INDIAN RIVER COUNTY, FLORIDA

MEMORANDUM

TO: Jason E. Brown; County Administrator

FROM: Stan Boling, AICP
      Community Development Director

                Richard B. Szpyrka, P.E.
                Public Works Director

DATE: June 6, 2016

SUBJECT: Follow-up on Development Review Tasks Resulting from April Workshop

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of June 20, 2017.

BACKGROUND

At its meeting of May 2, 2017, Commissioner Zorc brought to the Board of County Commissioners (Board) three items to move forward as a result of the April 12, 2017 Development Review and Permitting Process Workshop. The items are as follows:

1. Review of landscaping requirements
2. Use of Temporary Suspension of Compliance provisions
3. Review of Development Review fees for Community Development and Public Works

The Board considered the items and directed the Community Development Department to move them forward (see attachment #1).

Community Development has considered workshop input and coordinated with other departments on the three development review tasks and now proposes specific changes for the Board to consider. Once the Board considers the proposed changes in concept and provides staff input, staff can obtain public input and formally initiate processes for future Board adoption of the changes.

The Board is now to consider the proposed changes along with any public input and provide staff direction.
ANALYSIS

Two of the three tasks assigned to Community Development involve land development regulations (LDRs). LDR changes involve a formal process that requires a public hearing before the Planning and Zoning Commission (PZC) and a public hearing before the Board. The third task involves development review fees. Changing those fees requires only Board review and adoption of new fees via a resolution.

- **Landscape Regulation Changes**

With respect to the first item regarding existing landscaping regulations (LDR Chapter 926) those regulations were most recently revised in 2010 with input from the development industry, the landscape industry, and the environmental community. The 2010 revisions included a number of changes that added flexibility to the regulations such as allowing a range of planting heights that average out overall to meet plant height minimums. Recently, two additional landscaping requirement “flexibility” items have been suggested. Those include codifying an allowance for varying plant heights for littoral zone plantings along pond shorelines (a practice already used by staff), and allowing a minor reduction in initial plant height for plants used to in-fill gaps in preserved, native buffer areas. Staff has drafted landscape ordinance and littoral zone planting regulation changes for those two concepts and supports moving forward with formal changes to Chapter 926 and Chapter 934 (see attachment #2).

- **Temporary Suspensions of Compliance**

The second item deals with use of temporary suspensions at the end of project construction. Although the existing temporary suspension of compliance provisions are popular and useful, staff has identified a need to curtail requests to eliminate certain items that are causing an inordinate amount of staff and applicant time spent resolving punch list items and follow-up after-the-fact. To address that problem, staff proposes to amend the existing temporary suspension regulations (Chapter 902) to provide more specificity that will guide staff and applicants, while adhering to the temporary suspension’s original purpose of allowing certificates of occupancy and certificates of completion when a project has been inspected and deemed substantially complete with only “minor deficiencies” remaining.

Staff’s proposed changes to Chapter 902 will add to the temporary suspension regulations a list of minor “suspend-able” items and a list of items not considered minor and not suspend-able. Although the lists are not all-inclusive, adopting those lists into the code will provide specific guidance for most end-of-project circumstances (see attachment #3). In addition to the proposed code changes, staff is proposing a nominal fee for a temporary suspension request ($100). Such fee will cover only a portion of staff costs for the extra administrative and inspection time devoted to servicing the requests, but will provide developers a small incentive for following the normal process, 100% completion of all required items, for obtaining a Certificate of Occupancy (C.O.) or Certificate of Completion (C.C.).
• Development Review Fees

The third item involves development review fees. Indian River County’s current development application fees have not been updated since 2004 and are significantly lower than application fees charged by other counties in the area (see attachment #4). Development review fees were updated in 1990 and 14 years later when they were next updated in 2004 the Board directed staff to update them more often… every 4 years. The 2004 update included a development application schedule used by Community Development and a separate fee schedule used by Public Works for stormwater permits, right-of-way permits, and site inspections. However, when the 4 year update timeframe came around in 2008, the county had entered what turned out to be a deep and long recession. Consequently, it was decided to keep review fees low and “un-updated” at that time. Now, 13 years out, review fees cover only a small portion of the staff time involved in reviewing, processing, inspecting, and closing-out development review projects.

Staff has drafted a preliminary development application review fee update for current development application types using the same methodology employed during the 1990 and 2004 fee updates. That methodology calculates for each specific application type the labor cost (salary and benefits) of each staff position involved based on the increment of time that staff position spends on the “average” development project application from beginning to C.O. Staff positions from various departments are used in the fee calculation; Fire Prevention reviews are not included in the calculated fees since Fire Prevention charges separate fees for its development application reviews. Also calculated into the preliminary fee schedule are the costs of advertising and mailed notice which applies to certain application types, and the additional costs of certain application types that may require a special PZC review. Staff’s preliminary update indicates that development review fees need to increase substantially from the current fees set in 2004. Even so, the preliminary updated fees for Indian River County will still be generally lower than fees charged in nearby counties (see attachment #6).

If the preliminary updated fees (full calculated costs) had been charged for development applications submitted in the last 12 months, staff estimates that an additional $221,731.61 of revenue from development review fees would have been received during that 12 month period (see attachment #5). Such revenue increase would help financially sustain needed increases in development review staffing levels to get faster development review turnaround times. The need for staffing increases, quicker review times, and development review fee increases were discussed at the April 12th workshop.

Staff proposes that, after public input, a finalized and updated Community Development fee schedule be considered by the Board in September. That schedule will include an update of other application types handled by Community Development such as comprehensive plan amendments, rezonings, concurrency certificates, and environmental permits. In addition, Public Works has evaluated its costs and fees as it relates to the building permit review and inspection process and the land development review and inspection process and has found that there is a significant revenue shortfall. That evaluation and preliminary fee information will be presented to the Board by the Public Works Director at the June 20, 2017 meeting (see attachment #8). An updated, finalized and updated Public Works fee schedule will need to be considered by the Board in September as well as a complete and updated Community Development fee schedule.
Related to fees is the issue of whether or not an application is required to be reviewed by the PZC. When an application is required to be reviewed by the PZC, rather than staff-level approval, costs increase for producing staff reports and for staff time at the PZC meeting. To reduce staff and PZC time for certain routine projects which currently require PZC review, staff proposes code changes that would allow staff approval. Such code changes would reduce certain application fees and would save time for staff, the PZC, and the applicant. Such changes would also reduce approval time by 2 to 3 weeks for the affected projects. To that end, staff proposes that the Board authorize a code change to allow staff level approval for certain “routine” uses that currently require PZC review and approval. A draft list of those uses is attached (see attachment #7).

CONCLUSION

To address the three workshop items assigned to Community Development by the Board, the Board needs to authorize staff to move forward with an LDR amendment for certain landscape code and littoral zone planting regulation items (see attachment #2), an LDR amendment for temporary suspension regulations (see attachment #3), and an LDR amendment to allow staff approval of routine projects that currently require PZC approval (see attachment #7). In addition, the Board needs to authorize an update of development application review fees charged by Community Development and by Public Works. Those fee schedules will ultimately need to be adopted by a Board resolution. If authorized to move forward with these items, staff will finalize drafts of the three LDR amendments and the updated development application fee schedules, obtain public input, and bring those items through the appropriate adoption processes.

RECOMMENDATION

Staff recommends that the Board of County Commissioners:

1. Authorize staff to initiate the formal process to review and adopt LDR amendments for:
   a. Chapters 926 and 934 to change certain landscape and littoral zone planting requirements,
   b. Chapter 902 to change certain temporary suspension regulations, and
   c. Chapter 971 to allow staff level approval for certain uses

2. Direct staff to finalize an update of development review fees for Community Development and for Public Works and to present final updated fee schedules with proposed effective date for Board consideration and adoption.

ATTACHMENTS

1. Commissioner Zorc’s May 2, 2017 Board Item and Meeting Minutes
2. Draft Changes to Landscaping Regulations (Chapter 926) and Littoral Zone Regulations (Chapter 934)
3. Draft Changes to Temporary Suspension Regulations (Chapter 902)
4. Comparison of Application Fees in Other Jurisdictions
5. Draft Preliminary Fee Schedule Update (Community Development)
6. Indian River County Preliminary Fees Comparison to Other Counties
7. List of Uses Proposed for Staff Level Approval
8. Public Works Revenue and Fee Data
May 2, 2017
ITEM 14.E.1

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

TO: Members of the Board of County Commissioners

DATE: April 26, 2017

SUBJECT: Follow-up on Development Review and Building Process Workshop

FROM: Tim Zorc
Commissioner, District 3

Discussion Item:

As was discussed at a previous Board of County Commissioner meeting, a workshop was held to have an open discussion on Development Review and Permitting Process on April 12, 2017. The workshop provided input from developers, citizens, and the construction community.

In follow-up to the discussion at the workshop, there are three items which I would like to move forward with as follows:

- Review of the Landscaping requirements
- Use of Temporary Suspension for Certificate of Completion Ordinance
- Review of Development Review Fees
  - Community Development
  - Public Works

Additionally, as a long term solution, it was determined that a new automated system needs to be investigated to incorporate all review requirements and revenue.

The Utilities Department has provided draft changes to the utility construction standards for review with a deadline of June 9th for comments to the development and permitting community as well as the public at large.

These items could be further explored with interested parties, and staff could bring a report back to the Board with specific recommendations.
Senate could decide to go with the House version of the Bill, which he felt would not be good for Indian River County.

In reference to the additional Homestead Exemption, SB 1774 passed 28-10 to move forward on the Senate side, and it is feared that the HB 7107 will also pass.

He also conveyed that the The Florida Association of Counties issued an alert, identifying a rumor that the Speaker may introduce a bill requiring the state to approve any increase to the millage rate; therefore, giving local government less control.

Vice Chairman O'Bryan suggested forming a caucus with Martin, St. Lucie, and Okeechobee Counties along with local municipalities, building a bigger voice and offering support to Legislators and Senators in the region. He would like the authority from the Board to speak at the Treasure Coast Council of Local Governments Meeting, bringing up the idea of forming a four (4) county caucus. He also introduced the idea of providing education to local voters, in reference to the additional Homestead Exemption, showing two different real-life scenarios, in order to help people better understand how the voting outcome would affect the area.

Assistant County Attorney Kate Pingolt Cotner was thanked for her time and efforts in Tallahassee during the recent Legislative session. She acknowledged the recognition, advised that the Budget was not complete at this time, and supported the forming of a local coalition, as Vice Chairman O'Bryan had discussed.

Discussion ensued between Commissioner Zorc, Chairman Flescher, and Vice Chairman O'Bryan, voicing frustrations of not being heard in Tallahassee.

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to give authority to Vice Chairman O'Bryan to meet with other local government officials for the purpose of forming a four (4) county caucus to support Legislative Agendas. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

C. Commissioner Susan Adams

D. Commissioner Bob Solari

E. Commissioner Tim Zorc

14.E.1. 17-0469 Follow-up on Development Review and Building Process Workshop

Recommended Action: Discussion Item

Attachments: Commissioners Memorandum
Commissioner Zorc gave a brief summary regarding the Development Review and Building Process Workshop, held on April 12, 2017.

Chairman Flescher suggested for Commissioner Zorc to bring the ideas that came from the Workshop, to the Board.

Vice Chairman O'Bryan suggested giving staff more authority to make decisions, as some projects require some creativity to come together in a timely fashion. Commissioner Zorc agreed to share, with Community Development Director Stan Boling, the ideas communicated to him at the Workshop; and have Community Development return to the Board with their ideas and suggestions.

No Action Taken or Required

15. SPECIAL DISTRICTS AND BOARDS

The Board reconvened as the Board of Commissioners of the Emergency Services District. The minutes will be approved at an upcoming Emergency Services District meeting.

A. Emergency Services District

15.A.1. 17-0407 Approval of Minutes Meeting of March 7, 2017

Recommended Action: Approve

Attachments: 03072017ESD

Approved

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

15.A.2. 17-0422 Approval of Minutes Meeting of March 21, 2017

Recommended Action: Approve

Attachments: 03212017ESD

A motion was made by Vice Chairman O'Bryan, seconded by Commissioner Solari, to approve the Meeting Minutes of March 7, 2017 and March 21, 2017, as written. The motion carried by the following vote:

Aye: 5 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, Commissioner Solari, and Commissioner Zorc

15.A.3. 17-0431 Approval of Amended Property Lease for Temporary Location of Fire Rescue Station No. 7
ORDINANCE 2017-____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); PROVIDING FOR AMENDMENTS TO CHAPTER 926, LANDSCAPE AND BUFFER REGULATIONS, PROVIDING FOR AMENDMENTS TO CHAPTER 934, EXCAVATION AND MINING; BY AMENDING SECTION 926.06, LANDSCAPE MATERIALS STANDARD, BY AMENDING SECTION 926.08 PERIMETER BUFFER STANDARDS, BY AMENDING SECTION 926.10 NONVEHICULAR AREA LANDSCAPING STANDARDS, BY AMENDING SECTION 934.06(2) MINING STANDARDS; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTER 926, LANDSCAPE AND BUFFER REGULATIONS, AND CHAPTER 934, EXCAVATION AND MINING BE AMENDED AS FOLLOWS:

SECTION #1:

Amend LDR Section 926.06(3)(d) Tree sizes; as follows:

(d) Tree sizes:

1. Required canopy trees shall be a minimum of twelve (12) feet overall in height and two (2) inch diameter at one-half (0.5) feet above grade with a minimum crown spread of four and one-half (4.5) feet, at the time of planting, except as follows:

   a. Unless otherwise specified in [subsection] (3)(a) above, palms used toward canopy tree credit shall have a minimum clear trunk (ground to lowest frond, measured along the trunk) of ten (10) feet. Where an arrangement of such palms with varying heights between six (6) feet clear trunk and eighteen (18) feet clear trunk is proposed and the average clear trunk of the arrangement is ten (10) feet, each palm in the arrangement shall count as one (1) ten-foot clear trunk palm for tree canopy requirement purposes.

   b. Narrow, upright canopy tree species, such as varieties of cypress, holly, and magnolia, shall have a minimum spread of three and one-half (3.5) feet at three (3) feet above ground level.

   c. Where a building between twelve (12) feet and twenty-five (25) feet in height is proposed to be located within fifty (50) feet of a perimeter property line that separates the development project from an abutting residential use located outside the project, canopy trees within required buffers (Types A-C) located between the building and a site perimeter shall be a minimum of fifteen (15) feet in height with a three-inch diameter at 0.5 feet above grade at planting and a minimum six-foot spread. Where a building between twelve (12) feet and twenty-five (25) feet in height is proposed more than fifty (50) feet from a perimeter, the canopy tree height requirements of [subsection] (d)1. above, shall apply to canopy trees within the buffer.
d. Where a building over twenty-five (25) feet in height is proposed to be located within seventy (70) feet of a perimeter property line that separates the development from an abutting residential use located outside the project, all canopy trees within required buffers (Types A-C) located between the building and a site perimeter shall be a minimum of sixteen (16) feet in height with a three-inch diameter at one-half (0.5) feet above grade and a minimum eight-foot spread at planting. Where a building over twenty-five (25) feet in height is proposed more than seventy (70) feet from a perimeter, the canopy tree height requirements of [subsection] (d)1. above, shall apply to canopy trees within the buffer.

2. Required understory trees shall be a minimum of six (6) feet overall in height and one- and one-half (1.5) inches diameter at one-half (0.5) feet above grade at the time of planting, except as provided in section 926.08(4)(e) for understory trees used as in-fill material within areas of existing vegetation. Multi-trunk trees shall have a combined one- and one-half-inch caliper for all trunks at six (6) inches above grade. Palm trees used as understory trees shall have a minimum overall height of six (6) feet and shall not comprise more than one-third (1/3) of the total understory tree requirement.

SECTION #2:

Amend LDR Section 926.08(4) Perimeter buffer standards opaque features; as follows:

(4) Opaque features. Three-foot and six-foot opaque features may be required within buffers, where specified in the land development regulations.

(a) A required six-foot opaque feature shall consist of a solid native plant buffer, a masonry wall, an earthen berm, or a combination berm/vegetation (berm must comprise at least three (3) feet of required opaque feature; vegetation shall consist of shrubs planted in an off-set double row) unless the planning and zoning commission approves a substitute material (such as a completely opaque living landscape barrier) based upon the use and conditions of the project site and adjacent site. Landscaping is required along both sides of a wall unless otherwise approved by the planning and zoning commission. To minimize the impact upon existing tree roots in cases where a wall is to be located among existing trees, such wall shall should be a pre-cast concrete panel wall or other similar system that minimizes footer impacts to root systems. Wherever a wall is used as the opaque feature, required understory trees and shrubs shall be planted on the side of the wall facing a public street or adjacent property, whichever is applicable.

(b) A required three-foot opaque feature may consist of a wall, berm, or a continuous screen of shrubs. Shrubs planted to form this opaque feature shall be arranged in an off-set double row.
(c) Required three-foot and six-foot opaque features shall be measured from the finished floor elevation of the proposed structure(s). This requirement may be modified by the planning and zoning commission based upon grade differences and the relationship between the height and mass of the proposed building and its setback from the property line. The maximum required height of an opaque feature shall be eight (8) feet above the finished site grade where the feature is located.

(d) In cases where an abutting use/district is separated from the project site by a thoroughfare plan road, the height of a six-foot opaque feature shall be reduced to three-feet, except in cases where the buffer is to be provided around the perimeter of a single-family or multi-family residential development as required by subsection 911.07(8) or 911.08(8).

(e) Where understory trees are used as infill material within an area of existing vegetation to create a 6’ opaque feature, the understory trees may be planted at an overall height of 5’ or greater.

SECTION #3:

Amend LDR Section 926.10(3) Nonvehicular area landscaping standards canopy trees required around lakes/ponds including stormwater retention/detention area; as follows:

(3) Canopy trees required around lakes/ponds including stormwater retention/detention areas. For proposed lakes/ponds or lake/pond systems that are one (1) acre in area or larger, the lake/pond bank must be designed in a non-rectangular, irregular shape to provide an aesthetic amenity. Providing an irregular pond shape may include use of littoral plantings that provide irregular pond bank contours. Regardless of size, all lakes/pond shall have at least three native, water tolerant trees planted per one hundred (100) feet of shoreline. The trees may be clustered along the upland shoreline in a manner that facilitates access for lake maintenance. Littoral zones shall be provided as required in Section 934.05. The common areas contiguous with and above the littoral zones are subject to the non-vehicular landscaping requirements set forth in 926.10, and the landward edges of the littoral zone shall be clearly delineated by a raised lip.

SECTION #4:

Amend LDR Section 934.06(2)(c) Mining standards littoral zone design requirements; as follows:

(c) Littoral zone design requirements:

1. The slope for the planted littoral zone shall be no steeper than one (1) foot vertical to ten (10) feet horizontal to a distance of five (5) feet waterward of the designated planted littoral zone area. Excluding the planted littoral zones, slopes shall not exceed one (1) foot vertical to four (4) feet horizontal. Certified drawings of the littoral zone slopes must be sent to the planning division within thirty (30) days of slope construction.
ORDINANCE 2017-____

2. Littoral zones shall comprise at least thirty (30) percent of the waterbody surface area, or twenty-one (21) square feet per lineal foot of shoreline, whichever is less. Littoral zones must be located between one (1) foot above ordinary water level (OWL) and two (2) feet below OWL, as determined by the applicant's engineer or designee unless otherwise approved by the community development director or his designee.

3. The littoral zone shall be provided with a minimum of six (6) inches of sand topsoil mix, unless otherwise approved, and planted with at least five (5) species at an average spacing of two (2) feet on center. Inter-plant spacing will vary with species, and must be depicted on the littoral zone vegetation plan.

4. A minimum of one (1) tree shall be provided for every five hundred (500) square feet of littoral zone coverage. The proposed trees must be a minimum of five (5) feet in height at time of planting (measured at planting depth) and consist of native, freshwater wetland varieties (e.g. red bay, red maple, bald cypress, loblolly bay). Credit for planting larger (up-sized) littoral zone trees shall be given as indicated in the following table:

<table>
<thead>
<tr>
<th>Min. Caliper</th>
<th>Min. Height</th>
<th>Tree Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5</td>
<td>5’</td>
<td>1</td>
</tr>
<tr>
<td>1</td>
<td>6’</td>
<td>2</td>
</tr>
<tr>
<td>1.25</td>
<td>7’</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>8’ or above</td>
<td>6</td>
</tr>
</tbody>
</table>

5. Appropriate species for littoral zone plantings, including trees, are listed in Chapter 926, Appendix E.

SECTION #5: SEVERABILITY

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

SECTION #6: REPEAL OF CONFLICTING ORDINANCES

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION #7: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered.
ORDINANCE 2017-____

or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION #8: EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the _____ day of ________, 2017, for a public hearing to be held on the _____ day of ________, 2017, at which time it was moved for adoption by Commissioner ____________, seconded by Commissioner ____________, and adopted by the following vote:

Chairman Joseph E. Flescher
Vice Chairman Peter D. O’Bryan
Commissioner Bob Solari
Commissioner Tim Zorc
Commissioner Susan Adams

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Chairman thereupon declared the ordinance duly passed and adopted this ________ day of ________, 2016.

BY: ____________________________

Joseph E. Flescher, Chairman

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: ____________________________

Deputy Clerk

This ordinance was filed with the Department of State on the following date: ________________

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_______________________________
Dylan Reingold, County Attorney
ORDINANCE 2017-____

APPROVED AS TO PLANNING MATTERS

_____________________________________
Stan Boling, AICP; Community Development Director
ORDINANCE 2017-____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRs); PROVIDING FOR AMENDMENTS TO CHAPTER 902, ADMINISTRATIVE MECHANISMS; BY AMENDING SECTION 902.04 ROLE OF BOARD OF COUNTY COMMISSIONERS AND SPECIFICALLY REGULATIONS FOR TEMPORARY SUSPENSION OF COMPLIANCE; AND BY PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; CODIFICATION; SEVERABILITY; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT THE INDIAN RIVER COUNTY LAND DEVELOPMENT REGULATIONS (LDRS) CHAPTER 902, ADMINISTRATIVE MECHANISMS, BE AMENDED AS FOLLOWS:

SECTION #1:

Land development regulation (LDR) Section 902.04(14), regulations for temporary suspensions of compliance, shall be amended to read as follows:

(14) The board of county commissioners may hear requests for temporary suspensions of compliance, as provided below.

(A) Purpose and intent. This section is established to provide procedures for reviewing temporary suspensions of compliance (including appeals and referrals) by the board of county commissioners and staff. A temporary suspension of compliance is of limited duration, pertains to regulations not directly related to public safety, and is intended to provide site plan, planned development, and subdivision project applicants an opportunity to obtain a certificate of occupancy or certificate of completion with a condition that minor deficiencies are corrected within a specified and limited timeframe. A list of minor deficiencies that can be temporarily suspended and a list of non-minor deficiencies that cannot be temporarily suspended are provided below in sub-section H. The list is not inclusive of all project items and conditions which may be used to determine whether a deficiency can or cannot be temporarily suspended.

(B) Approving authority. The board of county commissioners is hereby authorized to grant temporary suspensions of compliance in accordance with the provisions of this section and may attach conditions to temporary suspensions of compliance granted. In addition, the county administrator or his designee is authorized to grant temporary suspensions of compliance, in accordance with the provisions of this section.

1. Temporary suspension of compliance by the county administrator or his designee. A temporary suspension of compliance with land development regulations not directly related to public safety may be granted by the county administrator or his designee, without board of county commissioners approval, under the following circumstances.

   a. The development project is certified by the project design professional or owner/designee to be complete and in substantial conformance with the approved development plan in accordance with site plan ordinance sections 914.12(3)(a) and (b) or subdivision ordinance section 913.07(5)(I), whichever is
applicable, and required landscaping is certified by a landscape architect or landscape contractor as Florida No. one (1) or better in accordance with landscape ordinance section 926.12(1)(a).

b. The development project has been inspected by county staff, a "punchlist" of discrepancies has been issued, and the project developer has provided staff a written request specifying the discrepancies he or she wishes to be temporarily suspended.

c. The project deficiencies that are the subject of the suspension request are found to be minor in nature and extent, and are found to be correctable within a timeframe not to exceed ninety (90) days.

d. The suspension timeframe is specified in writing and does not exceed ninety (90) days from the date of the suspension.

e. The corrective action(s) is specified in writing and found to be sufficient to bring the development project into compliance upon completion.

f. The project engineer, developer, or owner agree to the specified suspension timeframe and the obligation to complete the specified corrective action(s) within the specified timeframe.

(C) Procedures for approval by the county administrator or his designee. The applicant may apply to the planning division for a temporary suspension by filing a temporary suspension application form provided by the planning division. The county administrator or his designee shall act on any temporary suspension request within two (2) business days of receiving the request. For each temporary suspension of compliance determination, staff shall provide notice of the determination decision in writing to the project owner, project developer, and board of county commissioners. Each suspension determination granting approval shall specify the maximum duration of the suspension, required mitigation and/or corrective action(s), and any condition(s) attached to the suspension.

(D) Procedure for referral or appeal to the board of county commissioners. The project owner, or project developer, may appeal a decision of the county administrator or his designee to the board of county commissioners within ten (10) days of the mailing of the written determination referenced in subsection (C) above. Each appeal shall be accompanied by a fee established by resolution of the board of county commissioners. The county administrator or his designee may refer a request to the board of county commissioners. Any referral or appeal shall be:

1. Made in writing to the chairman of the board of county commissioners with a copy provided to the project developer, project owner, county administrator (if an appeal), and board of county commissioners. Upon receipt of a referral or appeal, the chairman shall call a meeting of the board of county commissioners as soon as practicable to conduct a hearing on the suspension request, subject to the requirements of subsections (D)2. and 3. below.
2. Noticed at least seven (7) days prior to the hearing via written notice of the hearing mailed to each owner of property adjacent to the development project site. The notice shall contain the name of the applicant, a description of the appeal/temporary suspension request and the development project location, as well as the date, time, and place of the hearing.

3. Considered at a hearing held no more than twelve (12) business days after receipt of the appeal or referral. At the hearing, the board of county commissioners may approve a temporary suspension request if it finds that all temporary suspension criteria of subsection (B)1.a.—f. above are satisfied.

(E) Conditions authorized. The county administrator or his designee, or, upon referral or appeal, the board of county commissioners, may impose conditions including, but not limited to, a cash deposit which will be forfeited for non-compliance within a time specified.

(F) Consequences of non-compliance. In the event that the specified corrective action(s) is not completed prior to the end of the specified suspension timeframe, the project owner shall be deemed in violation of the land development regulations, shall forfeit any required cash deposit for compliance, and shall be subject to code enforcement action. In addition, the county shall withhold issuance of any future development order, building permit, certificate of completion, or certificate of occupancy associated with the project site unless and until the violation is corrected. Notwithstanding the above, a certificate of occupancy may be issued for a residential unit within a subdivision project site deemed to be in violation if security is posted with the county that guarantees correction of the violation. For purposes of these regulations, the subdivision project site shall mean the development area that is the subject of the certificate of completion.

(G) Limitation. No temporary suspension of compliance shall be granted for building code or fire code items, or other items directly related to public safety.

(H) Items that can and that cannot be temporarily suspended.

The following list is not all inclusive but does provide specific items that can and that cannot be temporarily suspended under the provision of this section.

1. Minor deficiencies that can be temporarily suspended:

   • Utility Services
     a. Engineer of Record’s project certification letter
     b. Field Inspector’s sign-off
     c. 24/7 private lift station maintenance agreement
     d. Private lift station acknowledgement letter from engineer.
     e. If public lift station: set of O & M (Operations and Maintenance) manuals
     f. If public lift station: transfer of lift station electric account to the County
     g. Certified Cost Estimate (OPC; Opinion of Probable Cost)
ORDINANCE 2017---

h. Easement & Bill of Sale and 1-year Warranty Security (must be submitted once items a-g above and items m-v listed below are completed)

- Public Works
  i. Complete stabilization of lot pads for subdivisions and planned developments; complete stabilization of open areas if level graded for site plan projects
  j. Minor clean up
  k. Repairs to any sidewalk or curb
  l. Minor erosion repairs

2. Non-minor deficiencies that cannot be temporarily suspended:

- Utility Services
  m. FDEP (Florida Department of Environmental Protection) Water & Wastewater Clearance
  n. Backflow prevention device certification
  o. Water and sewer hydrostatic pressure tests
  p. Lift station start-up report
  q. Density testing reports
  r. Gravity sewer infiltration/exfiltration test report
  s. Gravity sewer television inspection (video & hard copies of reports)
  t. Final Record Drawings/As-builts – 1 signed/sealed Mylar, 1 cad disc, 2 signed/sealed 24 x 36 hard copies
  u. Release of liens for project for any IRC access/easement on private property
  v. Project-related water or sewer account not in good standing

- Public Works
  w. Required bonding/posted security
  x. Offsite improvements, including roadway, utility, drainage, and sidewalks
  y. As-built surveys
  z. Jurisdictional permit certifications (e.g. SJRWMD, ACOE, DEP, FDOT)
  aa. Roadway or parking lot work
  bb. Drainage, including sodding/complete stabilization of all swale slopes and stormwater tracts
  cc. Perimeter grading
  dd. Rough grading of lots
  ee. Utilities not deemed fully accepted that could lead to open cutting of roadways and parking lots
  ff. Required sidewalks (required by code or approval condition)
  gg. Required improvements necessary for traffic operations
SECTION #2: SEVERABILITY

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

SECTION #3: REPEAL OF CONFLICTING ORDINANCES

The provisions of any other Indian River County ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION #4: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Indian River County, Florida. The sections of the Ordinance may be renumbered or relabeled to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION #5: EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Department of State.

This ordinance was advertised in the Press-Journal on the _______ day of ________, 2017, for a public hearing to be held on the _______ day of ________, 2017, at which time it was moved for adoption by Commissioner ____________, seconded by Commissioner ____________, and adopted by the following vote:

Chairman Joseph E. Flescher
Vice Chairman Peter D. O’Bryan
Commissioner Bob Solari
Commissioner Tim Zorc
Commissioner Susan Adams

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Chairman thereupon declared the ordinance duly passed and adopted this _________ day of ________, 2017.

BY: ________________

Joseph E. Flescher, Chairman
ORDINANCE 2017-____

ATTEST: Jeffrey R. Smith, Clerk of Court and Comptroller

BY: ____________________________
   Deputy Clerk

This ordinance was filed with the Department of State on the following date: _______________

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

Stan Boling, AICP; Community Development Director
## APPLICATION FEE COMPARISON

<table>
<thead>
<tr>
<th>Fee Category</th>
<th>Indian River County</th>
<th>St. Lucie County</th>
<th>Brevard County Effective 1-17-17</th>
<th>Martin County</th>
<th>Osceola County Effective 10-1-16</th>
<th>Sarasota County Effective 11-1-16</th>
<th>Volusia County Effective 10-1-16</th>
</tr>
</thead>
</table>
| Planned Development Rezoning/Conceptual Plan Request | Less than 20 acres $2,375  
20-40 acres $2,775  
Over 40 acres $2,875 + $100.00 per each additional 25 acres over 40 acres | Less than 20 acres $5,400  
20-49 $5,400 + $10 per acre  
49.01 + $5,400 + $25 per acre over 50 | $13,800 | | | | $2,456 + $30 per acre or any additional fraction thereof; + $8 per dwelling unit for res |
| Planned Development Special Exception Request | Less than 20 acres $2,075  
20-40 acres $2,475  
Over 40 acres $2,575 + $100 for each additional 25 acres over 40 acres | Less than 20 acres $1,150  
20-40 acres $1,250  
Over 40 acres $1,300 + $50 for each additional 25 acres over 40 acres | $13,600 minor  
$16,600 major | $6,500 | | | $20 lots or less $91 per lot  
21 lots or more $1,814 + $37 per lot for every lot over 20 |
| Preliminary PD Plan | Less than 20 acres $1,150  
20-40 acres $1,250  
Over 40 acres $1,300 + $50 for each additional 25 acres over 40 acres | | | | | | |
| Final PD Plan | $1,400 | $2,400 | $3,389 + $87 a lot | $9,127 | | | $20 lots or less $34 per lot  
21 lots or more $821 for map amend add $30 per acre or any fraction thereof; + $8 per dwelling unit for res |
| PD Plan for Minor Modification | Charge administrative approval or minor site plan fee (Planning Director to determine) | | | | $1,000 | | $259 |
| PD Plan for Major Modification | Charge same as for original plan review | | | | | | $821 for map amend add $30 per acre or any fraction thereof; + $8 per dwelling unit for res |
| DRI Review Residential | Less than 40 acres $3,300  
40 acres or more $3,300 + $150 for each additional 25 acres over 40 acres | Up to 50 acres $3,200  
50.01 - 499.9 acres $5,000  
500+ acres $7,000 | $17,334 + $43 per acre  
$43,400 | | | | | $8,014 + consulting fees |
| DRI Commercial/Mixed Use | Less than 500,000 sq. ft $3,900  
500,000 sq. ft. or more $3,900 + $300 for each additional 50,000 sq. ft. over 500,000 sq. ft. | | | | | | $8,014 + consulting fees |
<p>| DRI Substantial Deviation | Same formula as original fee | | | | | | | $8,014 + consulting fees |
| Minor Amendment (NOPC) | $1,500 | $750 | | $3,800 | | | | $1,973 + consulting fees |
| DRI Annual Report | $590.00 | $1,000 | | | | | | |</p>
<table>
<thead>
<tr>
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<th>Volusia County Effective 10-1-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rezoning</td>
<td>Less than 5 acres $1,550 5-40 acres $2,000 Over 40 up to 100 acres $2,300 Over 100 acres $2,500 + $200 for each additional 25 acres</td>
<td>$2,250 less than 10 acres plus $10 per acre 10.01+ acres $2,500 plus $25 per acre</td>
<td>$849 + $24 per acre over 5</td>
<td>$1,000 mandatory 3,115 non-mandatory</td>
<td>$1,665</td>
<td>$7,500</td>
<td>$957 + $30 per acre or any additional fraction thereof</td>
</tr>
<tr>
<td>Land Use Plan Amendment</td>
<td>Less than 5 acres $3,300 5-40 acres $3,800 Over 40 up to 100 acres $4,400 Over 100 acres $4,500 + $200 for each additional 25 acres</td>
<td>Less than 10 acres $1800 10.01 - 20 acres $2,000 + $20 per acre 20.01+ acres $2,500 + $25 per acre over 20.01</td>
<td></td>
<td></td>
<td></td>
<td>Large scale $6,700 Small scale $3,000</td>
<td>Small scale $1,471.00 Large scale $2,406 + $50 per acre not to exceed $6,000 for land use</td>
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<tr>
<td>Amendment to Text of Comprehensive Plan Element Other than Land Use</td>
<td>$2,600</td>
<td>$3,000</td>
<td>$1,785 + $43 per acre</td>
<td>$8,150</td>
<td></td>
<td>$5,000</td>
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<tr>
<td>Amendment to Text of Land Development Regulations</td>
<td>$1,500</td>
<td>$2,550</td>
<td>1,733</td>
<td>$6,100</td>
<td></td>
<td></td>
<td>Do not have, LDR changes can only be initiated by Board of staff</td>
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<tr>
<td>Administrative Approval AA for Fence</td>
<td>$200</td>
<td>$75.00</td>
<td>Major $625 Minor $400</td>
<td></td>
<td>$3,850</td>
<td></td>
<td>$500</td>
</tr>
<tr>
<td>Pre-Application</td>
<td>Site plans free Subdivision $300</td>
<td>$250 credited to formal app</td>
<td>$2,135 site plan $2,755 subdivision</td>
<td>$580 non PUD $1,100 PUD</td>
<td></td>
<td>$350</td>
<td>$131</td>
</tr>
<tr>
<td>Minor Site Plan</td>
<td>$650.00</td>
<td>Residential $1,000 plus $10 per acre Non-residential $1,700 plus $10 per acre</td>
<td>$3,145</td>
<td>$8,750</td>
<td></td>
<td></td>
<td>$1,314</td>
</tr>
<tr>
<td>Major Site Plan</td>
<td>Less than 5 acres $1,000 5-10 acres $1,200 10 acres or more $1,400</td>
<td>Less than 10 acres $2,000 10 - 49 acres $2,000 49.01+ acres $2,000 + $10 per acre over 50</td>
<td>$3,960 + $360 acre</td>
<td>$12,000</td>
<td></td>
<td>$4,000 + $600 per adjusted gross acre</td>
<td>50,000 sq ft or more but &gt; 200,000 sq ft 150 or more, but &gt; 150 dwelling units: 1,971 200,000 sq ft / 150 or more dwelling units: $2,760</td>
</tr>
<tr>
<td>Major Modification to SP</td>
<td>Same as original fee</td>
<td>$850 up to 49.01 acres $850 plus $10 per acre over 50 acres</td>
<td>% of original fee + 2,000</td>
<td>$12,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee Category</td>
<td>Indian River County</td>
<td>St. Lucie County</td>
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<td>----------------------------------</td>
</tr>
<tr>
<td>Appeal by Applicant</td>
<td>$400</td>
<td></td>
<td>$1,500</td>
<td>$1,200</td>
<td>$1,000</td>
<td>$500</td>
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<tr>
<td>Appeal by Affected Party</td>
<td>$800</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Preliminary Plat</td>
<td></td>
<td></td>
<td>$3,735 + $36 per acre + $90 per acre</td>
<td>$3,400</td>
<td>$3,750 + $337.50 per adjusted gross acre</td>
<td>20 lots or fewer $126 per lot 21 lots or more $2,524+ $37 per lot over 20</td>
<td></td>
</tr>
<tr>
<td>10 acres or less $700</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>More than 10 acres $950</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>$1,400</td>
<td></td>
<td>$3,389 + $87 a lot</td>
<td>$2,700</td>
<td>$3,750</td>
<td>20 lots or fewer $50 per lot 21 lots or more $31,008+ $34 per lot over 20</td>
<td></td>
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<tr>
<td>Plat Vacation</td>
<td>$800</td>
<td></td>
<td>$1,624</td>
<td>$1,875</td>
<td></td>
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<tr>
<td>Variance (Board of Adjustment approval)</td>
<td>$800</td>
<td>$850</td>
<td>$598</td>
<td>$1,000</td>
<td>$650</td>
<td>$600 (double ATF)</td>
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<tr>
<td>Written Zoning Confirmation</td>
<td>$50</td>
<td></td>
<td>$37.50</td>
<td>$158</td>
<td>$100</td>
<td>$100</td>
<td>$39</td>
</tr>
<tr>
<td>Fee Category</td>
<td>Indian River County</td>
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</tr>
<tr>
<td>Extension</td>
<td>$0</td>
<td>$1,500</td>
<td>$595</td>
<td>$595</td>
<td>$500</td>
<td>$162</td>
<td>$162</td>
</tr>
<tr>
<td>Resubmittal</td>
<td>$0</td>
<td>3rd and subsequent 30% of original fee</td>
<td>3rd or subsequent fees based on what department reviews still needed</td>
<td>Varies by application type</td>
<td>2nd or subsequent $225</td>
<td>3rd or subsequent $1,000</td>
<td>2nd and subsequent 10% of original fee</td>
</tr>
</tbody>
</table>

Per John’s request, below are some fees other municipalities charge that we do not.
## COSTS/LABOR ESTIMATES FOR "AVERAGE" APPLICATION BY TYPE

<table>
<thead>
<tr>
<th>PERMIT/REVIEW</th>
<th>Sr. Env Planner</th>
<th>Gis Planning Tech</th>
<th>Section Chief</th>
<th>Planning Tech</th>
<th>Planning Asst.</th>
<th>Senior Planner</th>
<th>DIRECTOR UTILITIES</th>
<th>ATTORNEY</th>
<th>Sr. Legal Assistant</th>
<th>TRAFFIC</th>
<th>PW LAND DEVELOPMENT</th>
<th>SURVEYOR</th>
<th>Current Fee Schedule</th>
<th>Calculated Update Fee</th>
<th>Number of Apps last 12 months</th>
<th>Calculated current schedule revenue generated last 12 months</th>
<th>Additional Revenue last 12 months if new fees applied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Approval (AA)</td>
<td>1.50</td>
<td>0.25</td>
<td>1.25</td>
<td>0.50</td>
<td>2.00</td>
<td>2.00</td>
<td>0.25</td>
<td>0.50</td>
<td>0.25</td>
<td>--</td>
<td>2.00</td>
<td>2.00</td>
<td>134</td>
<td>$22,800.00</td>
<td>$14,220.22</td>
<td>$200,000.00</td>
<td>$352,000.00</td>
</tr>
<tr>
<td>If Traffic review - add $67.60</td>
<td>1.50</td>
<td>0.50</td>
<td>2.25</td>
<td>0.75</td>
<td>2.00</td>
<td>2.00</td>
<td>1.00</td>
<td>0.75</td>
<td>0.25</td>
<td>0.50</td>
<td>0.50</td>
<td>0.50</td>
<td>70.50</td>
<td>3</td>
<td>$24,760.00</td>
<td>$1,183.22</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>If PZC review required add $250</td>
<td>1.50</td>
<td>0.25</td>
<td>1.75</td>
<td>0.50</td>
<td>2.00</td>
<td>2.00</td>
<td>1.00</td>
<td>0.50</td>
<td>0.25</td>
<td>0.50</td>
<td>0.50</td>
<td>0.50</td>
<td>5.00</td>
<td>2</td>
<td>$27,700.00</td>
<td>$1,212.50</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>Major Site Plan (SPMN)</td>
<td>2.00</td>
<td>0.50</td>
<td>2.50</td>
<td>1.00</td>
<td>2.00</td>
<td>2.00</td>
<td>0.75</td>
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<td>0.50</td>
<td>2.50</td>
<td>0.50</td>
<td>100</td>
<td>3</td>
<td>$28,550.00</td>
<td>$1,393.47</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>TUP review required add $300</td>
<td>2.00</td>
<td>0.50</td>
<td>2.50</td>
<td>1.00</td>
<td>2.00</td>
<td>2.00</td>
<td>0.75</td>
<td>3.00</td>
<td>0.50</td>
<td>0.50</td>
<td>2.50</td>
<td>0.50</td>
<td>100</td>
<td>3</td>
<td>$28,550.00</td>
<td>$1,393.47</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>Administrative Approval (AA)*</td>
<td>1.50</td>
<td>0.25</td>
<td>1.25</td>
<td>0.50</td>
<td>2.00</td>
<td>2.00</td>
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<td>1.00</td>
<td>0.75</td>
<td>0.25</td>
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<td>0.25</td>
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<td>0.50</td>
<td>2.00</td>
<td>2.00</td>
<td>1.00</td>
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<td>0.25</td>
<td>0.50</td>
<td>0.50</td>
<td>0.50</td>
<td>5.00</td>
<td>2</td>
<td>$27,700.00</td>
<td>$1,212.50</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>Major Site Plan (SPMN)</td>
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<td>2.50</td>
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<td>2.00</td>
<td>2.00</td>
<td>0.75</td>
<td>3.00</td>
<td>0.50</td>
<td>0.50</td>
<td>2.50</td>
<td>0.50</td>
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<tr>
<td>TUP review required add $300</td>
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<td>2.00</td>
<td>2.00</td>
<td>0.75</td>
<td>3.00</td>
<td>0.50</td>
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<td>0.75</td>
<td>2.00</td>
<td>2.00</td>
<td>1.00</td>
<td>0.75</td>
<td>0.25</td>
<td>0.50</td>
<td>0.50</td>
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<td>If PZC review required add $250</td>
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<td>1.75</td>
<td>0.50</td>
<td>2.00</td>
<td>2.00</td>
<td>1.00</td>
<td>0.50</td>
<td>0.25</td>
<td>0.50</td>
<td>0.50</td>
<td>0.50</td>
<td>5.00</td>
<td>2</td>
<td>$27,700.00</td>
<td>$1,212.50</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>Major Site Plan (SPMN)</td>
<td>2.00</td>
<td>0.50</td>
<td>2.50</td>
<td>1.00</td>
<td>2.00</td>
<td>2.00</td>
<td>0.75</td>
<td>3.00</td>
<td>0.50</td>
<td>0.50</td>
<td>2.50</td>
<td>0.50</td>
<td>100</td>
<td>3</td>
<td>$28,550.00</td>
<td>$1,393.47</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>TUP review required add $300</td>
<td>2.00</td>
<td>0.50</td>
<td>2.50</td>
<td>1.00</td>
<td>2.00</td>
<td>2.00</td>
<td>0.75</td>
<td>3.00</td>
<td>0.50</td>
<td>0.50</td>
<td>2.50</td>
<td>0.50</td>
<td>100</td>
<td>3</td>
<td>$28,550.00</td>
<td>$1,393.47</td>
<td>$200,000.00</td>
</tr>
</tbody>
</table>

* Only a portion of Administrative approvals (AAs) require a Traffic review, only those AAs requiring a Traffic review will be charged an additional fee
** Only a portion of Temporary Use Permits require a Traffic and/or PW (Public Works) review, only those TUP applications requiring a Traffic and/or PW review will be charged an additional fee
*** Temporary Suspension fee is nominal fee covering only a portion of staff time to process, inspect, and manage requests

**NOTE:** Staff salaries are averaged, rounded and include benefits. Hours rounded to quarter hours.
F:\CommunityDevelpmt\file Scheduled 2017\review Preliminary Draft Fee Schedule with Public Works figures.060917
Review time includes review time, meeting preparation and time, and project administration through completion.

---

**For application types shown:**
- Last 12 months under current fees: $100,000.00
- Last 12 months under preliminary fees: $322,630.61
- Additional 12 month revenue under preliminary fees: $211,730.61

---

**Attachment 5**
Indian River County Preliminary Development Review Fees Comparison

<table>
<thead>
<tr>
<th>Application Type</th>
<th>St. Lucie</th>
<th>Brevard</th>
<th>Martin</th>
<th>Sarasota</th>
<th>Volusia</th>
<th>IRC Current</th>
<th>IRC Preliminary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Approval</td>
<td>$625.00</td>
<td>---</td>
<td>$3,850.00</td>
<td>$500.00</td>
<td>---</td>
<td>$200.00</td>
<td>$532.04</td>
</tr>
<tr>
<td>Minor Site Plan</td>
<td>$1,010.00 * or $1,710.00 *</td>
<td>$3,145.00</td>
<td>$8,750.00</td>
<td>---</td>
<td>$1,314.00</td>
<td>$650.00</td>
<td>$1,393.47</td>
</tr>
<tr>
<td>Major Site Plan (4 acre site)</td>
<td>$2,000.00</td>
<td>$5,400.00</td>
<td>$12,000.00</td>
<td>$6,400.00</td>
<td>$1,971.00</td>
<td>$1,000.00</td>
<td>$2,639.55</td>
</tr>
<tr>
<td>Preliminary Plat (40 acres, 100 lots)</td>
<td>---</td>
<td>$10,935.00</td>
<td>---</td>
<td>$17,250.00</td>
<td>$5,484.00</td>
<td>$950.00</td>
<td>$1,901.27</td>
</tr>
<tr>
<td>Final Plat</td>
<td>---</td>
<td>$12,089.00</td>
<td>---</td>
<td>$3,750.00</td>
<td>$3,728.00</td>
<td>$1,400.00</td>
<td>$2,782.61</td>
</tr>
<tr>
<td>PD Rezoning/Conceptual PD (40 acres, 120 lots)</td>
<td>$5,800.00</td>
<td>---</td>
<td>$13,800.00</td>
<td>---</td>
<td>$4,616.00</td>
<td>$2,775.00</td>
<td>$3,653.17</td>
</tr>
</tbody>
</table>

* St. Lucie: for 1 acre site $1,010 residential; $1,710 non-residential
USES THAT SHOULD HAVE STAFF LEVEL APPROVAL

The following administrative permit uses have specific land use criteria and are specially regulated in LDR Chapter 971. Some administrative permit uses are allowed to be approved at a staff level, but most require Planning and Zoning Commission (PZC) review and approval. Routine uses that currently require PZC review and approval should be changed to staff level approval are listed below:

- Miniature Golf Course in CH
- Building Material Sales in CG
- Outdoor Storage in CH
- Veterinary Clinic in CG and CH
- Child Care/Adult Care in RM-8, RM-10, PRO, OCR, CN
- Nursing Home in MED
- Accessory single family dwelling in agricultural and residential districts
- Drug store in CN and OCR
- Used Vehicle Sales in CH

No development criteria or standards will be changed.
On May 2, 2017 Commissioner Zorc brought to the Board of County Commissioners three items to move forward as a result of the April 12, 2017 Development Review and Permitting Process Workshop. One of the items was for staff to review Development Review fees for Community Development and Public Works.

Review of the current Public Works Fee Schedule shows that the fees established by the Board of County Commissioners in 2004 have remained current at 2004 levels.

**Building Permit Fees**

An analysis of Public Works Building Permit Revenue over the last three years has shown a significant shortfall in revenue when compared to costs. Staff costs over the last three years for the Building Permit Review and Inspection process have averaged $264,796 per year. However, in this same time-period the following revenue shortfalls were noted:

- In Fiscal Year (FY) 14-15, the total revenue collected for the Building Permit and Inspection process was $121,414. When compared to staff costs, the revenue shortfall for FY 14-15 is $143,382 or 54% of the total cost for services.

- In FY 15-16, the total revenue collected for the Building Permit and Inspection process was $152,002. When compared to staff costs, the revenue shortfall for FY 15-16 is $112,794 or 42.5% of the total cost for services.

- In FY 16-17, through the end of May, the total revenue collected for the Building Permit and Inspection process was $109,922. When compared to staff costs of $176,530 for the same time period, the revenue shortfall for FY 16-17, through May, is $66,608 or 38% of the total cost for services.

Over the last three years, the revenue generated by the current fee schedule for Public Works Engineering Building Permit Review and Inspection services has resulted in a shortfall in the amount of $322,784. The shortfall results in a taxpayer subsidy to fund the remainder of the building permit review and inspection costs.
To address the revenue shortfall for Public Works Building Permit Reviews and Inspections, it is recommended that the current Public Works fees for single family residential (SFR) right-of-way and drainage permits be increased from $45.00 for private roads and $75.00 for public roads to a fee of $180.00 for public or private roads.

Increasing the current right-of-way SFR right-of-way and drainage permit fee to $180.00 will address the current revenue shortfall. Applying the proposed fee to the past three years resulted in the following additional revenue being generated:

- **FY 14-15**
  - Private SFR Permits – 490 SFR @ $135.00 ea = $66,150
  - Public SFR Permits – 98 SFR @ $105.00 ea = $10,290
  - Total Additional Revenue Based on Proposed Fee Increase = $76,440
  - Total Calculated Revenue Shortfall = $143,382

- **FY 15-16**
  - Private SFR Permits – 603 SFR @ $135.00 ea = $81,405
  - Public SFR Permits – 232 SFR @ $105.00 ea = $24,360
  - Total Additional Revenue Based on Proposed Fee Increase = $105,765
  - Total Calculated Revenue Shortfall = $112,794

- **FY 16-17 (YTD)**
  - Private SFR Permits – 461 SFR @ $135.00 ea = $62,235
  - Public SFR Permits – 68 SFR @ $105.00 ea = $7,140
  - Total Additional Revenue Based on Proposed Fee Increase = $69,375
  - Total Calculated Revenue Shortfall = $66,608

As shown above, the proposed fee schedule for SFR right-of-way and drainage permits is anticipated to eliminate the current revenue shortfall. The proposed fee increase does not take into account the need for additional staff to reduce the current review times or backlog for single family residential permit reviews, however the additional fee collection could help fund the needed staffing increases. The proposed fee increase will need to be considered by the Board for final action in September.

**Public Works Land Development and Right-of-Way Fees**

An analysis of Public Works Land Development Revenue over the last three years has shown a significant shortfall in revenue when compared to costs. Staff costs over the last three years for the Land Development and Right-of-Way permit review and inspection process have averaged $548,650 per year. However, in this same time-period the following revenue shortfalls were noted:
In Fiscal Year (FY) 14-15, the total revenue collected for the Land Development and Right-of-Way permit review and inspection process was $55,793. When compared to staff costs, the revenue shortfall for FY 14-15 is $492,857 or 90% of the total cost for services.

In FY 15-16, the total revenue collected for the Land Development and Right-of-Way permit review and inspection process was $65,045. When compared to staff costs, the revenue shortfall for FY 15-16 is $483,605 or 88% of the total cost for services.

In FY 16-17, through the end of May, the total revenue collected for Land Development and Right-of-Way permit review and inspection process was $66,474. When compared to staff costs, $365,766 (YTD), the revenue shortfall for FY 16-17, through May is $299,292 or 81% of the total cost for services.

Over the last three years, the revenue generated by the current fee schedule for Public Works Engineering Land Development and Right-of-Way permit review and inspection services has resulted in a shortfall in the amount of $1,275,754. The shortfall results in a taxpayer subsidy to fund the remainder of the Land Development and Right-of-Way permit review and inspection costs.

In order to address the significant revenue shortfall for Public Works Land Development and Right-of-Way permit reviews and inspections, we have evaluated the issue and propose the following changes:

### 2004 Public Works Fee Schedule

<table>
<thead>
<tr>
<th>Fee Schedule Category</th>
<th>Current</th>
<th>Proposed</th>
<th>Additional Revenue FY 15-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater Permit (A &amp; B)</td>
<td>$450.00</td>
<td>$ 850.00</td>
<td>21 Apps @ $400 = $ 8,400</td>
</tr>
<tr>
<td>Stormwater Permit (C)</td>
<td>$100.00</td>
<td>$ 225.00</td>
<td>101 Apps @ $125 = $12,625</td>
</tr>
<tr>
<td>Single Family R/W Permit</td>
<td>$45/$75</td>
<td>$ 180.00</td>
<td>92 Apps @ $105 = $ 9,660</td>
</tr>
<tr>
<td>Utility R/W Permit</td>
<td>$350.00</td>
<td>$ 600.00</td>
<td>4 Apps @ $250 = $ 1,000</td>
</tr>
<tr>
<td>Land Dev. R/W Permit</td>
<td>$550.00</td>
<td>$ 900.00</td>
<td>3 Apps @ $350 = $ 1,050</td>
</tr>
<tr>
<td>Comm. R/W Permit</td>
<td>$300.00</td>
<td>$ 600.00</td>
<td>12 Apps @ $300 = $ 3,600</td>
</tr>
<tr>
<td>Re-inspection Fee</td>
<td>N/A</td>
<td>$ 300.00</td>
<td>N/A</td>
</tr>
<tr>
<td>After 2(^{nd}) Re-inspection Plan Review Fee</td>
<td>N/A</td>
<td>$ 300.00</td>
<td>N/A</td>
</tr>
<tr>
<td>After 3(^{rd}) Resubmittal</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above proposed permit fees would have generated an additional $36,335 in FY 15-16.

It is not feasible to increase the above permit fees to compensate for the total shortfall of revenue with respect to Public Works Land Development and Right-of-Way permit reviews and inspections. So, the above proposed changes are to compensate for the review aspect of the permitting process. The following is a proposed fee schedule to compensate for staff costs after permit issuance by the Public Works Department.
Permit review fees do not cover staff costs after permits are issued by the Public Works Department. Once permits are issued, staff deals with projects on a daily basis including inspections for right-of-ways, site plans and subdivisions, permit violations, drainage issues, project changes, field issues, correspondence with project engineers, project closeout documentation, as-built drawing evaluation, bonding, etc.

To address the revenue shortfall after permit issuance, a step system for inspection fees is proposed for all development projects, including site plans, subdivision, right-of-way improvements, and administrative approvals. The proposed step system does not include the on-site cost of water and sewer infrastructure improvements that are not inspected by Public Works inspection staff. However, it does include these infrastructure improvements within the County right-of-way. Calculating inspection fees is proposed using the following step system:

- Inspection fees for the portion of construction costs up to $500,000 will be 2% of Construction Costs.
- Inspection fees for the portion of the construction costs between $500,001 and $1,000,000 will be 1.5% of the Construction Cost.
- Inspection fees for the portion of the construction costs above $1,000,000 will be 1.0% of the Construction Costs.
- The inspection fees will be cumulative to cover the entire construction cost for the project.

The following is an example of how the inspection fee would be calculated:

- A project with a construction cost of $1,289,000.00 will have an inspection fee calculated as follows.
  - $500,000 x 2.0% = $10,000
  - $500,000 x 1.5% = $7,500
  - $289,000 x 1.0% = $2,890
- The inspection fee due before permit issuance is $20,390.00.

The following is a sample of current development costs and the calculated fee based on the proposed inspection fee schedule above.

Harmony Reserve 1A
- Construction Cost $1,012,871
- Number of Lots 34 @ $29,790/lot
- Calculated Inspection Fee $17,628
- Additional Cost per Lot $518.47 or 1.7% per lot
Willows

- Construction Cost $699,376
- Number of Lots 43 @ $16,264/lot
- Calculated Inspection Fee $12,990
- Additional Cost per Lot $302.10 or 1.85% per lot

Millstone Landing – Phases 4-6

- Construction Cost $4,237,121
- Number of Lots 243 @ $17,436/lot
- Calculated Inspection Fee $49,871
- Additional Cost per Lot $205.23 or 1.17% per lot

Waterway Village 2A-2

- Construction Cost $2,423,241
- Number of Lots 68 @ $35,636/lot
- Calculated Inspection Fee $31,732.41
- Additional Cost per Lot $466.65 or 1.3% per lot

Based on the above sampling of projects the overall cost to the developer is less than 2% per lot.

As shown above, the proposed fee schedule for Public Works Land Development and Right-of-Way permit reviews and inspections is anticipated to reduce the current revenue shortfall. The proposed fee increase does not take into account the need for additional staff to reduce the current review times or backlog for Land Development reviews and inspections, however the additional fee collection could help fund the needed staffing increases. The proposed fee increase will need to be considered by the Board for final action in September.

**Recommendation**

Staff recommends the Board of County Commissioners direct staff to finalize an update of development review fees for Community Development and for Public Works, obtain public input, and to present final updated fee schedules to the Board in September with a proposed effective date for Board consideration and adoption.