



SECTION 7 - LEGAL AND REGULATORY

Neighborhood Impact Assessment

This assessment provides a detailed description of the impact of the proposed Redevelopment Plan upon the neighborhood residents of the CRA and the surrounding areas as required by Chapter 163.362 (3) FS. Such a description is required because the CRA contains low-moderate income residents and areas of rental and owner-occupied residential uses. This plan contains provisions to promote new single family attainable as well as, market rate housing.

Affordable housing for lower income persons is available within and outside the CRA, particularly from the many trailers, rooming houses, and new tax credit projects of Whispering Pines and Sunrise Villas. This plan includes provisions for Habitat for Humanity (HFH) (as well as other non-profit organizations) to provide or expand opportunities for affordable, quality, standard owner-occupied single family housing.

Overall, this plan is designed to preserve, conserve, protect and rehabilitate not only the residential areas, but moreover to improve and protect the investments made to all properties and others elsewhere in the districts.

Element of Residential Use

The purpose of Redevelopment Plans is to cure areas of blight and promote quality residential use, particularly with regard to developing and maintaining sustainable neighborhoods. Should any residential units be relocated, the CRA will prepare a relocation study and work with other housing providers to locate appropriate housing. The CRA itself is not anticipated to be a developer of housing. This Plan does identify areas for the private sector to create new, replacement, and infill residential and mixed-use development that will add units to the City's housing stock.

Traffic Circulation

The plan calls for development of vacant parcels plus improvements and redevelopment for a number of existing commercial, industrial and residential lands. Changes over time could result in some net increase in traffic generation. A major objective of the whole redevelopment effort is to encourage a more vibrant business community with more customers. The existing roadway system will remain virtually intact, unless changes to the some of the side streets occurs in future years as funding, support and interest grows. A perimeter road is planned for 101st Street to go east from Babcock Street (CR 507) across Hall-Carter-James and the FJV 157.5 acre site, then connecting southward to CR 512. This becomes a connector from Brevard County to the north and I-95 to the east.

CR 512 has been widened on the east side of I-95. Bus service is being expanded throughout the City and CRA. Generally, street network improvements will include intersection improvements, traffic light upgrades, turn lane enhancements, and other multi-modal additions. Most of the anticipated traffic will continue to move through the area along the major arteries CR 512, Willow Street, Broadway Street, and SR 507. Except for those living in the area, other traffic will be confined and geared toward use of the



commercial streets and areas along the corridor. Overall, the additional traffic will have an insignificant impact on the levels-of-service of affected roadways.

Residential streets within the CRA will be marginally impacted, if at all, by traffic related to CRA improvements activities. To the extent that vacant lots are developed throughout the district as infill sites, the quantity of such traffic would be so small that the level-of-service standards on any of the streets should not be significantly affected.

FDOT will need to be involved early on by the City if there are to be major changes to the circulation system. An enormous amount of effort and funding for some physical changes to the roadway can be allocated through the MPO process. In addition, the private sector will bear a large portion of improvements necessitated by growth.

Environmental Quality

There are no plans to introduce any type of land use or business that would be a “pollution” producer. On-site stormwater management systems will be required to adequately handle runoff from new developments. Plan implementation will result in more green and landscaped spaces than presently exist, which will be a positive impact on the environment. The plan calls for working with the SJRWMD/DEP to annex conservation lands, expand access to the preserve, create eco-tourism opportunities, environmental learning centers, greenways/trail/linear parks, develop the rails-to-trails program and 86 acre passive Preserve park purchased with the County and State. Stormwater parks will be created instead of ponds. Applications for annexation of large tracts of land must submit an environmental analysis. The CRA is predominately urbanized or urbanizing. While vacant lands exist in the northeast and eastern portion of the City, plans for their development are underway. The City requires the copies of environmental permits for development approval. There are no adverse, only positive, impacts from the proposed redevelopment program.

Availability of Community Services and Facilities

The plan will result in enhanced community services and facilities in the FCRA. Such enhancements will include: increased police protection; added streetscaping for beautification; modifications to several intersections to make them safer; street, sidewalk, and drainage improvements; traffic calming enhancements; monumentation for identification; upgraded water and new waste-water systems; relocated and new solid waste disposal methods; expanded libraries and community centers; enhanced recreation programs and facilities; and public/private cost share programs to encourage public facility and service improvements.

Effect on School Population

The Plan will have little direct impact on the school population. Fellsmere Elementary School is an award winning school. Sites are being reserved on lands west of I-95, in the East CR 512 sub-district, for a new Elementary and potentially a new Middle School. A school site has been dedicated on the eastside of I-95 within the City limits. Sebastian High School serves all of our residents including those outside of the CRA.



One positive benefit for the school-age population residing in or using the redevelopment area will be new sidewalk linkages, traffic control devices, and better pedestrian movement. Demographic analysis shows the average household size decreasing over the next 5 years. The interlocal agreement with the School Board will enable the City to monitor the growth and capacity at all of its elementary, middle, and high schools used by its residents. The city and School Board work closely to assure quality in building capacity and overall education.

Other Matters Affecting the Physical and Social Quality of the Neighborhood

It is expected that once implementation of the Redevelopment Program gains momentum over a period of months and years, the overall physical and social conditions of the FCRA will significantly improve. Hopefully, an ‘attitudinal shift’ will occur across the City that will increase community pride and motivation to participate in activities that result in visible physical and social improvements.

Comprehensive Plan Consistency

The Redevelopment Plan is determined to be in compliance and consistent with the City’s adopted Comprehensive Plan, including the Future Land Use Map (FLUM), and the Goals, Objectives and Policies of all the Elements. Priority should be given to amendments which are deemed to facilitate the implementation of the Community Redevelopment Plan (CRP). The Local Planning Agency has also found the Plan to be in compliance in Resolution 09-HH.

Restrictions

Only the Fellsmere City Council shall be authorized to pledge the full faith and credit of the City of Fellsmere, or to guarantee the indebtedness of any person performing any work or providing labor or services in connection with any redevelopment project, or to otherwise obtain funds from any source or in any manner not specifically authorized in the Plan, the Act, or the provisions of applicable law. The CRA has all the powers and authority vested by Chapter 163, Part III, Community Redevelopment, as may be amended from time to time.

Relocation Assistance

The City will follow Department of Housing and Urban Development (DHUD) relocation assistance policies to provide equitable treatment for all property owners and tenants in the event of displacement resulting from property acquisition by the Redevelopment Agency. The purpose of the plan is to stimulate private sector investment, which may result in property acquisitions within the redevelopment area. Private-sector land acquisition and redevelopment projects are not subject to the same provisions as governmental bodies. In the case of tenants displaced as a consequence of a voluntary sale by the private sector, the Redevelopment Agency, if requested, may assist by providing referrals and technical assistance to known local private and public housing providers in the area, in order to assure the displaced parties have replacement housing available to them.

Plan Approval

The Community Redevelopment Plan (CRP) has been approved and adopted pursuant to Chapter 163.360 Florida Statutes. Upon approval by the City Council, the Redevelopment Plan shall be



considered in full force and effect for the defined redevelopment area. The City may then cause the Community Redevelopment Agency to carry out the implementation of the Plan.

Duration of the Plan

The redevelopment provisions, controls, restrictions and covenants of the Redevelopment Plan shall be effective for 30 years from the date of adoption.

Amendment of the Plan

The Redevelopment Plan may be modified, changed, or amended at any time by the City Council in accordance with the requirements of Section 163.361, F.S.

Safeguards and Retention of Control

This Redevelopment Plan is the guiding document for future development, redevelopment and ancillary programs, projects, and activities in and for the Fellsmere Community Redevelopment Area. In order to assure that redevelopment will take place in conformance with the projects, objectives and action strategies expressed in this plan, the Redevelopment Agency will utilize the regulatory devices, instruments and systems used by the City of Fellsmere to permit development and redevelopment within its jurisdiction. These regulatory devices, etc, include but are not limited to the Comprehensive Plan, the Land Development Code, adopted design guidelines, performance standards and City authorized development review, permitting and approval processes and any other adopted codes, standards, and policies.

In accordance with the requirements of Section 163.362 (2) (b), F.S., the City's regulatory controls determine the limitations on building height, structure, size and use. The Redevelopment Plan sets forth proposed uses in the description of the Concept Plan and illustrates them on the accompanying maps. The Fellsmere City Council retains the vested authority and responsibility for:

- The power to grant final approval to the Redevelopment Plans and modifications
- The power to authorize issuance of revenue bonds as set forth in Section 163.385, F.S.;
- The power to approve the public acquisition, demolition, removal or disposal of property as provided in Section 163.370(3), F.S.

The Redevelopment Agency shall provide adequate safeguards or any other provisions necessary to carry out the goals and objectives of the Redevelopment Plan to ensure that all leases, deeds, contracts, agreements, and declarations of restrictions relative to any real property conveyed shall contain restrictions and/or covenants to run with the land and its uses.

Reporting Requirements

The Community Redevelopment Agency shall comply with the reporting requirements of Section 163.356 (3) (c), F.S. This includes filing a report of its activities for the proceeding fiscal year with the Auditor General on or before March 31st of each year and with the City Council. The report shall include a complete financial statement setting forth its assets, liabilities, and income and operating expenses as of



the end of such fiscal year. Additionally, the Agency shall comply with the auditing requirements, as set forth in Section 163.387 (8), F.S., which mandates an independent financial audit of the Redevelopment Agency Trust Fund each fiscal year and report such an audit. The CRA or its agents shall conform to the statutory requirements as applicable for special districts under the laws of the State of Florida.

Severability

If any provision, section or clause of the Redevelopment Plan is held to be invalid, unconstitutional, or otherwise illegal, such decision shall not affect the validity of the remaining portions of the Redevelopment Plan.