

**EVALUATION AND APPRAISAL REPORT  
OF THE  
CITY OF FELLSMERE COMPREHENSIVE PLAN  
CHAPTER THREE – SUCCESSES & SHORTCOMINGS OF THE  
CONSERVATION ELEMENT**

**SUCCESSES AND SHORTCOMINGS OF THE PLAN**

The Conservation Element (CON) contains thirteen objectives under one goal statement. The objectives address primarily two of the major issues facing the community: Economic Development and Implement Central Sewer System. 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.

**OBJECTIVE CON A-1: PROTECT AIR QUALITY.** *Within one year from the effective date of the Comprehensive Plan, the City shall have adopted performance standards as part of the land development regulations to ensure that new development meets or exceeds the minimum air quality standards established by the Florida Department of Environmental Protection (DEP). In addition, the City shall establish regulatory programs to prevent and/or minimize non-point sources of air pollution (note: the City has no point sources of air pollution).*

**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 CON A-1:**

- None.

**OBJECTIVE CON A-2: WATER QUALITY AND QUANTITY.** *The City shall adopt and maintain land development regulations that address water quality and quantity through the implementation of the following policies.*

**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 CON A-2:**

- None.

**OBJECTIVE CON A-3: MAINTENANCE OF FLOODPLAIN.** *The City shall maintain land development regulations designed to protect the natural functions, including flood-carrying and flood storage capacity, of the 100-year floodplain.*

**EVALUATION AND APPRAISAL REPORT  
OF THE  
CITY OF FELLSMERE COMPREHENSIVE PLAN  
CHAPTER THREE – SUCCESSES & SHORTCOMINGS OF THE  
CONSERVATION ELEMENT**

**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 CON A-3:**

- None.

***OBJECTIVE CON A-4: PROTECT AND PRESERVE WETLANDS.*** *The City shall maintain land development regulations that include performance criteria designed to protect and preserve wetlands from physical and hydrologic alterations as well as specifically direct incompatible land uses away from wetlands. This objective shall be measured through the implementation of the following policies.*

**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. However, the regulations implementing wetland preservation rules are slightly different than the objective sets forth. Primarily, the wetland transition zone, or wetland buffer, is use restricted to only those uses allowed by the SJRWMD permit. 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 CON A-4:**

- Revise as needed to be consistent with the SJRWMD permitting process and requirements.

***OBJECTIVE CON A-5: COMBAT SOIL EROSION.*** *The City shall maintain land development regulations which include performance criteria designed to reduce the incidence of soil erosion caused by land clearing, breaches in stabilized shorelines, and lands having exposed soil without vegetative cover.*

**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.

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CHAPTER THREE – SUCCESSES & SHORTCOMINGS OF THE  
CONSERVATION ELEMENT**

**Required Actions for Objective CON A-11:**

- None.

**OBJECTIVE CON A-6: PREVENTING POTENTIAL ADVERSE IMPACTS OF FUTURE MINING OF MINERALS AND MINERAL EXCAVATION ACTIVITIES.** *No mining activities, including haul roads for the removal of mined materials shall be permitted within the City, except sand mining may be permitted only if the sand or fill is used on-site consistent with approved development and stormwater plans. The amount of sand to be excavated shall not exceed the amount needed to bring the subdivision up to grade and construct the roadway system. No sand shall be removed from a site.*

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

During the evaluation period, no mining occurred. With the vast agricultural land annexed into the City, a continuation of this ban may be counterproductive to the development of the lands and eliminates a viable agricultural use to diversify the economic base. This issue relates directly with economic Development – a major issue facing the community.

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

None.

**Required Actions for Objective CON A-6:**

- Reconsider ban on commercial mining.

**OBJECTIVE CON A-7: PROTECT NATIVE VEGETATION, WILDLIFE, AND WILDLIFE HABITATS.** *The City shall maintain land development regulations that include performance criteria designed to protect and retain major vegetative communities and Natural Communities or Listed Animal Species habitats of endangered or threatened species. The performance criteria shall protect vegetation, wildlife, and wildlife habitats from the adverse impacts of development by regulating the location, density, and intensity of those activities that cause the adverse impact. The City shall enforce these land development regulations and shall coordinate with Indian River County, SJRWMD, and the State in promoting protection of native vegetation, wildlife, and wildlife habitats. In order to prevent "taking" of private property rights, the City's land development regulations shall provide for flexible development alternatives, including planned unit developments which shall mandate or regulate conservation of said resources while allowing more flexible development options on developable portions of the site. This Objective shall be measured through the implementation of the following policies.*

**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 most of the issues presented within the objective. A transfer of development rights program has not been implemented to date. These issues do not relate directly to any major issue.

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

Although the City is surrounded on many sides by major conservation areas of the State, within the City limits, native systems are not common. Only the three recently annexed lands east of I-

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OF THE  
CITY OF FELLSMERE COMPREHENSIVE PLAN  
CHAPTER THREE – SUCCESSES & SHORTCOMINGS OF THE  
CONSERVATION ELEMENT**

95 and the Pine Grove property do contain major native wetland and upland systems. The Pine Grove property recently received their SJRWMD Environmental Resource Permit and has preserved large swaths of the existing habitat. The proposed preservation areas, to be preserved through conservation easements as part of the development review process, will be integrated with some of the adjoining state preserve areas. The arrangement with Pine Grove, can serve as an example as to how the balance of the vacant lands with native systems will affect preservation as part of a development program.

**Required Actions for Objective CON A-7:**

- None.

***OBJECTIVE CON A-8: PROTECT CONSERVATION LAND RESOURCES.*** *Within one year from the effective date of the Comprehensive Plan, the City shall have adopted land development regulations that include performance criteria designed to ensure that designated conservation land resources are protected based on locally determined criteria which further the goals, objectives and policies of the Conservation Element. This Objective shall be measured through the implementation of the following policies.*

**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. The map indicated within the objective can be found in the existing land use map series. These issues do not relate directly to any major issue.

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

The City has indicated a desire to capitalize on the conservation areas within and adjacent to the City for eco-tourism. Policies supporting the objective do not address how such economic development can be consistent with the preservation goals of conservation lands. Policies that would allow the City to capitalize on their conservation opportunities would be most appropriate in the Future Land Use and Conservation Elements. Creating meaningful direction, though, to capitalize on the conservation opportunities should involve a wider stakeholder group including Chambers of Commerce, Economic Development Council, Business Development Board, Florida Department of Environmental Protection, SJRWMD, and major land owners. The efforts created should also reinforce a comprehensive economic development program for the City and the region in general. As such, the City of Fellsmere should continue the development of an Economic Element addressing the markets that would best fit within the environment offered by the surrounding conservation areas and the permitted activities available in these conservation areas. Only through such an effort should future goals, objectives, and policies be developed to capitalize on the conservation areas.

**Required Actions for Objective CON A-8:**

- Develop conceptual plans and programs to capitalize on the adjoining conservation areas.
- Develop concrete actions that will lead toward implementation of the plans and programs.

**EVALUATION AND APPRAISAL REPORT  
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CITY OF FELLSMERE COMPREHENSIVE PLAN  
CHAPTER THREE – SUCCESSES & SHORTCOMINGS OF THE  
CONSERVATION ELEMENT**

**OBJECTIVE CON A-9: MANAGE IMPACTS OF DEVELOPMENT AND PRESERVE NATURAL RESOURCES.** *The Future Land Use Element shall assign land use designation, including densities and intensities to land within the City with a view to preserving the physical and biological functions of natural systems. All future development or redevelopment of land shall be consistent with the Comprehensive Plan and the Land Development Code. The Land Development Code shall provide performance standards for regulating density throughout the City. The performance criteria shall address:*

- *Concurrency Management System*
- *Stormwater Management*
- *Erosion and Sedimentation Control*
- *Preservation of Wetlands*
- *Protection of Flora and Fauna*
- *Minimum Open Space Criteria*
- *Floodplain Protection*
- *Recreation Land and Facilities*
- *Landscaping, Screening/Buffering*

**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 CON A-9:**

- None.

**OBJECTIVE CON A-10: HAZARDOUS WASTE MANAGEMENT.** *Assure that generation, storage, transport, and disposal of wastes in Fellsmere is managed with the best available technology to protect environmental quality.*

**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 CON A-10:**

- None.

**OBJECTIVE CON A-11: PROTECTION OF ARCHAEOLOGICAL AND HISTORIC RESOURCES.** *The City shall maintain land development regulations that require future land*

**EVALUATION AND APPRAISAL REPORT  
OF THE  
CITY OF FELLSMERE COMPREHENSIVE PLAN  
CHAPTER THREE – SUCCESSES & SHORTCOMINGS OF THE  
CONSERVATION ELEMENT**

*development activities to incorporate appropriate measures to prevent damage to archaeologically and historically significant resources of local, regional, state, and federal significance*

**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 CON A-11:**

- None.

**OBJECTIVE CON A-12: CONSIDER APPLICATION OF INNOVATIVE LAND AND WATER RESOURCE MANAGEMENT AND ENERGY CONSERVATION CONCEPTS.** *The City shall continue land development regulations that incorporate concepts for managing land, water, and energy resources, which are responsive to unique development and conservation issues identified in the City's Comprehensive Plan.*

**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 CON A-12:**

- None.

**OBJECTIVE CON A-13: EVALUATION OF THE CONSERVATION ELEMENT EFFECTIVENESS.** *The City shall use the following policies as criteria in evaluating the effectiveness of the Conservation Element.*

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

Evaluation and monitoring are addressed in Chapter 9 of the Plan.

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

None.

**Required Actions for Objective CON A-13:**

- Delete objectives and underlying policies and relocate to Chapter 9.

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CONSERVATION ELEMENT**