

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 901.03 (DEFINITIONS IN ALPHABETICAL ORDER) OF CHAPTER 901 (DEFINITIONS), SECTION 911.10 (COMMERCIAL DISTRICTS) OF CHAPTER 911 (ZONING), AND CREATING SECTION 971.13(6) (AUTOMOBILE PARKING AND STORAGE) WITHIN CHAPTER 971 (REGULATIONS FOR SPECIFIC LAND USES) OF THE CODE OF INDIAN RIVER COUNTY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN 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 901, DEFINITIONS, CHAPTER 911, ZONING, AND CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES BE AMENDED AS FOLLOWS:

**SECTION #1:**

**Amend LDR Section 901.03, Definitions in alphabetical order; as follows:**

*Authorized person* a person other than a public officer or county employee who is authorized by the board of county commissioners of Indian River County, Florida, to incur travel expenses in the performance of official county duties.

**Automobile parking and storage includes enclosed or unenclosed parking and storage of automobiles, passenger vans, utility vans, and/or light duty trucks on a paved surface within delineated (striped) parking stalls. This definition does not include parking or storage of commercial vehicles, recreational vehicles, or boats.**

*Average annual daily traffic volume* seasonally adjusted average number of vehicles that pass a point on a roadway segment on a daily basis.

**SECTION #2:**

**Amend LDR Section 911.10(4), Uses; as follows:**

(4) *Uses.* Uses in the commercial districts are classified as permitted uses, administrative permit uses, and special exception uses. Site plan review shall be required for the construction, alteration and use of all structures and buildings except single-family dwellings. Commercial uses and activities shall be contained within an enclosed area unless otherwise specifically allowed herein or unless allowed as an accessory or temporary use approved by the community development director.

Uses	District						
	PRO	OCR	MED	CN	CL	CG	CH
Auto Repair, Services and Parking							
Automotive rentals	-	-	-	-	-	P	P
Automobile parking and storage	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	P	P
Body and paint shops	-	-	-	-	-	-	P
General automotive repair	-	-	-	-	-	P	P

**SECTION #3:**

**Creating LDR Section 971.13(6), Automobile parking and storage; as follows:**

971.13. – Commercial Uses.

**(6) Automobile parking and storage (administrative permit).**

**(a) Districts requiring administrative permit approval, (pursuant to the provisions of Section 971.04): PRO, OCR, MED, CN, CL.**

**(b) Additional information requirements:**

**1. A site plan meeting all of the requirements of Chapter 914;**

**(c) Criteria for automobile parking and storage:**

**1. All driveways, drive aisles, vehicle maneuvering areas, and parking spaces shall be paved with asphalt or concrete as outlined in Sections 954.10(1) or (2) and shall meet the dimensional standards and design criteria outlined in Section 954.07;**

**2. No commercial vehicles, as defined in County Code Section 901.03, boats, or recreational vehicles shall be parked or stored in the PRO, OCR, MED, CN, or CL zoning districts;**

**3. Commercial or “pay-to-park” facilities are prohibited in the PRO, OCR, MED, CN, or CL zoning districts;**

**4. Lighting plans shall be provided (and implemented) which demonstrate that no "spill over" from exterior light sources shall fall onto either local roadways or residential zoning districts that are adjacent to the project site;**

**5. A Type "C" buffer with a three (3) foot tall opaque feature shall be provided between all automobile parking and storage areas and any adjacent residentially designated property;**

**6. Standard perimeter landscaping requirements shall apply to all other project perimeters;**

**7. All remote or freestanding automobile parking and storage sites that serve an adjacent site shall be connected via an existing or proposed sidewalk/pedestrian system;**

**SECTION #4: 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 #5: 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 #6: 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 relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

**SECTION #7: EFFECTIVE DATE**

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

This ordinance was advertised in the Indian River Press Journal on the 16<sup>th</sup> day of October, 2022, for a public hearing to be held on the 1<sup>st</sup> day of November, 2022, and on the 25<sup>th</sup> day of November, 2022, for a public hearing to be held on the 6<sup>th</sup> day of December, 2022, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Joseph H. Earman	_____
Vice Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Deryl Loar	_____
Commissioner Laura Moss	_____

The Chairman there upon declared the ordinance duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS  
OF INDIAN RIVER COUNTY**

BY: \_\_\_\_\_  
Joseph H. Earman, Chairman

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

BY: \_\_\_\_\_  
Deputy Clerk

ORDINANCE 2022-\_\_\_\_\_

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

\_\_\_\_\_  
Phillip J. Matson, AICP; Community Development Director