

# Fellsmere

**CITY COUNCIL MEETING  
MARCH 2, 2017 – 7:00 P.M.  
AGENDA**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 4. INVOCATION**
- 5. APPROVAL OF MINUTES:** City Council of February 16, 2017 Meeting.
- 6. BUDGET AND FINANCE REPORT** for the month ending January 31, 2017
- 7. PUBLIC HEARINGS:**
  - (a) ORDINANCE 2016-II/** AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE TEXT OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF FELLSMERE COMPREHENSIVE PLAN; PROVIDING FOR RATIFICATION; AUTHORITY; COMPREHENSIVE PLAN TEXT MODIFICATION; TRANSMITTAL; SEVERABILITY; CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE/Public Hearing and second and final reading.
  - (b) ORDINANCE 2017-01/**AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE I. GENERAL PROVISIONS, SECTION 1.0 TITLE, SECTION 1.1 AUTHORITY, SECTION 1.5 ADMINISTRATION AND ENFORCEMENT AND ADDING NEW SECTIONS 1.17 AUTHORIZATION; RESPONSIBILITY, SECTION 1.18 AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE, SECTION 1.19 SUPPLEMENTATION OF CODE, SECTION 1.20 ALTERING CODE AND SECTION 1.21 EFFECT OF REPEAL OF ORDINANCES; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.
  - (c) ORDINANCE 2017-02/**AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE III. ESTABLISHMENT OF

ZONING DISTRICTS AND MAP, SECTION 3.21 PDD PLANNED DEVELOPMENT DISTRICT, SECTION 3.26 REAC REGIONAL EMPLOYMENT ACTIVITY CENTER DISTRICT, SECTION 3.27 I INDUSTRIAL AND AMENDING TABLE 3-B. TABLE OF USES, RESIDENTIAL DISTRICTS, TABLE 3-C. TABLE OF USES, NON-RESIDENTIAL DISTRICTS, AND TABLE 3-E DIMENSIONAL STANDARDS, NON-RESIDENTIAL DISTRICTS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.

**(d) ORDINANCE 2017-03**/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE V. SUPPLEMENTAL USE REGULATIONS, SECTION 5.3 CRITERIA FOR SPECIFIED USES AMENDING CERTAIN EXISTING PROVISIONS THEREIN AND ADDING NEW CATEGORIES JJ. NON-RESIDENTIAL USES WITHIN RESIDENTIAL DISTRICTS, KK. HUNTING, LL. ACCESSORY DWELLING, MM. COMMUNITY/FAMILY GARDENS, NN. ADULT ENTERTAINMENT ESTABLISHMENT OR SEXUALLY ORIENTED BUSINESS, AND OO. MEDICAL MARIJUANA DISPENSARIES; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.

**(e) ORDINANCE 2017-04**/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE VII. DESIGN STANDARDS, SECTION 7.4 FENCES AND WALLS, SECTION 7.7 DRIVEWAYS, PARKING PADS, PATIOS AND DECKS, SECTION 7.9 SIDEWALKS, BICYCLE FACILITIES AND MULTI-USE PATHS, SECTION 7.13 LIGHTING, SECTION 7.16 PROTECTION OF HISTORICALLY SIGNIFICANT BUILDINGS AND ADDING NEW SECTION 7.22 OPEN SPACE; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.

**(f) ORDINANCE 2017-05**/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING AND REWRITING THE ENTIRETY OF

ARTICLE IX 512 OVERLAY DISTRICT DESIGN STANDARDS AND RENAMING ARTICLE IX OVERLAY DISTRICT DESIGN STANDARDS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.

**(g) ORDINANCE 2017-06/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE X. SIGNS AND SECTION 10.13 ALLOWED SIGNS THAT DO NOT REQUIRE SIGN PERMITS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.**

**(h) ORDINANCE 2017-07/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE XI. LANDSCAPING, SECTION 11.1 APPLICABILITY, SECTION 11.2 GENERAL REQUIREMENTS, SECTION 11.3 LANDSCAPE MATERIALS REQUIREMENTS STANDARDS, TABLE 11A-REQUIRED TREES, DELETING TABLE 11B- PROHIBITED SPECIES, ADDING NEW TABLE 11B STREET TREE SPECIES, SECTION 11.4 PERIMETER BUFFER REQUIREMENTS, SECTION 11.5 OPEN SPACE, VEHICULAR USE AREA AND PARKING LANDSCAPE REQUIREMENTS, SECTION 11.6 OPEN SPACE AREA LANDSCAPING REQUIREMENTS, SECTION 11.7 SUPPLEMENTAL LANDSCAPE REQUIREMENTS, SECTION 11.9 LANDSCAPE INSTALLATION AND MAINTENANCE REQUIREMENTS, SECTION 11.10 LANDSCAPING REQUIREMENTS FOR RESIDENTIAL STRUCTURES OF THREE OR FEWER UNITS, SECTION 11.11 FERTILIZING REQUIREMENTS AND ADDING A NEW SECTION 11.12 SOIL AMENDMENT; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.**

**(i) ORDINANCE 2017-08/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING AND REWRITING THE ENTIRETY OF ARTICLE XIV. SITE PLAN; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT**

CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.

**(j) ORDINANCE 2017-09/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING, DELETING, RENUMBERING AND ADDING NEW SECTIONS TO ARTICLE XV. SUPPLEMENTAL REGULATIONS, SECTION 15.0 SUBDIVISION PLAT REVIEW, SECTION 15.2 EXEMPTIONS TO SUBDIVISION PLAT REVIEW, SECTION 15.3 PRELIMINARY SUBDIVISION PLAT REVIEW PROCEDURES, SECTION 15.4 PRELIMINARY SUBDIVISION PLAT SUBMITTAL REQUIREMENTS, DELETING SECTIONS 15.5 IMPROVEMENT PLAN REVIEW AND SECTION 15.6 ENGINEERING CONSTRUCTION PLAN REQUIREMENTS, AMENDING AND RENUMBERING SECTION 15.7 FINAL PLAT REVIEW PROCEDURES AND SECTION 15.8 FINAL PLAT REQUIREMENTS, ADDING A NEW SECTION 15.7 RIGHT-OF-WAY ABANDONMENT REQUESTS, AMENDING AND RENUMBERING SECTION 15.9 COMPLIANCE REQUIRED, EXCEPTIONS, ADDING A NEW SECTION 15.9 GUARANTEE IMPROVEMENTS, DELETING SECTIONS 15.10 REQUIRED IMPROVEMENTS AND SECTION 15.11 GUARANTEE OF IMPROVEMENTS, AMENDING AND RENUMBERING SECTION 15.12 VACATION OF PLATS, RENUMBERING SECTIONS 15.13 REPLAT AND CORRECTIONS, SECTION 15.14 GENERAL STIPULATIONS AND CONDITIONS, AND SECTION 15.15 CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.**

**(k) ORDINANCE 2017-10/AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE XVI. SECURITY AND AGREEMENTS, SECTION 16.0 SECURITY GUARANTEES AND AGREEMENTS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.**

**(l) ORDINANCE 2017-11/ AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CITY OF FELLSMERE LAND DEVELOPMENT CODE BY AMENDING ARTICLE XVII. ADMINISTRATION, SECTION 17.2 PLANNING AND ZONING COMMISSION, SECTION 17.6 OFFICE**

OF THE CITY MANAGER, ADDING NEW SECTION 17.9 CITY TREE BOARD, SECTION 17.15 REVIEW OF APPLICATION FOR PLANNED DEVELOPMENT DISTRICT (PDD) ZONING AND CONDITIONAL USE APPROVAL, SECTION 17.18 VARIANCES, SECTION 17.19 CONDITIONAL USES, SECTION 17.20 REVIEW OF APPLICATIONS FOR PRELIMINARY AND FINAL SITE PLANS, SECTION 17.21 DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY, SECTION 17.22 DEVELOPMENT AGREEMENTS AND ADDING NEW SECTION 17.26 DESIGNATED ECONOMIC DEVELOPMENT PROJECTS; PROVIDING FOR RATIFICATION; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT; PROVIDING FOR AUTHORIZATION TO INCLUDE IN THE CODE; FURTHER PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE/1<sup>st</sup> Public Hearing and set the 2<sup>nd</sup> reading and 2<sup>nd</sup> and final Public Hearing for Thursday, March 16, 2017 at 7:00 p.m., or shortly thereafter, here in the City Council Chambers, 21 S. Cypress Street, Fellsmere, FL, Public hearings may be continued from time to time.

**8. PUBLIC COMMENTS**

**9. MANAGER'S MATTERS:**

**10. MAYOR'S MATTERS:**

**11. COUNCIL MEMBERS' MATTERS:**

**12. CITY ATTORNEY'S MATTERS:**

**13. NEW BUSINESS:**

**(a) Authorize** the Mayor and Staff to execute the Indian River County Lagoon Coalition 1<sup>st</sup> Amended and Restated Interlocal Agreement.

**(b) Authorize** Work Authorization 17-001 for software/hardware to fully integrate Wells #5 and #6 and upgrading operator interface and providing enhanced control over all six (6) of our surficial wells.

**14. ADJOURNMENT**

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk, at 772.646.6301, at least 24 hours prior to the meeting.