

EVALUATION AND APPRAISAL REPORT OF THE CITY OF FELLSMERE COMPREHENSIVE PLAN

CHAPTER FOUR – RECOMMENDATIONS FOR POLICY AMENDMENTS TO ADDRESS CHANGES TO STATE STATUTES & RULES

Florida Statutes

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	Addressed (where/how)	Amendment Needed By Element
2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, <u>Laws of Florida.</u>]				
1	(4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land.	163.3162 [New]	Not currently addressed.	Revise FLUE to be consistent with statute.
2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, <u>Laws of Florida.</u>]				
	(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.		To be addressed through data and analysis and adoption of comprehensive plan amendment associated with SSA for DCA 09-01	Revise PFE to incorporate 2010 SJRWMD Water Supply Plan and 2035 planning timeframe per SSA for DCA 09-01.
3	(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments	163.3177		Revise PFE to require an update to the Comprehensive Plan consistent with this requirement.
	(11)(f): Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment ; requires DCA to provide technical assistance to local governments.		The City has not elected to implement this allowance.	Revise FLUE to implement a TDR program.
2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, <u>Laws of Florida</u>]				
	(3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements . Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement . (3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.	163.3177	Annual updates are being accomplished consistent with statute. Development agreements are identified in policies as allowable funding sources.	None.

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<p>(6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).</p>		<p>To be addressed through data and analysis and adoption of comprehensive plan amendment associated with SSA for DCA 09-01</p>	<p>Revise FLUE to incorporate 2010 SJRWMD Water Supply Plan.</p>
<p>(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.</p>			<p>Create a policy requiring the PFE update as required by statute.</p>
<p>(6)(h)1.: The intergovernmental coordination element must address coordination with regional water supply authorities.</p>			<p>Create a policy requiring coordination with regional water supply authorities.</p>
<p>(12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.</p>		<p>To be addressed through data and analysis and adoption of comprehensive plan amendment associated with SSA for DCA 09-01</p>	<p>Create a policy in the ICE and PSFE requiring such maps be maintained.</p>
<p>(13): (New section) Encourages local governments to develop a “community vision,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.</p>		<p>The City has undertaken a number of planning efforts to help identify a vision for the future.</p>	<p>The City shall review prior action for compliance with this section or otherwise consider undertaking a community vision.</p>
<p>(14): (New section) Encourages local governments to develop an “urban service boundary,” which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).</p>		<p>The City adopted an urban service boundary prior to the effective date of this statute but has not reviewed for compliance</p>	<p>The City shall review prior action for compliance with this section or otherwise consider undertaking an</p>

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			with requirements.	urban service boundary.
	(2)(a): Required consultation with water supplier prior to issuing building permit to ensure “ adequate water supplies ” to serve new development will be available by the date of issuance of a certificate of occupancy.		Not currently addressed.	Create a policy in the ICE and PFE consistent with this requirement.
	(9)(d): (New section) Required evaluation in Evaluation and Appraisal Report of progress in improving levels of service.		The mandatory levels of service within the City have been maintained in compliance with the requirements of the Comprehensive Plan.	Commit to an evaluation of the current level of service standards in relation to their consistency with the City’s development and redevelopment goals.
	(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community: <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition 		Not currently addressed	Revise PSFE and CIE to incorporate this requirement.
7	(17): (New 2005 section) If local government has adopted a community vision and urban service boundary , state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments. (18): (New 2005 section) If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.	163.3184 [New]	The City has not sought confirmation from the State regarding prior visioning exercise and adoption of urban service boundary.	The City shall review prior action for compliance with this section or otherwise consider undertaking a community vision and adopting an urban service boundary.

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2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, <u>Laws of Florida</u>]				
5	Recognizes “extremely-low-income persons” as another income groups whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.	163.31771(1), (2) and (4)	The City does not currently address the housing needs of extremely low income persons.	Revise policies in the Housing and FLU Elements to address housing needs of this income group.
14	Creates a new section related to electric distribution substations ; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.	163.3208 [New]	The City does not currently address electric distribution substations	Revise policies in the FLUE to address statutory requirements.
17	Affordable housing land donation density incentive bonus ; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.	New		Amend the FLUE to be consistent with this allowance.

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2007 [Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, <u>Laws of Florida</u>]				
	(3)(e) Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.	[New]	Not currently addressed.	Amend CIE to be consistent with this requirement.
3	(17) Allows an exemption from concurrency for certain workforce housing developed consistent with s.380.061(9) and s.380.0651(3). Ch. 2007-198, LOF.	163.3180 [New]	This City has not currently elected to use this option.	Consider an amendment to the HE to allow for this exemption.
5	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]	This City has not currently elected to use this option.	Amend the HE to be consistent with this allowance.
10	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement . Ch. 2007-196, LOF.	339.282 [New]		Amend the TRAN & CIE to be consistent with this allowance.
11	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.	420.5095(9)		Amend the HE to be consistent with this allowance.

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08 [Ch. 2008-191 and Ch. 2008-227, <u>Laws of Florida</u>]				
2	The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Ch. 2008-191, LOF.	163.3177(6)(a)	Not adequately addressed.	Amend the FLUE to encourage energy efficient land use patterns and account for electric systems.
3	The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	163.3177(6)(a)	Not adequately addressed.	Amend the FLUE to include greenhouse gas reduction strategies.
5	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)	The CON Element does not include factors that affect energy conservation.	Revise the CON Element to include factors that affect energy conservation.
6	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)	The future land use map does not depict energy conservation.	Revise the FLUM to depict energy conservation.
7	The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.	163.3177(6)(f)1.h. and i.	The City has not revised their Housing Element to include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources.	Revise Housing policies to include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources.
8	Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(j)	The City has not revised their TRAN Element to include strategies to reduce greenhouse gas emissions.	Revise TRAN policies to include strategies to reduce greenhouse gas emissions.
9	Various changes were made in the State Comprehensive Plan (Chapter 187, F.S.) that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan	The City does not address the State Comprehensive Plan changes.	Revise policies within the FLUE and CON Element to address low carbon emitting electric power plants.
2009 [Chapters 2009-85 and 2009-96, <u>Laws of Florida</u>]				

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6	Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, F.S., for this purpose. Section 3, Chapter 2009-96, LOF.	163.3177(6)(h)1.c.	Current policies are voluntary.	Amend the ICE to be consistent with this requirement.
12	Except in transportation concurrency exception areas , local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System . Section 4, Chapter 2009-96, LOF.	163.3180(10)	Within the City, only Interstate 95 is on the SIS.	The City will amend its policies to adopt the FDOT standards for the SIS.