

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, CONCERNING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS (LDRS); AMENDING SECTION 901.03 OF CHAPTER 901, DEFINITIONS, BY ESTABLISHING A DEFINITION FOR OFF-SITE ACCESSORY LANDSCAPING SERVICES; AMENDING SECTION 911.06(4), AGRICULTURAL AND RURAL DISTRICT USES, OF CHAPTER 911, ZONING; AMENDING SECTION 971.08, AGRICULTURAL USES, OF CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES, BY CREATING SPECIFIC CRITERIA FOR OFF-SITE ACCESSORY LANDSCAPING SERVICES; 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 901, DEFINITIONS, CHAPTER 911, ZONING, AND CHAPTER 971, REGULATIONS FOR SPECIFIC LAND USES, BE AMENDED AS FOLLOWS:

SECTION #1:

Amend LDR Section 901.03 by establishing a definition for “Off-site accessory landscaping services” to read as follows:

Off-site accessory landscaping services installation and maintenance services (not including stand-alone lawn mowing or stand-alone pest control services) involving landscaping material such as grass, ground covers, shrubs, vines, hedges, trees, and palms accessory to a legally established wholesale nursery. This definition does not include services authorized and conducted in compliance with a valid home occupation permit issued by the County. Any non-conformity created by this definition for a landscaping services facility established prior to June 18, 2019 shall be considered a legal non-conformity, grandfathered-in and governed by Chapter 904 regulations for non-conformities.

SECTION #2:

Amend the “Agricultural Uses” portion of the use table from LDR Section 911.06(4), to read as follows:

Uses	District				
	A-1	A-2	A-3	RFD	RS-1
<i>Agricultural</i>					
General farming	P	P	P	-	-
Dairy farming	A	A	A	-	-
Livestock and poultry raising	P	P	P	-	-
Stables (noncommercial)	P	P	P	A	A
Stable (commercial)	P	P	P	-	-
Sludge spreading	A	A	A	-	-
Tree farms	P	P	P	-	-

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<i>Kennel and animal boarding places</i>					
Commercial	A	A	A	-	-
Noncommercial	P	P	P	P	A
Fruit and vegetable juice extractions and packing houses	A	A	A	-	-
Small animal specialty farms	A	A	A	-	-
Tenant dwelling	S	S	S	-	-
Residential migrant housing facility	S	S	S		
<i>Nursery and greenhouses</i>					
Noncommercial	P	P	P	A	A
Commercial (cultivation, wholesaling and off-site landscaping services allowed; no retail sales allowed on-site)	P	P	P	-	-
<u>Off-site accessory landscaping services*</u>	<u>A</u>	<u>A</u>	<u>A</u>	-	-
Agricultural businesses, excluding wholesaling and processing	S	S	S	-	-
Agricultural industries	S	S	S	-	-
Fish farms and water dependent plant and/or animal production	A	A	A	-	-
Agricultural research facilities	A	A	A	-	-
Aquaculture	A	A	A	A	A
Fruit spreading (subject to subsection 917.06(15))	P	P	P	-	-

***See definition of “off-site accessory landscaping services” in Chapter 901**

Editor’s note: all other portions of the LDR Section 911.06(4) use table to remain as is, unamended.

SECTION #3:

Amend LDR Section 971.08, Agricultural uses, by adding new Subsection 971.08(17), to read as follows:

Section 971.08. Agricultural uses.

(17) Off-site accessory landscaping services (administrative permit subject to planning and zoning commission approval).

(a) Districts requiring administrative permit approval, (pursuant to the provisions of section 971.04): A-1 A-2 A-3.

(b) Criteria for off-site accessory landscaping services:

- 1. The services must be accessory to a legally established wholesale nursery on agriculturally zoned property at least 400,000 square feet in size;**
- 2. The total parking/driveway/building area associated with the landscaping services use must be set back at least fifty (50) feet from all property lines and limited to less than fifty (50) percent of the nursery site area under cultivation;**

- 3. The total parking/driveway/building area associated with the landscaping services use must be visually screened from adjacent properties and streets by means of a 6 foot opaque feature (such as a fence, wall, berm, preserved or plant vegetation, or combination thereof);**
- 4. Burning of material brought in from off-site, stockpiling of organic material, or dumping of debris brought in from off-site is not allowed on the wholesale nursery/landscaping services site.**

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 this Ordinance may be re-numbered or re-lettered 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 Press-Journal on the ____ day of _____, 2020, for a public hearing to be held on the ____ day of _____, 2020, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

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

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BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Chairman there upon declared the ordinance duly passed and adopted this _____ day of _____, 2020.

BY: _____
Susan Adams, 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

APPROVED AS TO PLANNING MATTERS

Phil Matson, AICP; Community Development Director