrency management requirements:

1. At the time the final development order is issued, the necessary park land ~~facilities and services are~~ is in place ~~or under actual construction~~; or
2. A final development order is issued subject to the condition that, at the time of the issuance of a certificate of occupancy, the acreage for the necessary facilities and services to serve the new development is a dedicated or acquired by the City, or funds in the amount of the developer's fair share are committed, ~~and/or~~
 - ~~ab. A final development order is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy as provided in the City's adopted Five Year Capital Improvements Program; or~~
 - ~~bc. At the time the final development order is issued, the necessary facilities and services are the subject of to a binding executed agreement which requires the necessary facilities and services park land to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy; or~~
 - ~~ed. At the time the final development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement pursuant to §163.3220, FS and shall be in place not more than one year after issuance of a certificate of occupancy; or~~
 - e are guaranteed in an agreement or development order issued pursuant to Chapter 380, FS, and shall be in place ~~or under actual construction~~ not more than one year after issuance of a certificate of occupancy.

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

- C. **Transportation Facilities.** For transportation facilities, the City shall find that the following criteria have been met in order for a proposed development to be found in compliance with concurrency management requirements:
1. At the time the final development order is issued, the necessary facilities and services are in place or under actual construction; or
 2. A final development order is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a certificate of occupancy as provided in the City's adopted Five Year Capital Improvements Program (CIP). The CIP may recognize and include transportation projects included in the first three years of the City's adopted Capital Improvement Element, the adopted Florida Department of Transportation Five Year work program or the adopted Indian River County Capital Improvement Element. The Capital Improvements Program must include the estimated fiscal year of commencement of actual construction and the estimated fiscal year the project will be completed. A plan amendment is required to eliminate, defer, or delay construction of any road or mass transit facility or service which is needed to maintain the adopted level of service standard and which is listed in the Five Year Capital Improvements Program.
 3. At the time the final development order is issued, the necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction not more than three years after issuance of a certificate of occupancy; or
 4. At the time the final development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to §163.3220, FS, or are guaranteed by an agreement or development order issued pursuant to Chapter 380, FS, to be in place or under actual construction not more than three years after issuance of a certificate of occupancy; or
 5. For the purpose of issuing a final development order, a proposed development may be deemed to have a de minimis impact and may not be subject to the transportation concurrency requirements, only if all the following conditions are met:
 - a. The development proposal is for an increase in density or intensity of less than or equal to twice the density or intensity of the existing development, or for the development of a vacant parcel of land at a residential density of less than four dwelling units per acre or, for non-residential uses, at an intensity of less than 0.1 floor area ratio. Isolated vacant lots in predominantly built residential areas where construction of a single family house would be the most suitable use, may be developed for single family residential under the de minimis exception even if smaller than one quarter acre in size.

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

- b. The transportation impact of the proposed development alone does not exceed 0.1 percent of the maximum service volume at the adopted level of service standard for peak hour of ~~the all~~ affected transportation ~~facility~~facilities.
- c. The cumulative total transportation impact from de minimis exemptions over the course of one rolling year does not exceed three percent (3%) of the maximum service volume at the adopted level of service standard of ~~the any~~ affected transportation facility if the facility does not meet the minimum level of serve standard.
- ~~d. The City has adopted within its Comprehensive Plan policies for granting such exemptions.~~

D. Public Schools. For public school facilities, the City shall follow the principles adopted in the Interlocal Agreement entered into by the City, the School District, and other Indian River County municipalities. The agreement specifies procedures, exemptions, mitigation, proportionate fair share, and administrative requirements that will govern school concurrency implementation. Using Indian River County Public Schools Facilities Element Policy 3.6, the City's concurrency process will be adopted and implemented through the Land Development Regulations.

SECTION 6: CONCURRENCY ADMINISTRATION

- A. **Application for Concurrency Review.** Concurrency review shall be initiated upon submission and acceptance of an application for a site ~~plan approval, subdivision~~ construction ~~permit, subdivision~~ plan, certificate of occupancy, or ~~a~~-building permit, whichever first occurs. At the request of the applicant and pursuant to payment of a concurrency review fee as may be established by resolution of the City Council, the City shall render concurrency findings.
- B. **Project Impact Assessment.** The applicant shall use the best available information to establish and evaluate existing capacities for concurrency facilities. The applicant shall be responsible for supplying the anticipated land uses, densities and/or intensities, of a proposed development together with the anticipated date of completion of the proposed development, and provide an analysis of the impacts on concurrency management facilities. The City shall review the anticipated impacts of the proposed development on concurrency facilities.
- C. **Project Phasing/Timing of Improvements.** Concurrency facilities associated with a phased development may also be phased. However, all concurrency facilities necessary to accommodate the impacts of each phase must be available or a schedule for the acquired improvements must be approved prior to the issuance of a final development order. The schedule of facility improvements shall ensure that all facility improvements necessary to accommodate the impacts of the development (or portion thereof) for which a certificate of occupancy has been requested shall be in place prior to the issuance of the certificate. Under no circumstances shall the final certificate of occupancy be issued for a project unless all facility improvements required by the development order or development agreement have been completed.
- D. **Development Agreements.** If the minimum requirements for concurrency cannot be met, concurrency may be achieved by guaranteeing necessary facility improvements in an enforceable development

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

agreement. Said development agreement may include guarantees to construct required facility improvements or to provide funds equivalent to the cost of providing such facility improvements.

- E. **Concurrency Review Determination.** Upon the conclusion of the concurrency review, the City shall prepare a written determination concerning the proposed development. This determination shall address, but is not limited to:
1. The anticipated public facility impacts of the proposed development;
 2. The ability of existing facilities to accommodate the proposed development at the adopted level of service standards;
 3. Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development;
 4. The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions; and
 5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development.
- F. **Actions by the City.** In the event that the City's concurrency review reveals that the proposed development would generate public facility impacts which can be absorbed by the existing available capacity with or without developer funded improvements, the City Council or its designee shall issue a certificate of concurrency or a conditional certificate of concurrency as may be applicable.

In the event that the City's concurrency review reveals that the proposed development would generate public facility impacts beyond that which can be absorbed by available capacity, the City Council shall determine whether there is a financial or other legally binding commitment to ensure that public facilities necessary to correct the anticipated deficiency will be in place concurrent with the impacts of the proposed development. If the City and/or a developer are unable to provide such assurances, the project shall be denied.

- G. **Concurrency Resolution.** If the City determines that an application for concurrency review cannot be supported by sufficient concurrency facility capacity, the applicant may file an application for concurrency resolution and pay the requisite filing fee as shall be established by resolution of the City Council. The purpose for the concurrency resolution process shall be to enable an applicant to negotiate a development agreement which identifies terms for resolving the capacity deficiency. The development agreement shall be consistent with §163.3220, FS, and applicable City ordinances.

If the applicant successfully resolves capacity deficiencies, the applicant may reserve capacity pursuant to the terms of the development agreement. If the issues cannot be resolved, the application shall be deemed to be denied and, at any time, the applicant may resubmit the concurrency review application to the City.

CHANGES TO APPENDIX 8A: CONCURRENCY MANAGEMENT

SECTION 8: ADOPTED LEVEL OF SERVICE STANDARDS

Prior to issuing a development order the City shall review all proposed development to ensure consistency with adopted LOS standards. No development shall be approved that is projected to decrease the existing LOS below the adopted standard, except as otherwise set forth herein, unless the developer mitigates those. Level of service standards for those public facilities for which concurrency is required are set forth in Policy CIE.5.1.

Exhibit 14

Proposed Text Changes to Capital Improvements Element

5.19.16

CHANGES TO CHAPTER 8: CAPITAL IMPROVEMENTS

Policy CIE A-1.5: Capital Improvement Priorities. The proposed five-year schedule of improvements shall include the financially feasible "Summary of Capital Improvements Program" and the "summary of estimated revenues, from the School District's 5-year capital facilities plan when school projects are proposed within the City of Fellsmere.

Policy CIE A-1.7: Design of Public Facilities and Utilities. Public facilities and utilities shall be located and designed to

1. maximize the efficiency of services provided;
2. minimize related costs; and
3. minimize adverse impacts on natural systems.

EDITOR'S NOTE: RELOCATED FROM FLUE C-7.2

OBJECTIVE CIE A-4: CONCURRENCY MANAGEMENT. Pursuant to Ch. 163, F.S., the City shall ensure that facilities and services needed to support development are available concurrent with the impacts of such development. No final development order shall be issued which would result in a reduction of adopted levels of service below the adopted level of service standard except as may be otherwise set forth herein. In order to prevent a reduction in level of service, the City shall issue no final development order unless the applicant provides narrative and graphic information demonstrating to the satisfaction of the City that adopted level of service standards for public facilities, including roads, water and wastewater services, drainage, solid waste, public schools and recreation will be maintained and that improvements needed shall be in place concurrent with the impacts of development.

Policy CIE A-4.1: Resolving Concurrency Issues. In order to implement applicable statutes, rules and this Plan, the City shall require that all developments requiring a development order as part of the review process (as defined in §163.3164 F.S., including comprehensive plan amendments, rezoning amendments, ~~subdivision approvals~~—site plan approvals, or building permit approvals) shall, at the time the subject application is filed or at a time requested by the City, submit narrative and graphic information which demonstrates that all urban services needed by the proposed development can and will be provided concurrent with the new development impacts.

As a minimum, the required information may include, but not be limited to, the following:

- The specific land use(s) and the proposed density and/or intensity of the use(s);
- Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements if any, necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements;
- Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service and ~~system~~ system improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards;
- Conceptual plan for accommodating stormwater run-off and demonstrated evidence that the proposed drainage improvements shall accommodate stormwater run-off without adversely impacting natural systems or the City's adopted level of service for storm drainage;

CHANGES TO CHAPTER 8: CAPITAL IMPROVEMENTS

- In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted;
- Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted;
- Projected demand generated by residential development on the public school system; and
- Other information which the City determines is necessary to assure that the concurrency requirement shall be satisfied without adversely impacting adopted levels of service or the City's ability to adequately service anticipated developments which are consistent with adopted plans and policies of the City.

Private development is responsible for paying for system improvements, unless otherwise negotiated with the City.

Policy CIE A-5.1: Level of Service Standards. Prior to issuing a development order the City shall review all proposed development to ensure consistency with adopted LOS standards. Except as may be otherwise set forth herein, No development shall be approved that is projected to decrease the existing LOS below the adopted standard, unless those are mitigated by the developer. The City shall use the following LOS standards in reviewing the impacts of new development and redevelopment upon public facilities:

<u>Concurrency Facility</u>	<u>City of Fellsmere Adopted Level of Service Standard</u>
Potable Water Systems	LOS Standard
Residential Uses	200 gpd per equivalent residential unit
Commercial/Industrial Uses (No buildings planned)	2,500 gal per acre ¹ per day
Non-Residential Buildings	0.15 gallons per day per square foot (2)
 Sanitary Sewer Systems	 LOS Standard
Residential Uses	200 gpd per equivalent residential unit
Commercial/Industrial Uses (No buildings planned)	2,500 gal per acre ¹ per day
Non-Residential Buildings	0.15 gallons per day per square foot (2)

- (1) Equivalent to twenty-five (25) persons per acre.
- (2) Based upon Florida Department of Health Standards

Note: gpd represents "gallons per day."

Solid Waste: 6.5 pounds per capita per day.

- Drainage:** The Level of Service (LOS) requirements are as follows:
1. For projects located in the Old Town District, the LOS standards shall be as required by Section 62-330.055, Florida Administrative Code for Urban Infill or Redevelopment authorized by Section 373.4131(1)(b), Florida Statutes.
 2. For projects located outside the Fellsmere Waer Control District or the Vero Lakes Water Control District and subject to permitting requirements of the St. Johns River Water Management District (SJRWMD) or the Florida Department of Environmental Protection (FDEP), the LOS standard shall be that required by the SJRWMD or FDEP, as applicable.
 3. For projects located within the Fellsmere Water Control District or the Vero Lakes Water Control District, the LOS standard shall also require a stormwater discharge limitation of 2 inches/24