

**EVALUATION AND APPRAISAL REPORT
OF THE
CITY OF FELLSMERE COMPREHENSIVE PLAN
CHAPTER THREE – SUCCESS & SHORTCOMINGS OF THE
FUTURE LAND USE ELEMENT**

FUTURE LAND USE

The Future Land Use Element (FLUE) contains 35 objectives under three goal statements. The objectives address primarily four of the major issues facing the community: Maintaining the Historic Character of the City, Complete Streets, Economic Development, and Codes to Meet Vision. A review of each objective is provided below including an assessment as to whether the plan objectives as they relate to major issues have been achieved. In addition, the review of each objective will identify, as appropriate, any unforeseen or unanticipated changes in circumstances that have occurred resulting in problems or opportunities with respect to the major issues and required actions, if any.

***OBJECTIVE FLUE A-1: PLAN AND DESIGN FOR RESIDENTIAL QUALITY.** Sufficient space shall be provided for residential development and required community facilities to adequately meet the housing needs of the present and expected future population. Residential development shall be planned and designed to create and perpetuate stable residential neighborhoods and implement policies stipulated below.*

Has the plan objective, as it relates to the major issues, been achieved?

Objective A-1, as written, is an ongoing affair and its achievement is relative. As residential neighborhoods are maintained over time and new development occurs creating additional stable neighborhoods, the objective can generally be considered to be achieved. However, since new developments are continually occurring, achievement of the objective is continually being sought. In relation to the major issues, achievement of the objective will not directly result in resolution of the major issues. The objective and implementing policies do not address the major issues directly. In fact, the implementing policies rely heavily on a separation and buffering of uses which is somewhat contradictory to the historic character of Fellsmere.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

The annexation of vast amounts of vacant lands has created opportunities for growth desired by the City but also the risk of creating urban sprawl. The City has embarked upon specific plans for the largest of the annexed areas to mitigate urban sprawl tendencies. These actions are being addressed in the Stipulated Settlement Agreement (SSA) for the DCA#09-01 being processed at this time.

Required Actions for Objective FLUE A-1:

- None

***Objective FLUE A-2: Existing Neighborhoods and Residential areas:** Existing residential neighborhoods and areas shall be largely unaffected by this Plan.*

Has the plan objective, as it relates to the major issues, been achieved?

Objective A-2, as written, is also an ongoing affair and its achievement is relative. As existing residential neighborhoods are unaffected over time by new development, the objective can generally be considered to be achieved. However, since new developments are continually occurring, achievement of the objective is continually being sought.

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Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

The historic city has maintained its historic character during the evaluation period, and encroachment of incompatible uses into established residential neighborhoods has not occurred.

Required Actions for Objective FLUE A-2:

- None.

Objective FLUE A-3: Infill Development and Redevelopment. Infill/redevelopment projects shall be encouraged within existing residential and commercial areas in the core of the City. The Land Development Code will define specific policies, standards, and procedures to regulate such development.

Has the plan objective, as it relates to the major issues, been achieved?

The underlying policies call for development parcels over 20 acres to be developed under the provisions for new neighborhoods. For parcels smaller than 20 acres, the policy calls for special consideration 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. Policy FLUE B-1.2 sets forth the principles of new neighborhood design. Regulations in the Land Development Code have been partially implemented to address these requirements.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

Development during the evaluation period has resulted in mixed results in regards to this objective and its implementing policies. The two largest developments during the evaluation period both reflect attributes of new neighborhoods but also are deficient in certain areas. Completion of the Land Development Code would reinforce the implementation program of these requirements.

Required Actions for Objective FLUE A-3:

- Implement balance of the land development regulations.

OBJECTIVE FLUE A-4: PLANNING FOR COMMERCIAL DEVELOPMENT. *The allocation of land resources for commercial uses shall consider the location and space requirements of commercial activities, potential fiscal and environmental impacts on the City of Fellsmere, wise use of natural resources, and ability to meet concurrency standards. Commercial infill, redevelopment, general commercial and regional commercial/industrial land use activities shall be targeted to the existing Fellsmere "Old Town", CR 512 corridor and interchange areas as appropriate and as shown on the Future Land Use Map. New commercial designations shall be assigned within areas currently planned for commercial use or within close proximity thereto, when consistent and compatible with the Plan and surrounding area, in order to:*

1. *Promote efficient flow of traffic;*
2. *Achieve orderly development;*
3. *Avoid encroachment into established residential neighborhoods; and*
4. *Prevent negative impacts on the fragile eco-system.*

Has the plan objective, as it relates to the major issues, been achieved?

The underlying policies address location of commercial development and looks to a variety of planning factors. The location of commercial land uses in the City respect factors such as trip generation

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characteristics, impact on existing and planned transportation facilities and ability to achieve a functional internal circulation and off-street parking system. Land development regulations go on to address factors such as location and site requirements based on specific needs of respective commercial activities, floor area requirements; compatibility with and impact on other surrounding commercial activities; relationship to surrounding land uses and natural systems; and impact on existing and planned community services and utilities. The objective has been achieved and, with plans and regulations in place, will continue to be achieved as new development occurs.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?
None.

Required Actions for Objective FLUE A-4:

- None

***OBJECTIVE FLUE A-5: PLANNING FOR INDUSTRIAL DEVELOPMENT.** Sufficient land shall be allocated to accommodate industrial development.*

Has the plan objective, as it relates to the major issues, been achieved?

The underlying policies address location of industrial development and looks to a variety of planning factors. With the location of industrial lands and regulations contained within the Land Development Code, this objective has been achieved and, with plans and regulations in place, will continue to be achieved as new development occurs.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?
None.

Required Actions for Objective FLUE A-5:

- None

***OBJECTIVE FLUE A-6: PLANNING FOR PUBLIC AND INSTITUTIONAL FACILITIES AND PUBLIC SERVICES.** The City shall assure that needed public services and facilities are developed concurrent with new development, including adoption of an adequate facilities ordinance within the City's Land Development Code. 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.*

Has the plan objective, as it relates to the major issues, been achieved?

The underlying policies address location of institutional development and looks to a variety of planning factors. With the location of institutional lands and regulations contained within the Land Development Code, this objective has been achieved and, with plans and regulations in place, will continue to be achieved as new development occurs.

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Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE A-6:

- None

OBJECTIVE FLUE A-7: PROMOTE COMMUNITY APPEARANCE, NATURAL AMENITIES AND URBAN DESIGN PRINCIPLES. *The appearance of major transportation corridors serving as gateways into the City, as well as major activity centers such as the Downtown, public parks, other public grounds, and institutions shall be managed and enhanced through application of the site plan review process, the CR 512 overlay, other design guidelines and the Land Development Code, which may be adopted or amended from time to time. Any development subject to site plan review shall at a minimum be required to comply with either the Old Town, CR 512 and/or any other architectural and site design guidelines that may be adopted by the City Council in the Land Development Code.*

Has the plan objective, as it relates to the major issues, been achieved?

The objective and underlying policies are achieved through public and private development initiatives along the main commercial corridors of the City. During the evaluation period, limited development occurred along these corridors. Public projects to address the design of roads, parks, and other public amenities are guided by these and other policies of the plan and are implemented as funds are available. This objective remains to be achieved.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

The economic downturn has slowed the progress toward achieving the objective. Private development that would provide urban form consistent with the policies has slowed, and excess government revenues to implement public projects are limited. With the completion of the land development regulations identified earlier related to urban form, this objective will be implemented over time as the economy rebounds and development resumes.

Required Actions for Objective FLUE A-7:

- None.

Objective FLUE A-8: Economic Development Policy *In order to thrive, grow and be sustainable, the City will pursue a balanced and feasible economic development program. Economic health, vitality and development play a crucial role in maintaining and furthering the quality of life of the community. Fellsmere shall foster economic development opportunities by:*

1. *Encouraging private investment within the City and its urban service boundary;*
2. *Providing diverse employment opportunities preferably ones that offer higher wage jobs in order to enhance*
3. *the economic base of the City;*
4. *Taking positive steps to encourage and accept private investment in new business, business expansion and business relocation.*

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Has the plan objective, as it relates to the major issues, been achieved?

The current objective is implemented through policies that only partially reflect the actions being undertaken by the City to spur economic development. The objective directly relates to economic development, a major issues facing the community. As an ongoing affair, economic development has not fully been achieved.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

The City prepared an economic development plan in 2008/09 and is currently developing an Economic Element. The City is actively implementing the recommendations of the economic development plan. The City anticipates that economic development related objectives and policies will be moved to this new element once developed and broadened to take on a more targeted yet more encompassing approach to economic development.

Required Actions for Objective FLUE A-8:

- Adopt an Economic Element within the Plan.

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.

Has the plan objective, as it relates to the major issues, been achieved?

At this time, the City has no pending annexation requests. Efforts related to the joint planning agreement emanating from previous annexation have concluded with no action; however, a settlement was reached between Sebastian and Fellsmere requiring adoption of agricultural land uses within their respective plans. The required action by the City is complete. The City has seen annexations as a means to diversify and obtain economic development, a major issue facing the community. The City is still processing amendments to the plan to bring City land uses and development controls to all of the properties. This objective has been implemented to date.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

The challenge to the voluntary annexations has slowed the City's progress toward economic development and likely caused certain projects to miss the economic opportunities that existed at the time. The City's time and resources spent defending their actions were not spent toward creating opportunities for its residents.

Required Actions for Objective FLUE A-9:

- Continue dialog with adjacent governments and agencies with permitting authority and providing services to the City.

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.

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Has the plan objective, as it relates to the major issues, been achieved?

The objective has generally been implemented since the City does not provide services outside its corporate limits, which serves as its urban service area. This area was adopted prior to the State's definition and criteria for such areas and thus does not serve as the same purpose as that defined in statute or rule. The underlying policies are implemented on a continuing process through intergovernmental efforts. The objective does not directly relate to any major issue facing the community.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

As the City has annexed large tracts of land, long term plans for the provision of urban services and the intended development plans for these lands must be updated. The City contains policies within the Plan mandating public facilities to serve a development be paid for by the development. Also, the land use on most of the annexed lands has since been amended to contain City designations. However, now since the City has agricultural lands within its boundaries, the separation of urban and rural uses is pertinent to City actions.

Required Actions for Objective FLUE A-10:

- Consider amending the urban service area to be consistent with State meaning and force.

Objective FLUE A-11: Master Planned Communities or Planned Developments: 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. Such planned developments are to be located on a minimum of five (5) or more acres of land. PD's 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. PD's shall include techniques and incentives to protect environmentally sensitive areas, provide on-site and common amenities, and mitigate flood hazards

Has the plan objective, as it relates to the major issues, been achieved?

The objective is ongoing as master plans are proposed within the City. The underlying policies are implemented on a continuing process through development applications. The objective and supporting policies relate directly to maintaining the character of the City and ensuring Codes Meet Vision. During the evaluation period no planned developments were approved.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE A-11:

- None.

Objective FLUE A-12. Agricultural and Rural Uses. 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.

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Has the plan objective, as it relates to the major issues, been achieved?

Through the Villages of Fellsmere land use designation being processed in response to the SSA for DCA 09-01, the City is addressing the conversion of agricultural lands annexed in 2007. As agricultural lands are eventually converted, the City wishes to diversify its economic base leading to economic development. To this end, any conversion of agricultural lands of substantive size should plan for nonresidential uses to serve the residents needs and encourage employment opportunities.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

Other agricultural lands exist within the City, primarily the 2,500-acre RoEd Ansin property east of I-95. The DCA has indicated that the Villages of Fellsmere will be available only to the FJV property. The City must develop a plan for the eventual conversion of the RoEd Ansin parcel. As part of the DCA 09-01, it had originally applied for the LDMXN land use designation.

Required Actions for Objective FLUE A-12:

- Develop a plan for the eventual conversion of the RoEd Ansin property from County agricultural to a City land use category.

Objective FLUE B-1: Residential Neighborhoods. Existing and new residential neighborhoods are the life blood of the community and will be integral parts of the broader community structure. New neighborhoods, those planned on three (3) or more acres, shall be:

- *“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.*

Has the plan objective, as it relates to the major issues, been achieved?

The objective is an ongoing affair as new residential neighborhoods are planned. During the evaluation period two neighborhoods were developed: Grace Meadows, a single family project, and Sunrise Villas, an affordable multifamily development. Both projects contained characteristics listed in the supporting policies but lacked a complete accounting. Implementation of the supporting policies will lead directly to maintaining the character of the City as it currently contains most of the features listed in the supporting policies. Implementing this objective will also require codes meet the City's vision.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

A review of the land development regulations reveals that not all of the Plan directives have been codified. Without clear directives in the code, Plan policies can be lost in the implementation of site specific development policies.

Required Actions for Objective FLUE B-1:

- Implement code provisions for the remaining items in the Plan related to urban design.

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OBJECTIVE FLUE B-2: ALLOCATING RESIDENTIAL DEVELOPMENT. *Map I-1: Future Land Use Composite Map, 2020, 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. Redevelopment, rehabilitation, and/or renovation of existing structures shall also be required to meet acceptable level as indicated in the Land Development Code. This objective shall be measured through implementation of the following policies.*

Has the plan objective, as it relates to the major issues, been achieved?

This objective is definitional – introducing the various residential land use categories in the City. To date, all land has been developed consistent with the objective and underlying policies.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-2:

- Revise to reflect 2035 planning timeframe as part of the 2035 Plan Update.

OBJECTIVE FLUE B-3: ALLOCATING COMMERCIAL DEVELOPMENT. *The Future Land Use Map shall identify the designation of commercial land uses for:*

1. *Fellsmere “Old Town” Downtown*
2. *General commercial (GC), which allows for either general community commercial or neighborhood commercial (NC) uses;*
3. *Neighborhood Commercial (NC), which only allows for neighborhood commercial uses*
4. *Regional Commercial/Industrial Employment Activity Center (REAC); and*

The allocation of land for commercial development shall be compatible with goals and objectives identified in the Comprehensive Plan and consistent with supportive research and analysis. The policies stated below provide an explanation of the purpose, intent and character of the commercial land use designations.

Has the plan objective, as it relates to the major issues, been achieved?

This objective is definitional – introducing the various commercial land use categories in the City. To date, all land has been developed consistent with the objective and underlying policies.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-3:

- None.

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***OBJECTIVE FLUE B-4: Regional Employment Activity Centers (REAC).** This designation allows primarily commercial and light industrial uses to occur within areas designated on the Future Land Use Map, in accordance with the City's Land Development Code and approved pursuant to a master planned development plan..*

Has the plan objective, as it relates to the major issues, been achieved?

This objective is definitional – introducing the REAC land use category in the City. To date, no land has developed under the REAC category.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-4:

- None.

***OBJECTIVE FLUE B-5: ALLOCATING INDUSTRIAL DEVELOPMENT (IND).** The Future Land Use Map shall allocate land resources for existing and anticipated future industrial needs and requisite support services.*

Has the plan objective, as it relates to the major issues, been achieved?

This objective is definitional – introducing the various industrial land use category in the City. To date, all land has been developed consistent with the objective and underlying policies.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-5:

- None.

***OBJECTIVE FLUE B-6: ALLOCATING PUBLIC AND INSTITUTIONAL SERVICES.** The Future Land Use Map shall allocate land resources for public and institutional facilities and services as specified in the policies stipulated below. 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.*

Has the plan objective, as it relates to the major issues, been achieved?

This objective is definitional – introducing the institutional land use category in the City. To date, all land has been developed consistent with the objective and underlying policies.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

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Required Actions for Objective FLUE B-6:

- None.

***OBJECTIVE FLUE B-7: MANAGING CONSERVATION RESOURCES.** The Future Land Use Map shall identify lands that are environmentally fragile natural resources for long term preservation by designating them as "Conservation." Environmentally fragile natural resources shall be referred to as conservation resources, which are defined in §9J-5.003(30), FAC. The protection and preservation of conservation resources shall be achieved through the implementation of the following policies.*

Has the plan objective, as it relates to the major issues, been achieved?

This objective is definitional – introducing the conservation land use category in the City. To date, all land has been developed consistent with the objective and underlying policies.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-7:

- None.

***OBJECTIVE FLUE B-8: 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.*

Has the plan objective, as it relates to the major issues, been achieved?

This objective is definitional – introducing the recreation land use category in the City. To date, all land has been developed consistent with the objective and underlying policies.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-8:

- None.

***OBJECTIVE FLUE B-9: 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.*

Has the plan objective, as it relates to the major issues, been achieved?

This objective is definitional – introducing the land use category in which public schools are allowed in the City. No new schools have been developed in the City during the evaluation period.

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Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

As the recently annexed lands develop, schools must be developed as part of the community. Policies in the Plan should be reinforced to ensure that schools are focal points within the community.

Required Actions for Objective FLUE B-9:

- Partner with the School District to develop prototypical urban school templates.

Objective FLUE B-10: Pine Grove/Ansin Development. Concurrent with the adoption of this Comprehensive Plan 2020, 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.

Has the plan objective, as it relates to the major issues, been achieved?

Pine Grove remains vacant. This objective has not been achieved. Upon achievement it will enhance the economic base of the City since the property contains a large employment focus at the I-95 interchange.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-10:

- Update objective as part of the 2035 Plan update to the current planning timeframe.

Objective FLUE B-11: Non-Residential Development Standards. Land Development Codes addressing the location and extent of non-residential land uses shall be enforced in a manner consistent with the Future Land Use Map, and the policies and descriptions of types, sizes, and intensities of land uses contained in this Element.

Has the plan objective, as it relates to the major issues, been achieved?

There are no supporting policies to this objective. The subject matter of the objective is addressed in other more explanative objectives and supportive policies.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-11:

- Delete this objective since it is duplicative of other controls in the Plan.

Objective B-12 Standards for Residential Density. Residential development standards shall be based on and be consistent with the following standards:

Has the plan objective, as it relates to the major issues, been achieved?

There are no supporting policies to this objective. The table that follows the objective is duplicative of other policies of the plan and can be deleted without loss of regulatory control.

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Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-12:

- Delete this objective since it is duplicative of other controls in the Plan.

***Objective B-13 Performance Standards.** The following performance standards incorporated in the Land Development Code shall be updated and refined as needed to reflect best management principles and practices. 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:*

Has the plan objective, as it relates to the major issues, been achieved?

The City has generally achieved this objective. Land development regulations exist that address the issues presented within the objective. These issues do not relate directly to any major issue.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-13:

- None.

***Objective B-14 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.*

Has the plan objective, as it relates to the major issues, been achieved?

The City has generally achieved this objective. Land development regulations exist that address the issues presented within the objective. These issues do not relate directly to any major issue.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-14:

- None.

***Objective B-15. 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.*

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Has the plan objective, as it relates to the major issues, been achieved?

The Patel property remains vacant. The subject conditions contained in this objective are still appropriate for the property at time of eventual development. Development under these and other requirements of the Plan will provide economic development, help to maintain the historic character of the City, enhance transit service, provide for complete streets, and ensure codes meet the City's vision.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-15:

- None.

Objective FLUE B-16 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.

Has the plan objective, as it relates to the major issues, been achieved?

The Banack property remains vacant. The subject conditions contained in this objective are still appropriate for the property at time of eventual development. Development under these and other requirements of the Plan will provide economic development, help to maintain the historic character of the City, enhance transit service, provide for complete streets, and ensure codes meet the City's vision.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-16:

- None.

Objective FLUE B-17 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.

Has the plan objective, as it relates to the major issues, been achieved?

The Fellsmere 392 property remains vacant. The subject conditions contained in this objective are still appropriate for the property at time of eventual development. Development under these and other requirements of the Plan will provide economic development, help to maintain the historic character of the City, enhance transit service, provide for complete streets, and ensure codes meet the City's vision.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

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Required Actions for Objective FLUE B-17:

- None.

Objective FLUE B-18: 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.

Has the plan objective, as it relates to the major issues, been achieved?

The Garafolo property remains vacant. The subject conditions contained in this objective are still appropriate for the property at time of eventual development. Development under these and other requirements of the Plan will provide economic development, help to maintain the historic character of the City, enhance transit service, provide for complete streets, and ensure codes meet the City's vision.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-18:

- None.

Objective FLUE B-19 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:

Has the plan objective, as it relates to the major issues, been achieved?

Development under these and other requirements of the Plan will provide economic development, help to maintain the historic character of the City, enhance transit service, provide for complete streets, and ensure codes meet the City's vision. During the evaluation period, there has not been any substantive development program in the Old Town district.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-19:

- None.

Objective FLUE B-20: Agricultural and Rural Land Use Classification. The City hereby creates an agricultural and rural land use category that will adhere to the following principles.

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Has the plan objective, as it relates to the major issues, been achieved?

This land use category was created in response to the settlement of the annexation suite filed by the City of Sebastian and after further settlement negotiations with the DCA, has been found in compliance. There are no lands designated under this category in the City at this time.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE B-20:

- None.

***OBJECTIVE FLUE C-1: CONCURRENCY MANAGEMENT.** Within one year from the effective date of the Comprehensive Plan, the City shall have adopted a concurrency management program pursuant to Ch. 163, F.S., and §9J-5, F.A.C. The City of Fellsmere shall issue no development order or permit for development unless the applicant provides narrative and graphic information demonstrating to the satisfaction of the City that public facilities required by the subject development shall be in place concurrent with the impacts of development. Furthermore, the applicant shall assure that the facilities operate at or above adopted levels of service standards. The applicant's narrative and graphic information shall also demonstrate that the subject development shall not reduce the levels of service (LOS) associated with public facilities serving the development below adopted LOS standards.*

Has the plan objective, as it relates to the major issues, been achieved?

Land development regulations exist that address the issues presented within the objective. Implementation of the nonconforming regulations will help maintain the character of the City.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-1:

- Revise objective to reflect completion and need to maintain regulations.

***OBJECTIVE FLUE C-2: MANAGE AND COORDINATE FUTURE LAND USE DECISIONS.** The City of Fellsmere shall maintain Land Development Code, including performance standards which ensure that 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.*

Has the plan objective, as it relates to the major issues, been achieved?

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Land development regulations exist that address the issues presented within the objective. Implementation of the nonconforming regulations will help maintain the character of the City.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-2:

- None.

***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, which will include 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.*

Has the plan objective, as it relates to the major issues, been achieved?

Generally speaking, the objective can be seen to be achieved although the underlying policies cover a broad range of issues and some are ongoing affairs. The City has made concerted efforts on implementing each of the directed policies. Land development regulations exist that require the coordination presented within the objective. Implementation of the nonconforming regulations will help maintain the character of the City.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-3:

- None.

***OBJECTIVE FLUE C-4: PREVENT LAND USE INCONSISTENT WITH CITY'S CHARACTER.** The City of Fellsmere shall maintain Land Development Code that 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.*

Has the plan objective, as it relates to the major issues, been achieved?

The City has generally achieved this objective. Land development regulations exist that require the coordination presented within the objective. Implementation of the nonconforming regulations will help maintain the character of the City.

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Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-4:

- None.

***OBJECTIVE FLUE C-5: PROTECTION OF ARCHAEOLOGICAL AND HISTORIC RESOURCES.** Any development of a Federal, State or City designated historic or archaeological site or structure identified in the adopted Comprehensive Plan shall be required to submit a site plan which illustrates how the applicant will mitigate the 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;*
- 4. Vegetation removal shall not be permitted on a historic or archaeological site unless the vegetation to be removed is a part of a duly authorized scientific excavation, or is a part of an approved development plan, and*
- 5. Other forms of neglect resulting in resource deterioration.*

Has the plan objective, as it relates to the major issues, been achieved?

The City has generally achieved this objective. Land development regulations exist that require the coordination presented within the objective. Implementation of the regulations to protect historical structures will help maintain the character of the City.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-5:

- None.

***OBJECTIVE FLUE C-6: PROTECTION OF NATURAL RESOURCES.** The City shall maintain Land Development Code that implement the performance standards as directed by the policies below to ensure that development and conservation activities shall protect natural resources.*

Has the plan objective, as it relates to the major issues, been achieved?

The City has generally achieved this objective. Land development regulations exist that require the coordination presented within the objective. These issues do not relate directly to any major issue.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-6:

- None.

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***OBJECTIVE FLUE C-7: PREVENT PROLIFERATION OF URBAN SPRAWL AND DEVELOP EFFICIENT SYSTEMS FOR COORDINATING THE TIMING AND STAGING OF PUBLIC AND PRIVATE DEVELOPMENT.** The City shall adopt and maintain Land Development Code that include 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.*

Has the plan objective, as it relates to the major issues, been achieved?

The City has generally achieved this objective. Land development regulations exist that address the issues presented within the objective. These issues do not relate directly to any major issue.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-7:

- None.

***OBJECTIVE FLUE C-8: CONSIDER APPLICATION OF INNOVATIVE LAND AND WATER RESOURCE MANAGEMENT AND ENERGY CONSERVATION CONCEPTS.** The City's Land Development Code shall incorporate land and water resource management techniques that have been demonstrated to be successful and cost effective in resolving development and conservation issues. These techniques address issues such as surface water management, soil erosion and sedimentation control, land clearing and excessive tree removal, loss of mature plants and wildlife habitat, and conservation of water supply.*

Has the plan objective, as it relates to the major issues, been achieved?

The City has not achieved this objective in its entirety as measured against the underlying policies. Land development regulations do not exist that provide incentives to developers to incorporate passive or active energy conservation measures in site layout and design or incentives for design techniques which reduce demand for artificial heating, cooling, ventilation and lighting address the issues presented within the objective. These issues do not relate directly to any major issue although their use could spur economic development in green industries.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-8:

- Develop land development regulations to provide incentives for energy conservation.

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***OBJECTIVE FLUE C-9: INTERGOVERNMENTAL COORDINATION.** The City shall maintain Land Development Code incorporating administrative procedures to ensure efficient coordination of land and water management issues surrounding proposed development are carried out in a timely manner with all public entities having jurisdictional authority.*

Has the plan objective, as it relates to the major issues, been achieved?

The City has generally achieved this objective. Land development regulations exist that require the coordination presented within the objective. These issues do not relate directly to any major issue.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-9:

- None.

***OBJECTIVE FLUE C-10: CONTINUING LAND USE PROGRAMS.** The City shall implement land use goals and objectives by carrying out a continuing program of land use activities below cited.*

Has the plan objective, as it relates to the major issues, been achieved?

The objective and underlying policies address ongoing monitoring and analysis of plan policies and supporting data and would be better located in Chapter 9, Monitoring and Evaluation. As an ongoing objective, it is continually achieved through the continuing planning process.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

As part of the SSA for DCA 09-01, the City committed to monitoring population characteristics to gauge the progress of achieving the goal-based growth reflected in the City's population projections. Policy FLUE C-10.2 already exists addressing this commitment.

Required Actions for Objective FLUE C-10:

- Move Objective and underlying policies to Chapter 9.

***OBJECTIVE FLUE C-11: CONTINUING EVALUATION OF LAND USE ELEMENT EFFECTIVENESS.** The City shall use the following policies as criteria in evaluating the effectiveness of the Land Use Element.*

Has the plan objective, as it relates to the major issues, been achieved?

The objective and its implementing policies seek to set forth an evaluation process of the effectiveness of the Plan. Since this is the topic of Chapter 9 of the Plan, this objective can be deleted and its supportive policies relocated to Chapter 9 as appropriate.

Has there been any unforeseen or unanticipated changes resulting in problems or opportunities?

None.

Required Actions for Objective FLUE C-11:

- Delete objective and address monitoring and evaluation in Chapter 9 of the Plan.