

**INDIAN RIVER COUNTY, FLORIDA**

**M E M O R A N D U M**

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

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

**DATE:** February 12, 2018

**SUBJECT:** Consideration of Land Development Regulation (LDR) Amendments to Chapters 910, 913, 914, 952, and 971 Regarding Traffic Study Requirements, Subdivision and Site Plan Review Processes, and Staff Level Approval Authority for Certain Uses (**Legislative**)

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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 March 13, 2018.

**BACKGROUND**

The subject proposed LDR amendments were initiated by the Board of County Commissioners (BCC or Board) at its January 16, 2018 meeting based on recommendations from the Development Review and Permit Process Advisory Committee (Committee) and support from staff (see Attachment 1). The proposed amendments are the first “installment” of LDR changes considered and proposed by the Committee, and represent changes to portions of the existing development review process. No development standards or criteria are proposed to be changed.

The amendments are proposed as a set of five separate ordinances with each ordinance structured to amend a separate LDR chapter; specifically chapters 910, 913, 914, 952, and 971. The Planning and Zoning Commission (PZC) considered the proposed LDR amendments on February 8, 2018 and voted unanimously to recommend that the Board adopt the proposed amendments with one minor change. That change has been incorporated into the ordinance now proposed for the Board’s adoption. The PZC’s minor change is described in the analysis section of this report.

The Board 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 Board established the Development Review and Permit Process Advisory Committee by resolution (see Attachment 2). The Committee consists of thirteen total members and one alternate: ten members appointed by individual commissioners, and 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 began in October 2017 to meet monthly and will automatically sunset October 18, 2018 or upon completion of its Board-assigned tasks, whichever occurs first. Currently, the Committee is focusing on its primary objective to identify issues and adopt recommendations for improving and streamlining aspects of the existing development review process. In its initial work with staff and the public, the Committee heard from staff about the need to increase the number of development review staff in planning, engineering, and fire prevention (addressed in new County budget effective October 1, 2017), reviewed development process flowcharts, identified process “bottlenecks” and problem areas, and developed recommendations for improvements.

To date, the Committee has focused on development review processes for site plan and subdivision projects (“horizontal” development plan applications), final plat and posted security items, the affidavit of exemption process, and lot drainage plans. In the future, the Committee will work on building permit (“vertical” development permit applications) process items, followed by consideration of development review fees, and potential process improvements that may be available through increased automation.

- **Proposed Amendments**

Chapter 910 (Concurrency) “Ordinance #1”

Currently, under Chapter 910 and 952 regulations, Traffic Engineering provides the traffic evaluation for projects that generate fewer than 100 average daily trips. For projects generating 100 or more daily trips, an applicant is required to submit a traffic study that must be reviewed and approved by Traffic Engineering.

Changes proposed to Chapter 910 (and 952) reflect the new threshold for traffic study submittal by an applicant (from 100 average daily trips to 400). The 400 trip threshold (equates to 40 single-family homes or a 6,250 sq. ft. of retail variety store) was proposed and supported by the Public Works Director based on a determination that the 100 trip threshold is unnecessarily low and that the 400 daily trip threshold appropriately reflects projects of a size that rarely, if ever, require off-site improvements such as turn lanes.

If adopted, the higher threshold will relieve applicants of smaller projects from the responsibility of providing a traffic study for Traffic Engineering’s review and will transfer the responsibility of evaluating small project traffic impacts to Traffic Engineering. Consequently, for projects that produce fewer than 400 daily trips, Traffic Engineering will directly determine traffic impacts and identify/require off-site improvements, if any. No change in traffic evaluation criteria or traffic standards are proposed.

Effective date: Upon filing with the Department of State; essentially immediately.

Chapter 913 (Subdivisions and Plats) “Ordinance #2”

Changes proposed reflect a one week increase in up-front staff review time and adjust re-submittal items that will save overall review and approval time on the backend of the process. Proposed changes are summarized as follows:

1. Providing applicant the option of submitting an approved traffic methodology rather than a traffic study, concurrency certificate, or concurrency application at the time of preliminary plat application.
2. Adding 7 days more staff review time prior to TRC.
3. Requiring staff to conduct a pre-TRC inter-departmental coordination meeting.
4. Requiring staff to send draft TRC comments to the applicant prior to TRC.
5. Requiring staff to indicate code/safety/engineering-required comments and advisory comments.
6. Requiring final TRC comments to consist of draft comments and items discussed at TRC.
7. Requiring applicant responses to recite each staff comment and indicate where a change has been made on the revised preliminary plat.
8. Requiring submission of a traffic study and concurrency application prior to or at the time of the post-TRC resubmittal.
9. Authorizing staff level approval for preliminary plats proposing less than 25 residential lots or units. (Note: the 25 lot/unit threshold is consistent with the small project threshold used in other regulations such as the Chapter 918 sewer connection requirements.)

Effective date: Because the application review scheduling and routing process will change, a delayed effective date is needed for staff training and notification to potential applicants. As proposed, the effective date will be May 1, 2018.

#### Chapter 914 (Site Plans) “Ordinance #3”

Changes proposed for site plans reflect the same changes described above for preliminary plats, and also include an updated reference to the new traffic study threshold.

Effective date: For the same reasons relating to Chapter 913 changes, the proposed effective date will be May 1, 2018.

#### Chapter 952 (Traffic) “Ordinance #4”

Changes proposed reflect traffic study threshold and traffic study review process adjustments, and are summarized as follows:

1. Providing for the new traffic study submittal threshold.
2. Providing the option for the Public Works Director to approve conducting a traffic methodology pre-application conference by telephone.
3. Requiring the methodology meeting to be held within 5 business days of the request for the meeting made in writing or via email.
4. Requiring the applicant’s engineer to provide a site access plan 3 days prior to the methodology meeting.
5. Clarifying that the approved traffic methodology will be signed and dated by staff.
6. Requiring approval of the traffic methodology prior to formal site plan or preliminary plat application submittal.
7. Requiring traffic study submittal prior to or at the time of the post-TRC resubmittal.
8. Providing review timeframes for traffic study submittals.
9. Updating the traffic methodology submittal requirements.

Effective date: Upon filing with the Department of State; essentially immediately.

Chapter 971 (Specific Land Use Criteria) “Ordinance #5”

Changes proposed reflect staff-level approval authority rather than PZC approval for uses that are commonly approved by the PZC without controversy or expressed concerns. Changing from PZC approval to staff-level approval would save 14 – 28 days in approval time for affected projects. No changes to development criteria or standards are proposed. Uses affected include miniature golf courses in the CH district and the following:

1. Building materials/lumber yards in CG
2. Outdoor storage in CH
3. Veterinary clinics in A-1, A-2, A-3, CL, CG, CH
4. Child care in all agricultural and residential districts, PRO, OCR, CN
5. Nursing Homes in MED
6. Single-family accessory dwelling unit (aka “mother-in-law” units) in all agricultural and residential districts
7. Drug stores in CN, OCR
8. Used vehicle sales in CH

During its February 8, 2018 meeting discussion, the PZC took note of the fact that any staff-level approval decision is appealable to the PZC and that site plan projects scheduled for PZC consideration are covered by a requirement that a courtesy notice sign be posted on the project site prior to the PZC meeting. After further discussion, the PZC recommended approval of the Chapter 971 amendments with one change: continuing to require a courtesy sign-posting on the subject property to alert neighbors of the proposed development of any of the uses affected. That recommended change has been incorporated into the proposed Chapter 971 amendments.

Effective date: Upon filing with the Department of State; essentially immediately.

**RECOMMENDATION**

Staff recommends that the Board of County Commissioners adopt all five ordinances amending Chapters 910, 913, 914, 952, and 971 of the land development regulations.

**ATTACHMENTS**

1. Minutes from January 16, 2018 BCC Meeting
2. Resolution Establishing the Committee
3. Draft Minutes from February 8, 2018 PZC Meeting
4. Ordinance #1 for Chapter 910
5. Ordinance #2 for Chapter 913
6. Ordinance #3 for Chapter 914
7. Ordinance #4 for Chapter 952
8. Ordinance #5 for Chapter 971