

**INDIAN RIVER COUNTY, FLORIDA  
M E M O R A N D U M**

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**TO:** Jason E. Brown; County Administrator

**THROUGH:** Stan Boling, AICP; Community Development Director

**THROUGH:** John W. McCoy, AICP; Chief, Current Development

**FROM:** Ryan Sweeney; Senior Planner, Current Development

**DATE:** August 31, 2018

**SUBJECT:** Consideration of Land Development Regulation (LDR) Amendments to Chapters 911, 912, 913, 914, 915, and 972 Regarding the Affidavit of Exemption (AOE) and Final Plat Review and Approval Process, Master Lot Drainage Plans for New Subdivision Projects, Affordable Housing Conceptual Plans, Early Model Homes on Subdivision Construction Sites, and Medical District Side Yard (Setback) Requirements

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of September 18, 2018.

**BACKGROUND**

There are a total of six proposed LDR amendments being presented for consideration by the Board of County Commissioners (BCC). Five of the six proposed LDR amendments were initiated by the BCC based on recommendations from the Development Review and Permit Process Advisory Committee (Committee), and supported by staff. The sixth LDR amendment was initiated by Community Development Department staff in order to provide a minor allowance within the MED, Medical zoning district, consistent with an allowance in other commercial zoning districts. The group of five proposed amendments are the second “installment” of LDR changes recommended by the Committee, and represent changes to portions of the existing development review process and/or specific development topics. The sixth amendment is included with this installment as a piggyback item, and represents a minor development standard change to the MED zoning district.

The amendments are proposed as a set of six separate ordinances with each ordinance focused on a specific process or topic. The Planning and Zoning Commission (PZC) considered the proposed LDR amendments on August 23, 2018 and voted unanimously to recommend that the Board adopt the proposed amendments (see Attachment 1).

The BCC is now to consider the proposed LDR amendment ordinances and adopt, adopt with modifications, or deny the ordinances.

**ANALYSIS**

- **Committee Background, Purpose, and Recommendations**

On July 11, 2017, the BCC established the Development Review and Permit Process Advisory Committee by resolution to review the County's processes and to make recommendations for streamlining or improving those processes (see Attachment 2). The Committee consists of thirteen total members and one alternate: ten members appointed by individual commissioners, three "at large" members, and one alternate appointed by the full BCC. The BCC appointed members at its August 15, 2017 meeting. Impacts from Hurricane Irma delayed the Committee's initially scheduled September 2017 organizational meeting.

The Committee has held regular monthly meetings since October 18, 2017 (except July and August of 2018), and will automatically sunset on October 18, 2018 or upon completion of its BCC-assigned tasks, whichever occurs first. In its initial work with staff and the public, the Committee focused on the various general/overall development review processes, and forwarded a first "installment" of LDR changes to streamline those processes. Ultimately, the BCC adopted that first "installment" of LDR changes on March 13, 2018.

After looking at the general/overall processes, the Committee continued to coordinate with staff and the public and focused on certain specific LDR requirements, sections/subsections, and sub-processes. This second "installment" of LDR changes (five separate amendments) are more technical in nature, and are typically limited to a specific development topic or concept. There is also an additional piggyback amendment included with this group that is technical and specific to a minor development standard change, but was not initiated by the Committee.

- **Proposed Amendments**

"Ordinance #1" - Affidavit of Exemption (AOE) Review and Approval Process:

The current AOE review and approval process requires an AOE to be "platted" (i.e. recording a mylar in the public plat books) if the AOE project includes a new road or roads (e.g. private road right-of-way). The AOE plat document shows the overall project layout, including all lots, easements, and/or rights-of-way, and includes all dedications and/or other legal allowances in a clear and concise legal document (similar to a conventional subdivision plat). However, the current process does not require platting if no new road is proposed, but does require multiple individual exhibits in 8 ½" X 11" format including surveys, easements and/or right-of-way dedication documents, and covenant documents that must be prepared, reviewed, revised, approved, and recorded. The multiple documents are cumbersome to property owners and members of the real estate and development industry needing to review multiple recorded documents when evaluating a parcel. An AOE applicant may voluntarily "plat" a non-road AOE; however, most applicants elect the less efficient "multiple documents" option.

The proposed changes to the AOE process will require all AOE's to either be "platted" or presented in a 24" by 36" recordable map format (similar to a plat). This change will provide a single, uniform process for all AOE's, and will streamline the overall process by eliminating the cumbersome back-and-forth process allowed under the current "multiple documents" option. The recordable map will provide a single, legible, efficient document for the property record. The changes also require that all AOE's be reviewed via the same established process and timeframes currently required for preliminary plat applications.

“Ordinance #2” - Final Plat Review and Approval Process:

The proposed changes for the final plat review and approval process are summarized as follows:

1. Require final plat title certification to be by a Florida licensed attorney only (not a title company).
2. Require use of a final plat checklist provided by the County Surveyor.
3. Authorize staff to use a “stop-loss” (“stop-review”) process for grossly deficient final plat submittals.
4. Provide for developer/County agreements and arrangements for posting security that guarantees construction and is then reduced to cover warranty/maintenance/bill of sale items.
5. Allow surveying and engineering costs to be excluded from the amount posted to secure warranty/maintenance/bill of sale items.
6. Clarify the two options for obtaining final plat approval (before completion of construction or after completion), and line-up warranty maintenance (roads and drainage) and bill of sale (water and sewer) items.
7. Update Clerk of Court plat items based on a request received from the Clerk of Court office.

“Ordinance #3” - Master Lot Drainage Plans for New Subdivision Projects:

The proposed changes require LDP (Land Development Permit) submittals to include a master lot drainage plan (includes typical drainage plans for individual lots) for new subdivision projects, and waive the LDP modification fee for voluntary submittal of master lot drainage plans for existing active subdivisions. Preparation and use of master drainage plans at the LDP stage will save the builder and staff time later in the development process for applicants and reviewers of individual building permits for homes.

“Ordinance #4” - Affordable Housing Conceptual Plans:

The proposed changes create a new conceptual administrative approval (AA) process for affordable housing grant applicants. The new process will allow affordable housing grant applicants to move their grant applications forward with a relatively low expenditure, due to the competitive and uncertain nature of the grant (lottery) process. The proposed conceptual AA process will not require a traffic study or drainage statement, will be reviewed through the AA process (2-3 weeks) instead of the TRC process (6-12 weeks), and will allow County staff to sign-off on the grant application form once the conceptual AA is approved. As proposed, the conceptual AA will be subject to a subsequent major site plan review, will not secure development entitlements or vesting, and will require a separate fully detailed “final” site plan application review and approval if the project is awarded funding and moves forward as a formal, “real” project.

“Ordinance #5” - Early Model Homes on Subdivision Construction Sites:

The proposed changes create a new LDR subsection that will allow a limited number of “early” model homes to be constructed within a conventional subdivision (or subdivision phase) simultaneously with construction of subdivision infrastructure improvements, and prior to completion of those subdivision improvements (i.e. issuance of Certificate of Completion). As proposed, the early model homes will be permitted as a temporary use, subject to certain minimum required infrastructure improvements being installed, inspected, and approved for temporary use by appropriate County staff.

The proposed changes also require that the same basic infrastructure improvements be provided for a planned development (PD) (or PD phase).

The proposed changes are summarized as follows:

1. Identify the (minimum) required infrastructure improvements that must be provided before an early model home can be open to customers.
2. Require a metes and bounds survey (with a reference to the future legal description/lot number) for each early model home proposed prior to final plat recording.
3. Provide a minimum and maximum number (percentage) of early model homes allowed in a subdivision (or subdivision phase).
4. Require that only a temporary Certificate of Occupancy (C.O.) may be issued for early model homes, and that a final Certificate of Occupancy may only be issued upon issuance of a Certificate of Completion for the subdivision (or subdivision phase).
5. Identify the (minimum) required infrastructure improvements that must be provided for early home starts (models and non-models) in a PD.

“Ordinance #6” - Medical District Side Yard (Setback) Requirements:

The current LDRs allow a zero foot (0’) side yard (setback) within the CL, Limited Commercial; CG, General Commercial; and CH, Heavy Commercial zoning districts if the project site abuts a nonresidential use with interconnected parking and an approved access easement. The proposed change will allow the same 0’ side yard (setback) in the MED, Medical zoning district under the same circumstances (i.e. the project site abuts a nonresidential use with interconnected parking and approved access easement). Essentially, the proposed change will make the MED district consistent with several other commercial districts for this specific provision, and could allow for a more efficient site design for medical buildings and/or medical complexes, especially on small development sites or redevelopment sites, as that allowance currently provides at office and retail projects in the CL and CG districts. The reduced side yard (setback) accommodates shared access between sites and allows increased building envelope flexibility that in practice within the CL and CG districts has provided increased opportunities for tree preservation.

**RECOMMENDATION**

Staff recommends that the Board of County Commissioners adopt all six ordinances amending Chapters 911, 912, 913, 914, 915, and 972 of the County land development regulations.

**ATTACHMENTS**

1. Excerpt from Draft August 23, 2018 PZC Minutes
2. Resolution Establishing the Committee
3. Ordinance #1 - Affidavit of Exemption (AOE) Review and Approval Process
4. Ordinance #2 - Final Plat Review and Approval Process
5. Ordinance #3 - Master Lot Drainage Plans for New Subdivision Projects
6. Ordinance #4 - Affordable Housing Conceptual Plans
7. Ordinance #5 - Early Model Homes on Subdivision Construction Sites
8. Ordinance #6 - Medical District Side Yard (Setback) Requirements