

## INDIAN RIVER COUNTY, FLORIDA

### MEMORANDUM

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

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

**DATE:** March 11, 2019

**SUBJECT:** Final Recommendations from the Development Review and Permit Process Advisory Committee

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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 26, 2019.

#### **BACKGROUND**

On July 11, 2017, the Board of County Commissioners (Board) established the Development Review and Permit Process Advisory Committee (Committee). Subsequently, on August 15, 2017 the Board finalized committee appointments and the Committee conducted its first meeting on October 18, 2017. The Committee convened for 10 monthly meetings, taking a “summer recess” in 2018, and had a long list of accomplishments working with staff and gaining Board approval on a number of development process improvements and streamlining adjustments as well as an updated development review fee schedule.

On October 18, 2018, the Committee automatically sunsetted after its initial 12 months of service. Prior to that sunsetting at its October 17 meeting, the Committee voted to request one or two additional meetings in order to formulate final recommendations to the Board on six topics identified by the Committee as unfinished business.

At its November 6, 2018 meeting the Board considered the Committee’s request and authorized the Committee to hold up to two additional meetings for its final recommendations on the six topics, with a final sunset date of February 28, 2019 (see Attachment 1).

The Committee conducted what turned out to be its final meeting on January 16, 2019. At that meeting, the Committee considered its six topics and formulated all final recommendations. At the end of that meeting, the Committee voted unanimously to end all Committee business and sunset the Committee effective immediately with no further meeting to be held (see Attachment 2).

Since the January 16, 2019 Committee meeting, staff coordinated with a Committee member regarding potential landscaping regulation changes discussed at the January 16<sup>th</sup> meeting. Now, staff hereby presents the Committee’s final recommendations for the Board’s consideration.

## **ANALYSIS**

Below is a listing of each of the six final topics identified and discussed by the Committee, pertinent information related to each topic, and the Committee's final recommendation.

1. Building permit items to be researched, specified, and brought forward by Committee member Robert Banov.

It was suggested at the October 17, 2018 Committee meeting that Mr. Banov first contact staff regarding the specific items he is interested in prior to Committee discussion. Prior to the January 16, 2019 Committee meeting, Mr. Banov met with staff about his concerns, including concerns about inspection sequencing. All concerns were addressed during that meeting. At the January 16, meeting, Mr. Banov confirmed that all matters had been resolved.

**Recommendation:** None

2. Discussion of a policy to require a cost benefit analysis with future proposed changes affecting the development industry.

This policy was initially discussed in concept at the October 17, 2018 meeting. During the January 16, 2019 meeting, staff noted that one approach it has used in the past to evaluate potential costs of proposed changes is to provide a "typical project" cost impact. Staff also noted that the benefits and justification for a proposed change are usually provided in either quantitative data, qualitative terms, or in terms of maintenance and/or life cycle cost savings.

**Recommendation:** That the Board make it a general policy that for proposed changes affecting the development industry, a cost benefit analysis using quantitative, qualitative, or life cycle approaches be presented to decision makers including the Board of County Commissioners.

**NOTE:** Staff supports this recommendation.

3. Discussion of planned development (PD) project "public benefits" policy.

This existing policy applies to PD applications only and is used to justify special exception or PD zoning approval of reduced lot sizes, reduced setbacks, and increased densities compared to standard conventional development. This policy relates to PD applicant's providing trade-offs and/or innovative designs comparing a proposed PD to a conventional development. Examples of "public benefit" trade-offs include: providing turn lanes when not otherwise strictly required, right-of-way donations, increased open spaces and tree protection, providing run-off treatment for adjacent public road improvements, and providing for public infrastructure and/or public space (e.g. park site or school site donation). After discussion at the January 16 meeting, the Committee asked that a list of trade-off examples be made available. Staff has created that list which is attached (see Attachment 3).

**Recommendation:** None

4. Discussion of landscaping items (one landscape item was scheduled for action at the October 17, 2018 meeting but was not considered due to time constraints).

Based on a previous request from Committee member Chuck Mechling, staff proposed an LDR change to codify more flexibility with palm tree credits for canopy trees. That proposal would codify staff's existing practice, and was included in the Committee's October 17, 2018 meeting packet. The Committee ran out of time and did not get to that item at its October 17, 2018 meeting. At the January 16, 2019 meeting staff stated that it continued to support the proposal (see Attachment 4). Committee member Chuck Mechling indicated that he would meet with staff on other landscape regulation ideas prior to the Committee's final recommendations going to the Board. Staff has now met with Mr. Mechling and, in addition to the palm tree credit code changes, is supportive of conducting a future field meeting with Mr. Mechling, nursery and horticulture experts, and other interested parties to consider converting some current landscape ordinance size standards to standards more readily used in the nursery and horticulture industry.

**Recommendation:** Adopt the proposed amendment codifying flexibility on palm tree canopy credits.

**NOTE:** Staff supports this recommendation.

5. Consideration of having an on-going development industry committee such as the DRPPAC or the former PSAC.

Staff continues to use the Committee email group to notify interested parties on matters that impact the development industry. At the January 16, 2019 meeting, the Committee decided to not pursue this issue.

**Recommendation:** None

6. Re-consideration of a previous Committee recommendation on littoral zone requirements.

Littoral zone requirements were discussed and acted on by the Committee in September 2018 when vice-chairman Joe Paladin was absent. Up to that point, the Committee had twice discussed littoral zone requirements and had come to focus on slope requirements which could be adjusted in the land development regulations without requiring a comprehensive plan amendment. At its September 2018 meeting, however, the Committee voted to recommend eliminating County littoral zone requirements entirely by changing the comprehensive plan and land development regulations and "defaulting" to St. Johns River Water Management District requirements regarding littoral zones. Said District requirements provide for use of littoral zones as an option but not as a design requirement. The vice-chairman was interested in this item and has asked that the Committee reconsider its recommendation on County littoral zone requirements. At its January 16 meeting, the Committee considered multiple motions to change its September recommendation on littoral zone requirements (see Attachment 2). In the end, the Committee failed to pass a motion and

so its September 2018 recommendation remains unchanged.

To provide the Board background on littoral zones and littoral zone requirements, staff has attached its reports for the March 2018 and September 2018 Committee meetings (see Attachments 5 and 6).

**Recommendation:** That the Board amend the comprehensive plan and land development regulations to eliminate County littoral zone requirements and follow the requirements and design criteria of the St. Johns River Water Management District.

**NOTE:** Staff does **not** support the Committee's recommendation.

### **RECOMMENDATION**

Staff recommends that the Board consider the Committee's final recommendations and provide staff direction on any of those recommendations the Board wishes to pursue.

### **ATTACHMENTS**

1. Minutes from November 6, 2018 BCC meeting
2. Minutes from January 16, 2019 DRPPAC meeting
3. Examples of PD Project Public Benefit Trade-offs
4. Proposed LDR amendment
5. Staff Report on Littoral Zones for March 2018 Committee Meeting
6. Staff Report on Littoral Zones for September 2018 Committee Meeting