

ORDINANCE NO. 2022-__

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE COUNTY'S COMPREHENSIVE PLAN BY CREATING A PROPERTY RIGHTS ELEMENT IN ORDER TO MEET UPDATED STATUTORY REQUIREMENTS; AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Indian River County Comprehensive Plan on February 13, 1990; and

WHEREAS, in order to comply with the action of the State Legislature, Indian River County must adopt a property rights element as an amendment to the Comprehensive Plan, pursuant to the Community Planning Act, Chapter 163, Florida Statutes; and

WHEREAS, the Property Right Element of the Indian River County Comprehensive Plan is intended to ensure that private property rights are considered in local decision making to the extent that they are protected through the legal system and the law and order of the government; and

WHEREAS, the Local Planning Agency, after due public notice, held a public hearing on this comprehensive plan amendment request on December 9, 2021, and

WHEREAS, the Local Planning Agency, after receiving public comments, recommended that the Board of County Commissioners transmit the comprehensive plan amendment listed below to State and Regional review agencies; and

WHEREAS, the Board of County Commissioners of Indian River County held a transmittal public hearing on January 18, 2022, after due public notice, and

WHEREAS, the Board of County Commissioners approved the transmittal of this comprehensive plan amendment to State and Regional review agencies; and

WHEREAS, the Board of County Commissioners announced at the transmittal public hearing its intention to hold an advertised final public hearing at the adoption stage of this plan amendment; and

WHEREAS, the Comprehensive Plan Amendment was transmitted to State and Regional review agencies; and

WHEREAS, State and Regional review agencies had no objections to this amendment; and

WHEREAS, the Board of County Commissioners held a Comprehensive Plan Amendment Adoption Public Hearing on April 5, 2022, after due public notice.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, Florida, that:

ORDINANCE NO. 2022-__

SECTION 1. Comprehensive Plan Amendment Adoption and Transmittal

The amendment to the Indian River County Comprehensive Plan identified in Section 2 is hereby adopted, and the Board of County Commissioners directs staff to transmit the amendment to the State and Regional review agencies.

SECTION 2. Amendment to the Comprehensive Plan

CREATION OF A PROPERTY RIGHTS ELEMENT IN THE COUNTY'S COMPREHENSIVE PLAN.

SECTION 3. Repeal of Conflicting Provisions

All previous ordinances, resolutions, or motions of the Board of County Commissioners of Indian River County, Florida, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Severability

It is declared to be the intent of the Board of County Commissioners that, if any provision of this ordinance and therefore the Indian River County Comprehensive Plan Amendment is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

SECTION 5. Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

This ordinance was advertised in the Press-Journal on the 20th day of March, 2022, for a public hearing to be held on the 5 day of April 2022, at which time it was moved for adoption by Commissioner_____, seconded by Commissioner_____, and adopted by the following vote:

Peter D. O'Bryan, Chairman	_____
Joe Earman, Vice Chairman	_____
Joseph E. Flescher, Commissioner	_____
Susan Adams, Commissioner	_____
Laura Moss, Commissioner	_____

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BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Peter D. O'Bryan, Chairman

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

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